

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137738/FO/2023
Date registered valid: 2 August 2023
Proposal: Creation of access
Address: 51 Barlow Moor Road, Manchester, M20 6TP
Ward(s): Didsbury West Ward

Applicant: Mrs Elizabeth Orr
Agent (if any):
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 27.09.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 1.09.2023

Standard consultations:

Printed: 14 August 2023 Expired: 4 September 2023

Neighbour notifications

Printed: 14 August 2023 Expired: 4 September 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site relates to the footway to the front of number 51 Barlow Moor Road located approximately 200 metres to the west of Didsbury District Centre. Barlow Moor Road at this location is subject to waiting restrictions between Monday and Friday of 7 and 10 am and 4 to 7 pm. Barlow Moor Road is a busy east west route connecting Wilmslow Road and Didsbury District Centre in the east with other important north-south radial routes at Palatine and Princess Road to the west and also with Chorlton District Centre. Barlow Moor Road changes in character along its extent with that section closest to the district centre being visually narrowed due to built form being back of pavement before opening out with set backs to commercial and residential properties before changing again to a more suburban pattern of development and house type as the roads moves further westwards from the edge of the district centre.

51 Barlow Moor Road is a three storey mid terrace Victorian property with a gravelled driveway area to the front a similar driveway is present at the neighbouring property within this terraced block at number 53 although this driveways is not served by a dropped kerb (see planning history section). After reviewing historic photographs of the street and property the formation of the driveway followed the removal of the front boundary wall and hedge between September 2014 and May 2015, these works did not require planning permission as they would have fallen within permitted development rights for a householder.

Description of development

The proposals relate to the creation of an access to the application property from Barlow Moor Road through the provision of a dropped kerb in order to access a driveway for the parking of a car. As Barlow Moor Road is a classified road, planning permission is required in this instance for the formation, laying out and construction of a means of access to a highway.

The applicant has supplied a drawing alongside the application which indicates that the section of footway that would be subject of a dropped kerb would run to 6 metres to serve a driveway of 6m width and 4.5m depth from the front bay window to edge of pavement. Due to the bay window and steps to the front of the property this space would also serve as an area for the storage of waste bins as per the current arrangement and access to the front steps of the property. The driveway is not included in the description of development but the annotation on the submitted drawing indicates this is to be converted from gravel to paving by a professional contractor with drainage to be discussed. The submitted application form indicates the drive to be drained by way of soakaway.

Relevant Planning History

123757/VO/2019 - 53 Barlow Moor Road - CITY COUNCIL DEVELOPMENT Retention of access onto a classified road. – Minded to be refused by the City Council Planning and Highways Committee on 17.10.2019 – Withdrawn by applicant prior to decision being issued

Consultations & Notification Responses

Neighbouring properties were notified of this application, no responses were received.

MCC Highway Services - Indicate that MCC Guidance suggests driveways should be constructed to min. 3m (w) x 6m (L). Highways have concerns with the driveway dimensions as a result of the need to provide pedestrian access to the property together with the storage of refuse bins which are stored at the front. As a result of the dimensions this may lead to parked cars encroaching on to the adjacent footway or driver/passenger doors opening out onto the footway, both of which may hinder pedestrian movement or give rise to pedestrian injury. In addition, manoeuvrability into the driveway is likely to be difficult due to the reduced dimensions and parallel nature of such provision. Highways also has concerns regarding driver visibility of passing pedestrians and vehicles given the angle of the driver upon egress.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Relevant local and national planning policies to the consideration of the application proposals is set out below.

Core Strategy Development Plan Document

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced

by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are:

Policy SP1, Spatial Principles - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Core Development Principles of policy SP1 state development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character.
- making a positive contribution to the health, safety and wellbeing of residents

Policy T1, Sustainable Transport - To deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport, the Council will support proposals that: -

- Improve access to transport services and facilities in order to enable disabled people and people with mobility impairments to participate fully in public life.
- Improve pedestrian routes and the pedestrian environment.
- Take account of the needs of road users according to a broad hierarchy consisting of, in order of priority:

1. pedestrians and disabled people
2. cyclists, public transport,
3. commercial access,
4. general off peak traffic,
5. general peak time traffic.

Policy DM1, Development Management - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Vehicular access and car parking.

Saved Unitary Development Plan policies

The below saved Unitary Development Plan policy is considered of relevance in this instance.

DC22.1 In considering development proposals, the Council will have regard to the effect on existing pedestrian routes and will not normally allow development which would result in unacceptable inconvenience to local pedestrian movement.

The National Planning Policy Framework (September 2023)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Other legislative requirements

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Issues

Principle - The general principle of providing access to an off road driveway is generally acceptable, in this instance due to the access being proposed on a classified road planning permission is required and further consideration of the impacts on pedestrian and highway safety is required.

Pedestrian and Highway Safety – Barlow Moor Road is a busy east -west route both for vehicular traffic but also for pedestrians and cyclists accessing Didsbury District Centre.

The applicant has provided a site plan indicating the dimensions of the driveway which has a maximum depth of 4.5m and width of 6m. MCC Highway Services raise concerns with the size of the driveway and that such provision could lead to impeding pedestrians either through vehicles overhanging onto the pavement or doors being opened. There are also concerns raised about the manoeuvrability into and out of the space given its size and the requirement to parallel park within the space. These concerns are similar to those expressed by the Council's Planning and Highways Committee when considering a similar proposal for number 53 Barlow Moor Road, immediately adjacent to the application property and which resolved to be minded to refuse that application.

It is noted that Barlow Moor Road has other examples of residential driveways exiting onto the road, many of these are historic accesses and some have provision for vehicles to manoeuvre within the driveway to ensure they access and egress in forward gear. As such the presence of these are not considered to give rise to precedent that would overcome the harm and concerns raised with the application proposals.

In this instance, given the limited nature of the driveway, manoeuvrability into the space would be difficult if a car was to be parallel parked in order to fit within the driveway. It is considered that although the use of the driveway would be limited to one vehicle, it would introduce a potential conflict with more vulnerable road users and whilst there would be a benefit to the homeowner having vehicular access to a driveway this is not considered to outweigh the potential harm to pedestrians and other road users. The proposals are not considered to lead to an improvement to pedestrian routes or pedestrian environment.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a

legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The application proposals have been found to give rise to harm that cannot be mitigated, these concerns have been relayed to the applicant and a decision has been issued within statutory timescales.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The application, by reason of the position and location of the proposed access would give rise to unacceptable arrangements for the accessing and egressing of the application property by a vehicle to the detriment of highway and pedestrian safety and would not improve the pedestrian routes or environment. This is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy and saved Unitary Development Plan policy DC22.1.

Appendix 1 – List of consultees & neighbours notified

Highway Services

8 Grenfell Road, Manchester, M20 6TQ
6 Grenfell Road, Manchester, M20 6TQ
8A Barlow Moor Road, Manchester, M20 6TR
Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 14, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 13, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 10, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 8, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 6, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 3, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 3, 2 Grenfell Road, Manchester, M20 6TQ
2 Grenfell Road, Manchester, M20 6TQ
Flat 12, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 11, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 9, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 7, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 5, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 4, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 2, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
8 Barlow Moor Road, Manchester, M20 6TR
Flat 1, Weaver House, 10 Barlow Moor Road, Manchester, M20 6TR
Flat 2, 2 Grenfell Road, Manchester, M20 6TQ
Flat 1, 2 Grenfell Road, Manchester, M20 6TQ
53 Barlow Moor Road, Manchester, M20 6TP

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA