

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136960/FO/2023

Date registered valid: 30 May 2023

Proposal: Installation of 1.2 metre high bi-fold gates to back of pavement in association with driveway

Address: 18 Evesham Road, Manchester, M9 7EH

Ward(s): Charlestown Ward

Applicant: Mr Sinisa Nedeljkovic Northwards Housing

Agent (if any):

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18 July 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 June 2023

Standard consultations:

Printed: 5 June 2023 Expired: 26 June 2023

Neighbour notifications

Printed: 5 June 2023 Expired: 26 June 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: No

Tree Preservation Order: No

Description of area

The application site relates to 18 Evesham Road within the Charlestown ward of north Manchester. The property relates to a two storey, semi-detached, brick dwellinghouse. The property benefits from a paved section to the front and a hardstand walkway which follows through to the rear of the property. The rear consists of a spacious garden with a paved patio section and several garden storage containers. Boundary treatment around the property consists of wooden fences to the rear and side, and a hedge to the front boundary line.

Description of development

The proposed development is for the erection of installation of 1.2 metre high bi-fold gates to back of pavement in association with driveway.

The new bi-fold gates would be inserted along the front boundary of the site, with a hedge against the shared boundary with no.16 Evesham Road and a new gate and new ramp sited against the shared boundary with no.20 Evesham Road. The gates would be 1.2 metres high and would have a width of 3.5 metres. As confirmed by the agent on 15 June 2023, the gates would be made of powder coated steel in a black colouration.

A dropped kerb would be required once the drive is installed and the gates in association with the dropped kerb and paved driveway would create level access into the property, for the benefit of the disabled user. The driveway would be approximately 26 m2 and would be made of Marshalls Driveline Piora permeable paving.

Plans also reference an access ramp to the front of the property. However, permission was granted for the ramp under planning ref:131866/FO/2021 and is not considered within the current application (full details below).

Planning history

131866/FO/2021- Erection of a single storey rear extension to form additional living accommodation together with the installation of front and rear access ramps.
Approved 20 December 2021.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted on the application and provided the following response:

PARKING AND ACCESS

The proposals include provision of an on-site driveway with access enabled by dropped-kerb provision from Evesham Road.

Dimensioned plans have been submitted which demonstrate sufficient driveway dimensions which would ensure that a parked car would not encroach onto the adjoining footway.

Should the planning application be approved, the applicant will be required to enter into a Section184 agreement for construction of the proposed vehicular access and dropped kerbs and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester 0161 234 5004 and can be applied for online at https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb/2.

The applicant may also wish to consider the installation of a H-Bar marking to protect driveway access. Similarly, this should be provided in agreement with MCC Highways and would be funded by the applicant.

The proposals would also require removal of the existing on-street disabled parking bay which does not have an associated Traffic Regulation Order. Highways request confirmation that the existing disabled bay was implemented to serve 18 Evesham Road, and as such, use of the bay would no longer be required as part of the development proposals. Subject to such confirmation, Highways has no objection to the removal of the existing disabled parking bay, however such removal would be funded at the applicant's expense.

BOUNDARY TREATMENTS

The proposals show new 1.2m high fencing, double bi-fold gates and pedestrian access gate from Evesham Road. As the proposed boundary treatment is in excess of 600m in height and adjacent to the driveway access, the applicant must ensure the fencing is visually permeable to ensure sufficient driver visibility of both vehicles and pedestrians.

Plans show that the proposed bi-fold gates will open internally. This is accepted by Highways as this will ensure gates do not conflict with passing pedestrian movements.

REFUSE AND SERVICING

Provided plans show that adequate on-site bin storage space would remain with no impact on existing servicing operations.

CONSTRUCTION MANAGEMENT

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester (Tel: 0161 234 5004 / Email: highwaylicences@manchester.gov.uk).

ADDITIONAL HIGHWAYS COMMENTS 12.07.2023

The applicant has confirmed that the existing on-street disabled bay serves residents at no.18 Evesham Road and so its proposed removal is considered acceptable by Highways.

The applicant has confirmed that the proposed pedestrian gate and the double drive gates will all be visually permeable.

