

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
128920/FO/2020	18th Dec 2020	18th Feb 2021	Levenshulme Ward

**Proposal** Retrospective application for the retention of 1.8 metre high fencing to Cringle Road and Nelstrop Road North for a temporary two year period

**Location** Land Off Cringle Road, Manchester, M19 2RR

**Applicant** Towerhouse Systems Ltd, C/o Agent,

**Agent** Mr Julian Austin, Paul Butler Associates, 31 Blackfriars Road, Salford, M3 7AQ

## **EXECUTIVE SUMMARY**

This application seeks retrospective planning permission for the retention of a 1.8metre high fence to Cringle Road and Nelstrop Road North for a temporary two year period

25 objections have been received from local residents who have expressed concern that the fencing is out of character with the local area, too high and is not of a suitable appearance. In addition, there is concern about the impact of vegetation removal on the local ecology and loss of habitats for wildlife together with impacts on drainage.

### **Key Issues**

**Principle of the development** The development is in accordance with national and local planning policies. The application site had previously been secured by low rise timber fencing which had fallen into disrepair and was no longer fit for purpose. The replacement boundary treatment is located in the same position and has been installed in the interest of securing the site prior to redevelopment taking place.

**Appearance** The fence is taller and of a different material to the previous fencing around the site. Two types of fencing have been installed – Palisade to Cringle Road and Weldmesh to Nelstrop Road North. Both types of fencing extend to a height of 1.8 metres and would be in situ for a temporary period of 2 years. The area is characterised by a variety of different boundary treatment styles. The works to Cringle Road are appropriate in that they complement the boundary treatment in situ to Highfield Country Park. The works to Nelstrop Road North are more obvious and the character of the area has been altered due to the removal of vegetation in this location. On balance, the boundary treatment is acceptable due to its transparent, temporary nature.

**Environmental Impact** The development has not affected vegetation or trees along Cringle Road. Along Nestrop Road, mature hedgerows have been removed to facilitate the development. These hedgerows were removed outside of bird nesting season which would have minimised any impact on habitats and were not known to

contain protect species. Mitigation in the form of 5 hawthorn shrubs and grassland have been undertaken with additional future mitigation secured by planning condition. There is no evidence to suggest that the installation of the fencing has worsened existing surface water drainage in the local area.

A full report is attached below for Members consideration.

## Description

The application site consists of two narrow parcels of land along Cringle Road and Nelstrop Road North which enclose a wider area of open land which was formally used for grazing of animals. The Cringle Road parcel contains a number of trees and shrubs. Prior to the works associated with this application taking place, the parcel along Nestrop Road North contained a number of mature hedgerows.



***Location plan – land subject to this planning application in red (vegetation removal in grey)***

The wider site was former grazing land and contains mature trees which abut Highfield Country Park which lies to the north. There is more limited tree and vegetation coverage along the east, south and western boundaries of the wider site (edged in blue on the above plan). This tree and vegetation coverage form a mature landscape setting particularly when viewed in the context of the wider Highfield Country Park.

The wider area is identified as an area of semi natural open space 'Highfield Country Park', together with open space which straddles the Manchester and Stockport administrative boundaries.

Beyond the Country Park, the surrounding area is characterised by two storey residential properties. The properties located along Cringle Road, Wilsthorpe Close, Red Rose Crescent, and Lingcrest Road are semi-detached in nature. Immediately to the east of the site (beyond the eastern footpath and into Stockport's boundary) there is also an area of open land which forms part of a 'green chain' and strategic open space within the Stockport Development Plan.

The Highfield Country Park, which bounds the site to the north and west, forms part of an area identified as an area of Natural and Semi-natural open space within the Manchester City Wide Open Spaces, sports and recreation study. The entire area (including the application site) is subject to a saved policy LL3 within the Unitary Development Plan for the City of Manchester (1995).

The application site, together with the wider grazing land, identified in red and blue within the location plan above, has been the subject of two previous outline planning applications for the redevelopment of the site for 57 new dwellings (116474/OO/2017 and 122042/OO/2018). Both applications were refused by the Planning and Highways Committee on the grounds that the proposal would result in the loss of open space and would be detrimental to landscape character and setting of the site and Highfield Country Park.

An appeal was made against the refusal of planning application 116474/OO/2017 and although this appeal was dismissed, the principle of the need to protect the land from development was not sustained. The reason the appeal was dismissed was that there was no agreement in place between the parties with regards to a financial contribution to mitigate against the additional pressures the development would have on the adjacent Park.

Notwithstanding this appeal decision, planning application 122042/OO/2018 was also refused by the City Council. The appeal was subsequently allowed given the principle of development was in effect established by the previous appeal and an agreement had been reached, to the satisfaction of the Planning Inspector, between the parties relating to a financial contribution towards the adjacent park. This agreement also included the provision of 20% on site affordable housing.

## **The proposal**

The applicant is seeking retrospective planning permission for the retention of 1.8-metre-high fencing to Cringle Road and Nelstrop Road North for a temporary two years. It is understood that the animal grazing which once existed at the site ceased abruptly and the applicant required the site to be secured from Cringle Road and Nelstrop Road North to prevent flying tipping and unauthorised use. The site is secured to Highfield Country Park where there is also no vehicular access.

Two types of fencing have been installed at the site as follows:

Fence type 1 (Cringle Road) – Green palisade fence 1.8 metres in height to the back of footpath and extends along Cringle Road for 36 metres. The palisade fence replaces a wooden fence and post system which has now been removed. There has been no tree or vegetation removal from the Cringle Road part of the application site.



***View along Cringle Road prior to the works taking place (including exiting boundary treatment and vegetation/trees)***



***View along Cringle Road following completion of the works***

Fence type 2 (Nelstrop Road North) – Green weldmesh fence 1.8 metre in height to the road edge and extends along Nelstrop Road North for appropriately 110 metres. The weldmesh fences replaces a timber and wire fence.



***View along Nelstrop Road North prior to the works taking place (including exiting boundary treatment and vegetation/trees)***



***View along Nelstrop Road following completion of the works***

The installation of fence type 2 has resulted in the removal of vegetation and grassland along Nelstrop Road North.

**Consultations**

**Local residents/public opinion** The application has been advertised as being of public interest and a site notice has been displayed at the application site and a notice placed in the local press. Notification letters have also been sent to nearby residential properties.

25 objections have been received in respect of this matter. The comments can be summarised as follows:

- The fence is too high, is an eye sore and should have been part of the original planning permission for the residential development;
- The fence is cheap and has an industrial/commercial feel which is not appropriate for this area;
- The installation of the fence has resulted in the loss of ancient hedgerow and has destroyed local wildlife. This has been carried out when there is a climate change emergency;
- Applicants should not be able to carry out works which destroy habitats and change the landscape character and then apply retrospectively for it. It should be restored immediately;

- Since the installation of the fence, the path and cycle route flood due to no proper drainage being in place together with pools of water full of faeces from where the horse manure pile was. This is a public health issue;
- There has been an unnecessary loss of biodiversity as a result of the removal of the hedgerow which has made Nelstrop Road North a less pleasant place to walk and cycle;
- Building the fence in the position shown is an illegal land grab;
- The feel and character of the area has been changed unnecessarily with an unsympathetic metal fence which is out of keeping with the area. The developer has shown a complete disregard for the local community and Council policies which is also of a concern when considering the site now has planning permission for residential;
- Flora and fauna has been removed thus removing the habitat and feeding ground of a large number of species;
- Mitigation for this work should be the provision of enhanced cycle provision in the local area;
- A mixed native species hedge be replanted, with sufficient space allowed, for it to grow 3m thick, without it encroaching on Nelstrop Rd North;
- To maintain the Green Corridor, that the SE corner of the proposed housing site should be left open and green, and on the public side of any back fences or hedges of the new houses;
- Since this has occurred, there has been a notable reduction in the number of bats in the area.

1 neutral comment has been received which questions the need for the application given the works have already been carried out.

**Highway Services** have no objections to the proposal. The fencing is located entirely within the applicant's ownership and does not extend over the adopted highway. The fencing does not obstruct sight lines, nor does it restrict access.

**Flood Risk Management Team** have no objections to the proposal. The location of the fencing does not affect surface water flooding. The fencing material permits water transmission and does not present an obstruction to free flow of surface water.

**Greater Manchester Ecology Unit** advise that the main ecological issues are loss of remnant hedge/hawthorn scrub and associated bird nesting habitat. It is accepted that no protected species were likely to have been impacted upon by the removal of vegetation and the installation of the fence. The previous ecological reports prepared for this site found no evidence of protected species along these boundaries. The retrospective nature of the application means it is now not possible to check. Whilst bird nesting habitats have been lost, the vegetation was removed outside of bird nesting season. There has been no previous evidence of Himalayan balsam and Japanese knotweed.

The new fence has resulted in the loss of scrub in the form of the remains of a hedge and associated bird nesting habitat, although the high levels of disturbance resulting from pedestrians is likely to reduce its potential for birds. Mitigation is, however, required. It is noted that some replacement hawthorn trees have been planted but this is a temporary measure and likely to be superseded by any Reserved Matters

application. The outline application also accepted that mitigation could be provided on site for loss of trees and hedgerow and off site for loss of grassland. It is recommended in this instance that some additional hawthorn hedge is proposed along the eastern and southern boundaries of the site.

**Stockport Metropolitan Borough Council** No comments at the time of writing this report.

## **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 Development Plan Document 2012 -2027 is the key document in Manchester's Local Development Framework. It 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 and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

### **The Manchester Core Strategy (2012)**

The relevant policies within the Core Strategy are as follows

**Policy SP1 Spatial Principles** one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice. The development is a temporary solution to secure the site until it is redeveloped for housing. The development has replaced low quality boundary treatment, in a poor state of repair. The siting, scale and appearance of the boundary treatment is in keeping with the type of treatment you find around future development site or recreational settings of this nature.

**Policy EN9 Green Infrastructure** states that new development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management. The development has resulted in the loss of low-quality green infrastructure. The vegetation was considered to be low quality and had been previously identified for removal as part of an earlier planning permission. In the event the planning permission for the redevelopment of the site is not implemented, mitigation should be secured in an appropriate time scale. This is considered elsewhere within this report.



**Policy EN14 Flood Risk** the development does not pose any risk to surface water flooding. The design of the fence means that it is permeable allowing water to pass through it.

**Policy EN15 - Biodiversity and Geological Conservation** the area where the vegetation removal has taken place was not considered to be of high quality and was removed outside of bird nesting season. The impact on habitats was therefore minimised. Biodiversity improvements would be sought if the redevelopment of the site does not take place within appropriate timescales in order to mitigate appropriately against the loss of habitats. Bird and bat boxes are also considered necessary in this regard to improve the

**Policy EN16 Air Quality** states that the Council will seek to improve the air quality within Manchester. The development is not considered to compromise air quality.

**Policy EN17 Water Quality** states that developments should minimise surface water run off and minimise ground contamination into the watercourse. The development is not considered to give rise to any impact on the local water environment.

**Policy EN18 Contaminated Land** states that any proposal for development of contaminated land must be accompanied by a health risk assessment. The development would not compromise below ground contamination.

**Policy DM1 Development Management** consideration has been given to the siting, design and scale of the development. The development is considered to be acceptable in terms of visual amenity for the duration of the temporary period after which it would be removed from the site resulting in no long term impact from the development. The impact on ecology and biodiversity is considered elsewhere within this report.

For the reasons given above, and within the main body of this report, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

### **The Unitary Development Plan for the City of Manchester (1995)**

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy.

**Saved Policy LL3 'Environmental Improvements and Protection'** states that the Council will protect the site from development and improve the major existing areas of open land on the boundary of the area with Stockport. Priority will be given to upgrading Highfield Country Park'. The proposal would not compromise the wider Highfield Country Park site and whilst the development would be seen in the same setting as the park, the temporary nature of the boundary treatment would ensure there is no long-term impacts. The loss of the vegetation has, to some degree, altered the character of Nelstrop Road North, however, the character of this road edge would alter as a result of the residential development of the site. Should redevelopment not be forthcoming, mitigation would be secured along this boundary in the form of new vegetation and planting.

For the reasons given above, and within the main body of the report, it is considered that the development is consistent with the policies contained within the UDP.

### **National Planning Policy Framework (2018)**

The revised NPPF was adopted in July 2018. The document states that the *'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7).*

In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 12 *'Achieving Well Designed Places'* states that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'* (paragraph 124).

Planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Section 15 *'Conserving and Enhancing the natural environment'* states that planning decision should contribute and enhance the natural and local environment by protecting valued landscapes, minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of sol, air, water or noise pollution or land instability and remediating contaminated land.

### **Planning Practice Guidance (PPG)**

The relevant sections of the PPG are as follows:

*Design* states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

## **Other material policy considerations**

### **The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)**

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability.

### **Manchester's Great Outdoors – a Green and Blue Infrastructure Strategy for Manchester (2015)**

*Adopted in 2015, the vision for the strategy is that 'by 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow'*

There are four objectives in order to achieve this vision:

1. Improve the quality and function of existing green and blue Infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment

### **Principle of development**

The two narrow parcels of land, the subject of this planning application, relate to a wider site which has planning permission to be redeveloped for 57 new homes.

The site was formally used to graze animals and had an associated farm area which was accessible to the public. This use has subsequently ceased.

The principle of boundary treatment around the site is considered to be acceptable. The site has previously been secured by boundary treatment which consisted of low rise timber fencing and posts. The photographs earlier in this report show that the

fencing was in a poor state of repair and in some instances had deteriorated allowing access to the site.

The applicant has indicated that they installed the fencing following the abrupt ceasing of the previous use which required the site to be urgently secured to prevent flying tipping and unauthorised use of the site.

The relevant planning matters in this case are the visual impacts of the works, loss of green infrastructure and impact on ecology, impact on drainage and highway considerations. These matters are considered in detail below.

### **Visual amenity**

A 1.8 metre high palisade fence has been installed along the Cringle Road section of the application site and is approximately 36 metres in length. The fence is sited in the same position as the previous boundary treatment but extends to a greater height and is of a different material.

Cringle Road is characterised by a variety of boundary treatment types. Low rise brick boundary walls and timber fences are the predominant feature of the residential properties on the southern side of Cringle Road.

The entrance of Highfield Country Park, which is located close to the application site and also has a frontage to Cringle Road, is predominately secured by a vertical railing painted green. There is a short section of black palisade fencing at the entrance to the park.



### ***Entrance to Highfield Country Park showing the two types of boundary treatment***

The fencing along Cringle Road, which is the subject of this planning application, abuts the black palisade fencing of the park and continues the palisade fencing along Cringle Road up to the alleyway with 1 Wilsthorpe Close. The fencing is of the same type and height to that of the park palisade fencing with the exception that the fencing subject to this planning application is green not black.

Whist palisade fencing is not normally preferable as a long-term boundary treatment solution around development sites, the fencing in this instance would be temporary for a period of two years in anticipation of the site being redeveloped. The retained vegetation along this frontage also allows for the fencing to blend in with the landscaping in this location making the boundary treatment less obtrusive.

Should the site be redeveloped, boundary treatment associated with the new homes would be a feature of the street scene. In the event that the redevelopment of the site is not forthcoming, the boundary treatment would need to be removed or a further planning application sought to retain appropriate boundary treatment in this location. A high-quality boundary treatment would need to be secured at that point in the interest of visual amenity.

A 1.8 metre high weldmesh fence has been installed along the Nelstrop Road North section of the application site and is approximately 110 metre in length. The fence is sited in the same position as the previous boundary treatment but extends to a greater height and is of a different material.

Nelstrop Road North is characterised by low rise timber fencing and vegetation which provides a buffer to the narrow lane. The installation of the 1.8 m high weldmesh fence has provided a more visible boundary treatment feature in this location. This has been further heightened by the removal of the vegetation which makes the fencing more noticeable and has altered the character of the area. Notwithstanding this, the fencing is transparent and allows views through the boundary treatment to the park area beyond. This is preferable to a more solid fence type whilst the site remains undeveloped. The colour of the boundary treatment also allows the fencing to be more easily assimilated into the landscape.

Metal fencing is also a feature of the local area and is found along the Cringle Road frontage and other boundaries around Highfield Country Park. The temporary nature of the boundary also means that it would be removed following the expiration of the two year period. Should the residential redevelopment of the site be forthcoming, boundary treatment associated with this development would be evident along Nelstrop Road North (the details of which would need to be agreed as part of this planning permission).

The fencing is considered to be appropriate in this instance for a temporary period of two years. The fencing is not considered unduly harmful for this short period. Views are maintained through the site from both Cringle Road and Nelstrop Road North due to the transparent nature of the boundary treatment. The boundary treatment allows the site to be secured and deters unauthorised use of the site which could become a disturbance to the local residential area.

### **Impact on ecology**

An ecological report has been prepared to support this planning application along with a tree survey in order to assess any impacts associated with the vegetation removal and movement of soil to facilitate the installation of the fencing. The surveys associated with the previous outline planning permission have also been referenced.

The installation of the fence line to Cringle Road has not resulted in the loss of trees or vegetation along this boundary. However, the installation of the fence line along Nelstrop Road North has resulted in the removal of Hawthorn and Elder shrubs along with grassland along a 60 metre stretch along the road.

It is understood that the vegetation was removed late last year which would have avoided the bird nesting season and therefore minimised the destruction of habitats which may have been present within the hedgerow. It is noted that previous surveys at the site did not find the presence protected species within the hedgerow.

The applicants ecological survey states that the shrubs and the grassland were not considered to be of high ecological value and were designated to be removed as part of the residential redevelopment of the site should that have been necessary to facilitate the development.

In mitigation of the loss of the shrubs, the applicant has installed five Hawthorn shrubs behind the fence line which would allow habitats to be formed in the spring and as the shrubs mature.

A heap of soil containing the removed vegetation has been placed on the edge of the open grassland land along the eastern boundary of the site. The applicants survey states that the spoil was deposited on species poor grassland and a manure heap (which would have been associated with the form grazing field). The applicant has confirmed that turf has been laid over the spoil.

Greater Manchester Ecology Unit have considered the proposals and accept that the hedgerow was poor quality, unlikely to contain any protected species and was removed outside of bird nesting season. Whilst noting that there has been some mitigation to the loss of the vegetation with the planting of the 5 Hawthorn shrubs and turf areas, they consider this to be an interim position and should the site be developed the vegetation would again be lost.

Whilst the outline application does make provision of new green infrastructure, which would be secured by this planning permission, in the event this permission is never implemented, additional mitigation is required in line with the Ecology Unit's comments. This includes further planting along the eastern boundary. This mitigation should be secured by planning condition and should be agreed should the residential development not take place within 2 years of the grant of this planning permission.

### **Impact of drainage**

The fencing installed along Cringle Road follows the same position as the previous fence line and has not resulted in any vegetation removal. It is noted that local residents have noticed pooling of surface water along Nelstrop Road North which they have attributed to the works at the application site.

It is acknowledged that the development has resulted in the loss of green infrastructure along Nelstrop Road North which would have had some drainage qualities with the vegetation soaking up any surface water run off from the adjacent

road. However, it is not considered that the fencing in itself fencing would affect surface water run off in this part of the application site.

The proposal has been assessed by the Flood Risk Management Team who consider that the development does not pose any risk to surface water run or drainage. The transparent nature of the fencing material would allow for surface water run off from the road to drainage into the soil underneath the fence line as would have previously been the case.

### **Highway considerations**

The development does give rise to any highway or pedestrian safety concerns. There is no direct impact on the adopted highway and sight lines and access around the site is maintained to an appropriate standard. Highway Services have not raised any objections to the proposal.

### **Public Opinion**

There has been local concern expressed about the development particularly that the fencing is out of character with the local area, too high and is not of a suitable appearance. In addition, residents have expressed significant concern about the impact of the vegetation removal on local ecology and loss of habitats for wildlife together with impacts on drainage. Comments have also been received that the works have been undertaken on land which is not in the applicant's ownership.

The applicant has declared that the works which have been undertaken are on land which is within their ownership and no evidence has been presented which would suggest that this is not the case.

It is acknowledged that the vegetation removal along Nelstrop Road North has altered the landscaped character of this narrow lane resulting in the weldmesh fencing being visible. However, the fencing would only be in situ for a temporary period of two years after which it would be required to be removed. Planting has been installed behind the fence line in mitigation of the lost vegetation and a condition is recommended which secures the further enhancement of this area.

Notwithstanding this, the loss of habitats for wildlife is clearly regrettable and whilst the new scrubs become established there would be a short-term disruption to the local wildlife corridor. The impact on the habits would have been minimised as they were removed outside of the sensitive bird nesting season. There is no evidence to suggest that the removal of the hedgerow has affected the number of bats in the local area.

The installation of the fencing is unlikely to be the cause of the surface water drainage issues in the area. The fencing is permeable and allow water to soakaway at ground level.

## **Conclusion**

The proposal conforms to the development plan taken as a whole as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 and there are no material considerations which would indicate otherwise.

The boundary treatment is considered appropriate for a temporary period of two years only. It is not considered that there would be any unduly harmful impacts which would warrant refusal of this planning application for the reasons outlined within the main body of this report.

The impact on the loss of habitats and ecology can be suitably mitigated against by biodiversity improvements at the site in the event that residential development does not come forward. There are no highways or drainage implications as a result of the development.

**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 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 of the application 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      Temporary Approval**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The impacts of the development have been carefully considered and mitigation sought where necessary. The proposal is in line with City Council Planning Policies and is therefore determined in a timely manner.

### **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

- 1) The permission hereby granted is for a limited period only, expiring on 18 February 2023.



Reason - The use hereby granted is for a temporary period only to secure the site prior to redevelopment pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

- 2) The development hereby permitted shall be removed no later than one month from the 18 February 2023.

Reason - The use and buildings are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

- 3) In the event that the redevelopment of the site does not take place within 2 years of the date of this planning permission, the land shall be restored in line with a strategy submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include details of laying the site to grass and other planting (including trees/shrubs where appropriate). The restoration of the site shall take place in accordance with timescale agreed in writing with the City Council, as Local Planning Authority.

Reason – In the interest of visual, residential amenity and biodiversity of the site should the redevelopment of the site not be forthcoming in line with the extant residential planning permission for the site pursuant to policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

- 4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Covering letter, drawing L(-1)011, tree survey and biodiversity report stamped as received by the City Council, as Local Planning Authority, on the 18 December 2020.

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.

- 5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on drawing L(-1)011 and tree survey and biodiversity reports stamped as received by the City Council, as Local Planning Authority, on the 18 December 2020 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.

### **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: 128920/FO/2020 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  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management  
Greater Manchester Police  
Greater Manchester Ecology Unit  
Stockport Metropolitan Borough Council**

**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 :** Jennifer Atkinson  
**Telephone number :** 0161 234 4517  
**Email :** jennifer.atkinson@manchester.gov.uk

