MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139746/NMC/2024
Date registered valid:	5 April 2024
Proposal:	Non-material amendment to planning permission reference 136610/FO/2023 to allow amendment to retaining wall and foundation design
Address:	68 Heathbank Road, Manchester, M9 0NB
Ward(s):	Higher Blackley Ward
Applicant:	Sinisa Nedeljkovic MCC
Agent (if any):	
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**3 May 2024**

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

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 68 Heathbank Road within the north Manchester ward of Higher Blackley. The application site relates to a two storey, red brick, semi-detached dwellinghouse. The property is located on a steeply sloping site with circa 3.6m height difference from the rear boundary of the site and the pedestrian footpath on Heathbank Road. Amenity space to the front of the property consists of a path leading to the front door along with soft landscaping. Amenity space to the rear is available along the western boundary of the site and the rear consists of a garden with differing heights with some areas of hardstanding and soft landscaping.

The immediate context is residential in nature.

Description of development

The site is subject of the following planning permission- 136610/FO/2023-Erection of single storey extension to the rear, installation of step lift to the front door with associated steps and handrails, dropped kerb to the highway to create driveway and retaining wall to rear garden from levelling off of ground level to rear- approved 22 May 2023.

Through the current application, consent is sought for a non-material amendment to planning permission reference 136610/FO/2023 to allow amendment to retaining wall and foundation

design. The design differs from the one indicated under approved application: 136610/FO/2023. No condition was placed on the approval of 136610/FO/2023 requesting further details in relation to the retaining wall and foundation design. The proposed retaining wall and foundation design includes the installation of a Permacrib wall measuring 1.2- 2 metres in high and a 1.2 metre high brick/RC retaining wall at the point closest to the proposed rear extension. Example of Permacrib provided for consideration.

As already approved, the single storey rear extension would create a bedroom and wet room and have approximate dimensions of Height: 3.8 x Length: 6.9 x Width: 4.5 metres. An obscure glazed window would be inserted in the rear elevation of the proposal and a further window and a door would be inserted within the side elevation of the proposal.

A step lift would be installed to the front of the property and would be a Pollock Classic step lift with manual upper and lower gates, side rails with glazed panels, lower fixed ramp, platform size 1400 x900mm and SWL 280kg.

The garden would be excavated to allow for the step lift to be installed and a 1900mm x 1450mm x 100mm thick flat concrete base would be inserted under the lift position. A 100mm x 100mm concrete post would be inserted into the ground to protect the lift and also serve as a post for a lower call station, painted white. Steps would be created for ambulant visitors to the property and would be brick and flag steps minimum 900mm wide with 300mm goings and maximum 170mm risers. Handrails would be installed close to the front elevation of the property and would include galvanised steel balustrade type railings to all exposed sides of the plinth steps, painted black, 1100mm high on level plinth, 900mm high to sides of step, 90mm maximum gap between vertical rails. The front amenity space would become a driveway by laying a hardstanding using SUD blocks, fall on hardstanding to be around 1:50 falling towards the pavement, total 35m2.

Materials to be used throughout the proposal would include Pollock Classic step lift, manmade slate to match existing tiles, red brown masonry to match existing walls, white PVCu windows to match existing, treated timber walls, and permeable paving to the drive and slab paving to patio and footpaths.

Further planning history

136801/FH/2023- Installation of steplift to front and creation of driveway involving dropped kerb. Withdrawn 5 May 2023.

Consultations & Notification Responses

N/A.

Issues

POLICY

The National Planning Policy Framework (December 2023)

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
b) a social objective and
c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:
i. Chapter 8. Promoting healthy and safe communities.
ii. Chapter 12. Achieving well-designed and beautiful places.

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), Policy SP1 (Spatial Principles) and Policy EN1 (Design Principles and Strategic Character Areas).

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.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:
a. rearward extensions greater than 3.65m (12 ft) in length;
b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
c. 2-storey extensions to terraced properties which occupy the full width of the house;
d. flat roofed extensions to bungalows;
e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

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.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The following policies are relevant:
i.JP- S1- Sustainable development

ISSUES

Principle of Amendment

This application seeks a non-material amendment to planning permission reference 136610/FO/2023 to allow amendment to retaining wall and foundation design. The changes would have a marginal impact on the overall design and appearance of the site and would be considered non-material changes. In addition, it would not alter the character or appearance of the building or site, nor would it significantly affect the relationship of the development to its context.

Visual/ Residential Amenity

The concrete retaining wall originally approved involved the insertion of raised plant beds to the rear boundary line of the site and the concrete retaining wall would have a parallel line formation. The new retaining wall structure would have walls extending diagonally from the rear wall extending in the direction of the two side boundaries of the applicant site. Further, the new retaining wall structure would involve two walls- Permacrib walls- instead of one.

Although the retaining wall structure would extend further into the applicant's rear amenity space, the harm in terms of the applicant's ability to utilise the rear amenity space is not substantially different to the amenity space approved under 133610/FO/2023.

The 1.2 metre brick/RC retaining wall structure would be sited close to both the neighbouring boundaries and then the 1.2-2 metre Permacrib wall would sit closest to the rear boundary line of the site. All properties along this stretch of Heathbank Road benefit from a change in topography within the rear gardens, where the land level rises significantly further towards the rear boundary lines of the site. Both neighbours benefit from significant screening from the applicant property as existing, in the form of high boundary treatment, dense hedging and the rear extension at no.66 Heathbank Road. The change to the retaining wall structure is not considered to significantly alter the impact to the two adjoining neighbours given the boundaries of the site and given the structure at the highest point of 2 metres is not considered excessively overbearing.

Overall, the amendments would not have an adverse impact upon visual/ residential amenity.

Design

The changes would have a minimal impact on the design of the proposal and has been amended due to a change in design. Although much of the rear amenity space would be used and encompassed by the extension for the disabled resident and the retaining wall structure, the design already results in a constrained rear amenity space, however, supports the living requirements of the resident appropriately. The retaining structure is necessary to support the land excavated, to be able to build the rear extension on the site and is therefore appropriate in form and size, pursuant to Policy DC1 of the UDP, including Policy DC1.5 of the UDP. Further, it is to be noted boundary treatments with a height of 2 metres can be erected along the rear boundaries of the residential amenity space using the route of Permitted Development. As such, the proposal, with a maximum height of 2 metres is not considered excessively large, pursuant to Policy DC1.2 of the UDP. Further, the use of the Permacrib product made of timber and stones is considered to relate positively to the residential context.

Conclusion

Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and is considered to be acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change would have no material impact upon the character of the development or in terms of visual/residential amenity.

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 polices 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

N/A.

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

1) The details of the proposed amendment relate to amendment to retaining wall and foundation design.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and is considered to be acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change will have no material impact upon the character of the development or upon the visual amenity of nearby occupiers.

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 28 March 2023.
-Drawing- Proposed- Drawing (Pollock Steplift), stamped as received by the City Council as Local Planning Authority on 28 March 2023.
-Drawing- Proposed- Floor Plan- Rev 2, stamped as received by the City Council as Local Planning Authority on 27 April 2023.
-Drawing- Existing & Proposed- Elevations, stamped as received by the City Council as Local Planning Authority on 28 March 2023.

-Drawing- Existing & Proposed- Elevations- Left Gable, stamped as received by the City Council as Local Planning Authority on 28 March 2023.
-Drawing- Existing & Proposed- Elevations- Right Section, stamped as received by the City Council as Local Planning Authority on 28 March 2023.
-Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 28 March 2023.
-Design & Access Statement, stamped as received by the City Council as Local Planning Authority on 28 March 2023.

As amended by:
-Application for a Non-Material Amendment following a Grant of Planning Permission, stamped as received by the City Council as Local Planning Authority on 5 April 2024.
-Drawing- Proposed- Retaining Wall Option 1, numbered FS 4904/S/1001 P1, stamped as received by the City Council as Local Planning Authority on 5 April 2024.
-Drawing- Proposed- Raft Foundation, numbered FS 4904/S/1004 P1, stamped as received by the City Council as Local Planning Authority on 5 April 2024.

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.

Appendix 1 – List of consultees & neighbours notified

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA