

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139442/FH/2024

Date registered valid: 5 March 2024

Proposal: Erection of single storey outbuilding to create ancillary accommodation.

Address: Nutbank House, 1 Nutbank Lane, Manchester, M9 6BH

Ward(s): Higher Blackley Ward

Applicant: Mr Haseeb Anwar

Agent (if any): Mr Barry Tang Tang and Associates Ltd - Chartered Architects

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

Recommendation: Approve

Date of recommendation: 22 April 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 19 April 2024

Standard consultations:

Printed: 13 March 2024 Expired: 5 April 2024

Neighbour notifications

Printed: 13 March 2024 Expired: 5 April 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 property relates to a late Georgian/early Victorian a two-storey house and its associated rear garden area. The property's principal elevation faces southeast towards an extensive front lawned area enclosed by boundary tree and hedge planting. Access to the property is gained via a gated narrow access road which serves a limited number of private residential properties generally set within their own grounds. Immediately adjacent to the application property to the west is a two-storey residential property which was originally a converted outbuilding to the application property, but has over time been subject to extensions and alterations to form a separate residential property.



Nutbank House is described in a previous historic appraisal of the property undertaken in 2009 as probably being constructed after the Manchester to Middleton turnpike road in 1804 and after the sale of the Yew Tree estates in 1809. The house was in existence in 1821 being listed in

Pigot's trade directory, it was occupied by a series of industrialists until at least 1911 (noted as the last date of publicly accessible census returns when the appraisal was written).

The main house, given its age and general character, historic proportions and footprint and appearance is considered to be a non-designated heritage asset.

In the case of this application, the outbuilding is proposed to the left-hand side of the main house in an area that currently comprises a rough gravel surface.



Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area comprises open space interspersed with residential properties. The M60 motorway is situated a short distance to the south and west.

Description of development

Planning permission is sought for the erection of a single storey outbuilding to form ancillary living accommodation which is indicated as being a gym, associated changing and showering facilities. The outbuilding would measure approximately 15 metres by 9.5 metres and a height of 2.3 metres to eaves and 3.9 metres to its maximum. The roof would be sloped incorporating a flat roof element to its maximum height with four rooflights. The front south-east facing elevation would be predominantly formed of glazed folding doors with four obscure glazed windows to the rear elevation together with a double door. Another access door is proposed to the north-east elevation. The submitted design and access statement indicates that the outbuilding would be finished in red facing brick, natural stone and window materials and colour to 'emulate' the existing materials. Around the outbuilding it is intended to lay paving, some of which would be to the front of the principal elevation of the existing house to reflect the existing paving line to the front of the house which were installed as part of the 2010 Orangery application set out in the planning history section below.

The application follows the refusal of a previous planning application due to it forming part of an application with roof alterations considered to be unacceptable, as well as two previous

applications for certificates of proposed lawful development due to the outbuilding not constituting permitted development.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Cadent – An ‘informative’ relating to infrastructure assets is requested.

Environmental Health – No objection

Planning History

137817/LP/2023 - Erection of a single storey outbuilding– *Refused 28 February 2024.*

138897/FH/2023 - Erection of single storey outbuilding to create ancillary accommodation together with roof alterations involving rooflights to roof slopes. *Refused 27 February 2024.*

134703/LP/2022 - Erection of single storey outbuilding – *Refused 14 October 2022.*

136311/LP/2023 - Erection of a single storey outbuilding – *Refused 18 April 2022.*

120806/JO/2018 - Removal of condition 4 (gas membrane) attached to planning permission referenced 093037/FH/2010. *Approved 25 September 2018.*

093037/FH/2010/N1 - Erection of rear extension to form orangery with associated external alterations following demolition of existing conservatory. *Approved 23 July 2010.*

087517/FO/2008/N1 - Formation of new vehicular access road to provide private access to Nutbank Cottage including diversion of public right of way. *Approved 21 August 2009.*

