

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140367/FO/2024

Date registered valid: 25 June 2024

Proposal: Erection of 1.8m high fencing.

Address: 2 Cairn Walk, Manchester, M11 3UE

Ward(s): Ancoats & Beswick Ward

Applicant: c/o Agent One Manchester

Agent (if any): Lydia Connell Stantec

Case officer: Michael
Tel: 0161 219
Email: michael.pearson@manchester.gov.uk
Pearson 2735

Recommendation: Approve

Date of recommendation: 05/08/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 8 July 2024 Expired: 29 July 2024

Neighbour notifications

Printed: 8 July 2024 Expired: 29 July 2024

Site notice

Posted: Expired:

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a former disused residential building at no12 Cairn Walk. The application properties are two storey, feature gable roofs and are completed in red brick at ground floor and pebbledash render at first floor. The site features rear gardens that are lined by a brick wall, and neighbours public footpaths to the east and west, this being Turnpike Walk and Cairn Walk. The site is subject to a live permission for the demolition of all buildings on site, approved under application 140211/DEM/2024.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies on the periphery of Manchester City Centre and is comprised of low-rise residential terrace dwellings in all directions. Multiple non-residential uses neighbour the application site to the south, this being the Church of the Resurrection & St Barnabas (Class F1) along Albert Street and no80 Grey Mare Lane in use as retail convenience (Class E(a)).

Description of development

The application seeks consent for the installation of a 1.8m high weld mesh fence that would from the northern and southern boundary treatments on site. The fence would feature a vehicular access gate on its south-eastern corner fronting out onto Raglan Close. The site's mature trees are to be removed.

Planning History

140211/DEM/2024 - Prior Approval for demolition of 6 residential properties – Approved July 2024.

Relevant neighbouring applications

139473/FO/2024 - Erection of 1.8m high fencing – Approved April 2024.

139333/DEM/2024 - Prior Approval for the demolition of a residential building – Approved March 2024.

138221/DEM/2023 - Prior Approval for the demolition of existing residential buildings – Approved November 2023.

Consultations & Notification Responses

Environmental Health – No objection subject to conditions relating to hours of construction and contaminated land.

Highways – No objection subject to an informative relating to dropped-crossing access.

Greater Manchester Police – No objection.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy EC7 – Eastlands Strategic Employment Location
- Policy EN15 – Biodiversity and Geological Conservation
- Policy EN18 – Contaminated Land and Ground Stability
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC26 – Development and Noise

The Place for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st March 2024:

- Policy JP-G8 – A Net Enhancement of Biodiversity and Geodiversity

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Legislative Requirements

Eastlands Regeneration Framework – Adopted in 2011 and updated in 2017 (ERF)

Issues

Principle of the Development

The application would see the erection of a mesh fence on a site that is to be redeveloped. Taking into account how the site is subject to a live permission that would see the demolition of the buildings on site, it is considered that the proposed fence would secure the site and thus assist in regeneration of the Eastlands Area by facilitating the safe redevelopment of the site in accordance with Policies SP1, EC7 and DM1, and the Eastlands Regeneration Framework.

Visual Amenity

The application site is, as existing, home to a red brick boundary wall, which is due to be retained, with the buildings on site to be demolished. The proposed green mesh fence is seen as a temporary measure to secure the site for the duration of the demolition works and until its subsequent redevelopment. On this basis, the proposal is considered to be acceptable from a visual amenity standpoint and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Residential Amenity

The proposal would see the installation of a 1.8m high mesh fence. It is considered that due to the visually permeable nature of the application site and that at a height of 1.8m the proposed boundary treatment would be no higher than the existing boundary wall on site, neighbouring properties would not suffer any loss of amenity as a result of the implementation of the proposal.

Environmental Health have requested a condition that would limit construction hours to specific hours. Due to the minor nature of the proposed works and how such issues would fall under the remit of Environmental Health it is considered unreasonable to attach such a condition in the event of an approval and as such it will not be attached to a decision notice in the event of an approval. The proposal is therefore acceptable in this regard in accordance with Core Strategy Policy DM1, Saved Unitary Development Plan Policy DC26 and the National Planning Policy Framework.

Highways

The application site is accessed via pedestrian footways in the form of Turnpike Walk and Cairn Walk. Vehicular access is possible to the southern end of the site off of Raglan Close. The proposed development would see the installation of a vehicular access gate on the south-eastern corner of the site off of Raglan Close. Highways do not object to this proposal but do note if the gated access is to be a vehicular access a dropped kerb must be applied for. Subject to an informative noting this, it is considered the development is acceptable in this regard and is therefore in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

Ground Conditions

The application site lies within an area of historic ground contamination. Environmental Health have requested that in the event of an approval a condition be attached requiring that if contamination is found where it had not been previously predicted or anticipated then a scheme for its remediation be submitted to and approved in writing by the Local Planning Authority.

