

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139211/FO/2024

Date registered valid: 19 March 2024

Proposal: Change of use of grazing land to form dry turn out area, the erection of a field shelter and a means of enclosure including changes to the ground level and surfaces (sui generis).

Address: Land Adjacent To 5 And 7 Nutbank Lane, Manchester, M9 6BH

Ward(s): Higher Blackley Ward

Applicant: Mr Kevin McNally

Agent (if any):

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 April 2024

Standard consultations:

Printed: 19 March 2024 Expired: 11 April 2024

Neighbour notifications

Printed: 19 March 2024 Expired: 11 April 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

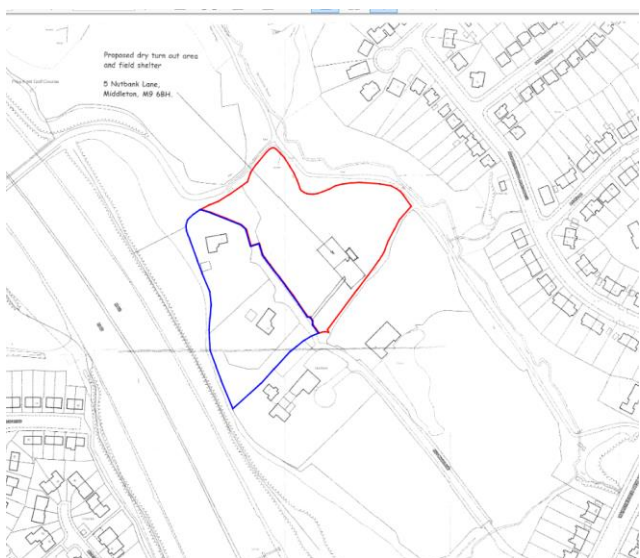
Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building and area

The application site relates to an area of green space to the east of properties 5 and 7 Nutbank Lane.

The land lies to the north of an unlisted detached Regency style dwelling constructed around 1810. It sits at the end of a very long driveway accessed from Manchester New Road. There are several dwellinghouses have been constructed over the years all bespoke in design and set within their own grounds. The M60 runs to the western side of the site.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: **Not applicable**

Description of development

The applicant is seeking planning permission to change of use of grazing land to form dry turn out area, the erection of a field shelter and a means of enclosure including changes to the ground level and surfaces (sui generis).

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Residents/public opinion – Two representations received, one in support of the application and a second raising an objection on the basis that they have a caveat on the land and proposed site and a signed covenant from the applicant.

MCC Flood Risk Management – No objection.

Issues

Planning History

There has been a total of five previous planning applications at this address, of relevance to the proposal are the following including a still pending application for advertisement consent.

Application reference: 077162/FO/2005/N1

Proposal: Erection of two detached houses with associated garages and new access

Status/Decision: Approved 23.01.2006

Application reference: 074404/FO/2005/N1

Proposal: Erection of two detached houses with associated detached garages and stables

Status/Decision: Approved 07.07.2005

Application reference: 054910/OO/NORTH1/98

Proposal: Relocation of Nut Bank Farmhouse, Nut Bank Cottage and stable buildings

Status/Decision: Approved 01.09.1998

Legislative Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The relevant **Core Strategy** policies for this application are as follows:

Policy SP 1 (Spatial Principles)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy DM1 (Development Management)

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The following saved UDP policies is also considered to be relevant:

BM2 (ENVIRONMENTAL IMPROVEMENT AND PROTECTION)

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-P1 (Sustainable Places)

National Policy

National Planning Policy Framework (NPPF)

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and again in September 2023. It sets out the Government's planning policies for England and how these are expected to be applied

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

Principle

The application sites lies within an area covered by saved policy BM2 of the Unitary Development Plan (UDP). The policy seeks to improve the environment and further develop recreational usage in this part of the Irk Valley. It states that no building would be permitted which would damage the open character of the valley or its existing wildlife habitats.

The policy goes on to say that in order to create and protect a network of safe and attractive major linear recreational areas across the northern fringe of the City, and to safeguard the wedge of green space along the Manchester/Rochdale border.

The land that forms the application site is co-owned by the occupiers of 5 and 7 Nutbank Lane, the land has been used a grazing land for horses owned by the applicant. The applicant has built a field shelter and a dry turnout area on the land for the horses. According to the covering letter it was built to prevent rain scalding (a condition brought on by leaving horses out in the rain) and a dry turnout area to reduce the suffering from mud rash.

This part of the site has had no previous development other than a compound area for the construction of 5 and 7 Nutbank Lane and as such would be classified as a greenfield plot, however it is not designated within the Greater Manchester Greenbelt (1984). The erection of a single storey shelter and associated means of enclosure is considered to be acceptable.

However, the impacts on neighbouring amenity and surroundings must be assessed.

Siting/Visual Appearance

As shown in photograph 1, a 1.5 metre high black powder enclosure with galvanised stock metal gates has been installed on land which is located to the east of 5-7 Nutbank Lane. The enclosure forms a dry turn out area and contains a single storey structure constructed of Grey Goose Wing Grey metal sheeting with an Anthracite Grey Trim

The dry turn out area has provided a level can capped off with 100mm grit stone. The levelling of the land has resulted in a slight increase in the level of the land but overall, still forms flat level of land that cascades down towards the brook.

There are no concerns with the appearance of the structure or the enclosure and gates. There are limited views from both nearby residential properties and the tree covered valley to the east of the site. The siting and appearance is considered to be acceptable.



Photograph 1 Application site with shelter and enclosure as built.

Environmental/Ecological Impacts

Other than increasing the level of the land to provide a level area for the enclosure, no trees, hedges or habit were removed as a result of the works. The land itself will remain a grazing area but with the addition of a permanent enclosure to provide shelter for the owners' horses. The single storey enclosure also preserves the openness of the land and safeguards the wedge of green space along the Manchester/Rochdale border. The development is considered acceptable under saved policy BM2 of the UDP and policy EN15 of the Core Strategy.

Flood Risk Management team raised no concerns with the proposal in terms of drainage nor did they recommend any conditions relating to flooding or drainage.

Residential Amenity

The nearest residential properties to the site are that of the owners (5 and 7 Nutbank Lane), rear/side of 4 Nutbank Lane, with limited views from both Nut Bank House and 3 Nutbank Lane. The properties on Alkrington Hall Road South are a significant distance away and separated by Boardman Brook, a small tributary of the River Irk which forms a wooded valley area between Manchester and Rochdale.

The site is well screened by trees, hedges and other vegetation, the development would comply with DM1 of the Core Strategy and it would not cause any unacceptable impacts upon the nearby residential properties. The level nature of the land and low density of the development would not result in any detrimental impacts on residential amenity such as impacts on privacy from overlooking, noise or disturbances.

Other matters

An objection has been raised regarding private property rights such matters that are the concerns of a covenants. These are not material planning matters and therefore cannot be taken into consideration as it will be a civil legal matter between the parties involved.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

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

CL 01245876/1

CL 01245876/2

CL 01245876/3

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

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

2 Nutbank Lane, Manchester, M9 6BH

4 Nutbank Lane, Manchester, M9 6BH

7 Nutbank Lane, Manchester, M9 6BH

3 Nutbank Lane, Manchester, M9 6BH

Nutbank House, 1 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) -

Area Team Boundary - Name: NORTH AREA