

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140331/MO/2024

Date registered valid: 20 June 2024

Proposal: Approval of Reserved Matters for appearance, landscaping and layout following the determination of outline consent 126457/OO/2020

Address: 31 Berry Brow, Manchester, M40 1GR

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr A Pagett

Agent (if any): Mr P Garner, Garner Town Planning Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 5 August 2024

Application details

Type of application: Reserved Matters Consent

Development type: Minor Other

Date of site visit: 2 August 2024

Standard consultations:

Printed: 3 July 2024 Expired: 24 July 2024

Neighbour notifications

Printed: 3 July 2024 Expired: 24 July 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 site relates to an irregular shaped area of enclosed land of approximately 0.12 hectares in area. The site is situated to the rear (south) of 31 Berry Brow.

Berry Brow itself incorporates a curved road frontage, with an access spur just before the railway line to the east.

The site comprises a vacant wooded area associated with 31 Berry Brow and consists of a mixture of trees, shrubs overgrown vegetation. The land is uneven and incorporates a slope downwards, in a north to south direction from Berry Brow towards Shaldon Drive.



Aerial view of application site (Extract Google Maps)

The site is accessed via a narrow spur of cobbled, unadopted which leads to a turning head which is blocked off between 29 and 31 Berry Brow.

The site is bounded by residential properties to the east, west and south. Opposite the site, to the side of the access road is a functioning railway line

The site is located to the side of the existing dwelling at 31 Berry Brow and would be accessed directly from the turning head which serves a small section of cul-de-sac.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in character. A railway line is situated just to the north of the site, whereas a short distance to the west is Clayton Vale – an area of open green space.

Description of development

Reserved Matters for appearance, landscaping and layout following the determination of outline permission referenced 126457/00/2020 which allowed for the erection of a two storey, detached dwellinghouse (Class C3). At the outline stage all matters were reserved except for access and scale.

The proposed house is situated to the south of 31 Berry Brow and includes an associated, single storey, detached garage. The development area is bounded by the rear gardens associated with 43-47 Berry Brow and 1-3 Shaldon Drive.

The proposed house is designed to present its principal frontage facing in a westerly direction. Access is proposed by opening up the blocked off area at the turning head between 29 and 31 Berry Brow to allow an extension of the turning head to form an access track.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Various conditions are requested relating to construction hours, air quality, ground conditions and acoustic insulation.

Greater Manchester Police (Design for Security) – Various security recommendations are made.

Flood Risk Management – Condition 6 of the outline planning permission is still required to be discharged. This relates to a scheme for surface water drainage.

Highway Services - It appears that driveway parking will be provided for 2-3 vehicles which is considered appropriate for a dwelling of this size.

It is understood that bins will be stored within the site's curtilage with residents responsible for placement / retrieval from Berry Brow. This is acceptable.

Further comments are made in relation to trip generation, accessibility and construction management.

Greater Manchester Ecology Unit (GMEU) - Ecological issues were primarily dealt with at outline stage.

It was accepted at outline stage that no protected species were present recommending an update as part of reserved matters.

Given trees are to be lost, it is recommended that the landscape proposal includes information on retained trees and new planting prior to determination.

Planning History

126457/00/2020

Outline application with all matters reserved except for access and scale for the erection of a two storey, detached dwellinghouse (Class C3) and associated, single storey, detached garage. *Refused 1 February 2021. Allowed on Appeal 10 August 2011 (Ref: APP/B4215/W/21/3271078)*

Policy

The below policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, H1, EN9 and SP1 of the Manchester Core Strategy;
- Places for Everyone Greater Manchester Joint Development Plan (March 2024) - Policy JP-S1
- Guide to Development in Manchester (SPD);
- The Manchester Green and Blue Infrastructure Strategy (G&BIS);
- National Planning Policy Framework (NPPF).

Issues

Principle

The principle for redevelopment of the site for the erection of a single dwellinghouse has been already established by the granting of outline consent. In this case, the only issues for consideration relate to the reserved matters. Namely, layout, appearance and landscaping matters, as set out below.

Layout

The layout of proposed development offers a visually coherent and complimentary location in relation to the existing dwelling at No 31.

Whilst the site slopes downwards to other dwellings elsewhere on Berry Brow and on Shaldon Drive, the plans demonstrate that a dwelling and garage could be accommodated within the constraints of the topography of the site, as accepted by the Planning Inspector at the appeal stage.

