MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138372/FO/2023
Date registered valid:	20 October 2023
Proposal:	Erection of 1.8m high boundary treatment
Address:	2 Banner Walk, 62-74 And 162-174 Grey Mare Lane & , 2 Turnpike Walk, Manchester, M11 3DQ
Ward(s):	Ancoats & Beswick Ward
Applicant:	Lynne Pearson One Manchester
Agent (if any):	Lydia Connell Stantec
Case officer:	Gerry Reilly Tel: 0161 234 4163 Email: gerry.reilly@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	7 December 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 2 November 2023

Standard consultations:
Printed: 1 November 2023 Expired: 22 November 2023

Neighbour notifications
Printed: 1 November 2023 Expired: 22 November 2023

Site notice
Posted: 2 November 2023 Expired: 23 November 2023

Press advert
Published: 7 November 2023 Expired: 21 November 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

The site is situated in the Greater Manchester area and comprises occupied houses and flats interspersed with several life-expired blocks of flats, three of which are the subject of this application. It is understood that foundations and underground services will not form part of the demolition, and that a hardcore road surface will be created providing access to each block to be demolished.

Grey Mare Lane lies to the east of the sites, Albert Street to the south, Pilgrim Drive to the west and Hopedale Close to the north. The Ordnance Survey National Grid reference for the centre of the site is SJ8690498129.

On 8th November "Prior Approval for the demolition of existing residential buildings." was approved at the sites subject to conditions

This proposal is for "Erection of 1.8m high boundary treatment". The applicant wants to erect a green, 1.8 metre high paladin fencing around the 3 following sites in connection with the demolition of the buildings.

2 Banner Walk, 62-74 And 162-174 Grey Mare Lane & 2 Turnpike Walk.

An Arboricultural Impact Assessment has been submitted as part of the proposals. The survey recorded 21 individual trees which could potentially be affected by future development. Physiological and structural condition of the majority of surveyed trees was consistant with

Category B status (10 individuals), with five individuals assigned Category A status and six individuals assigned Category C status.

Of the trees surveyed, seven were classified as semi mature, four individuals were classified as young, seven individuals were classified as early mature, and three individuals were classified as mature.

None of the trees on site are subject to a Tree Preservation Order and no Conservation Area designation covers the site.

One tree (Category B and not mature) will require removal to facilitate the development as proposed. Four other trees (3 semi-mature and 1 early mature), one of which is categorised A and the others B, may require pruning from buildings by up to 2-3m in order to allow safe working space.

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as: in the public interest and affecting a right of way. Site notices were displayed at the sites and the occupiers of nearby properties have been consulted.

No representations have been received as a result of this publicity.

Highways - It is noted as part of application 138221/DEM/2023 for Prior Approval for the demolition of existing residential buildings that a Demolition Plan will be in place to ensure safe access and egress via a banksman. This combined with the mesh wire allowing some visibility for drivers, pedestrians and other road users then Highways will accept the 1.8m fencing.

Environmental Health - have recommended that conditions are attached which related to Constructions Hours and Contaminated Land

Neighbourhood Team Leader (Arboriculture) -have viewed the proposals and comment as follows:

Whilst there is no arboricultural impact assessment to consult, however, I can confirm that we would have no objection to the fence erection, subject to the installation method strictly adhering to BS:5837 to avoid any significant root damage to the trees being retained.

We would expect the posts to be staggered to ensure there is minimal impact on the root protection zone.

Greater Manchester Police - Having reviewed the planning application and supporting plans, and understanding that, under the prior approval procedure, permission for the demolition of the dwellings has recently been granted, I have no objection to the proposals.

Issues

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

o Chapter 8: Promoting healthy and safe communities;
o Chapter 9: Promoting Sustainable Transport;
o Chapter 12: Achieving well-designed places.
o Chapter 15: Conserving and enhancing the natural environment.

2. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 - It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

o Policy DM 1 (Development Management);
o Policy SP1 (Spatial Principles);
o Policy T1 Sustainable Transport;
o Policy EN15 Biodiversity and Geological Conservation)

3. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals.

Also states that UDP Part 1 Policy T3.9, gives priority to pedestrians and disabled people. Streets are an integral part of the public realm and street layouts which are designed with people in mind will result in a better quality urban environment.

It is considered that these design principles have been satisfactorily incorporated into the development.

ii. Section 4 Environmental Standards - states that mature trees and hedges should be retained on site wherever possible. Where this is not possible, developers will be expected to agree an appropriate scheme for replanting with the Development Control case officers.

Also, in relation to construction of new developments the documents state that such projects have the potential to cause significant environmental impact. In order to avoid such impacts it is important that appropriate measures are put in place to manage and control the waste generated, the amount of water and energy used, and any potential releases to water, land and air. Use of the Considerate Constructor scheme is recommended

iii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

ISSUES

Principle of development

The principle of the proposal is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of visual amenity, residential amenity, Crime and Disorder, Highway Safety and impact on trees.

Visual Amenity
The proposal is for a 1.8 metre high paladin fencing to be erected around the 3 sites. The applicant's drawings show a 1.8 metre high weld mesh fencing which is coloured green. This is considered to be a high quality boundary treatment which will have minimal visual impact and will secure the sites during the time that they are vacant prior to their redevelopment.

Residential Amenity -
The Head of Compliance, Enforcement and Community Safety has been consulted and has recommended conditions relating to contaminated land and construction hours. These conditions will be attached to this permission.

Crime and Disorder -
GMP have been consulted on this issue and under the understanding that, under the prior approval procedure, permission for the demolition of the dwellings has recently been granted, have no objection to the proposals. The proposals are considered to be acceptable in terms of Crime and Disorder.

Highway Safety -
Highways have been consulted on this issue and have noted as part of the application 138221/DEM/2023 for Prior Approval for the demolition of existing residential buildings that a Demolition Plan will be in place to ensure safe access and egress via a banksman. This combined with the mesh wire allowing some visibility for drivers, pedestrians and other road users then Highways will accept the 1.8m fencing. The proposals are considered to be acceptable in terms of highway safety.

Trees -
The site is not covered by a Conservation Area and none of the trees are protected by Tree Preservation Orders. The Arboricultural Impact Assessment submitted as part of the application has recorded 21 individual trees which could potentially be affected by future development. One tree (Category B and not mature) will require removal to facilitate the development as proposed. Four other trees (3 semi-mature and 1 early mature), one of which is categorised A and the others B, may require pruning from buildings by up to 2-3m in order to allow safe working space.

The Neighbourhood Officer (Arboriculture) has been consulted on this proposal and their comments are reported in the Consultations and Notification Responses section of this report.

A condition requiring that the tree removal and pruning that has been identified to facilitate the development and to enable safe working space is carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work" will be attached to this permission.

An informative stating that the posts should be staggered to ensure there is minimal impact on the root proptection zone will also be included.

The impact of the scheme on trees within the sites is considered to be minimal and the proposals in accordance with the Section 4 of the Guide to Development in Manchester, Section 15 of the National Planning Policy Framework and policies DM 1 (Development Management) and EN15 Biodiversity and Geological Conservation) of the Core Strategy for the City of Manchester.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (July 2021); policies DM1 and EN15 of The Manchester Core Strategy Development Plan Document (July 2012); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

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 polices 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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance, the local planning authority had no concerns to raise with the agent but have attached the relevant conditions.

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:

Drawings
Proposed Fencing Plan 1 of 3 - Banner Walk drawing no. 8782-BA-XX-00-DR-A-(04) 006- Rev F
Proposed Fencing Plan 2 of 3 - Grey Mare Lane drawing no. 8782-BA-XX-00-DR-A-(04) 007- Rev F
Proposed Fencing Plan 3 of 3 - Turnpike Walk drawing no. 8782-BA-XX-00-DR-A-(04) 008- Rev F
Proposed Elevation and Cross-Section - Weld Mesh Fence drawing no. 8782-BA-XX-00-DR-A-(04) 010- Rev -

Documents
Grey Mare Lane Arboricultural Impact Assessment/Report for One Manchester Limited by Temple approved 19/10/2023

All of the above received by the Planning Service as Local Planning Authority on 20th October 2023.

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) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time while the fence is being erected, then development shall cease and/or the development shall 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 and the development shall 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 policy DM1 of the Unitary Development Plan for the City of Manchester.

4) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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)

2) Information for Developers guidance documents on ground contamination, groundwater contamination and/or ground gas can be downloaded using the
following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police

101 Newcombe Close, Manchester, M11 3TF
66 Grey Mare Lane, Manchester, M11 3DG
164 Grey Mare Lane, Manchester, M11 3DG
41 Grey Mare Lane, Manchester, M11 3DQ
33 Grey Mare Lane, Manchester, M11 3DQ
25 Grey Mare Lane, Manchester, M11 3DQ
23 Clydesdale Gardens, Manchester, M11 3DJ
17 Clydesdale Gardens, Manchester, M11 3DJ
63 Grey Mare Lane, Manchester, M11 3DQ
61 Grey Mare Lane, Manchester, M11 3DQ
72 Grey Mare Lane, Manchester, M11 3DG
172 Grey Mare Lane, Manchester, M11 3DG
27 Clydesdale Gardens, Manchester, M11 3DJ
25 Clydesdale Gardens, Manchester, M11 3DJ
21 Clydesdale Gardens, Manchester, M11 3DJ
19 Clydesdale Gardens, Manchester, M11 3DJ
15 Clydesdale Gardens, Manchester, M11 3DJ
11A Clydesdale Gardens, Manchester, M11 3DJ
11 Clydesdale Gardens, Manchester, M11 3DJ
9 Clydesdale Gardens, Manchester, M11 3DJ
7 Clydesdale Gardens, Manchester, M11 3DJ
5 Clydesdale Gardens, Manchester, M11 3DJ
3 Clydesdale Gardens, Manchester, M11 3DJ
1 Clydesdale Gardens, Manchester, M11 3DJ
23 Dewar Close, Manchester, M11 3BX
11 Dewar Close, Manchester, M11 3BX
67 Grey Mare Lane, Manchester, M11 3DQ
59 Grey Mare Lane, Manchester, M11 3DQ
57 Grey Mare Lane, Manchester, M11 3DQ
55 Grey Mare Lane, Manchester, M11 3DQ
53 Grey Mare Lane, Manchester, M11 3DQ
51 Grey Mare Lane, Manchester, M11 3DQ
49 Grey Mare Lane, Manchester, M11 3DQ
47 Grey Mare Lane, Manchester, M11 3DQ
45 Grey Mare Lane, Manchester, M11 3DQ
43 Grey Mare Lane, Manchester, M11 3DQ
39 Grey Mare Lane, Manchester, M11 3DQ
35 Grey Mare Lane, Manchester, M11 3DQ
31 Grey Mare Lane, Manchester, M11 3DQ
29 Grey Mare Lane, Manchester, M11 3DQ
27 Grey Mare Lane, Manchester, M11 3DQ
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
23 Turnpike Walk, Manchester, M11 3TH
21 Turnpike Walk, Manchester, M11 3TH
4 Cairn Walk, Manchester, M11 3UE
1 Newcombe Close, Manchester, M11 3TF
2 Cairn Walk, Manchester, M11 3UE
40 Albert Street, Manchester, M11 3SU
Flat 9, 2 Banner Walk, Manchester, M11 3TD
Flat 3, 2 Banner Walk, Manchester, M11 3TD
Flat 1, 2 Banner Walk, Manchester, M11 3TD
4 Pilgrim Drive, Manchester, M11 3TQ
Grange Community Resource Centre, Pilgrim Drive, Manchester, M11 3TQ
2 Banner Walk, Manchester, M11 3TD
44 Albert Street, Manchester, M11 3SU
10 Woodvale Walk, Manchester, M11 3TU
Flat 7, 2 Banner Walk, Manchester, M11 3TD
Flat 5, 2 Banner Walk, Manchester, M11 3TD
Flat 15, 2 Banner Walk, Manchester, M11 3TD
Flat 13, 2 Banner Walk, Manchester, M11 3TD
Flat 11, 2 Banner Walk, Manchester, M11 3TD
42 Albert Street, Manchester, M11 3SU
6 Pilgrim Drive, Manchester, M11 3TQ
4 Banner Walk, Manchester, M11 3TD
Flat 15, 2 Turnpike Walk, Manchester, M11 3TH
Flat 13, 2 Turnpike Walk, Manchester, M11 3TH
Flat 11, 2 Turnpike Walk, Manchester, M11 3TH
Flat 9, 2 Turnpike Walk, Manchester, M11 3TH
Flat 7, 2 Turnpike Walk, Manchester, M11 3TH
Flat 5, 2 Turnpike Walk, Manchester, M11 3TH
Flat 3, 2 Turnpike Walk, Manchester, M11 3TH
Flat 1, 2 Turnpike Walk, Manchester, M11 3TH
Resurrection And St Barnabas Church, 1A Albert Street, Manchester, M11 3AS
2 Randall Walk, Manchester, M11 3UT
29 Jobling Street, Manchester, M11 3TA
62 Albert Street, Manchester, M11 3SU
6 Randall Walk, Manchester, M11 3UT
31 Jobling Street, Manchester, M11 3TA
4 Randall Walk, Manchester, M11 3UT
22 Woodvale Walk, Manchester, M11 3TU
9 Redfield Close, Manchester, M11 3TT
80 Grey Mare Lane, Manchester, M11 3DS
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
69 Grey Mare Lane, Manchester, M11 3DQ
37 Grey Mare Lane, Manchester, M11 3DQ
174 Grey Mare Lane, Manchester, M11 3DG
4 Pratt Walk, Manchester, M11 3UU

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