

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136031/FO/2023
Date registered valid: 20 January 2023
Proposal: Erection of community water harvesting feature shelter
Address: Open Green Space To Front Of Properties Within Mary Barton Fields
Ward(s): Moss Side Ward

Applicant: Mr Leon Davis Leon Davis Design
Agent (if any):
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 13 March 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 10 February 2023

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 2 February 2023 Expired: 23 February 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/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to an area of open green space located to the front of the residential properties located within Mary Barton Fields in the Moss Side ward of Manchester. The area is bound to the south by Tommy Johnson Walk and is located in close proximity to Elizabeth Gaskell Square, Greenheys Adult Learning Centre and Ibrahim Maine Community Centre.



Figure 1. Photograph of the proposed site of development.

Description of development

The applicant is seeking permission for the erection of a community water harvesting feature shelter.

Consultations & Notification Responses

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

Policies

The following policies are considered relevant in the consideration of this application.

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN9 – Green Infrastructure

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC22 – Footpath Protection

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Principle – the principle of erecting a community water harvesting feature shelter for the purpose of harvesting rainwater, generating a community focal / meeting point and creating new planting opportunities is acceptable, however consideration must be given to the proposal's impact upon existing levels of visual and residential amenity.

Appearance and visual amenity – the shelter will be situated within the open green space located to the front of the residential properties within Mary Barton Fields.



Figure 2. Excerpt from Google Earth, depicting the location of the proposed site of development.

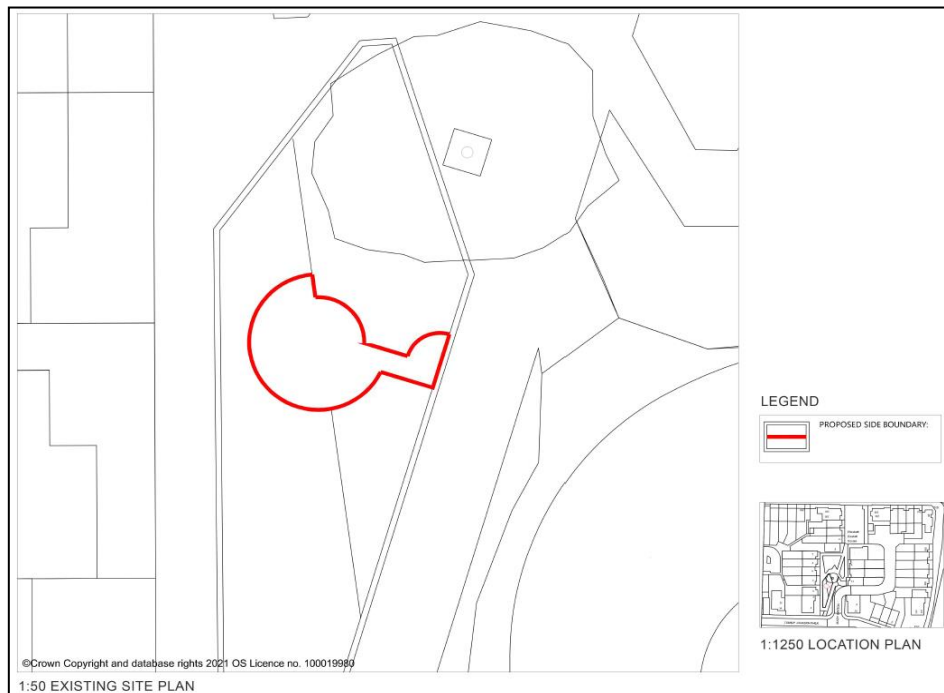


Figure 3. Site location plan, as submitted by the applicant.

The proposed shelter will be located along a grassed verge which is currently used for planting within the public realm. It will consist of individual galvanised steel roof trays, a galvanised steel water collector leading to a downpipe / chain, a recycled steel drum water butt with a secure lockable lid, a steel pipe overflow, a lockable secure tap, a steel rain chain which will be secured at the base and oak timber supporting posts and beams with a sanded natural finish. The shelter will also feature a steel mesh cover which will prevent leaves and debris from entering the water butt as well as an extensive green roof consisting of a mixture of clean gravel, stone and interplanted shallow rooting perennials, sedums and bulbs with a depth measuring between 75mm and 120mm. It will be sited atop a stone sett surface which will divert excess water into a nearby rain garden, encouraging the growth of planted and existing cornus. The overall dimensions of the proposal will be approximately 2.641m in height and 2.881m in diameter.

Considering the characteristics of the shelter, in addition to its appropriate siting and its potential to promote new planting, thereby improving the quality of the existing open green space in this area, the proposal is not considered to harm the visual or aural amenity of this locale. It is believed that the proposal aims to fit within the existing landscape character whilst providing a practical and visually interesting, animated solution for rainwater harvesting and management, using sustainable, reclaimed and recycled materials where possible. The proposal is therefore considered to be well-designed and will have minimal detrimental impact upon the street scene, possibly even enhancing the visual amenity of the area overall.

The proposed shelter therefore accords with policies DM1, SP1 and EN9 of the Core Strategy and chapter 12 of the NPPF.

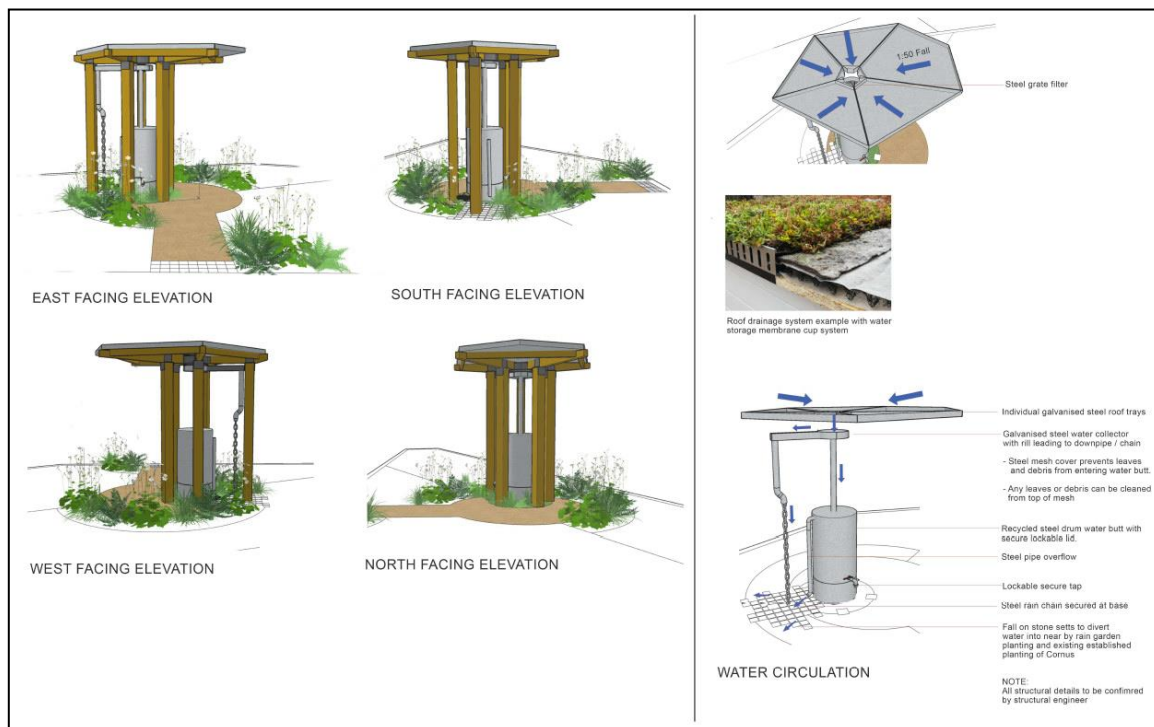


Figure 4. Proposed appearance of the shelter, as submitted by the applicant.



Figure 5. Proposed plants to be cultivated within the 'extensive green roof' and 'rain garden', as submitted by the applicant.

Residential amenity – the proposed shelter would be sited in relatively close proximity to the residential properties situated within Mary Barton Fields, however, would not be located within their immediate adjacency. A gap of approximately 3.048m would be maintained between the shelter and No.3 and No.4 Mary Barton Fields and the overall dimensions of the proposal, as previously detailed, are not deemed as being 'excessively large or bulky'. As such, given that no

objections were received from local residents in relation to this proposal, it is believed that the proposed development should not cause issues relating to loss of light or introduce an overbearing presence into this locale. The proposal would also not affect the current pavement width of 1.56m and would therefore avoiding impeding the accessibility of the public footway.