Highways has no further comments on the development proposals.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural

resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which 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. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;

- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.5 The council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of Development

The submitted development application is for the installation of 1.2 metre high bi-fold gates to back of pavement in association with driveway. This is considered acceptable in principle as many people prefer to alter parking arrangements and associated boundary treatment, rather than move, to meet the changing residential needs of families, including disabled access needs.

However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual /Residential Amenity

As existing, the property benefits from an on street parking space demarked as a disabled space and the front boundary treatment consists of a low, dense hedge, with a singular gate providing access into the property. The proposal would provide off street parking and would provide the disabled user with easier access into the property, within the curtilage of the dwellinghouse. This would allow level access in conjunction with the ramp to the front of the property approved under planning ref: 131866/FO/2021. As such, the proposal would support and improve the quality of life for the disabled user, pursuant to Policy DC1.5 of the UDP.

The bi-folding gates would be installed where the existing low hedge is sited. The loss of the greenery to the front boundary treatment would not be significant and as the gates would have a height of 1.2 metres, the height is not considered to cause an overbearing feature for passers-by/ surrounding residents. In addition, extremely limited harm would be caused to the two adjoining properties, as the gate height would only slightly surpass the height of the fence.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity.

Design and Appearance

The bi-folding gates would have a height of 1.2 metres and as such exceed the 1 metre maximum height specified within Permitted Development rights. As such, the harm of the additional 0.2 metre height would be assessed. As the difference of 0.2 metres is so minimal and given the gates would offer a level of visual permeability, the proposal is thought to be acceptable in terms of size and form.

As confirmed by the agent on 15 June 2023, the gates would be made of powder coated steel in a black colouration. The colouration would complement the single gate at the site and would be in keeping with the types of boundary treatment in the wider area.

A similar paved driveway could be achieved through the route of Permitted Development and as Marshalls Driveline Priors permeable paving would be used, this would ensure there would be no issues in terms of surface water run-off.

On balance it is considered that the design and appearance of the proposed development accords with Core Strategy Policies DM1 and EN1, and Policy DC1 of the Unitary Development Plan and in general the design is considered acceptable.

Highway Considerations

Highway Services were consulted on the application. Highways noted that the proposals would also require removal of the existing on-street disabled parking bay which does not have an associated Traffic Regulation Order. Highways requested confirmation that the existing disabled bay was implemented to serve 18 Evesham Road, and as such, use of the bay would no longer be required as part of the development proposals. The agent confirmed the disabled bay is to

serve 18 Evesham Road and would be removed from the drive once the work is undertaken. The proposed removal was considered acceptable by Highways. Highways also requested the fencing have a level of visual permeability and this is shown in the plans and confirmed by the agent. Highways reviewed the comments from the agent and had no further comments to make. As such, the proposal is acceptable by Highways.

Refuse storage

Refuse storage would not be impacted by the proposal.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is in keeping with the character of the property and local area.

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: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have

worked with the applicant in a positive and proactive manner and appropriate conditions to the approval have also been attached.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Drawing- Proposed- Plan and Elevation, stamped as received by the City Council as Local Planning Authority on 12 May 2023.

-Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 12 May 2023.

-Application Form, stamped as received by the City Council as Local Planning Authority on 30 May 2023.

-Correspondence- Agent Email Re Materials, stamped as received by the City Council as Local Planning Authority on 15 June 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in the Application Form and within the Correspondence specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Informatives

1) The applicant will be required to enter into a Section 184 agreement for construction of the proposed vehicular access and dropped kerbs and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester 0161 234 5004 and can be applied for online at https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb/2.

2) The applicant may also wish to consider the installation of a H-Bar marking to protect driveway access. Similarly, this should be provided in agreement with MCC Highways and would be funded by the applicant.

3) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and

agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester (Tel: 0161 234 5004 / Email: highwaylicences@manchester.gov.uk).

Appendix 1 – List of consultees & neighbours notified

Highway Services

16 Evesham Road, Manchester, M9 7EH
25 Weybourne Avenue, Manchester, M9 7DH
14 Evesham Road, Manchester, M9 7EH
27 Weybourne Avenue, Manchester, M9 7DH
8 Clough Top Road, Manchester, M9 7DJ
22 Evesham Road, Manchester, M9 7EH
20 Evesham Road, Manchester, M9 7EH

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA