

Application Number	Date of Appln	Committee Date	Ward
119448/FO/2018	20th Mar 2018	31st May 2018	Cheetham Ward

Proposal The creation of two car parking spaces for no.36 and no.38 Greenhill Road and associated boundary treatment.

Location Land Between 33 Chiselhurst Street & 38 Greenhill Road, Manchester, M8 9ND

Applicant Ms Anila Khalid , Great Places, 2A Derwent Avenue, Manchester, M21 7QP,

Agent Ms Arwa Al Rekabi, DK-Architects, 26 Old Haymarket, Liverpool, L1 6ER

Description

This application seeks consent for the use of an incidental piece of hardstanding that lies between the side garden of 33 Chiselhurst Street and the rear boundary of 38 Greenhill Road. The topography of the site is flat and is currently open to Chiselhurst Road where there is a dropped kerb providing access to the application site. The application site is bounded by a concrete panel fence, of varying heights, on three sides. There are also two wooden gates providing access to the land from the rear gardens of 36 and 38 Greenhill Road.

The surrounding area is made up of predominantly residential terraced properties, the majority of which do not benefit from associated car parking. Properties 33 and 27 Chiselhurst Street are the only properties in the street that have an area for car parking to the. There is also limited of street parking associated with the properties along Greenhill Road.

The proposal seeks to use the land as two car parking spaces by incorporating the space into the rear gardens of 36 and 38 Greenhill Road. The proposal would include sub dividing the land by erecting a dividing fence with associated 1.8 metre high wooden gates to Chiselhurst Street.

There is evidence to suggest that the vacant land has been experiencing fly tipping and antisocial behaviour according to some resident and is sometimes used for ad hoc car parking by visitors and residents alike.

A previous planning application was submitted under planning reference no. 118920/FO/2018 to enclose the vacant land with a 1.8 metres concrete wall However, the application was withdrawn by the applicant.



Consultations

Local residents/public opinion - The occupiers of the surrounding properties were consulted and four letters of objection were received. Sixteen letters of support including an eight signature petition was received in response to the consultation process.

The objections are as follows:

The land should be made available for Chiselhurst Street residents to park not Greenhill Road residents.

Chiselhurst Street is congested with parked cars.

Residents struggle to find parking space outside the properties on Chiselhurst Road.

Enclosing the land may cause potential harm to children that play in the street.

No 26 to 38 Greenhill Road has layby parking outside the properties

The comments for support are as follows:

None residents park in the space.

Food sometimes dumped on to land.

People loiter on the land.

The land looks unsightly.

Anti-social behaviour and fly tipping takes place frequently.

Due to anti-social behaviour taking place on land the residents don't feel safe.

Residents that back on to the land cannot always get out of the rear garden gates due to people parking on the land.

School children congregate on the land and have attempted to climb over the garden fencing.

Controlled access to land is welcome, this will allow the land to be properly managed.

One of the residents that would benefit from the allocated of a car parking space is disabled and this would allow easier access to a vehicle.

People have been witnessed people urinating on the land.

Summary of Support

The major concern associated with the piece of land in its current form, revolves mainly around the issue of anti-social behaviour which has been witnessed by local residents and visitors to the area. There has also been evidence of rubbish being dumped, includes food waste, and the open nature of the land allows the ability for people to congregate, within close proximity to residential private gardens. A petition was received by the local planning authority agreeing with the letters of support for the proposal, the nature of the petition again focused on the positive impact the proposal would have if the removal of direct access to the land was successfully agreed.

Highways Services - No objection to the proposal.

Design for Security at Greater Manchester Police - No objection to the proposal.

The objections are as follows:

The land should be made available for Chiselhurst Street residents to park not Greenhill Road residents.

Chiselhurst Street is congested with parked cars.

Residents struggle to find parking space outside the properties on Chiselhurst Road.

Enclosing the land may cause potential harm to children that play in the street.

No 26 to 38 Greenhill Road has layby parking outside the properties

POLICY

The Development Plan

The Development Plan consists of:

- The Manchester Core Strategy (2012); and

- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy was adopted in July 2012 and is the key document in the Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved and 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 as directed by the National Planning Policy Framework (NPPF).

The NPPF requires application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant policies within the Core Strategy are as follows:

Policy SP1 (Spatial Principles) identifies the City Council's Core Development Principles and states that development in all parts of the City should:-
Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment.

The proposal is considered to be consistent with policy SP1 of the Core Strategy for Manchester as the scheme visually improves the area and therefore contributes to creating a well-designed place. The creation of two dedicated parking spaces would contribute to reducing car parking congestion within the area, and more importantly has removed the potential for anti-social behaviour to take place in the vacant unmanaged space. Therefore, the proposal is in accordance with the policy SP1, as the change of use of the land would make a positive contribution to the health, safety and wellbeing of residents.

Policy EN1 (Design Principles and Strategic Character of the Area)

The policy includes the principle of urban design and the policy suggests that developments should have regard to the strategic character of the area in which the development is located, and that each development should be an opportunity for good design to enhance the overall image of the city. The proposal is considered to be in accordance with the policy as the development allows for visual cohesion in compliance of the obvious street pattern within the area, whilst removing an incongruous piece of land that has notably had a detrimental impact on both visually amenity and general amenity within the area. The piece of land in its current form appears to be visually at odds with the domestic nature of the location, and the inclusion of the space into an existing garden area would make a positive

contribution to the residential character of the area. Which would enhance the overall image of the city.

Policy DM 1 (Development Management) states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including road safety and traffic generation.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The proposal is considered to be consistent with policy DM1 of the Core Strategy for Manchester, as the enclosure of the vacant land is an appropriate layout which allows for sufficient circulation space around the designated parking area which enables safe access for the vehicles user, also maintaining the easy movement of refuse bins from the rear garden area.

The materials to be used conform to the vernacular and does not detract or appear incongruous within the street scheme, which also has regard to the surrounding area in terms of the design and appearance of the enclosure.

The proposal would positively contribute the amenity of the area as the enclosure would deter people littering and provide a physical barrier hindering people from congregating on the land, which historically has led to noise disturbance in immediate vicinity. The proposal is therefore, considered to have regard for community safety and crime prevention.

Furthermore, the implementation of two dedicated car parking spaces would help alleviate the need to park on the street. Therefore, the proposal is in accordance with the policy in terms of layout, materials, amenity, noise, community safety and crime prevention, refuse storage and collection and car parking provision.

National Planning Policy Framework (NPPF)

Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

Pursuing sustainable developments involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure, and
- widening the choice of high quality homes.

One of the core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

The proposal is considered to be of a good standard which firstly, provides much needed parking provision in the area and secondly removes a piece of land that has become synonymous with antisocial behaviour and fly-tipping, and if the proposal remained in perpetuity would improve the amenity of the occupiers and future occupiers of the surrounding properties

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The proposal is considered to be consistent with the NPPF as the removal of vacant land that attracts anti-social behaviour and fly tipping that also lacks sufficient natural surveillance would be turned into a defensible space that can be controlled to a certain extent by the occupiers of No. 36 and 38 Greenhill Road. Therefore, the proposal is in accordance with NPPF policy, as the proposal would improve the built environment and make a positive contribution to the quality of people's life. The design of the materials and the removal of an unsightly piece of land would also contribute the policy in terms of replacing poor design with a better design.

Other material planning considerations

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted April 2007).

The Guide aims to support and enhance the ongoing shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Part 1 of the Supplementary Planning Document, Chapter 2 Design, Character and Context: A place with its own identity, paragraph 2.3 states the following;

2.3 'A high quality environment is created by buildings which reflect their purpose and respect the place in which they are located. Different parts of the City, its neighbourhoods and streets have distinct or individual characters which are a product of the design of their buildings, the nature of the streets, the quality of the landscape or the nature of their activities. Such positive characteristics should be recognised and enhanced by new development. Each new development should be designed having full regard to its context and the character of the area.

The proposal is considered to be consistent with the City Councils' Guide to development as the scheme respects the character of the area in terms of its appearance specifically the appearance of the boundary treatment, and the fact that the proposal inadvertently removes a layout anomaly that has occurred when the surrounding developments were built. The scheme would contribute to the uniformity of the existing street pattern and removed the existence of a piece of land that appears to serve no positive purpose. Therefore, the proposal is in accordance with the guidance contained within the Guidance to Development in Manchester 2 as it states, 'that each new development should have regard to its context and the character of the area'.

ISSUES

When considering individual proposals for the change of use from public land to private land city council as local planning authority would consider whether the change of use would result in or worsen a deficiency in open space in the relevant residential neighbourhood and would the proposal change of use fragment areas of recreational public open space. For the purpose of this application is it reasonable to assume that in this instance the vacant land is not considered to be amenity space or open recreational space. The land is considered to be incidental vacant land and therefore the development of the land would not result in any loss of visual amenity including established landscaping features, or results in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the street scene. It would not result in a reduction in the safety of children or others nor would it prejudice highway safety, and It would not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting to use which are all material considerations when determining this type of planning application.

Principle

The application is now seeking planning permission for the creation of two car parking spaces for No.36 and 38 Greenhill Road and associated boundary treatment. This will provide car parking provision within a densely populated mainly terraced residential area in the ward of Cheetham Hill, Manchester. The proposal is considered to make a small contribution to alleviating the need to park on the road in the immediate area. Furthermore, the application seeks to improve the frontage of the site to Chiselhurst Street by removing an unsightly unmanaged piece of land.

The proposal is considered to be acceptable in principle, as the proposal accords with policies SP1, DM1 and EN1 of the Core Strategy for Manchester, along with the Guide to Development in Manchester.

VISUAL AMENITY The proposal will see the application site subdivided to form two car parking spaces for 36 and 38 Greenhill Road. A 1.8 metre close boarded fence will separate the two car parking spaces whilst the existing pedestrian gates to these properties will be retained allowing access to the respective rear gardens for the occupiers.

The car parking spaces will be secured from Chiselhurst Street through the erection of 1.8 metre close boarded gates which would run the length of the boundary of the application site fronting Chiselhurst Street.

It is considered that the use of the land for car parking, as well as the improvements to the boundary treatment along this section of Chiselhurst Street, are positive in that they would replace the views of this vacant and unkempt piece of land which has experienced fly tipping, anti-social behaviour and unregulated parking. It is therefore, considered that the overall proposal would make a positive contribution to the wellbeing of the residents, and the visual amenity and the character of the area.

Furthermore, the current functionality of the land in terms of access for number 36 and 38 Greenhill Road is not be affected by this proposal in terms of rear access for refuse collection.

Therefore, in terms of the overall proposed works, the proposal would create no significant impact upon the amenity of the area and retains the character of the general area.

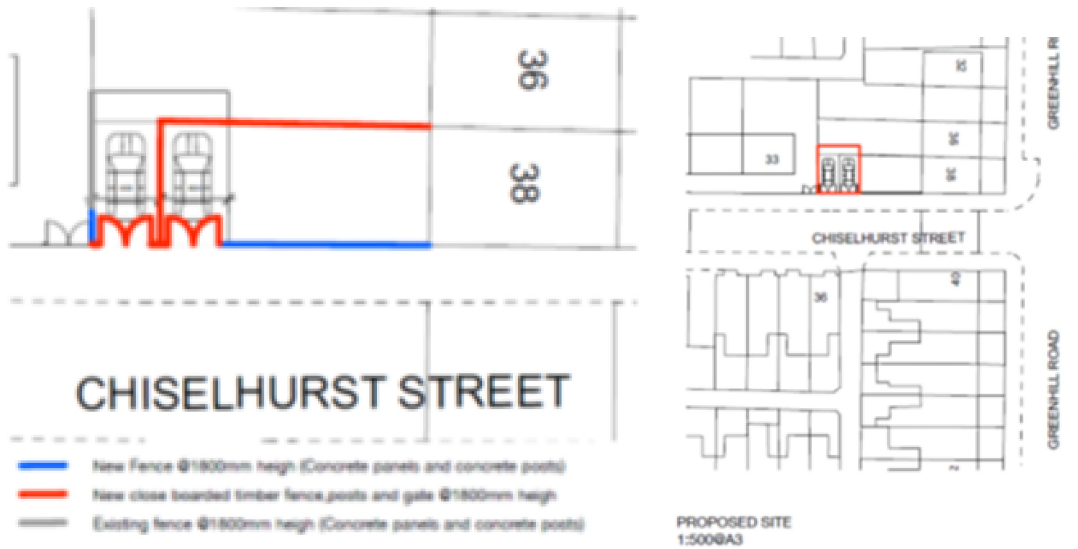
APPEARANCE AND LAYOUT

Policies EN1 and DM1 of the Core Strategy seeks to ensure that new developments are appropriate in terms of their siting, scale and appearance.

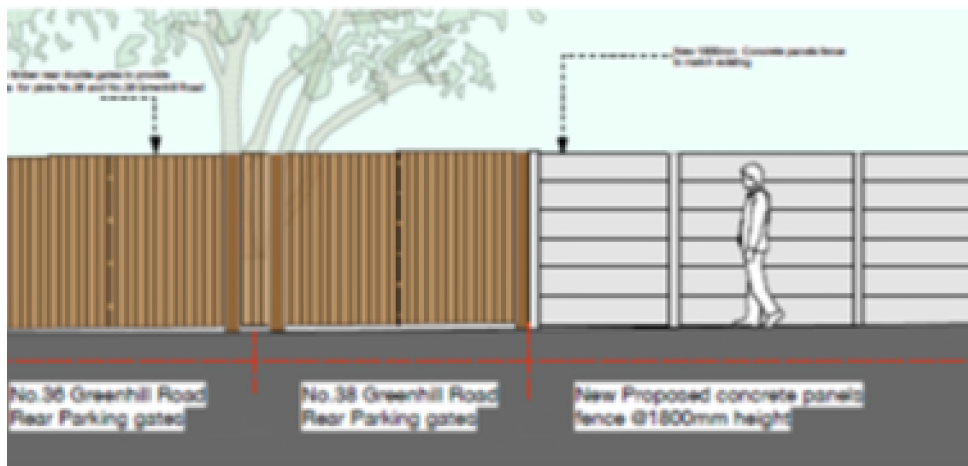
In terms of the proposed boundary treatment, whilst the wooden gates and fencing would not be consistent with the concrete panel boundary treatment along this section of Chiselhurst Street, the addition of the wooden gates is considered to make a positive contribution visually which softens the appearance of the utilitarian appearance of the concrete fence. The natural colour of the fence is also acceptable as it blends well within the overall character of the area.

The scale of the wooden gates and fence, at 1.8 metres, will be consistent with the height of the other boundary treatment around the application site ensuring that it does not appear out of scale for the local area and blends appropriately into the street scene.

The proposed boundary treatment will help screen the newly created car parking spaces which will ensure there are no detrimental impact in this regard and an overall improvement to the visual amenity of the street scene.



ET
 SCENE-1.2008A3



ET
 SAY GATES AND FENCING-1.508A3

HIGHWAY CONSIDERATIONS

Vehicular crossover points are already in place in this location therefore, there would be no need to physically amend the highway in anyways and the scheme in relations to the existing fence arrangement would not hinder the safe access into and out of the site.

Highway Services have confirmed that there would not be any highway or pedestrians safety concerns with regards to the proposal with there being adequate visibility for vehicles manoeuvring in an out of the spaces.

The size of the bays would enable waste bins to pass whilst vehicles are parked. Overall the proposal in highways terms is considered to improve access to a mode of transport and provide a parking facility that would make it easier for a disabled person to participate in public life. The proposal would also improve the pedestrian environment.

RESIDENTIAL AMENITY

Local residents that opposed the proposal, objected on the basis that the land should be made available for car parking for the residents of Chiselhurst Street not necessarily Greenhill Road.

It is noted that the properties along Greenhill Road have access to a lay by at the front of the properties.

It should be noted that this lay by is not designated for any properties on Greenhill Road and are available for anybody wishing to park in this area.

Whilst it is recognised that the application site is used on an ad hoc basis by residents in the local area to park vehicles there are no formal arrangements in this regard. In addition, as the site is not currently secure by boundary treatment use of the land for parking could make the site vulnerable and cause disamenity to the residential properties along Greenhill Road.

As such, it is considered that the most logical and most optimum use of the site is to secure it with appropriate boundary treatment and allow its use for private vehicle parking for the residential properties which abut the land i.e. numbers 36 and 38 Greenhill Road. This way the land is secure, provides off street car parking provision and removes and disamenity from inappropriate use of the land.

The applicant has indicated that the neighbouring property to the site No.33 Chiselhurst Road was not allocated the land as the property already benefits from off street car parking.

Residents have also raised concerns with regards to the safety of children playing in the road. It should be noted that there is sufficient space for the gates to the car parking spaces to swing into the application site before any vehicle would move into the road therefore allowing the vehicle to manoeuvre safely and with sufficient visibility for anything or anyone in the road. It is therefore considered that the proposal will not give rise to any pedestrian or highway safety concerns.

The objectors have commented that the area suffers from congestion as many of the terraced properties do not have parking provision with this proposal removing the right for any person to use the vacant land for their own parking needs.

Whilst it is noted that this has been an informal arrangement, the application site is private land and it is the intention to use it for a use which will create secure off street parking with boundary treatment that will have a positive impact on the visual amenity of the area. It is therefore considered that creating the parking spaces will assist in alleviating the pressures associated with limited parking in the vicinity albeit in a minor way.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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 officers have worked with the agent in a positive and proactive manner by requesting further information relating to the scheme and appropriate conditions to the approval have also been attached.

Reason for recommendation

Conditions to be attached to the decision

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 numbered E066.P03 and E066.P01, stamped as received by the City Council, as Local Planning Authority, on the 20th March 2018.

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, as indicated on drawing E066-P03 stamped as received by the City Council, as Local Planning Authority, on the 20 March 2018, shall be implemented prior to the first use of the car parking spaces hereby approved. The boundary treatment shall be retained as maintained for as long as the development remains in use.

Reason – In the interest of visual amenity pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 119448/FO/2018 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

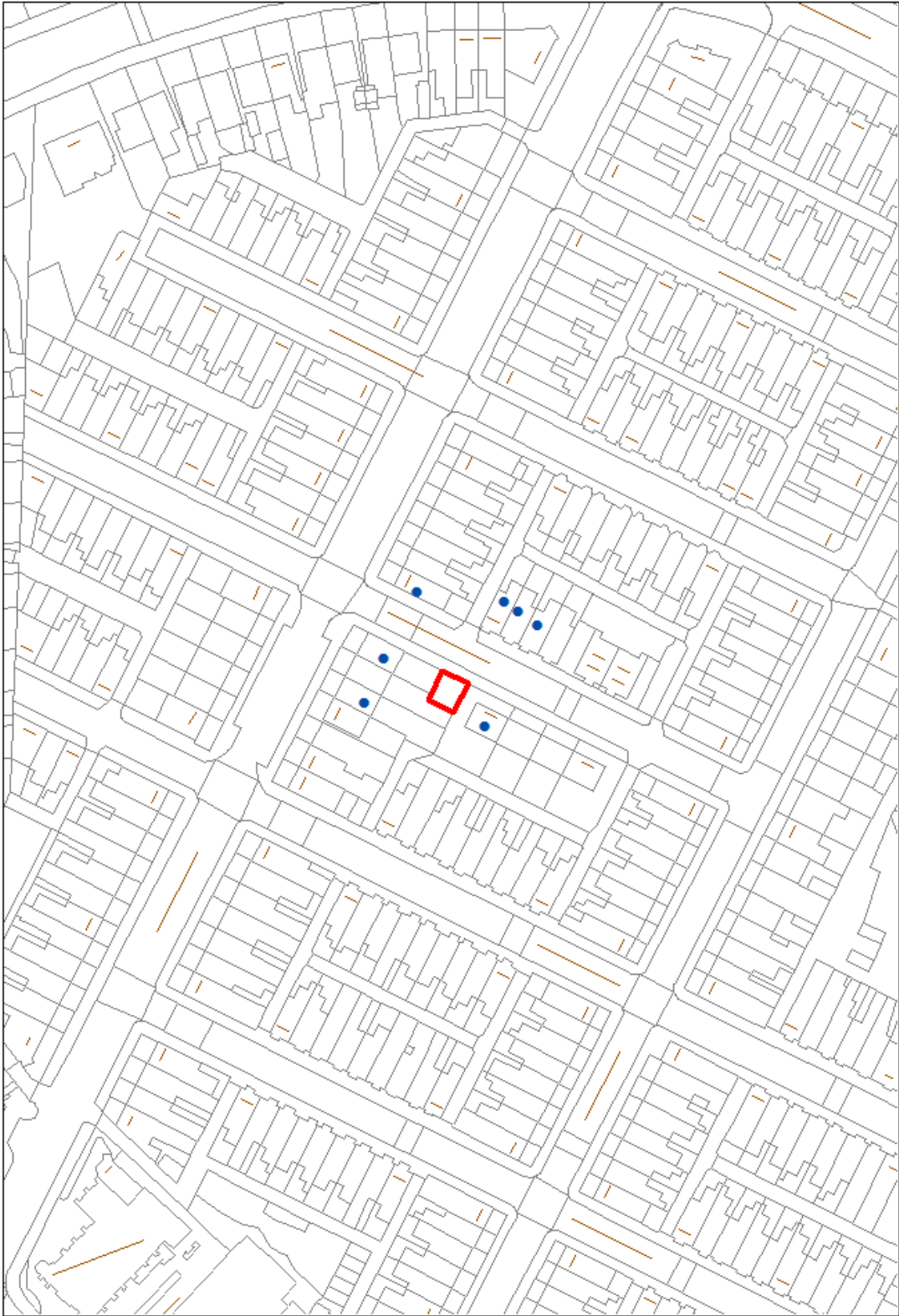
The following residents, businesses and other third parties in the area were consulted/notified on the application:



**Highway Services
Greater Manchester Police**

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer : Janine Renshaw-Livesey
Telephone number : 0161 234 4555
Email : j.renshaw-livesey@manchester.gov.uk



 Application site boundary  Neighbour notification
© Crown copyright and database rights 2018. Ordnance Survey 100019568