

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137799/FH/2023

Date registered valid: 18 August 2023

Proposal: Change of use of vacant land to garden area for 3 Siddall Street enclosed with boundary wall (with heights of 1.1 metres and 1.8 metres)

Address: 3 Siddall Street, Manchester, M12 4GE

Ward(s): Longsight Ward

Applicant: Zeeshan

Agent (if any): Philip Holmes, PHA Architects

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 January 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 13 October 2023

Standard consultations:

Printed: 22 August 2023 Expired: 12 September 2023

Neighbour notifications

Printed: 28 September 2023 Expired: 19 October 2023

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

This application relates to a triangular parcel of land located adjacent to the gable elevation of 3 Siddall Street, which marks the terminus of a terrace of traditional, two storey, red brick houses. The houses are situated at the back of footpath and incorporate wall enclosed yards. Although the surrounding area is predominantly residential, a commercial car wash is located to the east of the site. The land is currently covered in low level vegetation and has been affected by fly-tipping.



Fig.1 – Views of the application site.

Description of development

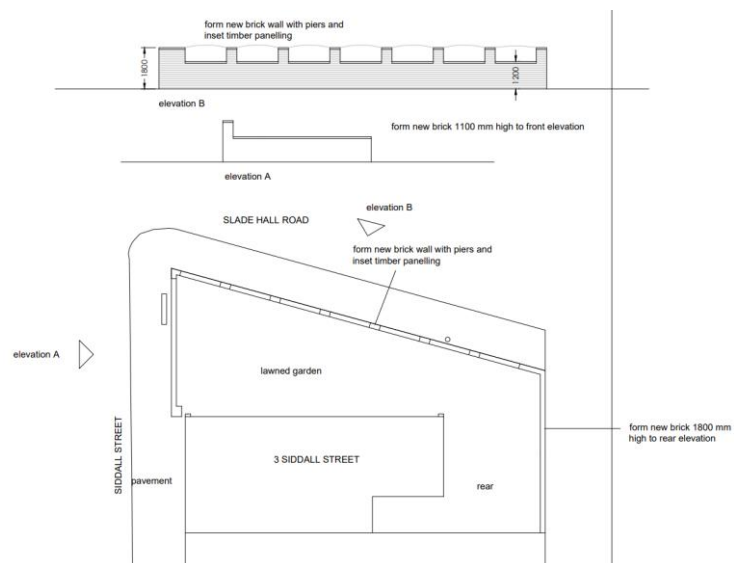


Fig.2 – Site elevations and layout

The development involves the enclosure of a parcel of land adjoining the boundary wall of 3 Siddall Street. The front elevation of the wall to Siddall Street would have a maximum height of 1.1 metres. The returning elevation to Slade Hall Lane would have a main section of brick wall to a height of 1.1 metres above ground level with a series of rising piers bringing the height to 1.8 metres. Timber panels would be formed between the piers. The wall along the eastern boundary would comprise solid brickwork to a height of 1.8 metres.

Consultations & Notification Responses

Local residents – No comments received.

Highway Services - All boundary treatments with frontage to the adopted highway must ensure appropriate visibility and therefore be visually permeable from a height of 600mm upwards. All gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users.

Street Lighting - The lighting column is located in the adopted footway, so should not affecting the siting of the boundary wall. It should be noted that the column foundation is approximately 800mm deep and this should be considered during construction.

Corporate Property – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in September 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are considered to be relevant.

- i. Section 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make

development acceptable to communities. The development would be appropriately related to the existing adjoining houses and its context. Section 12 would thereby be accorded with.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG is relevant to key planning issues of significance to applicants and local authorities. The assessment of the proposed development has been related to the following aspects of the PPG:

- i. Consultation and pre-decision matters
- ii. Design
- iv. Health and well-being

The core principles and policy guidance contained within the National Planning Policy Framework and Planning Practice Guidance have been directly related to the assessment of the potential impact of the development on residential amenity. It is considered that the above principles would thereby be appropriately accorded with for the reasons set out below.

The Places for Everyone Plan - Is a Joint Development Plan Document and provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is 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

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice through: the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents and responding to the diverse needs of all members of the community and the protection and enhancement of the built and natural environment;
- b. Minimises emissions, ensures efficient use of natural resources and reuses previously developed land wherever possible;

c. Improves access to jobs, services, education and open space whilst reducing the need to travel and securing good access to sustainable transport provision.

It is considered that the proposed development would contribute positively to the above objectives and make a positive contribution to the appearance of the streetscene and the amenity of future residents of the development. The development would thereby be positively related to policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester should meet high standards of urban design. Opportunities for good design, which enhance the overall image of the city should be fully realised. The development would be appropriately related to the streetscene and policy EN1 would thereby be accorded with.

Policy DM1 points a - h (inclusive) have been related to the assessment of the proposals regarding its potential impact on residential amenity and the contextual relationship of the development to the surrounding built environment. Policy DM1 would thereby be accorded with.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. In this case, officers and the applicant (through their appointed representatives) engaged in discussions to ensure the submission of supplementary drawings detailing the proposed design of the boundary wall. A satisfactory assessment of the development has been undertaken based on the submitted and supplementary details.

Principle of the development – The land comprising the application site, at the time of submission, was owned by the Council. Pre-application advice was issued regarding the suitability of the use of the site as a residential garden. The proposed use would appear to be appropriate as the land is not considered to be an amenity space and has been affected by fly-tipping. The development presents an opportunity to secure a sustainable and manage use of the site, which would be beneficial to future residents. The principle of the development is therefore considered to be acceptable.

Siting – The front section of wall would marginally project beyond the building line from by houses on Siddall Street. The resulting impact on the streetscene would not be significant and would avoid the formation of any unmanaged incidental open space. The impact of the northern and eastern elevations on the streetscene would be comparable to the relationship of yard walls to the street as found elsewhere in the locality, regard has been had to Highways comments in this context.

Scale and massing – The reduction in the height of the western elevation of the wall would reduce its impact. The height of the wall would be comparable to yard walls in the locality and therefore would not unduly harm the character of the area.

Access – A condition has been included requiring the approval and positioning of a gate to the enclosed garden area.

Design - The composition of the boundary wall is considered to be acceptable. A condition has been included to ensure that brickwork matches the adjoining house.

Street furniture – An informative has been included that the telecommunication provider should be contacted before implementing the development and ensure that excavation works do not

impact upon and adjacent telecommunications cabinet (positioned off Siddall Street). A separated condition has been included and advised that the adjacent lighting column has foundations of 800mm and care should be undertaken during construction works. Contact details for the Council's street lighting section has also been included.

Conclusion – The development has been appropriately related to its context and is considered to be 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

In this case, 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. Officers and the applicant (through their appointed representatives) engaged in discussions to ensure the submission of supplementary drawings detailing the proposed design of the boundary wall. A satisfactory assessment of the development has been undertaken based on the submitted and supplementary details.

Condition(s) to be attached to decision for approval

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 development hereby approved shall be carried out in accordance with the following drawings and documents received by the City Council as local planning authority on 8 August 2023 and 8 November 2023

Planning application

Location plan with red edge Ref: F04/ZE/01 Rev A

Proposed ground floor plan Ref: F04/ZE/04 Rev C

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 for the City of Manchester.

3) The materials to be used in the construction of the extension hereby approved, including bricks and roof tiles, together with the method of coursing and pointing, shall match the existing dwellinghouse, in terms of colour, texture and appearance.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

4) Before the commencement of above ground construction works, drawings shall be submitted to and approved in writing by the City Council as local planning authority, relating to the design specification and position of an external gate within the wall hereby authorised. The approved details shall be implemented upon commencement of the use of the development and maintained in situ thereafter.

Reason – In the interests of residential amenity and to ensure appropriate access, pursuant to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email --highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

2) Before the commencement of the development, it is recommended that the telecommunications provider responsible for the telecommunications cabinet adjacent to the Siddall Street site boundary is contacted to discuss measures to safeguard the equipment during construction.

3) It is advised that the foundation to the adjacent streetlighting column are positioned approximately 800 mm below ground level and care should be taken during the implementation of construction works. It is recommended that the Council's Street Lighting Team be contacted before the implementation of the development to discuss measures to safeguard the equipment during construction via the following contact details:

https://www.manchester.gov.uk/info/500350/signs_lights_and_road_markings

Appendix 1 – List of consultees & neighbours notified

Highway Services
Corporate Property

3 Siddall Street, Manchester, M12 4GE
5 Slade Hall Road, Manchester, M12 4QF
4 Slade Hall Road, Manchester, M12 4QF
5 Siddall Street, Manchester, M12 4GE
6 Slade Hall Road, Manchester, M12 4QF
2 Siddall Street, Manchester, M12 4GE
7 Slade Hall Road, Manchester, M12 4QF
8 Slade Hall Road, Manchester, M12 4QF
2 Slade Hall Road, Manchester, M12 4QF

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
Area Team Boundary - Name: NORTH AREA