

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130948/FO/2021

Date registered valid: 28 July 2021

Proposal: Installation of bin and cycle stores together with the formation of additional car parking spaces

Address: Nelson Mandela Court , 16 Range Road, Manchester, M16 8FY

Ward(s): Whalley Range Ward

Applicant: Lisa Jowrey Arawak Walton Housing Association Margaret House, 23 Manor Street, Ardwick, Manchester, M12 6HE

Agent (if any): Mr Andrew Tyczynski Storm Tempest Ltd 3 Apollo Court, Koppers Way, Monkton Business Park, Hebburn, NE31 2ES

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22nd September 2021



Application details

Type of application:	Full Application Consent
Development type:	Minor Other
Date of site visit:	18 August 2021
Standard consultations:	Printed: 3 August 2021 Expired: 24 August 2021
Neighbour notifications	Printed: 3 August 2021 Expired: 24 August 2021
Site notice	Posted: 18.08.2021 Expired: 8 th Sept 2021
Press advert	Published: 10 August 2021 Expired: 31 August 2021
Departure from Development Plan:	No
Environmental Statement:	Not required

Description of site/building

The site relates to the car parking area located within the Whalley Range ward area of Manchester. The car parking area which is north of the site serves the flats currently known as Nelson Mandela Court numbered 1 to 12. The car parking area has 8 existing car parking spaces and a bin store.



Listed building:	Not applicable
Conservation area:	Whalley Range Conservation Area 1992
Tree Preservation Order:	Not applicable

Description of area

The site is primarily residential in nature and falls within the Whalley Range Conservation Area.

Description of development

Installation of bin and cycle stores together with the formation of additional car parking spaces

Consultations & Notification Responses

Local residents, as per Appendix 1 – Occupiers of properties surrounding the application site were notified of the proposal. three letters of objection have been received in respect of this application, summary of comments as follows:

- Request a pulvable recycling facility and food waste recycling facility for the residents of Nelson Mandela Court.

- Request that the landscaping proposal to fell one mature cherry tree in a conservation area also includes the obligation to replace this felled tree by two newly planted suitable trees within the property boundaries, as is Manchester City Council policy.

Whalley Range Community Forum

- The loss of a mature tree in the Whalley Range Conservation Area to accommodate a cycle store.
- The only support for the removal of the tree is an email suggesting a risk as the roots may be approaching the building. The risk in approval is that a precedent is set for the area. The adjoining property No.20 Range Road is being looked at for expansion and any support for tree removal is always welcomed by developers.
- Additional off road parking is welcome.
- What need there is for a cycle store, and whether the provision would actually encourage use of bicycles rather than cars or taxis.

Coordinator, Range Road Residents' Group

- The proposed bin store seems quite small for the number of apartments - will it be big enough, since fly tipping is a significant problem in the area?
- The car park is fairly well used although I've never seen it full yet but rationalising it to make better use of the space seems sensible.
- Bicycle theft from the area - including sheds and stores - is a major problem here. The proposed store will need to be very secure or bikes will be stolen and the store will not be used; defeating the object of the exercise.
- The cherry T1 is much bigger than the plans show - It may have been a poor choice for its position at the time but there is no justification for not replacing it with something more suitable, like a Rowan perhaps or smaller crab apple or Japanese maple and space is available in the existing position.
- The City routinely replaces massive street trees which need replacing without major excavation work.
- We have always been told that trees that need to be removed must be replaced with at least 1 more

CADENT

We have no objection to this proposal from a planning perspective, however, please attach informative for further clarification.

Neighbourhood Team Leader (Arboriculture)

The roots being referred to by the arborist are most likely surface roots that travel underneath flagstones (and in our highways setting, bit-mac surfaces).

These types of roots do not stabilise the tree, they are merely taking advantage of the available moisture which forms between the flags and the soil.

Looking at the plans it would be possible to carry out a root prune and retain the tree, however, given the trees location, species, and life expectancy, we would not seek to TPO this tree and therefore the decision would up to the owner.

Environmental Health

We've reviewed the submitted additional information and reiterate our recommendation that containers for recycling should be provided for residents.

Highways

Require further information

FURTHER HIGHWAYS RESPONSE - 7 September 2021

The submitted proposed site plan 3965-11-20 revision B shows a reduction in proposed car parking spaces from 10 to 9. This is an increase on the existing car park spaces, from 8 to 9. Given that the surrounding area is unrestricted, Highways accepts that on-street car parking can be absorbed on the network, if required, with no significant impact. It is confirmed that six cycle spaces will be installed on site, this should be sheltered and secured. Highways recommends continual monitoring and management of vehicular and cycle parking demands. The submitted swept path information confirms that vehicles can access/egress the car parking spaces suitably. This is acceptable to Highways.

Policy and Issues

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

- o Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan. However DC18 is still considered of relevance, in particular policy
- o DC18 for Conservation Areas
- o The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.
- o Policy DM 1 - Development Management
- o Policy SP1 - Spatial Principles
- o Policy EN1 – Design Principles
- o Policy EN 3 Heritage
- o Policy EN19 Waste
- o The National Planning Policy Framework (NPPF)

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

Principle

The proposed development would see the increase of car parking spaces and the introduction of a cycle store including the relocation of a bin store. In principle this is considered acceptable given that at the existing flats would benefit from the proposed changes.

History

There have been 2 previous applications relating to this site as follows:

109407/TCA/2015/S1 – for Works to tree - proposed pruning works to (T1) a Willow. This application was approved 07.09.2015

115646/TCA/2017 - Works to trees - proposed 25% crown reduction to Cherry and removal of young Ash and Beech saplings – This application was approved 25.04.2017

Residential amenity

Concerns have been raised by residents with the main concerns relating to the loss of a mature tree, the introduction of a new cycle store and the current thefts in the area relating to bicycles, and the use of the car park.

The siting of the cycle store would be adjacent to the boundary with no. 18 Range Road located close to proposed car parking bay no. 4. It is considered that the introduction of a cycle store in this location would be acceptable and would not harm the character of the area.

The relocation of the bin store which is to the north part of the site would be situated next to car parking bay no. 5. Given the height and location of the structure, it is not considered that there would be the loss of amenity for the residents of the flats or surrounding properties

The applicant initially proposed 10 car parking spaces an increase of 2 from 8, however following raised concerns by the City Council in terms of a turning circle, the applicant reduced the proposal by one space although this is still an increase from 8 to 9 spaces and amended the plan to show a turning circle The City Council are satisfied that this addresses the issues of vehicles turning within the site.

In terms of residential amenity it is not considered that there will be any significant impact and the proposed development therefore accords with Core Strategy Policy DM1 and saved policy DC1 of the UDP.

Siting, scale and massing

The size and footprint of the proposed cycle and bin store is not believed to provide an overbearing impact upon the residential amenities of surrounding properties. It is therefore considered that the scale and mass of the proposal is satisfactory and is considered to accord with the principles set out in policies, DM1 and EN1 of the Core Strategy.

In terms of impact from both a visual and residential amenity, together with the design, scale and massing, that the proposal should not create any loss in respect of overshadowing, overlooking or loss of privacy.

Impact on the Conservation Area

The proposal would be located in a suitable position and although can be viewed from the main road would not interfere with the existing characteristics of the conservation area. Material choice would be an acceptable selection for the conservation area.

On balance, it is believed that the proposal would preserve the character of the Conservation Area which is considered accords with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

Highways

Are satisfied with the general arrangement of the site, however, seek confirmation that the cycle store would be sheltered and secured.

Trees

Concerns have been raised in by local resident groups to the removal of the existing tree. The applicant is seeking to remove one tree from the site. The City Councils arborist have confirmed that the tree would not be worthy of a TPO. Whilst the loss of the tree is regretted to undertake

the proposed development , given the trees location, species, and life expectancy, and that it would not be worthy of further protection by a TPO it's removal in this instance is acceptable. Whilst the loss of the tree is regretted it is considered reasonable given the sites location within a conservation area that a condition be attached to any approval seeking a suitable replacement on the site.

Bins

Environmental Health made comments in respect of this application. The agent addressed those comments and updated a waste proforma including how the bins would be stored and used by residents including current collection of waste. The inclusion of additional recycling provision on the site currently absent is considered acceptable. The storage of bins within a dedicated store is considered acceptable and given its location is not considered to give rise to unacceptable impacts on visual or residential amenity that would warrant refusal.

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 issues arising from the consideration of this 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:

Received on 5th July 2021 numbered 4/4 Proposed Bin Store Elevations

Received on 28th July 2021 numbered 5/5 Proposed Cycle Store Elevations

Received on 27th September 2021 numbered 2/5 Rev C Proposed 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 Core Strategy.

3) The development hereby approved shall be constructed using materials specified on the approved plans and forms.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 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.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

2) Highways recommends continual monitoring and management of vehicular and cycle parking demands.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)

15 Deerpark Road, Manchester, M16 8FR
Flat 2, Somerset House, 15 Range Road, Manchester, M16 8FS
13 Range Road, Manchester, M16 8FS
11 Range Road, Manchester, M16 8FS
9 Range Road, Manchester, M16 8FS
CHURCH OF ST. PIUS X, Deerpark Road, Manchester, M16 8FR
Flat 12, 3 - 5 Range Road, Manchester, M16 8FS
Flat 11, 3 - 5 Range Road, Manchester, M16 8FS
Flat 10, 3 - 5 Range Road, Manchester, M16 8FS
Flat 9, 3 - 5 Range Road, Manchester, M16 8FS
Flat 8, 3 - 5 Range Road, Manchester, M16 8FS
Flat 7, 3 - 5 Range Road, Manchester, M16 8FS
Flat 6, 3 - 5 Range Road, Manchester, M16 8FS
Flat 5, 3 - 5 Range Road, Manchester, M16 8FS
Flat 4, 3 - 5 Range Road, Manchester, M16 8FS
Flat 3, 3 - 5 Range Road, Manchester, M16 8FS
Flat 2, 3 - 5 Range Road, Manchester, M16 8FS
Flat 1, 3 - 5 Range Road, Manchester, M16 8FS
13 Deerpark Road, Manchester, M16 8FR
Flat 9, 12 Range Road, Manchester, M16 8ES
Flat 7, 12 Range Road, Manchester, M16 8ES
Flat 4, 12 Range Road, Manchester, M16 8ES
Flat 1, 12 Range Road, Manchester, M16 8ES
Flat 8, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 6, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 4, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 12, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 10, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
18 Range Road, Manchester, M16 8ES
Flat 8, 12 Range Road, Manchester, M16 8ES
Flat 6, 12 Range Road, Manchester, M16 8ES
Flat 5, 12 Range Road, Manchester, M16 8ES
Flat 3, 12 Range Road, Manchester, M16 8ES
Flat 2, 12 Range Road, Manchester, M16 8ES
16 Arcon Drive, Manchester, M16 8FZ
15 Arcon Drive, Manchester, M16 8FZ
Flat 9, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 7, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 5, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 3, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 2, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 11, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 1, Nelson Mandela Court, 16 Range Road, Manchester, M16 8FY
Flat 7, Somerset House, 15 Range Road, Manchester, M16 8FS
Flat 4, Somerset House, 15 Range Road, Manchester, M16 8FS
Flat 1, Somerset House, 15 Range Road, Manchester, M16 8FS
7 Range Road, Manchester, M16 8FS

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 - Whalley Range Conservation Area 1992

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH