

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136442/FO/2023

Date registered valid: 6 April 2023

Proposal: Alteration of a section of front boundary wall, to remove railings and adjustments to existing wall piers

Address: Northern Lawn Tennis and Squash Club, Palatine Road, Manchester, M20 3YA

Ward(s): Didsbury West Ward

Applicant: Northern Lawn Tennis Club

Agent (if any): Mr Colin Barnes, Barnes Walker Ltd

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

Recommendation: Approve

Date of recommendation: 30 May 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 5 May 2023

Standard consultations:

Printed: 26 April 2023 Expired: 17 May 2023

Neighbour notifications

Printed: 26 April 2023 Expired: 17 May 2023

Site notice

Posted: 5 May 2023 Expired: 26 May 2023

Press advert

Published: 2 May 2023 Expired: 23 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to the Northern Lawn Tennis Club which is located at the junction of Palatine Road and Lapwing Lane. The site is bounded by the club building to the east, Metrolink line to the north and a three storey, residential villa to the south. To the west on the opposite side of Palatine Road is a former public house car park, now cleared site which forms a development site for residential use.

The application site in this instance relates specifically to the front boundary to the club which is accessed from Palatine Road. This comprises a brick wall interspersed by brick piers, infilled within metal railings. Vehicular access is gained via a set double, metals gates which leads to a driveway to the club house and associated park.

Listed building: Not applicable

Conservation area: Blackburn Park Conservation Area 1979

Tree Preservation Order: No

Description of area

The immediate area is mixed in nature and predominantly comprises residential buildings, alongside a Metrolink line (Lapwing Lane station) to the north, beyond which is a parade of local shops.

The site lies within Blackburn Park Conservation Area.

Description of development

Planning permission is sought to remove the existing metal railings which tops the boundary, the reduction in height of a small expanse of brick piers and the installation of a new instant green hedgerow to set directly behind the wall. It is proposed that the hedge be allowed to grow to a minimum height of 1.8 metres above ground level. Yew species is proposed.

The works relates to a small section of wall to the Palatine Road frontage.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Consultation & Publicity

As the application site is situated within a designated conservation area, the proposal has been advertised in the local press (Manchester Evening News) as affecting the setting of a Conservation Area. A site notice has been also displayed at the application site.

Planning History

135048/FO/2022

Erection of an 8.3 metre high building to house two padel tennis courts, with associated lighting and infrastructure. *Approved 20 March 2023*

134891/FO/2022

Replacement of existing grass tennis courts to form 3 no. all-weather tennis courts with associated lighting and infrastructure. *Approved 21 February 2023*

132108/FO/2021

Replacement of 2 no. 8m height lighting columns with 4no. 4m height lighting columns and replacement of lighting heads to 18no. existing lighting columns. *Approved 28 June 2022.*

111419/JO/2016/S2

Variation of Condition No.2 (specified plans) and 8 (details of Green Roof) attached to application 077757/FO/2005/S2 for the erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping following demolition of existing indoor court building. The change to the specified plans condition would see the building not being sunk into the ground and the removal of the green roof to be replaced by a sheet metal roof with photovoltaic panels. *Refused 7 June 2016. Allowed on appeal (Ref: APP/B4215/W/16/3164609) 28 February 2017.*

100419/CC/2012/S2

Conservation Area Consent for the demolition of an existing indoor court building. *Approved 22 March 2013.*

077756/CC/2005/S2

CONSERVATION AREA CONSENT for the demolition of the existing indoor court building to facilitate the erection of building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping. *Approved 13 June 2012.*

077757/FO/2005/S2

Erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping following demolition of existing indoor court building. *Approved 13 June 2012.*

092896/FO/2010/S2

Installation of terrace and canopy to existing club house and extension of balcony. *Approved 8 July 2010.*

059126/FO/SOUTH2/00

Retrospective application for the construction of a storage shed and siting of a steel water storage tank for use as an irrigation system for ground maintenance. Approved 28 September 2000.

Policy

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

- Saved policy DC18.1 of the UDP;
- Policies EN3, DM1 and SP1 of the Manchester Core Strategy;
- Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF).

Issues

Principle

Where a wall adjoins a highway and exceeds 1 metre in height, planning permission is required for the demolition of a wall within a conservation area, or part thereof. As the brick piers are proposed to be reduced in height, this constitutes part of the wall and therefore permission is required in this instance.

Given the existing and surrounding context, the proposed works are considered acceptable and unlikely to give rise to any issues surrounding the visual amenity and the character and appearance of the conservation area.

The proposed works would not affect the current wall alignment and would still serve to enclose the club, to provide a more contemporary entrance in the club. The impact to the character and appearance of the conservation area is considered further below.

Heritage Impact

The application site is situated to the northern end of the Blackburn Park Conservation Area (designated in 1979), which comprises the area bounded by Barlow Moor Road to the south,

Palatine Road to west, Lapwing Lane to the north and Wilmslow Road to the east. The area which derives from its historical association with Charles Blackburn and is predominantly residential in character, containing buildings of various architectural styles and eras, sited arranged along tree-lined roads.

Given the status of the area, it is necessary to determine whether the impact of the proposed development would affect the significance of the Conservation Area to an unacceptable degree, when taking into account relevant planning legislation, policy and guidance.

Legislation and planning policy seek to preserve or enhance the character, appearance and historic interest which heritage assets possess.

The desire to have special regard to the desirability of preserving the character of conservation areas is outlined within Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which refers to the need for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of designated areas.

This point is supported by policies EN3 and DC18.1 of the Core Strategy, along with Section 16 of the NPPF, which underline the need for due consideration to be given to the impact of new developments on heritage assets

Paragraph 194 of the NPPF states that ‘

‘In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, the level of detail should be proportionate to the asset’s importance’.

Paragraph 197 states: *‘in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness’.*

Paragraph 202 advises that:

‘Where a development proposal will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use’

In this case, whilst boundary walls form a key element of the conservation area make-up, these traditionally comprise brick or stone walls with copings associated with traditional villa buildings dating back to the Victorian era.

The boundary wall impacted as part of the current application is a relatively modern addition dating back to the mid 1990’s and is unremarkable in its design. It is not a feature that defines the conservation area and is of limited architectural merit.

It is considered that the proposed works are not likely to be significant and would not cause any harm to any heritage assets. The proposed works would simply be the boundary design, to present a more contemporary, simplified approach as part of raising the profile of the club.

It is therefore believed that the proposed development would result in a negligible change to the character and appearance of the conservation area. The impact can be defined as neutral and less than substantial.

With reference to paragraph 202 of the NPPF, any harm which is considered less than substantial, should be weighed against the public benefits of the proposal.

In this case, public benefits are derived from social and environmental improvements offered by assisting the club to continue to remain relevant and to assist in its modernisation as a key sporting facility, beneficial to the health and well-being of the local community.

On this basis, the proposed development is considered to accord with saved policy DC18.1 of the UDP, policies EN3, DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Highway Impact

There would be no impact to the existing access or parking arrangements.

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 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:

Drawings referenced M2609-PA-01-V01, M2609-PA-02-V01, M2609-PA-04-V01 and M2609-PA-03-V01, received by the City Council as Local Planning Authority on 8 March 2023.

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.

Appendix 1 – List of consultees & neighbours notified

Blackburn Park Conservation Society

119 Palatine Road, Manchester, M20 3YA
Flat 7, 119 Palatine Road, Manchester, M20 3YA
Flat 6, 119 Palatine Road, Manchester, M20 3YA
Flat 5, 119 Palatine Road, Manchester, M20 3YA
Flat 4, 119 Palatine Road, Manchester, M20 3YA
Flat 3, 119 Palatine Road, Manchester, M20 3YA
Flat 2, 119 Palatine Road, Manchester, M20 3YA
Flat 1, 119 Palatine Road, Manchester, M20 3YA
Wren House, 108 Palatine Road, Manchester, M20 3ZA
114 Palatine Road, Manchester, M20 3ZA
Flat 2, 44 Lapwing Lane, Manchester, M20 2WR
Flat 1, 44 Lapwing Lane, Manchester, M20 2WR
42 Lapwing Lane, Manchester, M20 2WR
95 Lapwing Lane, Manchester, M20 6UR
Craig House, 33 Ballbrook Avenue, Manchester, M20 3JG
Flat 2, 35 Ballbrook Avenue, Manchester, M20 3JG
Flat 1, 35 Ballbrook Avenue, Manchester, M20 3JG
91 Lapwing Lane, Manchester, M20 6UR
93 Lapwing Lane, Manchester, M20 6UR

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
Conservation Area - Blackburn Park Conservation Area 1979
Area Team Boundary - Name: SOUTH AREA