The proposed shelter would therefore have a minimal effect upon the residential amenity of the area, thereby according with policy DM1 of the Core Strategy, policy DC22 of the UDP and chapter 12 of the NPPF.

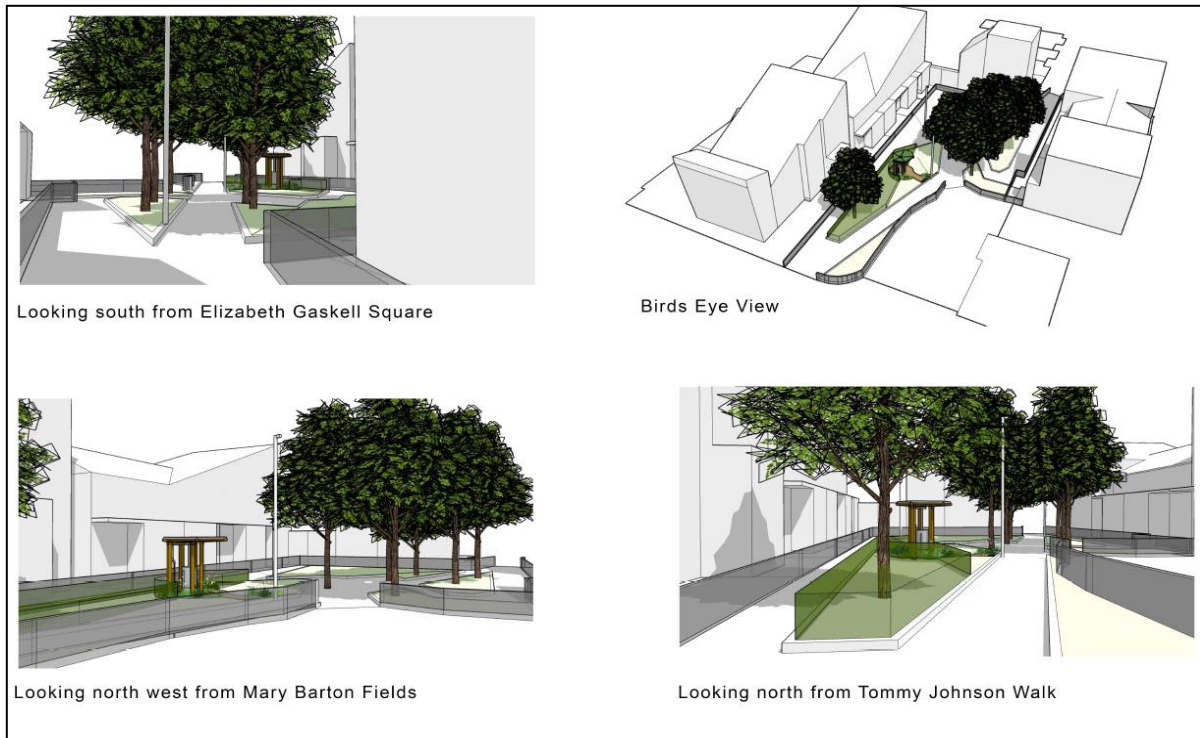


Figure 6. Proposed site visualisations, as submitted by the applicant.

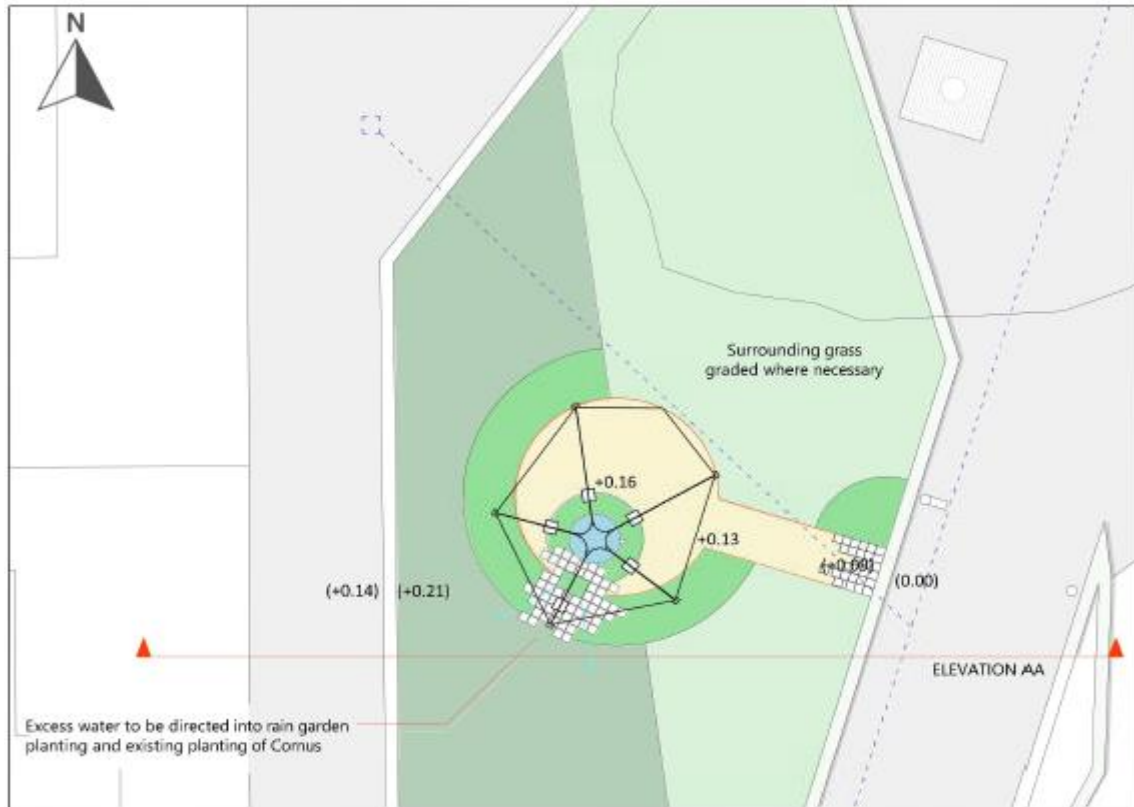


Figure 7. Proposed site plan, as submitted by the applicant.

Conclusion – Given the above issues, it is considered that the proposed shelter is acceptable in terms of its principle, appearance, and impact upon existing levels of visual and residential amenity as it broadly complies with policy DC22 of the UDP, policies DM1, SP1, and EN9 of the Core Strategy and chapter 12 of the NPPF.

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) The development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

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

-Drawing labelled '01_GRA Site Location', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.

- Drawing labelled '02_GRA Site Plan and Elevation', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.
- Drawing labelled '03_GRA Visualisations and Water Circulations Details', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.
- Supporting document labelled '04_GRA Soft Landscape', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.
- Drawing labelled '05_GRA Site Visualisations', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.
- Supporting document labelled 'Maintenance and Management Plan', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.

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

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form, approved drawings and supporting documents.

Reason - To ensure the appearance of the development is not adversely affected by the materials to be used in the construction of the development, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The development hereby approved must be built and maintained at all times thereafter in accordance with the details specified within the document labelled 'Maintenance and Management Plan', stamped as received by the City Council as Local Planning Authority on the 20th January 2023.

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

Appendix 1 – List of consultees & neighbours notified

8 Tommy Johnson Walk, Manchester, M14 4JA
10 Tommy Johnson Walk, Manchester, M14 4JA
2 Elizabeth Gaskell Square, Manchester, M14 4ER
11 Mary Barton Fields, Manchester, M14 4EQ
1 Elizabeth Gaskell Square, Manchester, M14 4ER
1 Mary Barton Fields, Manchester, M14 4EQ
2 Mary Barton Fields, Manchester, M14 4EQ
4 Mary Barton Fields, Manchester, M14 4EQ
5 Mary Barton Fields, Manchester, M14 4EQ
6 Mary Barton Fields, Manchester, M14 4EQ
7 Mary Barton Fields, Manchester, M14 4EQ
8 Mary Barton Fields, Manchester, M14 4EQ
9 Mary Barton Fields, Manchester, M14 4EQ
10 Mary Barton Fields, Manchester, M14 4EQ

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: SOUTH AREA