093037/FH/2010/N1 - Erection of rear extension to form orangery with associated external alterations following demolition of existing conservatory – *Approved 22 July 2010.*

058590/FO/NORTH1/00 - Change of use of outbuilding to residential use with extensions and alterations – *Approved 28 June 2000.*

058591/FH/NORTH1/00 - Construction of a conservatory, patio & pergola/verandah – *Approved 12 April 2000.*

026084 - Construction of conservatory to front elevation of house. *Approved 14 March 1986.*

Policy

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

- Policies DM1, EN3 and SP1 of the Manchester Core Strategy;
- Guide to Development in Manchester (SPD);
- Place for Everyone Joint Development Plan;
- National Planning Policy Framework (NPPF).

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise. The NPPF reinforces this requirement and states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

The general principle of homeowners extending and altering their homes is accepted and has been a longstanding principle of adopted local plan policies.

In this case, it is considered that given the scale, siting and appearance of the proposed outbuilding and its relationship with both the host and neighbouring properties, the impact is considered acceptable and compliant with the aforementioned policy and guidance.

Specific issues are outlined further below.

Residential and Visual Amenity

The application property was constructed in the early 19th century as a spacious and classically detailed villa at the edge of a growing industrial city. It is set in a verdant context and is considered to be of high architectural and historic interest, although in recent years, the property has been subject to many changes, but these have been done in way that is sympathetic to the original historic and architectural character.

It is considered that the expansive grounds have some capacity to accommodate new development of an appropriate scale and design and as such, the proposed outbuilding is considered to be acceptable in its own right – contingent on appropriate finishes and material to fit within its context.

The nearest property is situated to the rear at 3 Nut Bank Lane and given this relationship, it is necessary to include conditions to ensure the no further window/door opening are permitted other than those included on the submitted elevations, as well as ensure the rear facing windows are obscurely glazed to prevent any overlooking or perceived overlooking. A further condition has been included to ensure the building is only used for purposes incidental to the enjoyment of the main house, since use as self-contained living accommodation has the potential to undermine living conditions due to the probability of increased levels of activity.

On balance, given the scale and design of the proposed building coupled, with the distance to the common boundary and its relationship with the neighbouring property, the proposed building is considered acceptable.

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. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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 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) The external facing materials to be used on the outbuilding hereby permitted shall match those of the primary dwellinghouse in terms of type, colour, texture, scale, pointing and coursing.

Reason - To ensure that the appearance of the building is not adversely affected by the materials to be used in the construction of the outbuilding, pursuant to policies DM1 and SP1 The Manchester Core Strategy.

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

Location plan and drawings referenced 9846/001/C, 9846/112/E, 9846/122/F and 9846/102/E, received by the City Council as Local Planning Authority on 5 March 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.

4) Before first occupation of the outbuilding hereby approved, the windows to the rear elevation, as shown on drawing referenced 9846/112/E, received by the City Council as Local Planning Authority on 5 March 2024 shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted within the exterior of the outbuilding hereby approved, other than expressly authorised by the granting of this planning permission.

Reason - In the interests of residential amenity, since any additions to the approved outbuilding may adversely impact upon visual amenity or the amenity of neighbouring occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

6) The detached outbuilding hereby approved shall only be used for purposes incidental to the enjoyment of the primary dwellinghouse at Nutbank House only and for no other purpose, including as self-contained living accommodation.

Reason - In the interests of residential amenity, pursuant to policy SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com

Appendix 1 – List of consultees & neighbours notified

Environmental Health

2A Nutbank Lane, Manchester, M9 6BH
2 Nutbank Lane, Manchester, M9 6BH
5 Nutbank Lane, Manchester, M9 6BH
4 Nutbank Lane, Manchester, M9 6BH
7 Nutbank Lane, Manchester, M9 6BH
3 Nutbank Lane, Manchester, M9 6BH

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA