

List No. 5

Didsbury West Ward	Application Number 081818/JO/2007/S2	Date of Appln 11th Jan 2007	Committee Date 15th Mar 2007
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Proposal Retrospective application for the change of use of communal landscaping and three communal parking spaces to additional garden area for nos. 7 and 9 Evans Close and erection of 2 metre high fencing along the north-eastern boundary of the rear garden of no. 9 Evans Close.

Location Land to the side and rear of nos. 7 and 9 Evans Close, Didsbury, Manchester, M20 2SQ,

Applicant Mr B Myers/Miss M Carter/ Drs A and K Dodgson, 7 and 9 Evans Close, Manchester, M20 2SQ,

Agent

Description

Mere Park Developments obtained approval under application 060496/FO/SOUTH/2000 to erect a pair of semi-detached dwellinghouses at the junction of Evans Close and Springdale Gardens (now nos. 31 and 33 Springdale Gardens). As part of that application a total of 5 parking spaces were provided for the communal use of the residents of Evans Close, a "T" shaped cul-de-sac of some 15 dwellings and 3 apartment blocks. Three of the parking spaces were located to the rear of no. 9 Evans Close, while the remainder were located at the end of the cul-de-sac, adjacent to no. 11 Evans Close.

This application is retrospective and seeks consent to change the use of an element of the communal landscaping at the northern end of Evans Close and 3 of the communal parking spaces, which were located at the rear of no. 9 Evans Close, into additional garden area for nos. 7 and 9 Evans Close. In addition, retrospective consent is also being sought for the erection of 2 metre (6.5 feet) high timber fencing along the north-eastern boundary of the rear garden of no. 9 Evans Close, i.e. boundary adjacent to Evans Close itself.

Originally the applicants had applied to remove condition nos. 4 and 8 attached to planning approval 060496/FO/SOUTH/2000 in order to allow 3 of the 5 communal parking spaces laid out as part of that permission to be used as additional garden area and to allow 2 of the 5 spaces to be used as private parking spaces for nos. 7 and 9 Evans Close. However, as the conditions, which are outlined below, did not require for the retention of the 5 communal parking spaces it was deemed necessary to amend the application to that now placed before the committee.

Condition 4. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied.

Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied.

List No. 5

Condition 8. The parking spaces hereby approved adjacent to nos. 9 and 11 Evans Close shall be constructed and made available for use before the construction of the two dwellings hereby approved is commenced.

Reason

To ensure continuity in the availability of car parking spaces to serve local residents.

The applicants had written to the City Council in August 2006 to enquire whether planning permission was required for the change of use. Unfortunately at the time the applicants were informed that planning permission was not required.

Consultations

Local Residents – Letters of support for the proposal have been received from two local residents, the main points of which are outlined below:

- The proposal will not have a negative effect on Evans Close
- It is a welcome change that this development seeks to turn parking into garden area, generally development is vice-versa.

Two local residents have written in to say that they have no objection to the conversion of the three parking spaces into additional garden area for no. 9 Evans Close but that they would object to the removal from communal use of the two remaining parking spaces adjacent to no. 11 Evans Close.

Letters of objection have been received from six households on Evans Close, the main points of which are as follows:

- Evans Close already suffers from parking congestion, removal of the five parking spaces approved as part of application 060496/FO/SOUTH/2000 would only exacerbate the situation and have a detrimental impact upon highway safety.
- Given the parking problems there is still a need for the 5 communal parking spaces.
- The loss of the parking spaces would result in more on-street parking, this would have an impact upon the ability of emergency vehicles and delivery vehicles to access the full length of Evans Close.
- The loss of the three parking spaces opposite nos. 11 to 17 Evans Close now enables vehicles to park opposite the driveways of those four dwellings, the parking of vehicles in this location makes it very difficult for residents of those properties to exit their driveways safely. In all likelihood residents would have to reverse down Evans Close, this would be dangerous, especially for the children who play outside on Evans Close.

List No. 5

- The loss of the communal garden area has had an impact upon the levels of residential amenity enjoyed in the area.
- Planning permission should be sought for the erection of the new fencing erected to the side of the rear garden of no. 9 Evans Close.

Head of Engineering Services – It appears that every house on Evans Close has its own off road parking facilities, if they all have 2 spaces each then there should be no need to park at the end of Evans Close on what is effectively private land. If there is any parking overspillage due to say visitors, Evans Close itself has plenty of on-street parking capacity to cater for that.

Notwithstanding the above, the parking of vehicles opposite the driveways of nos. 11 to 17 Evans Close could reduce the manoeuvring area available to the residents of those dwellings.

Issues

Unitary Development Plan (UDP) – There are no site specific policies. However when dealing with an application of this nature consideration is given to policies H2.2 and T2.4 in Part 1 of the UDP.

Policy H2.2 states that the City Council will not normally allow development which will have an unacceptable impact on residential areas. The matters which the City Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy T2.4 states that the City Council will expect developments to make adequate provision for their car parking requirements. In deciding whether the level of car parking associated with any development is acceptable, the Council will have regard to the environmental capacity of the site both in terms of the physical appearance of the car parking and its effect on neighbouring activities and also the ability of the local road network to accommodate the traffic generated by the proposed development.

Regional Spatial Strategy for the North West – Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans, as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP2 (Enhancing the Quality of Life) - ensuring development provides a high quality of life for this and future generations

The North West Plan, draft Regional Spatial Strategy (RSS) – Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years. It contains policies that address core principles of development including the following:

Policy DP1 (Regional Development Principles) – Local Authorities should make more sustainable, transparent decisions, make better use of land, buildings, ensure quality in development and tackle climate change

List No. 5

Planning Policy Guidance 13, “Transport” – Paragraph 49 states that “...Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.”

Better Places to Live by Design (Cabe 2001) – This document states, under the heading “Accommodating Parking”, it is to be expected that with a sustainable approach to parking, local authorities will revise their parking standards to allow for significantly lower levels of parking than have been the case recently, particularly as in this case for developments in locations where services are readily accessible by walking, cycling or public transport.

Principle – When the Evans Close development was originally approved in October 1989 (ref. 34642), each of the 15 dwellings had 2 parking spaces, in the form of a garage and a driveway, while the 20 apartments were allotted 26 parking spaces. This equated to a provision of approximately 1.6 spaces per dwelling, a provision that was slightly higher than the usual requirements. Following the laying out of the additional 5 spaces (060496/FO/SOUTH/2000), this parking provision rose to approximately 1.7 spaces per dwelling. The loss of the 3 parking spaces into the garden area of no. 9 Evans Close reduces the parking provision to one that is still slightly over 1.6 spaces per dwelling.

Since approval of both developments, Government guidance and the City Council’s approach has evolved to reflect the desire to steer people away from dependency on the car as a mode of travel, especially in locations such as this where people live in close proximity to good public transport facilities. Presently, the City Council aims to provide a parking provision of 1 space per dwelling. A parking provision of 1.7 spaces per dwelling is over and above the approach now being advocated by the City Council and in Government guidance.

As outlined above, even with the conversion of the 3 parking spaces into garden area, the overall parking provision for this particular location remains high. Given the shift in emphasis on parking since the approval of both the Evans Close development and the two later dwellings at Springdale Gardens, a reduction in parking provision, if relatively minor, is considered acceptable in principle.

Highway and Pedestrian Safety – It is recognised that the parking of vehicles opposite the driveways of nos. 11-17 Evans Close, now possible since the removal of the 3 parking spaces to the rear of no. 9 Evans Close, could hamper access and egress from those driveways. Notwithstanding this, it is not believed that this restriction in manoeuvrability would have such an unduly detrimental impact upon the current levels of pedestrian and highway safety enjoyed along this part of Evans Close so as to warrant a refusal or retention of those spaces for communal use.

Visual Amenity – It is not considered that the type of fence proposed, or the loss of the communal grassed area located between the 3 and 2 parking spaces at the end of the cul-de-sac, would have a detrimental impact upon the current levels of visual amenity enjoyed within the vicinity of the site, given the leafy nature of the area and the fact that the proposal would return the gardens of nos. 7 and 9 Evans Close back to their original layout as approved in 1989 (ref. 34642).

List No. 5

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

On the basis that the proposal is in accordance with the Unitary Development Plan for the City of Manchester, in particular policies H2.2 and T2.4 and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development hereby approved shall be carried out in accordance with the drawings stamped as received by the Local Planning Authority on 27th December 2006, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to Policy H2.2 in the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 081818/JO/2007/S2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted on the application:

1 to 28 Evans Close, Manchester, M20 2SQ
Flat 1 to 8, Prestbury Court, 4 Evans Close, Manchester, M20 2SQ
Flat 1 to 6, Melville Court, 6 Evans Close, Manchester, M20 2SQ

List No. 5

Flat 1 to 6, Beaufort Place, 2 Evans Close, Manchester, M20 2SQ
13 to 19 South Road, Manchester, M20 6PR
5 to 9, 27 to 33 Springdale Gardens, Manchester, M20 2QY

Representations were received from the following third parties:

Miss L Paterson and Dr S Brown, 3 Evans Close, Didsbury
Susannah Wright, 5 Evans Close, Didsbury,
Mr W Redfern, 8 Evans Close, Didsbury,
N Hopton and C Mccool, 11 Evans Close, Didsbury,
Penny Carter, 12 Evans Close, Didsbury,
S Sadar and T Qasam, 13 Evans Close, Didsbury,
Professor Gray, 14 Evans Close, Didsbury,
A and L Koffman, 16 Evans Close, Didsbury,
J Hashmat, 17 Evans Close, Didsbury,
A Robinson, 18 Evans Close, Didsbury,
Gary Jones, 20 Evans Close, Didsbury.

Relevant Contact Officer: : David Lawless
Telephone No. : (0161) 234 4543
Email : d.lawless@manchester.gov.uk