It was also accepted that whilst the proposal would not have a road frontage, the existing dwelling to which the proposal most closely relates has a high boundary wall and a gate running along its frontage, meaning that there is already a limited engagement by existing dwellings on a small spur of Berry Brow. As a result, there would be no harm to the character and appearance of the area. Further, it is considered that site access is appropriately located, and

the siting of the proposed house, garage and garden area offers an acceptable balance between built form, garden area and setting. On this basis and in light of the factors considered acceptable at appeal, the layout of the proposed development is considered satisfactory.

Appearance

The proposed house comprises a traditional design, incorporating a hipped roof, brick walls and tiled roof. The proposed materials are typical of the area and reflect those used on nearby properties, including the use of concrete roof tiles, red brick masonry, UPVC windows and aluminium rainwater goods.

It is considered that the appearance of the proposed house would not look out of keeping with the immediate area and would sympathetically assimilate into the local context. On this basis the appearance is considered satisfactory.

Landscaping

The proposed landscaping scheme allows for extensive shrub planting to the front and side boundaries and a lawned area to the rear. This is supplemented by a Cherry tree to the front garden and 2 further Cherry trees and a Silver Birch tree to the rear garden area, in order to offset 2 trees lost to facilitate the development and to provide an attractive setting to the new building whilst promoting bio-diversity.

The proposed landscaping scheme adheres to the City Council's 2 for 1 tree provision policy for those lost and coupled with the shrub planting and boundary treatment proposed, offers an acceptable scheme which provide a decent setting to the proposed dwellinghouse. On this basis, the landscaping is considered satisfactory.

Other Matters

Various conditions are advised by consultees. However, it should be noted that the application only relates to the reserved matters of siting, landscaping and appearance. All relevant conditions were attached to the outline permission and therefore there is no need to duplicate those requirements.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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 two 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:

Drawings referenced:

1249-1 (Approved Access Plan);
1249-2 (Approved Scale Plan and Location Plan);
2230-1 (Proposed elevations);
2230-2 (Proposed floor plans);
2230-3 (Garage construction);
2230-4 (Topographical survey);
2230-6 (Longitudinal section);

Received by the City Council as Local Planning Authority on 20 June 2024;

Drawing referenced:

2230-5/B (Proposed landscape and site plan with levels).

Received by the City Council as Local Planning Authority on 1 August 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.

3) The hard and soft landscaping scheme approved by the City Council as Local Planning Authority shown on drawing referenced 2230-5/B (Proposed landscape and site plan with levels), received by the City Council as Local Planning Authority on 1 August 2024 shall be implemented not later than 12 months from the date of commencement of works. If within a

period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

4) The development hereby approved shall only be implemented in accordance with the external materials detailed on drawing referenced 2230-1 (Proposed elevations) received by the City Council as Local Planning Authority on 20 June 2024, supplemented by details of the brick choice within an e-mail from Garner Town Planning Ltd dated 24 July 2024. For the avoidance of doubt, the agreed materials include:

- Ibstock Bexhill red facing brick;
- Black coloured aluminium rainwater goods;
- White UPVC window frames;
- Grey Marley Modern interlocking concrete roof tiles.

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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Greater Manchester Ecology Unit

41 Berry Brow, Manchester, M40 1GR
45 Berry Brow, Manchester, M40 1GR
53 Berry Brow, Manchester, M40 1GR
11 Shaldon Drive, Manchester, M40 1GS
29 Berry Brow, Manchester, M40 1GR
57 Berry Brow, Manchester, M40 1GR
55 Berry Brow, Manchester, M40 1GR
51 Berry Brow, Manchester, M40 1GR
49 Berry Brow, Manchester, M40 1GR
47 Berry Brow, Manchester, M40 1GR
43 Berry Brow, Manchester, M40 1GR
27 Berry Brow, Manchester, M40 1GR
9 Shaldon Drive, Manchester, M40 1GS
8 Shaldon Drive, Manchester, M40 1GS
25 Berry Brow, Manchester, M40 1GR
7 Shaldon Drive, Manchester, M40 1GS
6 Shaldon Drive, Manchester, M40 1GS
5 Shaldon Drive, Manchester, M40 1GS
4 Shaldon Drive, Manchester, M40 1GS
3 Shaldon Drive, Manchester, M40 1GS

2 Shaldon Drive, Manchester, M40 1GS
1 Shaldon Drive, Manchester, M40 1GS

Appendix 2 – Planning constraints

Article 4 Direction - Removal of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA