

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131073/FO/2021
Date registered valid: 18 August 2021
Proposal: Installation of 2 metre high alleygate to secure alleyway
Address: Alleyway Adjacent 557 Wilbraham Road, Manchester, M21 0AE
Ward(s): Chorlton Park Ward

Applicant: Atlantic Fish Bar, 557 Wilbraham Road, Manchester, M21 0AE
Agent (if any): Lazo Mohamed, 83 Sedgeborough Road, M16 7EF
Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 11.10.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 September 2021

Standard consultations:

Printed: 19 August 2021 Expired: 9 September 2021

Neighbour notifications

Printed: 19 August 2021 Expired: 9 September 2021

Site notice

Posted: 8 September 2021 Expired: 29 September 2021

Press advert

Published: 24 August 2021 Expired: 14 September 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a passage that runs between the gable walls of 555 and 557 Wilbraham Road. The alley is adopted.



There is a single flat accessed off the alley via a door in the gable of the application site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located on the south side of Wilbraham Road close to its junction with Barlow Moor Road. The alley runs in a dog leg between two parades of commercial /residential units before swinging behind the parade and adjoining to Barlow Moor Road. To the south of the alley is the rear elevation of single aspect housing at the top of Needham Avenue and the gable elevation of a commercial property on Barlow Moor Road.

Description of development

This application seeks to retain a metal rail gate 2 metres high at the front of the alley on the building line. The gate is required as the alley is used for anti social behaviour and the application has included photographs evidencing this.

Consultations & Notification Responses

Local residents businesses

Greater Manchester Police Design for Security

Recommend that the alley gate should be at least 1.8m in height and constructed so that no footholds are created to ensure it cannot be used as a climbing aid.

Highways

The alleyway adjacent to 557 Wilbraham Road, linking to Barlow Moor Road, is adopted, therefore a stopping up order would be required before an alleygate is erected. Where there is a requirement to stop up or divert an existing section of highway or footpath (under either a S116 or 118 Highways Act 1980 or S247/S257 Town and Country Planning Act 1990) a discussion should be undertaken with the Statutory Approvals Team, so an appropriate process can be determined and taken forward, at the applicants expense.

The gate should not interfere with refuse collection.

Policy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Issues

Principle

The principle of gating alley's to alleviate anti social and criminal behaviour is well established. The principle of the proposed development is therefore considered acceptable.

Design

The design of the proposed gate is considered to be acceptable and meets the requirements of GMP.

Access

As an adopted right of way the granting of planning permission does not in itself give consent for the closure of the alley and there are formal procedures to go through and these are set out in an informative. The existence of the gate would not prevent refuse being put out as there would remain access to Barlow Moor Road and key holders would be able to access Wilbraham Road.

Amenity.

The eradication of anti social behaviour would improve the amenity for residents overlooking the alley.

Conclusion

The principle of the gate raised no objections to the planning application and subject to the applicant going through the required steps there are no issues with the proposal in planning terms.

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:

Location Plan and proposal diagram received 16 August 2021

Design and Access Statement received 14 July 2021

Supporting Evidence received 18 August 2021

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.

Informative

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Appendix 1 – List of consultees & neighbours notified

Highway Services
South Neighbourhood Team
Greater Manchester Police

434A Barlow Moor Road, Manchester, M21 8AD
557A Wilbraham Road, Manchester, M21 0AE
434 Barlow Moor Road, Manchester, M21 0AB
Flat Rear Of, 428 Barlow Moor Road, Manchester, M21 8AD
First Floor, 436 Barlow Moor Road, Manchester, M21 0AB
571 - 575 Wilbraham Road, Manchester, M21 9AB
430A Barlow Moor Road, Manchester, M21 8AD
45 Needham Avenue, Manchester, M21 8AA
43 Needham Avenue, Manchester, M21 8AA
41 Needham Avenue, Manchester, M21 8AA
39 Needham Avenue, Manchester, M21 8AA
37 Needham Avenue, Manchester, M21 8AA
First Floor, 553 Wilbraham Road, Manchester, M21 0AE
First Floor And Second Floor, 571 Wilbraham Road, Manchester, M21 1AE
571 Wilbraham Road, Manchester, M21 1AE
559 Wilbraham Road, Manchester, M21 0AE
Ground Floor, 553 Wilbraham Road, Manchester, M21 0AE
Flat 1, 432 Barlow Moor Road, Manchester, M21 8AD
430 Barlow Moor Road, Manchester, M21 8AD
561 Wilbraham Road, Manchester, M21 0AE
436A Barlow Moor Road, Manchester, M21 0AB
Max Spielmann, Basement And Ground Floor, 436 Barlow Moor Road, Manchester, M21 0AB
Flat 2, 432 Barlow Moor Road, Manchester, M21 8AD
432 Barlow Moor Road, Manchester, M21 8AD
428 Barlow Moor Road, Manchester, M21 8AD
563 Wilbraham Road, Manchester, M21 0AE
555A Wilbraham Road, Manchester, M21 0AE
567 Wilbraham Road, Manchester, M21 0AE
565 Wilbraham Road, Manchester, M21 0AE
555 Wilbraham Road, Manchester, M21 0AE
559A Wilbraham Road, Manchester, M21 0AE
Naz Barber Shop, 569 Wilbraham Road, Manchester, M21 0AE

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH