

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139673/FH/2024
Date registered valid: 2 April 2024
Proposal: Erection 8.5 metres of 3 metre high fencing.
Address: 4 Buckfast Close, Manchester, M21 0RY
Ward(s): Chorlton Ward

Applicant: Mr Robert La Terriere
Agent (if any):
Case officer: Jake Walther
Tel: 0161 234 1625
Email: jake.walther@manchester.gov.uk

Recommendation: **Approve**
Date of recommendation: **22/05/2024**

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 19/04/2024

Standard consultations:

Printed: 10 April 2024 Expired: 1 May 2024

Neighbour notifications

Printed: 10 April 2024 Expired: 1 May 2024

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

The application relates to a grass area at the rear of the garden of 4 Bucksfast Close located just east of the Metrolink tracks, west of the boundary to 2 Bucksfast Close and north of the boundary to 6 Bucksfast Close. The land was previously owned by Transport for Greater Manchester and is at present in a state of poor environmental quality with a few small trees and overgrown vegetation amongst debris from railway maintenance and construction.



Figure 1. Site Area from the South.



Figure 2. Site Area from the North (4 Bucksfast Cl in the background)

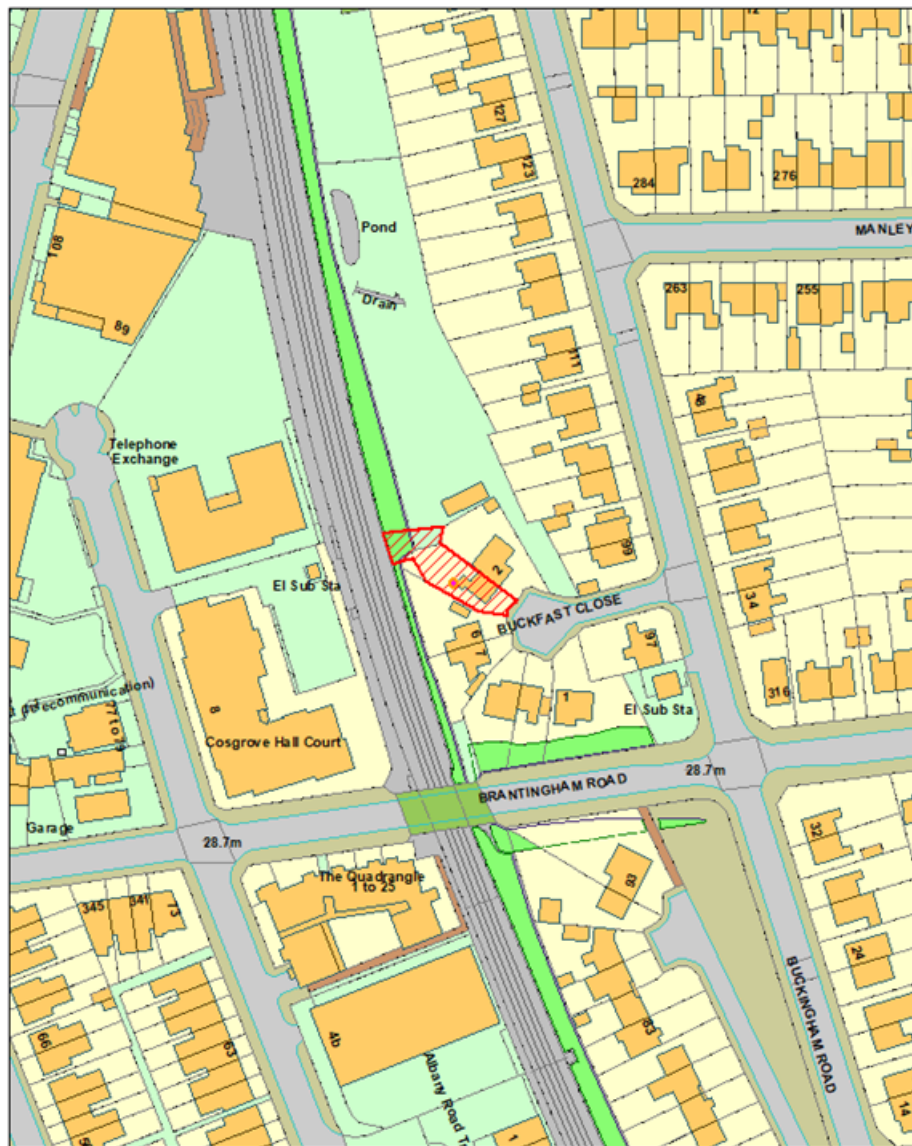
Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area is primarily residential comprising of mostly two-storey semidetached houses of a similar style to the applicant property. The site is in close proximity to Chorlton District Centre which hosts a large number of shops, restaurants and businesses and has good bus and Metrolink connections to the wider area.



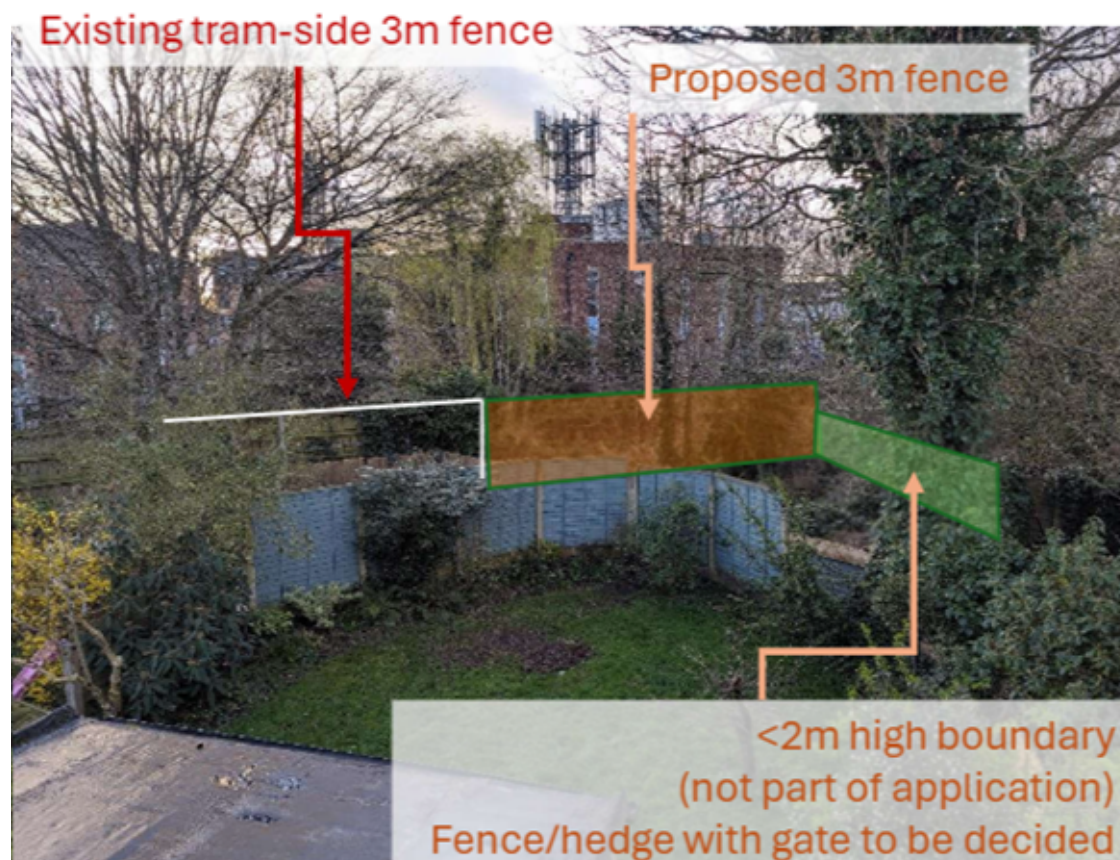
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Description of development

The application is for the erection of a 3-meter-high fencing to run along the western boundary of the application site for the purpose of acting as barrier to mitigate the noise and visual impact from the Metrolink tracks that this site borders. The fence will be 8.5 meters in length and will be

of a similar finish to the existing fence that can be found further down the tracks and will be a continuation of this fence.



Consultations & Notification Responses

Local residents, as per appendix 1 - no comments or objections received.

Transport for Greater Manchester – I would urge the Applicant to liaise with the Metrolink Operator (KAM) to ensure the work can be carried out safely and that the necessary permits that will be required for the works are obtained. Contact details for KAM can be found in the attached Working Safely Near Metrolink document.

Manchester City Council Flood Risk Management – No FRA is required, and the application can be approved with no further comment.

Manchester City Council Environmental Health - no adverse comment or objection to this application.

Policy

The Manchester Core Strategy Development Plan Document 2012-2027 –

The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and forms the framework that planning applications are assessed against. We consider the following Core Strategy Policies relevant to this proposal.

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN19 – Waste

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy is still considered relevant to this proposal.

- DC1 - Residential Extensions

Places for Everyone

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 following policies are relevant:

- S1- Sustainable development
- S2 – Carbon and energy
- S5 – Flood risk and the water environment

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):

- an economic objective
- a social objective and
- an environmental objective.

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

- Chapter 8. Promoting healthy and safe communities.
- Chapter 12. Achieving well-designed and beautiful places.

Principle

The submitted application is for the erection of a 3-meter-high fence to the rear of the property. This is considered acceptable in principle as many people prefer to alter or adapt their homes rather than move, to meet the changing residential needs of families. 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.

In this instance the principle of the proposal is considered acceptable, and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application. The proposed extension is deemed to accord with saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy.

Residential Amenity

The application is for the erection of a 3m high fence along the boundary with the Metrolink tracks for the stated purpose of reducing noise and visual pollution caused by the railway. The fence will only be used on the boundary with Transport for Greater Manchester owned land and will not be placed on the boundary with other residential properties.

The proposed fencing will continue the Metrolink 3m high fence that the neighbouring properties already have in place, the height of 3m is deemed acceptable and comparable to the existing

neighbouring fences. As the fence does not border any residential property it would not cause any loss of light or become an overbearing presence for the neighbouring properties.

Overall, it is not considered that the proposal would have an adverse impact upon residential amenity and as such is in accordance with policy DM1 of the Core Strategy.

Design and Appearance

The proposed fence would be 3m in height and 8.5m in length along the boundary with the Metrolink tracks. Given that the fence would be built to match the existing boundary fence that Transport for Greater Manchester uses along boundaries with the neighbouring properties, it is not deemed to cause a harmful or prominent feature in the area and is considered acceptable. As such, this proposal is pursuant to Policy DM1 and EN1 of the Core Strategy.

Car Parking

Car parking provision would be unaffected by the proposal.

Waste Storage

Bin storage would be unaffected 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 are in keeping with the character of the property and the local area and will help to mitigate noise and visual pollution from the Metrolink tracks. The proposal therefore complies with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policies DC1 Unitary Development Plan.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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

1. 3-year time limit:

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. Specified plans:

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

- a) Drawing – Location Plan – Received 02/04/24.
- b) Drawing – Site Plan – Received 02/04/24.
- c) Drawing – Elevations – Received 02/04/24.
- d) Supporting Information – Planning Statement – Received 02/04/24.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

3. Specified materials:

The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour, and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure. Pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

4. Working safely near Metrolink.

No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by Manchester City Council (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- construction methods to be used; including the use of machines if intended (which must not oversail the tramway); and
- measures to control the emission of dust and dirt during construction.

Reason: To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system. Further details can be found in the Working Safely Near Metrolink document.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Transport For Greater Manchester

5 Buckfast Close, Manchester, M21 0RY
6 Buckfast Close, Manchester, M21 0RY
2 Buckfast Close, Manchester, M21 0RY
7 Buckfast Close, Manchester, M21 0RY
3 Buckfast Close, Manchester, M21 0RY
1 Buckfast Close, Manchester, M21 0RY

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 Zone - All Exceeding 90M
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA