

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135658/MO/2022

Date registered valid: 7 January 2023

Proposal: Reserved Matters application for the consideration of landscaping, appearance and scale following outline planning permission for the erection of a single pair of two storey dwellinghouses (Class C3) following demolition of existing garage (Ref:124336/OO/2019)

Address: St Luke's Rectory, Kenyon Lane, Manchester, M40 5HS

Ward(s): Moston Ward

Applicant: Mr Sean Booth

Agent (if any): Mr Simon James, Simon James Arq Ltd

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

Recommendation: Approve

Date of recommendation: 22 February 2023

Application details

Type of application: Reserved Matters Consent

Development type: Minor Dwellings

Date of site visit: 16 February 2023

Standard consultations:

Printed: 17 January 2023 Expired: 7 February 2023

Neighbour notifications

Printed: 17 January 2023 Expired: 7 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

The application site relates to the large, side garden of St. Luke's Rectory situated at the corner of Kenyon Lane and Lightbowne Road and enclosed by large brick wall.

The existing rectory building which is associated, but separated from the neighbouring St. Luke's Church, is a large, two storey, detached residence which is presently vacant and boarded up. The property includes a single storey, detached garage building served by a long sweeping driveway which dissects the middle of the garden area and is accessed off Lightbowne Road.

The garden itself is laid to lawn and incorporates a number of trees which also line the perimeter.

To the north, the site is neighboured by a row of two storey dwellinghouse along Sulby Street which are separated to the rear by an alleyway.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the neighbouring church to the west and nearby primary school (St. Dunstan's R.C Primary school) to the north-west, the area is predominantly residential in character, mainly comprising two storey, semi-detached and terraced properties.

Description of development

Reserved matters approval is sought for of landscaping, appearance and scale of a pair of two storey, semi-detached dwellinghouses (Class C3) following the granting of outline planning permission (Ref: 124336/OO/2019).

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Policy

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

- Saved policies DC7 and DC26 of the UDP;
- Policies DM1, SP1, H1, H3, EN3, EN16, EN18, EN19 and T2 of the Core Strategy;
- The Guide to Development in Manchester (SPD);
- The National Planning Policy Framework (NPPF);
- Residential Quality Guidance.

Issues

Principle

The principle of the proposed development has already been established by the host outline planning permission and previously assessed as being acceptable. Relevant planning conditions were also included at this stage.

The current application seeks only to consider the impact of the landscaping, appearance and scale of the proposed development. As outlined below, the impact of these matters is considered acceptable and compliant with the aforementioned policy and guidance.

Scale and Appearance

The proposed drawings show a pair of two storey properties situated centrally within the site and reflect the scale and form of the prevailing residential context.

It is considered that given the immediate context, the relationship of the proposed houses with neighbouring buildings, the scale of the buildings can be satisfactory accommodated within the site without any significant or undue impact in terms of being overbearing or any harmful effects arising from windows positioning and any potential overlooking.

Appearance

In terms of design and appearance, the design of the proposed houses adopts a simple, relatively traditional approach, incorporating two-storey, gabled roofs, front porches, with headers and cills to windows.

Given the immediate context which is not homogenous in style, the traditional approach can be satisfactorily absorbed and would not appear out of place. Any impact is lessened give the substantial screening to the site perimeter which would limit any view of the houses from outside the site.

It is therefore believed that the proposed houses can be satisfactorily accommodated, without being over-dominant or at odds with the streetscape.

The proposed use of materials is anticipated to utilise a simple palette, including brick work, UPVC window frames and interlocking concrete tiles. The exact specification will be controlled by way of planning condition to ensure the materials reflects and respect the colour and texture of neighbouring properties.

Landscaping

In terms of the landscaping and boundary treatment, each property is to be provided with front and rear garden areas, with the remainder of the rectory garden to be retained.

Hard landscaping is provided in the form of a porous tarmac access road leading to paved driveways (Marshall's natural). Indian sandstone patio areas are proposed to the rear of each property.

The existing boundary wall and tree lined perimeter is to be largely retained and this will provide for a robust green and secure perimeter. A condition is included as part of the outline approval to ensure existing trees are retained as part of the overall landscaping strategy.

This will allow the retention of an attractive, mature boundary whilst allowing the provision of a new internal access road so to allow a safe access in close proximity to a busy junction. The layout will therefore maximise the use of the site, whilst protecting much of the original character of the side garden and appearance of the streetscape.

The previously submitted Arboricultural Impact Assessment identifies the site as containing 11 individual trees and one group of trees, with potential to be affected by the proposed development and 1 Category B tree (Silver Birch) required to be removed (T9), as its root protection area is encroached upon by the proposed driveway. Mitigation was offered in the form of two replacement trees.

The Council's Arboriculturalist raised no objection to the removal of the tree, subject to appropriate mitigation in the form of replacement tree planting.

No detail of the replacement tree planting has been provided as part of the submitted landscaping scheme and therefore a condition has been included requiring such planting prior to the commencement of above ground development.

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 OS1, GLS1, GL1, GA1, GA2, ELE1 and ELE2, received by the City Council as Local Planning Authority on 5 December 2022.

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 landscaping scheme approved by the City Council as Local Planning Authority, as shown on drawing referenced GL2, received by the City Council as Local Planning Authority on 9 January 2023 shall be implemented prior to the dwellinghouses hereby approved being occupied.

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 and DM1 of the Manchester Core Strategy.

4) Notwithstanding the landscaping details shown on drawing referenced GL2, received by the City Council as Local Planning Authority on 9 January 2023, no above ground development shall commence until a more detailed soft landscaping treatment scheme (to include replacement tree planting) has been submitted to and approved in writing by the City Council as

Local Planning Authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. 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.

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)

146 Kenyon Lane, Manchester, M40 9DF
41 Sulby Street, Manchester, M40 5HY
45 Sulby Street, Manchester, M40 5HY
27 Sulby Street, Manchester, M40 5HR
25 Sulby Street, Manchester, M40 5HR
148 Kenyon Lane, Manchester, M40 9DF
St Lukes Mans Club, Sulby Street, Manchester, M40 5HR
Surgery, St George's Drive, Manchester, M40 5HP
7 Bacup Street, Manchester, M40 9HF
5 Bacup Street, Manchester, M40 9HF
North West Community Services Ltd, 11 Bacup Street, Manchester, M40 9HF
23 Sulby Street, Manchester, M40 5HR
237 Lightbowne Road, Manchester, M40 9BA
231 Lightbowne Road, Manchester, M40 9BA
29 Sulby Street, Manchester, M40 5HR
192 Kenyon Lane, Manchester, M40 5EH
186 Kenyon Lane, Manchester, M40 5EH
180 Kenyon Lane, Manchester, M40 5EH
150 Kenyon Lane, Manchester, M40 9DF
144 Kenyon Lane, Manchester, M40 9DF
138 Kenyon Lane, Manchester, M40 9DF
250 Lightbowne Road, Manchester, M40 5EF
152 Kenyon Lane, Manchester, M40 9DF
13 Bacup Street, Manchester, M40 9HF
237A Lightbowne Road, Manchester, M40 9BA
235 Lightbowne Road, Manchester, M40 9BA
233 Lightbowne Road, Manchester, M40 9BA
229 Lightbowne Road, Manchester, M40 9BA
31 Sulby Street, Manchester, M40 5HR
190 Kenyon Lane, Manchester, M40 5EH
188 Kenyon Lane, Manchester, M40 5EH
184 Kenyon Lane, Manchester, M40 5EH
182 Kenyon Lane, Manchester, M40 5EH
178 Kenyon Lane, Manchester, M40 5EH
142 Kenyon Lane, Manchester, M40 9DF
140 Kenyon Lane, Manchester, M40 9DF
136 Kenyon Lane, Manchester, M40 9DF
134 Kenyon Lane, Manchester, M40 9DF
254 Lightbowne Road, Manchester, M40 5EF
252 Lightbowne Road, Manchester, M40 5EF
248 Lightbowne Road, Manchester, M40 5EF
43 Sulby Street, Manchester, M40 5HY
39 Sulby Street, Manchester, M40 5HY
37 Sulby Street, Manchester, M40 5HY
35 Sulby Street, Manchester, M40 5HY
St Lukes Church of England, Kenyon Lane, Manchester, M40 9DF

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 -

Area Team Boundary - Name: NORTH AREA