

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/05/2024	Ref: 70566/FUL
Registration: 08/03/2024	LDFC: 01/04/2024	Expiry Date: 03/05/2024
Site Visit: 22/03/2024	Site Notice: 22/03/2024	Press Date: N/A
16:00:00		
Objections: 12	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 7 no. garages with security gates and landscaping

Location: Land between 20 & 22 Farcroft Avenue, Radcliffe, Manchester, M26 2XJ

Description

The application site is one of a number of garage colonies approved at the time of the development of the properties located off Bury Road and Elton Hill Road, approved in 1969. It is in private ownership. It is located between nos. 20 and 22 Farcroft Avenue, Radcliffe.

The existing garage court contains a line of 12 single storey, single car garages spanning across the wester boundary of the application site, which boarder the western boundary of the application site. A railway line borders the rear, west facing, boundary of the site.

Farcroft Avenue is located adjacent to the eastern boundary of the application site. A raised mound of grass extends from Farcroft Avenue into the application site. A residential semi-detached property, no. 20 Farcroft Avenue, borders the north of the garage site. No. 22 Farcroft Avenue borders the southern boundary of the site. Vehicular access points exist adjacent to each of the neighbouring properties which provides an in-and-out to the existing garage colony.

The existing garage colony was approved in 1969 by Radcliffe Town Council.

Planning permission is sought to erect a line of 7 similar sized garages over the area of the existing grassed mound and to gate off the two existing currently open vehicular accesses. The proposed garages would be accessed from within the site and therefore the rear elevation of the proposed garages would face on to Farcroft Avenue.

The proposed garage block would have an overall length of approximately 21m x 5.5m in width. The front elevations would be fitted with 7 individual garage doors, with the other three elevations all proposed to rendered with a white facia board at eaves/ roof level. The proposed garage block would have a slightly sloping roof. being slightly higher at the front than at the rear.

The proposed gates to the existing two vehicular access points into the site seek to be approximately 2 metres high.

The site is within a High Risk Coal Mining Area and historic maps indicate an old mine shaft exists under the grassed mound where the development proposed seeks to be sited.

Relevant Planning History

2169 - Erection of 1 block of 5 garages, 1 block of 6 garages, 1 block of 11 garages and 1 block of 12 garages as part of the original housing development for land off Bury Road and Elton Hill Road. Approved, January 1969.

Publicity

9 neighbouring dwellings adjoining the site were notified on the 11/03/2024.

Site Notices were also erected on Farcroft Avenue; one on the Telegraph Pole adjacent to the southern most access, adjacent to no. 22 Farcroft Avenue and a Site Notice was also erected at the northern most access on the application site side of the shared boundary fence with no. 20 Farcroft Avenue.

Representations from 12 households along Farcroft Avenue have been received which raise objections to the proposals for the following reasons:

- The existing site creates a passing point on the street when one vehicle is entering the avenue and one vehicle is leaving the avenue. They avoid each other by one vehicle driving around the garage site.
- Delivery vehicles use the site to turn vehicles around so they can enter and leave the avenue in a forward gear.
- The street is simply not big enough for all cars to fit on the street, this area allows residents vans and cars to be parked off street to avoid blocking the access. I feel the plans propose a danger to the residents of the street in the unfortunate circumstance that emergency services are required. There would be no turn around for large vehicles should they need to come down the street.
- Appreciate parking is a problem but the turning circle & free additional parking that has been provided on this land, for >30 years, eases the pressure on the street. This application is not in the best interests of the residents, it is not resolving the already limited parking, it is compromising safety by removing the turning point access which is also used by emergency services.
- At present several residents have to park on the existing garage plot as there is no room on the street - where will these be parked?
- The existing plot provides a place to turn round - as you can see this is a single line car street due to parking and if the area is gated where do you turn round and also if a vehicle comes into the street who gives way? Does the incoming vehicle back off the street? They assert that a better solution would be to create parking bays on the existing plot which would ease the traffic congestion on the street. I would like to point out that at present the existing garages are used mainly for storage

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Contaminated Land - No objections, subject to conditions requiring a Contaminated Land Risk Assessment, Site Investigation and Remediation Strategy to be submitted and approved prior to commencement of development and a condition requiring implementation of the Remediation Strategy and Site Verification Report. In order to ensure the site would be made safe for its proposed end use/ the public using the proposed garages, and provided a condition is imposed requiring each garage to be fitted with an Electric Vehicle Charging Point.

The Coal Authority - Objects to the application as the application site is within a Coal Mining High Risk Area. The Coal Authority records indicate the presence of an on-site mine entry and objects to the application as it stands on the grounds of public safety.

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN1/2 Townscape and Built Design
H3/1 Assessing Non-Conforming Uses
HT2/4 Car Parking and New Development

HT5/1	Access For Those with Special Needs
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-G6	Urban Green Space
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Design and Visual Amenity

UDP Policy EN1/2: Townscape and Built Design seeks to give favourable consideration to proposals which do not have an unacceptable impact on, amongst other things, visual amenity.

PfE Policy JP-G6: Urban Green Space seeks to protect existing urban green spaces/

The proposed building to accommodate 7 garages would be sited on a pleasant green space, designed and incorporated into the development of the existing garage site in the early-mid 1970s. This green space adds greatly to the street scene of Farcroft Avenue. The proposals would result in the loss of the majority of the existing grassed mound to the detriment of the visual amenities of the street scene.

In terms of the proposed garages would be positioned approximately 2.7m forward of the front of the existing semi-detached properties on Farcroft Road, which includes the properties adjacent to either side of the site and its siting in close proximity to the sites boundary with Farcroft Avenue, projecting well forwards of the principal elevations of properties on Farcroft Avenue would result in the introduction an incongruous, discordant and unsympathetic addition that fails to respond positively to, or have any regard to character, layout and the visual amenities of the street scene.

As a result, the proposal, by virtue of its siting, suburban appearance, elevational language and materials will result in an overtly stark, unsympathetic and incongruous form of development, along with the loss of the attractive grassed mound would be of detriment to the visual amenities of the street scene, contrary to Policy EN1/2 of the UDP and Section 12: 'Achieving well-designed and beautiful places' of the National Planning Policy Framework. It is thus recommended that the application be resisted on this ground.

Car Parking and Highway Safety

The proposal seeks to enclose the two access/ egress points into the garage site by erecting two gates one at each access with a approximately 2m high and to erect 7 single garages.

Farcroft Avenue, a cul-de-sac, was built in the early 1970s and the application site, a garage colony, appears to have been used since for the parking, garaging and maneuvering of vehicles.

Due to cars parking along one side of Farcroft Avenue, making the street one-way, it is evident from the representations received that the site, and having visited the site during the course of this application, that the in and out access and egress that the site provides is used regularly by residents and delivery drivers to avoid traffic entering the cul-de-sac from Bury Road.

Whilst the garage site is not part of the adopted highway, it is clear that enclosure of the site would result in an increase in conflicts between vehicles on the adjacent adopted highway, to the detriment of the free flow of traffic and road safety, contrary to Policy JP-C5: 'Streets for All', of the Greater Manchester Places for Everyone Joint Development Plan (PfE Plan).

In principle, additional parking provision is supported, however, Highways have also indicated that any new garages on the site should not be used for commercial storage purposes. This could be secured via a planning condition.

Turning back to highway safety, the current site has no separate pedestrian access to the site, which is not ideal from a pedestrian safety/ vehicular conflict perspective. Although the current site has been like this since the early-mid 1970s, all new development should be designed to take account of pedestrian safety and ensure that proposals would not

adversely effect the safety of pedestrians/ users of the site.

The proposal under consideration would result in the intensification of use of a site with inadequate segregated pedestrian access arrangements, which would result in an increase in conflicts between vehicles and pedestrians, to the detriment of pedestrian safety, contrary to Policy JP-C5 of the PfE Plan and the National Planning Policy Framework (December 2023), paragraph 106.

In addition, the Highway Authority has also raised concerns about the integrity of the adopted highway which currently abuts the site. There is no information within the submitted application about what is proposed to this wall.

Due to the above reasons, it is recommended that the application also be resisted on these grounds.

Note

The application site is bordered by a low wall abutting the pavement/ adopted highway, which the existing grassed mound abuts and rises away from. The proposals do not appear to affect this boundary wall. However, there is some derogation if the wall, particularly at its end of the northern access/ egress point. If any changes are to be made to this wall, the applicant would need to inform the Local Highway Authority and gain their agreement.

Ground Conditions - Public Safety

The site falls within the defined Development High Risk Area and as such a Coal Mining Risk Assessment is required to be submitted to support planning applications.

The Coal Authority records indicate the presence of an on-site mine entry (CA shaft ref: 379408-002) on the application site. In addition, there is also an off-site mine entry within 20m of the site boundary (to the south east of the site) that may also affect the proposed development.

These coal mining features could affect public safety and surface stability to the proposed development.

In this case the Coal Mining Risk Assessment may need to be informed by intrusive site investigations to locate the mine entry and establish its exact location and condition. It would be prudent to carry out a positional review of the mine entry in order that the best plot position can inform the intrusive investigations. The necessary Risk Assessment should also make recommendations for any remedial works necessary to ensure the safety and stability of this feature and to define a no build zone around the mine entry. The location of the buildings proposed should avoid being located over or within influencing distance of the mine entry, if found to be present on site. If found to be present on site, a plan should be submitted to demonstrate how the layout of the development has been designed to take account of the location of the mine entry and its zone of influence.

As it stands; as it would not be possible to resolve the design and visual amenity concerns raised above, it would be unreasonable of the LPA to seek this information from the applicant who would need to pay for the necessary intrusive site investigations. In circumstances such as these it is recommended the application be refused on grounds of insufficient information to satisfy the LPA that the ground is safe to be built on, to enable the overall speed and quality of the council's decisions to be maintained and so the applicant can consider their next steps.

Conclusion

To conclude, there are three main areas of concerns with the proposals submitted; namely the proposals impact on the visual amenities of the street scene, the harm caused to the safety of all users of the highway, and the concerns relating to the safety of the ground on

which the proposed development is sought. For these reasons, the application is recommended for refusal.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal, by virtue of its siting, suburban appearance, elevational language and materials, along with the resultant enclosure of the site, would result in an overtly stark, unsympathetic and incongruous form of development, and result in the loss of the attractive grassed mound, would be of detriment to the visual amenities of the street scene, contrary to Policy EN1/2: 'Townscape and Built Design' of the Bury Unitary Development Plan, Policy JP-G6: 'Urban Green Space' of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 2 The proposal would result in the intensification of use of a site with inadequate segregated pedestrian access arrangements, which will result in an increase in conflicts between vehicles and pedestrians, to the detriment of pedestrian safety, contrary to Policy EN1/2: 'Townscape and Built Design' of the Bury Unitary Development Plan, Policy JP-C5: 'Streets for All' of the Greater Manchester Places for Everyone Plan and the National Planning Policy Framework.
- 3 The proposed vehicular access and gating arrangements at a site that has benefitted from uncontrolled access and egress arrangements since construction will result in an increase in conflicts between vehicles on the adjacent adopted highway, to the detriment of the free flow of traffic and road safety, contrary to Policy JP-C5: 'Streets for All', of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 4 Due to the site being within the defined Coal Authority Development High Risk Area and the presence of Coal Mining legacies on site; by virtue of an on-site mine entry (CA shaft ref: 379408-002) on the site, the application contains insufficient information to demonstrate that the site would be safe for its proposed use and future users of the site, contrary to the requirements of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	02/05/2024	DM	02/05/24

