

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135976/VO/2023

Date registered valid: 8 February 2023

Proposal: City Council Development for hardstanding, dropped kerb and ramped access to front of property

Address: 4 Mortimer Avenue, Manchester, M9 6JZ

Ward(s): Charlestown Ward

Applicant: Miss Keeley Smith Manchester City Council

Agent (if any): Miss Keeley Smith Manchester City Council

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

Recommendation: Approve

Date of recommendation: **31 March 2023**

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 20 February 2023

Standard consultations:

Printed: 16 February 2023 Expired: 9 March 2023

Neighbour notifications

Printed: 9 February 2023 Expired: 2 March 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 4 Mortimer Avenue within the Charlestown ward of north Manchester. The property relates to a ground floor cottage flat. The ground floor has amenity space in the form of a sloped grassed garden to the front of the site, whilst the first floor flat benefits from access to the property from the southern boundary of the applicant site. Steps lead down from the street to the front door of the property cutting through the existing grassed garden area and a further access point to the front of the property is available, at the northern western boundary of the site.

Description of development

The application seeks planning permission for the City Council Development for hardstanding, dropped kerb and ramped access to front of property.

The hardstanding would cover the entirety of the front amenity space and would allow a vehicle to be parked off street.

The dropped kerb would allow a car to access the new hardstanding area from the pavement and would have a width of 2.8 metres.

A ramp would be situated at the front of the property and would have measurements of 600x600x50mm, with a gradient of 1:15. The ramp would extend along the front of the property and would then run down the northern boundary of the site. The ramp would be made of concrete paving flags and handrails would be used throughout.

On the plans, Wayne lap fencing with concrete gravel base boards and reinforced concrete posts are shown to be sited across the front boundary of the site, as well as a metal powder coated single gate RAL9005. Via an email exchange with the agent on 29th March 2023, the agent suggested fencing would be a minimum of 1.8 metres. Following a telephone conversation with the agent, they were advised a fence higher than 1 metre would need planning permission. Due to time constraints in regard to the delivery of the scheme the agent chose not to include to submit further information for this matter to be considered as part of this application.

Planning history

No planning history exists for this site.

Consultations & Notification Responses

Local residents

Local residents were consulted and no responses were received.

MCC Flood Risk Management Team

The Flood Risk Management Team were consulted and provided the following comments: The information uploaded to the Planning Portal 16 Jan 2023 to 08 Feb 2023 has been considered.

Measurement is not given of the proposed hard surfacing area in square meters; however, drawings indicate that it is likely to meet the 5 square metre thresholds.

We recommend the following Informative is attached to the Decision Notice:

Informative

If the hard-surfaced to be covered is more than 5 square metres, it should be constructed of permeable materials where feasible, to comply with Government Guidance.

Use the following guidance:

<https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>

Highway Services

Highways were consulted and provided the following information:

The proposed new hard standing to the front of the property with access ramp is to be located on private land within the site boundary and will not extend over the adopted highway, this is acceptable from a Highways perspective.

The applicant should verify that the length of the driveway is sufficient so that the vehicle does not overhang on the footway, each driveway space should provide a minimum of

3.0m x 6.0m in line with MCCs standard minimum dimensions.

It should be ensured that all aspects of the ramp including the gradient, resting/ landing platform and handrailing is DDA compliant, as referenced within Design for Access 2 documents.

The adopted highway at the front of the property would require a dropped kerb for access to the driveway. Should the planning application be approved, the applicant will be required to enter into a Section 184 agreement. This will need discussion and agreement with the council's Highways Maintenance Team via Contact Manchester (Tel. 0161 234 5004), further information can be found on the MCC internet pages:
https://secure.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb

The applicant is advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway. The boundary should be visually permeable from 600mm upwards at the point of vehicle egress/access, this is to ensure that child pedestrians are visible when accessing / egressing the site.

It is expected that refuse servicing will continue as present, bins will be stored within the sites curtilage and presented to the highway on waste collection days.

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 Email -highwaylicences@manchester.gov.uk

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 CABE 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 City Council Development for hardstanding, dropped kerb and ramped access to front of property. This is considered acceptable in principle as many people prefer to alter and adapt homes 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 dwelling house, it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual /Residential Amenity

Hardstanding and dropped kerb:

The installation of hardstanding to the front of the property would allow the disabled resident the opportunity to park within the curtilage of the property and park off street. This is hoped to improve the quality of life for the resident and would reduce the pressure of on road parking for other residents in the street. As such, no residential/ visual amenity implications would occur.

Ramped access to front of property:

The impact of the ramp in terms of amenity would be in visual terms . The ramp would run from the front entrance door of the property, extend across the primary elevation of the property and run down the northern boundary of the site. Any impact to no.6 Mortimer Avenue would be minimal as the proposed structure would be blocked by the dense hedge at the site. Furthermore, as the proposal is open in nature, if the hedge was to be removed, limited harm would occur. In the same sense, any harm caused to the residents facing onto the proposal would be minimal given the proposal would be set back from the streetscene and would be open in nature. No.2 Mortimer Avenue gains access to the first floor flat from an entrance to the south of the applicant site and as such, access would be undisturbed by the proposal and limited harm would occur from the retaining edge along the eastern boundary of the site. In addition, any impact in terms of residential/visual amenity from the proposal would be outweighed by the need to provide level access in this instance, pursuant to Policy DC1.5 of the UDP.

Design and Appearance

Hardstanding and dropped kerb:

The paving of front amenity spaces is not uncommon and could be achieved through the route of Permitted Development up to an area of 5sq.m. Although, the area to be covered is in excess of 5 sq.m , given the benefits it would have for the disabled user, for the car to be parked closer to the entrance of the flat, the proposal is considered acceptable in size and form. Highway Services raised concerns the driveway would not provide a parking space of 3x6metres, but measurements prove a space of a substantial size would be possible. Given the observations from Flood Risk Management officers , it is proposed to attached a condition on relation to the material to be used to form the hard standing area, to enable matters relating to surface water drainage to be addressed.

Ramped access to front of property:

The ramp would be made of concrete flags. However, no information is shown within the drawings regarding how surface water drainage would be dealt with or whether the concrete flags would be permeable. As such, as the entirety of the front amenity space would be paved and any natural drainage systems (e.g. grass) would be lost, a condition would be placed on any approval granted requesting further information in relation to the materials for the driveway. Although handrails are evident within the proposed drawings, no description of the materials to be used is mentioned within the information submitted as part of the application. As such, the handrails shall be conditioned to be powder coated galvanised steel. No colouration of the handrails are offered and again this would be conditioned to be black to ensure the colouration is in keeping with the character of the streetscene, pursuant with The National Planning Policy

Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policy DC1 of the Unitary Development Plan.

The ramp has a gradient of 1:15. Although the gradient of the ramp exceeds the gradient specified within DDA2, DDA2 relates to public buildings only and Building Regulations allow a ramp of between 1:12 to 1:20 to comply with safety regulations. As such, the gradient is considered acceptable.

Wayney lap fencing:

Via an email exchange with the agent on 29th March 2023, the agent suggested fencing would be a minimum of 1.8 metres. Following a telephone conversation with the agent, they were advised a fence higher than 1 metre would need planning permission, and concerns were raised that a fence of this height would be viewed inappropriately in comparison to the surrounding front boundary treatments across Mortimer Avenue, . Due to time constraints in regard to the delivery of the scheme the agent chose not to include to submit further information for this matter to be considered as part of this application, and wished deal with the agreement of the boundary treatment at a later date. A condition within the decision notice of any approval granted would reflect this.

Refuse Storage

Refuse storage would be affected by the proposal and as such, it is proposed that a bin store condition be attached to any approval granted to reduce any impacts to visual amenity.

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, whilst benefitting the needs of the disabled resident.

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:

- Application for Planning Permission, stamped as received by the City Council as Local Planning Authority on 16 January 2023.
- Drawing- Existing & Proposed- Floor Plan, stamped as received by the City Council as Local Planning Authority on 16 January 2023.
- Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 8 February 2023.
- Drawing- Proposed- Elevation (Proposed Front Elevation), stamped as received by the City Council as Local Planning Authority on 16 January 2023.
- Drawing- Proposed- Side Elevation, stamped as received by the City Council as Local Planning Authority on 8 February 2023.
- Drawing- Proposed- Side Elevation From no.2, stamped as received by the City Council as Local Planning Authority on 8 February 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 'Drawing- Existing & Proposed- Floor Plan', 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.

4) The proposed handrails shall be made of galvanised powder coated steel and shall be painted black.

Reason - To ensure that the colour and appearance of the proposed handrails and access ramp is in keeping with the surrounding area, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1, SP1 and EN1 of Manchester's Local Development Framework: The Manchester Core Strategy Development Plan Document.

5) Notwithstanding the annotated boundary treatment on plan ref: Drawing- Existing & Proposed- Floor Plan, no boundary treatment shall be implemented until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of front boundary treatment to be erected.

Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) Prior to the occupation of the development hereby approved, full details of a secure and ventilated bin storage area, including location and elevations of the proposed bin store shall be submitted to and approved in writing by the City Council as local planning authority.

The bin storage area shall be implemented in accordance with the approved scheme and be in place prior to the first use of the development and shall be so maintained and retained at all times thereafter.

Reason - In the interests of the provision of off-street car parking, and the appearance of the street scene, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

7) Prior to installation of the driveway, full details of the materials to be used, shall be submitted to and approved in writing by the City Council as local planning authority.

The driveway shall be implemented in accordance with the approved scheme and be in place prior to the first use of the development and shall be so maintained and retained at all times thereafter.

Reason- To ensure that the development is not at an increased risk of flooding (from various sources) and that the appropriate flood resilience and resistance measures have been implemented on site where required, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

Informatives

1) In relation to the dropped kerb, the applicant will be required to enter into a Section 184 agreement. This will need discussion and agreement with the council's Highways Maintenance Team via Contact Manchester (Tel. 0161 234 5004), further information can be found on the MCC internet pages:

https://secure.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb

2) 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 Email highwaylicences@manchester.gov.uk

3) If the hard-surfaced to be covered is more than 5 square metres, it should be constructed of permeable materials where feasible, to comply with Government Guidance.

Use the following guidance:

<https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
Highway Services

5 Mortimer Avenue, Manchester, M9 6JZ
6 Mortimer Avenue, Manchester, M9 6JZ
3 Mortimer Avenue, Manchester, M9 6JZ
3 Langside Avenue, Manchester, M9 6JL
60 Amesbury Road, Manchester, M9 6FL
8 Mortimer Avenue, Manchester, M9 6JZ
2 Mortimer Avenue, Manchester, M9 6JZ
5 Langside Avenue, Manchester, M9 6JL
1 Langside Avenue, Manchester, M9 6JL
58 Amesbury Road, Manchester, M9 6FL

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
Area Team Boundary - Name: NORTH AREA