

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136681/VO/2023

Date registered valid: 18 July 2023

Proposal: City Council Development - Erection of 2.3m and 1.8 high weldmesh gates to either end of alley to incorporate alley into curtilage of school grounds

Address: Mayes Gardens, Manchester, M4 7FN

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Tom Collins Manchester City Council

Agent (if any):

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 04/09/2023

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 26 July 2023 Expired: 16 August 2023

Neighbour notifications

Printed: 26 July 2023 Expired: 16 August 2023

Site notice

Posted: Expired:

Press advert

Published: 1 August 2023 Expired: 15 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order:

Description of area

The area relates to New Islington, a former centre of textiles manufacture and storage that has been significantly regenerated in recent years. The area lies just outside the city centre on the north side of Great Ancoats Street. The character of the area comprises several different uses, including residential, office, retail, drinking, dining and hotels.

The site relates to an alleyway that leads down the side of ST Anne's RC Primary School grounds from Harrison Street to a carpark off Harding Street. The alley has a chicane which precludes through visibility from one end of the alleyway to the other. It is bounded by the school's red metal palisade fencing to the north and the brick side wall of a house and some hedges to the south.

Description of development

The development relates to the incorporation of an alleyway into the curtilage of the adjacent school grounds through installation of 2no. gates, one at either end of Mayes Gardens. The gates would be made from weldmesh and powder coated red to match the adjacent fencing of the school grounds.

Consultations & Notification Responses

Publicity - a notice was displayed on site informing passersby of the development. An advert was placed in the local press notifying the public of a development affecting a public right of way. Letters were sent to surrounding occupiers informing them of the development. One

representation has been received as a result of this publicity. The substance of this representation is as follows:

- Member of public uses as cut through, will preclude their easy passage on their journey. Would also encourage increased vehicle usage.

Highways - no objections, note regarding need for Stopping Up Order under S257 of the TCPA.

Issues

The main policies that relate to this application are DM1 (Development Management), SP1 (Spatial Principles) of the Manchester Core Strategy (2012) and DC22 (Footpath Protection) of the Unitary Development Plan for Manchester (1995).

Public Safety

The City Council has applied to have the alleyway stopped up due to public safety concerns around activity taking place in the alley. This includes anti-social behaviour, sex work and drug use. This is of particular concern due to the alley's location directly adjacent to the grounds of a primary school, with concerns for the safety of pupils, as well as the residents of the care home on Mayes Gardens to the south.

Public consultation was undertaken with local residents who were overwhelmingly in favour of a closure of the alleyway, with residents of the adjacent Mayes Gardens reporting the issues in the alleyway made them feel unsafe. A site visit confirmed the presence of discarded paraphernalia associated with the identified anti-social behaviour issues in the alleyway. It was also noted that the chicane in the alley meant that there were no clear views through end-to-end, which would exacerbate the atmosphere of poor pedestrian safety at the location.

In terms of design and materiality, the proposed gates should provide the necessary security features. The use of weldmesh to construct the gates will ensure the gates are difficult to scale. Furthermore, the height, 1.8m at the Harrison Street end and 2.4m at the Harding Street end, should be sufficiently high to discourage climbing.

The principle of the development is considered acceptable as it will help improve public safety pursuant to policy DM1 of the Manchester Core Strategy (2012), which requires regard to the need for community safety and crime prevention when considering applications.

Visual Amenity

The alleyway is not considered to be of any particular aesthetic value and its appearance is degraded by the presence of plentiful rubbish and uncleared vegetation.

The red palisade fencing on its northern boundary is purely utilitarian in a nature. The other side is faced by a blank brick wall and some hedgerow. The proposed gates will be fabricated from weldmesh which would be powder coated red to match the palisade fencing. This would also be utilitarian in appearance and therefore should not be incongruous within its context.

The location at the end of Harrison Street where it is a cul-de-sac means that this entrance to the alley is not visible from the street until one is right upon it. The other entrance way off Harding Street in a private carpark and again is not clearly visible from the street. Hence the installation of the gates should not create obtrusive features in the wider street scene.

Access

MCC Highways Services were consulted as part of the application. They raised no concerns or objections regarding the application. As the development will block off a public right of way, they

advised it will be necessary for the City Council to obtain a Stopping Up Order as per Section 257 of the TCPA.

The stopping up of a PRW will cause some impediment to pedestrian movement, particularly from Harding Street to New Islington tram stop. Alternative routes along Carruthers Street or Snell Street/ Malta Street would add around one to two minutes to pedestrian journeys from Harding Street. On balance, this is not considered to be an unacceptable level of inconvenience, especially when considered against the benefits to public safety the development will create.

The gates will be placed at two location that ensure they will either be on land where Manchester City Council has freehold or where ownership is not registered. This would ensure that access to areas of privately owned land from the adopted highway is not precluded.

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 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:

-Supporting Information TECHNICAL NOTE received by the City Council, as Local Planning Authority, on 05 Apr 2023

-Supporting Information EBEX® Z3 SPECIFICATION received by the City Council, as Local Planning Authority, on 21 Jun 2023

-Drawing - Site Plan

-Drawing - Location Plan

received by the City Council, as Local Planning Authority, on 15 Jun 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Greater Manchester Pedestrians Society

St Annes Ancoats Primary, Carruthers Street, Manchester, M4 7EQ

Discovery House, 54 Every Street, Manchester, M4 7DN

Flat 2, 25A Mayes Gardens, Manchester, M4 7FN

Flat 3, 25A Mayes Gardens, Manchester, M4 7FN

24 Mayes Gardens, Manchester, M4 7FN

11 Mayes Gardens, Manchester, M4 7FN

Flat 4, 25A Mayes Gardens, Manchester, M4 7FN

Flat 1, 25A Mayes Gardens, Manchester, M4 7FN

39 Mayes Gardens, Manchester, M4 7FN

36 Mayes Gardens, Manchester, M4 7FN

33 Mayes Gardens, Manchester, M4 7FN

3 Mayes Gardens, Manchester, M4 7FN

27 Mayes Gardens, Manchester, M4 7FN

21 Mayes Gardens, Manchester, M4 7FN

18 Mayes Gardens, Manchester, M4 7FN

15 Mayes Gardens, Manchester, M4 7FN

10 Mayes Gardens, Manchester, M4 7FN

5A Mayes Gardens, Manchester, M4 7FN

5B Mayes Gardens, Manchester, M4 7FN

12A Mayes Gardens, Manchester, M4 7FN

7 Blisworth Close, Manchester, M4 7DT

5 Blisworth Close, Manchester, M4 7DT

9 Mayes Gardens, Manchester, M4 7FN

8 Mayes Gardens, Manchester, M4 7FN

7 Mayes Gardens, Manchester, M4 7FN

6 Mayes Gardens, Manchester, M4 7FN

5 Mayes Gardens, Manchester, M4 7FN

40 Mayes Gardens, Manchester, M4 7FN

4 Mayes Gardens, Manchester, M4 7FN

38 Mayes Gardens, Manchester, M4 7FN

37 Mayes Gardens, Manchester, M4 7FN

35 Mayes Gardens, Manchester, M4 7FN

34 Mayes Gardens, Manchester, M4 7FN

32 Mayes Gardens, Manchester, M4 7FN

31 Mayes Gardens, Manchester, M4 7FN

30 Mayes Gardens, Manchester, M4 7FN

29 Mayes Gardens, Manchester, M4 7FN

28 Mayes Gardens, Manchester, M4 7FN

26 Mayes Gardens, Manchester, M4 7FN

25 Mayes Gardens, Manchester, M4 7FN

St Annes Presbytery, Carruthers Street, Manchester, M4 7EQ

23 Mayes Gardens, Manchester, M4 7FN

22 Mayes Gardens, Manchester, M4 7FN

20 Mayes Gardens, Manchester, M4 7FN

2 Mayes Gardens, Manchester, M4 7FN

19 Mayes Gardens, Manchester, M4 7FN

17 Mayes Gardens, Manchester, M4 7FN

16 Mayes Gardens, Manchester, M4 7FN

14 Mayes Gardens, Manchester, M4 7FN

12 Mayes Gardens, Manchester, M4 7FN
1 Mayes Gardens, Manchester, M4 7FN

Appendix 2 – Planning constraints

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