

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135276/FO/2022

Date registered valid: 1 February 2023

Proposal: Erection of 2 x temporary single storey portable buildings for use as additional classrooms

Address: 31 Smedley Lane, Manchester, M8 8XB

Ward(s): Cheetham Ward

Applicant: Mr Petro Rewko Association for Ukrainians in GB Manchester Branch

Agent (if any):

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 27.03.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 10 March 2023

Standard consultations:

Printed: 8 February 2023 Expired: 1 March 2023

Neighbour notifications

Printed: 8 February 2023 Expired: 1 March 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

This application relates to the site of the Ukrainian Cultural Centre 'Dnipro' on Smedley Lane. The site is bounded by residential development to the west, east and south with Smedley Fields to the north.

Description of development

The application seeks temporary consent of years to erect two single storey portakabins to provide additional classrooms.

Planning History

082563/FO/2007/N1 Erection of a two storey community hall to replace former fire damaged hall including laying out of a car park and associated landscaping. APPLICATION APPROVED 16.08.2007

092386/JO/2010/N1 Application to vary condition No.5 (specified plans), alterations to elevations, car park layout, cycle storage, bin store (previously approved under 082563/FO/2007/N1). APPLICATION APPROVED 22.03.2010

Consultations & Notification Responses

Local residents were notified and one response was received;

I'm objecting to this plan on a few grounds

1- Noise, we the neighbours at Langdale court already have to deal with ridiculous amounts of noise from them in the evenings and weekends with kids running about and screaming uncontrollably, not to mention the music that blasts out through the open door untill the small hours.

2- The proposed position would allow the kids/occupants to look directly into the properties at one end of Langdale Court, especially since in preparation for this, they have already removed all the trees that formed a barrier between our properties. Leaving this barrier in place would have restricted the visibility and also the noise.

3- Previously in that position were the containers for charity efforts for the Ukraine, whilst no one objected to this, it was a demonstration of the kind on noise we could expect, noise which is not wanted by the residents in Langdale Court. We have newborn babies here, as well as other young children, elderly, shift workers and people with mental health issues and anxiety, This additional noise/stress factor is not needed.

Environmental Health: Had no objections to the proposal with the applicant confirming that no air conditioning/ ventilation equipment will be attached to or connected to the portakabins therefore no noise condition has been attached to the approval.

Flood Risk Management: Had no objections to the proposal and have recommended that a surface water drainage layout condition be applied to any approval.

Greater Manchester Police: Had no objections to the proposal and recommended several security measures to be attached to any approval.

Cadent Gas had no objections to the proposal but recommended an informative be added to any approval.

Policy

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 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EN1 - Design Principles

The National Planning Policy Framework (NPPF, 2021):

- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 12 – Achieving Well-Designed Places

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

Issues

Principle

The principle of installing temporary portakabins for training provision in the form of classrooms within the Ukrainian Cultural Centre's is considered acceptable, however consideration must be given to the proposals siting, scale and massing and impact upon amenity.

Siting, Scale and Massing

The proposed portakabins would be sited close to the western boundary shared with residential units of Langdale Court. The proposed structures will be situated on some open space made up of hardstanding area towards the rear of the application site. Each individual structure would measure m in 9.7width, 3m in depth and 2.4m in height. The portakabins are deemed subservient and would provide the required classroom training facilities for the Ukrainian Centre. The location, scale and necessity of the extension is considered acceptable, in line with policy DM1 and NPPF.

Appearance and Visual Amenity

The portakabins would be constructed of corrugated steel to the walls and roof (blue) which ensures it is weather and UV resistant, with front and rear doors alongside windows. The proposal would feature two separate front doors and windows for each classroom with the same configuration proposed along the rear elevation. Further, one window is proposed along the end of each classroom unit. The design is to be expected of such a development and the Centre is not listed nor sited within a conservation area. It should be noted that the proposal would be visible from resident dwellings within Langdale Court however given the distance to habitable rooms within the neighbouring occupiers apartments (approx. 28 metres at its closest) and the temporary permission of the structures it is not considered significant to warrant a refusal. Further, the proposed structures would be well hidden and set-back from Smedley Lane that it would not become part of the streetscene. After the expiration of 5 years the structure will be removed, in accordance with a condition. For these reasons above the extension is not considered to have a negative impact upon the Police Station or the wider area's visual amenity, pursuant to policies SP1, DM1 and EN1 and the NPPF.

Residential Amenity

The proposed portakabins will be sited within the curtilage of the Ukrainian Cultural Centre and be situated close to the western boundary. Objection letter was received with the crux of their issue centred around the additional noise and overlooking implications on neighbouring occupiers within Langdale Court. However given the remaining distance to Langdale Court, the existing high boundary treatment and the use hours of the Cultural Centre it is deemed that any additional noise and loss of privacy impacts would not be significant to warrant a refusal.

Other Concerns

A concern was raised regarding loud music being played outside hours of use, this has been passed over to the planning agent and they have been reminded of the hours of use condition attached to the original planning application.

Conclusion

One objection letter has been received however the main points have been addressed in the sections above, the proposal broadly complies with policies DM1, SM1 and EN1 and the NPPF. It is not considered to significantly harm the residential or visual amenity of the area, therefore

the development may commence in accordance with the following conditions and approved drawings.

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. The application has been determined in a timely manner and pursuant to policies SP1 and DM1 of the Core Strategy.

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

- 1) The permission hereby granted is for a limited period only, expiring 5 years from the date of this permission, and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued.

Reason- In order to protect the amenity of local residents in accordance with policies SP1 and DM1 of the Core Strategy.

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

Drawings: Elevations stamped as received by the City Council as Local Planning Authority on 11 January 2023

Drawings: General Arrangement Plan stamped as received by the City Council as Local Planning Authority on 25 October 2022

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.

- 3) Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Informatives

- 1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 2) Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards and protected by shutters or security grilles.

Lighting

Dusk 'til dawn lights, operated by photoelectric cell/daylight sensor, should be installed to all external doors (manual override is also permissible).

External lighting CCTV security cameras should be provided around the siting and position of the portakabins, operated by photoelectric cell/daylight sensor (manual override is also permissible). PIR security lighting is not recommended for these locations and should not be employed unless advised.

Fittings should produce 'white' light, as opposed to yellow/orange light. Metal halide (or bulbs with a comparable output) should be used, as these offer superior colour rendition over alternatives such as high and low pressure sodium bulbs.

Management & Maintenance

The upkeep of a development over its lifetime can be crucial to the level of security and safety within. Aspects of a development, which are left to deteriorate, have the potential to attract further crime - a process known as 'the broken window theory'. A maintenance plan should be drawn up to address issues such as:

- Litter removal

- Repair to communal areas (lighting, signage, access controls)

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Greater Manchester Police

50 Smedley Lane, Manchester, M8 8XD
46 Smedley Lane, Manchester, M8 8XD
42 Smedley Lane, Manchester, M8 8XD
40 Smedley Lane, Manchester, M8 8XD
34 Smedley Lane, Manchester, M8 8XD
Flat 36, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 33, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 31, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 28, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 26, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 23, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 21, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 18, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 16, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 13, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 11, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 8, Langdale Court, Smedley Lane, Manchester, M8 8XB
Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 38, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 1, Langdale Court, Smedley Lane, Manchester, M8 8XB
53 Smedley Lane, Manchester, M8 8XG
51 Smedley Lane, Manchester, M8 8XG
54 Smedley Lane, Manchester, M8 8XD
52 Smedley Lane, Manchester, M8 8XD
48 Smedley Lane, Manchester, M8 8XD
44 Smedley Lane, Manchester, M8 8XD
38 Smedley Lane, Manchester, M8 8XD
36 Smedley Lane, Manchester, M8 8XD
Flat 37, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 35, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 34, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 32, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 30, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 29, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 27, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 25, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 24, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 22, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 20, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 19, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 17, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 15, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 14, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 12, Langdale Court, Smedley Lane, Manchester, M8 8XB
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Flat 9, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 7, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 6, Langdale Court, Smedley Lane, Manchester, M8 8XB

Flat 5, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 4, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 3, Langdale Court, Smedley Lane, Manchester, M8 8XB
Flat 2, Langdale Court, Smedley Lane, Manchester, M8 8XB

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
Area Team Boundary - Name: NORTH AREA