Subject to such a condition the proposal is acceptable in this regard and is therefore in accordance with Core Strategy Policy EN18 and the National Planning Policy Framework.

Ecology

The proposed development has been accompanied by an arboriculture impact assessment and subsequent addendum. Both documents note that all trees on site are to be removed, however neighbouring trees are to be retained. Subject to a condition that would require the development to proceed in accordance with said documents, it is acceptable in regard to its impact on ecology in accordance with Core Strategy Policy EN15, Places for Everyone Plan Policy JP-G8 and the National Planning Policy Framework.

Conclusion

In light of the above it has been found that subject to planning condition, the proposal is acceptable and accords with Core Strategy Policies SP1, EC7, EN15, EN18 and DM1, Saved Unitary Development Plan Policy DC26, Places for Everyone Plan Policy JP-G8, the Eastlands Regeneration Framework and the National Planning Policy Framework. The development is therefore recommended for approval.

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 acted positively in determining this application by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission in accordance with the presumption in favour of sustainable development.

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:

- o 8782-BA-XX-00-DR-A-(01) 002-G: Site Location Plan
- o 8782-BA-XX-00-DR-A-(04) 015-B: Fencing Plan - Cairn Walk
- o 8782-BA-XX-00-DR-A-(04) 013- -: Post Demolition - Weld Mesh Fence
- o Arboricultural Impact Assessment V5.0 (Prepared by Temple; Dated 29/05/2024)

All stamped as received by the City Council as Local Planning Authority on 25/06/2024.

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 boundary treatment hereby approved shall be carried out in accordance with drawings 8782-BA-XX-00-DR-A-(04) 015-B: Fencing Plan and 8782-BA-XX-00-DR-A-(04) 013 received by the City Council, as Local Planning Authority, on the 25 June 2024. This shall include painting of the weldmesh fence in green.

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.

4) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority. The development shall then be carried out in accordance with the agreed Remediation Strategy and validated. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected, and appropriate remedial action is taken in the interests of public safety. Pursuant to Manchester Core Strategy Policies EN18 and DM1.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the submitted Arboricultural Impact Assessment (Prepared by Temple; Dated 29/05/2024; Received 25/06/2024); and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informatives

1) The applicant should note that should the gated access to the south-eastern corner of the site be utilised for vehicular access, then a dropped-crossing access will be required. The applicant will be required to enter into a Section 184 agreement. This can be applied for online at https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb/2.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

70 Grey Mare Lane, Manchester, M11 3DG
170 Grey Mare Lane, Manchester, M11 3DG
Flat 3, 4 Turnpike Walk, Manchester, M11 3TH
Flat 11, 4 Turnpike Walk, Manchester, M11 3TH
Flat 1, 4 Turnpike Walk, Manchester, M11 3TH
Flat 9, 4 Turnpike Walk, Manchester, M11 3TH
Flat 7, 4 Turnpike Walk, Manchester, M11 3TH
Flat 5, 4 Turnpike Walk, Manchester, M11 3TH
174 Grey Mare Lane, Manchester, M11 3DG
4 Pratt Walk, Manchester, M11 3UU
3 Newcombe Close, Manchester, M11 3TF
101 Newcombe Close, Manchester, M11 3TF
66 Grey Mare Lane, Manchester, M11 3DG
164 Grey Mare Lane, Manchester, M11 3DG
72 Grey Mare Lane, Manchester, M11 3DG
172 Grey Mare Lane, Manchester, M11 3DG
74 Grey Mare Lane, Manchester, M11 3DG
12 Cairn Walk, Manchester, M11 3UE
10 Cairn Walk, Manchester, M11 3UE
6 Pratt Walk, Manchester, M11 3UU
2 Pratt Walk, Manchester, M11 3UU
8 Cairn Walk, Manchester, M11 3UE
6 Cairn Walk, Manchester, M11 3UE
68 Grey Mare Lane, Manchester, M11 3DG
64 Grey Mare Lane, Manchester, M11 3DG
62 Grey Mare Lane, Manchester, M11 3DG
168 Grey Mare Lane, Manchester, M11 3DG
166 Grey Mare Lane, Manchester, M11 3DG
162 Grey Mare Lane, Manchester, M11 3DG
18 Yeoman Walk, Manchester, M11 3TJ
16 Yeoman Walk, Manchester, M11 3TJ
23 Turnpike Walk, Manchester, M11 3TH
21 Turnpike Walk, Manchester, M11 3TH
19 Turnpike Walk, Manchester, M11 3TH
4 Cairn Walk, Manchester, M11 3UE
103 Newcombe Close, Manchester, M11 3TF
1 Newcombe Close, Manchester, M11 3TF

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL

