

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135900/FO/2023
Date registered valid: 5 January 2023
Proposal: Erection of a single storey outbuilding to form storage accommodation
Address: 5 Martlesham Walk, Manchester, M4 1LY
Ward(s): Piccadilly Ward

Applicant: Mr Andrew Leeming
Agent (if any):
Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve
Date of recommendation: **21/02/2023**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25 January 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 20 January 2023 Expired: 10 February 2023

Site notice

Posted: 25 January 2023 Expired: 15 February 2023

Press advert

Published: 24 January 2023 Expired: 14 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Not applicable

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

Description of Site/Building

The application relates to a ground floor flat situated in a private gated residential community within the City Centre known as the Smithfield estate, which is located within the Smithfield Conservation Area. The flat benefits from a small paved rear garden and artificial grassed area adjacent to the western elevation of the flat.

The site lies within an area of the City Centre known as the Northern Quarter which contains a variety of uses including bars, restaurants, commercial, residential, hotel uses and places of worship.

Description of Development

The application is seeking planning permission for the erection of a single storey outbuilding in the rear garden. The proposed outbuilding would be situated in the Southwestern corner of the garden, would have a depth of 2.4 metres, width of 3.9 metres and a flat roof with a maximum height of 2.4 metres approximately. The walls of the proposed outbuilding would be brick red-stained 12m thick high-grade Scandinavian softwood with a Bitumen-covered 12m thick high-grade Scandinavian softwood.

Planning Permission was sought for the erection of a single storey outbuilding in the rear garden (Ref: 133763/FO/2022) and this was rejected in September 2022. It was rejected on the grounds

that the proposed outbuilding would by reason of its siting, scale, massing and appearance would form an overly dominant and visually prominent obtrusive feature which would be to the detriment to the character and visual amenity of the local area including the status as a conservation area. The proposal also has the potential to provide access from the adjacent street into the private garden due to its relationship with the adjacent low boundary wall.

Consultations & Notification Responses

Publicity - Site notice and press advert were produced and displayed for the 21 days. Local residents were notified by letter however no responses were received.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework

Sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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 Unitary Development Plan for the City of Manchester

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

DC1.1 states that the Council will have regard to:

- a) The general character of the property
- b) The effect upon the amenity of neighbouring occupiers
- c) The overall appearance of the proposal in the street scene;
- d) The effect of the loss of any on-site car-parking

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);

- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

The Adopted Core Strategy for the City of Manchester

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

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

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Issues

Principle of Development

As the proposal seeks to extend/alter a residential property policy DM1 and saved policy DC1 are applicable. Consideration has, however, been given as to whether the scale, massing, design and appearance of the extension is acceptable. In addition, consideration has been given to any impact the proposed development may have on the residential and visual amenity of neighbouring occupiers and the residential area.

Visual Amenity

The proposed outbuilding was originally proposed to be situated along the northern elevation boundary in a previous application. Consultations with the applicant have resulted in the proposed outbuilding being moved to the Southwestern corner of the garden. Here the width of the outbuilding is placed against the house wall of a neighbouring property (Number 11) and not simply protruding over the garden wall. In addition to this, the width of the outbuilding has been reduced slightly. Whilst the outbuilding will still be visible over the garden wall, it is not considered to be as visually intrusive as it would have been when placed alongside the low Northern wall boundary and is especially not as visually intrusive as it was previously when viewed from Len Cox Walk.

Saved Policy DC1.1 of the UDP states that regard should be had to the overall appearance of proposals in the street-scene, whereas policy DC1.2 states that extensions should not be excessively large or bulky.

Scale, Massing and Design

The detached outbuilding has a maximum height of 2 metres, width of 3.9 metres and depth of 2.4 metres and is sited in the Southwestern corner of the rear garden. The size of the outbuilding has been slightly reduced compared to before. The brick red-stained 12m thick high-grade Scandinavian softwood matches the red brick of both the property and surrounding properties. In regard to safety concerns raised in the previous application, the outbuilding has been re-positioned after concerns raised concerning the potential to provide access from Len Cox Walk due to its close proximity to the low boundary wall.

Saved Policy DC1.2 states that extensions should not be excessively large or bulky and should not be out of character with the style of development in the surrounding area.

Policy DM1 of the Core Strategy also states that regard should be had to the impact on the surrounding areas in terms of the design, scale and appearance of the proposed development and that development should have regard to the character of the surrounding area.

Conclusion

For these reasons, it is considered that the proposal is acceptable as the resultant outbuilding will not form a visually prominent obtrusive feature which would be to the detriment to the character of the local area.

The proposed outbuilding is considered to be acceptable in terms of their appearance and would not be considered overly detrimental to visual amenity within the area and views within the streetscene contrary to saved policies DC1.1, DC1.2, DC1.3 and policies DM1 and SP1 of the Core Strategy.

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: Approved

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The scheme is considered to be in accordance with the guidance contained within policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

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:

Received on the 05 January 2023:
Existing and Proposed Plans and Elevations
Location Plan
Design and Access Statement

Received on the 07 February 2023:
Site Plan

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

3) Prior to first use, the outbuilding should be constructed as per the materials and colours specified on the Existing and Proposed Plans and Elevations Drawing specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

7 Martlesham Walk, Manchester, M4 1LY
41 Martlesham Walk, Manchester, M4 1LY
35 Martlesham Walk, Manchester, M4 1LY
3 Martlesham Walk, Manchester, M4 1LY

32 Len Cox Walk, Manchester, M4 5LA
30 Len Cox Walk, Manchester, M4 5LA
39 Silver Jubilee Walk, Manchester, M4 1LD
37 Silver Jubilee Walk, Manchester, M4 1LD
9 Martlesham Walk, Manchester, M4 1LY
43 Martlesham Walk, Manchester, M4 1LY
39 Martlesham Walk, Manchester, M4 1LY
37 Martlesham Walk, Manchester, M4 1LY
33 Martlesham Walk, Manchester, M4 1LY
11 Martlesham Walk, Manchester, M4 1LY
1 Martlesham Walk, Manchester, M4 1LY

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Smithfield Conservation Area 1987
Area Team Boundary - Name: CENTRAL