

List No. 1

Higher Blackley Ward	Application Number 082524/FU/2007/N1	Date of Appln 21st May 2007	Committee Date 22nd Nov 2007
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Proposal Change of use of open land to memorial forest with associated fencing and footpaths

Location Rear Of Charnwood Road, Blackley, M9 6QG

Applicant Life For Life Memorial Forests Charity, The Woodland Suite, Chadderton Court, 451 Middleton Road, Chadderton, OL9 9LB

Agent

Description

The Site - This application relates to some rough grassland to the rear of Charnwood Road in the Blackley area of North Manchester. The grassland area (which extends northwards and eastwards from the application site) is locally known as Nutbank Common, although it used to house the Pike Fold Golf Course. To the east of the site is the M60, and to the south and west of the site are residential dwellings. To the immediate west of the site, still within the rough grassland area, is a small children's play area.

The Proposal - Planning permission is sought for the change of use of a section of Nutbank Common to a 'Life for a Life' Memorial Forest. Trees would be planted all over the site, 5-15m apart (depending on the species) on a grid pattern, and it is expected that the site, once fully planted, would be able to accommodate approximately 200 memorial trees. In addition, on one corner of the site, a small number of mixed fruit trees would be planted to make an orchard. The southern boundary of the memorial forest would run along an existing cinder path that runs to the south of the site, to the rear of the houses on the north side of Charnwood Road. The boundary of the forest along the cinder path would consist of 1.2m high railings backed by a low hedge. The other 3 sides of the memorial forest site would be delineated via a hedgerow. The forest would have a footpath within it that would be suitable for wheelchair users.

The Life for a Life scheme involves the planting of a tree or trees to commemorate someone who has died. Four main species of trees would be planted in the memorial forest - Scots Pine, English Oak, Rowan and Silver Birch. These trees have been chosen for their visual appearance, strength, robustness and long life span.

The City Council has a land holding interest in this site. In considering this application, Members are reminded that they are discharging their duties as the local planning authority and must disregard the Council's land holding interest

Consultations

Publicity - The application was advertised in the local press as a development in the public interest. No representations have been received as a result of this publicity.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. 2 letters of representation have been received. One letter (that was signed by 43 local residents) asked what type of security was

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proposed at the site as the park that is located adjacent to the application site is already an area that suffers from anti-social behaviour. The second letter was questioning the need for this type of use in the area.

Engineering Services - There is a low level of daytime street parking on Charnwood Road so it is considered that visitor parking can easily be absorbed onto existing highway streets

Environmental Health - No objections

Manchester Leisure - No representations received

Chief Executive's Landscape Practice Group - Made some comments that the applicant is addressing as part of a detailed landscaping scheme for the site. They also stated that existing trees along the cinder path should be protected during any works.

North Manchester Partnership - No objections in principle to the proposal but given the area and the potential neighbourhood management problems, they would like a temporary approval initially for the site.

Greater Manchester Police - No objections to the use but stated that some form of boundary treatment should be used to delineate the site.

Dennis Brogan, Crime Reduction Officer - Stated initially that column lighting should be installed along the cinder path but has now stated that although new street lighting would help public reassurance, helping to reduce the fear of crime, most parks (as such) close at dusk and don't actually have street lighting.

Issues

The Unitary Development Plan for Manchester - The proposed memorial forest use, plus its associated boundary treatment, is consistent with policies relating to Housing and the Environment within the UDP. In particular:

- Policy H2.2 'Housing' states that the City Council will not allow development that would have an unacceptable impact on residential areas. For the reasons outlined below, it is considered that the proposal would not contradict this policy.
- Policy H2.4 'Housing' states that areas of low quality incidental open space will be eliminated and the land allocated for a more productive use. Since the closure of Pike Fold Golf Course, the land has become rough grassland and so it is felt that the change of use of a small section of it to a memorial forest is acceptable.
- Policy E2.6 'Environment' states that the City Council will encourage tree planting to enhance informal recreational areas and improve the appearance of built up areas. It is considered that the proposal will be consistent with this policy.
- Policy E3.6 'Environment' is concerned with environmental improvements in the City. It is considered that the proposed use will enhance the environment in this area of North Manchester.

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- Policy DC16 'Street Landscapes' states that the planting of new trees along public frontages to sites will be encouraged. The proposed use is consistent with this policy as the application site abuts a public cinder path.
- Policy BM2 of the 'Area 1 - Blackley, Charlestown and Moston' policy states that the area of the Irk Valley to the north of Victoria Avenue should continue to be the subject of environmental improvements and recreational development and the open character of the area is highlighted. As the proposed use would complement the green nature of the existing area and would not obstruct views, the proposal is considered to be consistent with the policy.

The proposed use - It is considered that a memorial forest use would be acceptable in this location as it would not adversely affect visual or residential amenity within the area. The forest, once fully planted, would enhance the appearance of an area of land that is currently rough grassland and would complement the greenery of the surrounding area. If a tree were to die soon after it was planted, Life for a Life would replace the tree. Regular inspections would be made by a qualified groundsman to ensure that all the trees are growing well and there are no issues to be dealt with at the site.

Landscaping and the effect of the forest on the open nature of the area - It is considered that the memorial forest use would not detract from the open character of the Nutbank Common area as the trees and hedgerow boundary treatment would harmonize with the existing grassland area and trees that surround the application site. The proposal would help with environmental improvements in the area and would provide a recreational use for the local community as the forest and orchard would be open to general members of the public on a daily basis. On balance, the proposal is considered to be acceptable.

Residential amenity - The site, once fully planted, would accommodate approximately 200 memorial trees. Despite this, experience from other Life for a Life memorial forests suggest that visitor numbers to the site at any one time would be very low. It is therefore considered that the amenity of local residents would not be adversely affected as there would not be a large number of comings and goings from visitors to the memorial forest.

Car parking - There is no new designated car parking area proposed for the memorial forest but this is not considered to be a problem as visitor numbers to the site would be low and there is ample on-street parking available on Charnwood Road and surrounding streets. Also, as the visitors are expected within daylight hours in the week and on weekends, it is envisaged that this would not cause any significant conflict with local residents.

Security - Greater Manchester Police have raised no objections to the proposed use but have stated that some form of boundary treatment should delineate the site. Although the forest would not be locked (and would therefore be accessible by the public 24 hours a day), it would be delineated by railings and hedgerows so there are not expected to be any security or anti-social behaviour problems at the site.

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Disabled Access - The applicant has confirmed that the footpath that would run through the site would be fully accessible.

In conclusion, a memorial forest in this location is considered to be acceptable as it would not compromise the open, green nature of the surrounding area, would be a valuable asset in the local area and an alternative quiet area for people to remember their loved ones.

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 Unitary Development Plan, the Head of Planning 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. He 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

Approve in the light of policies DP1, DP2 and DP3 of the Regional Spatial Strategy and policies H2.2, H2.4, E2.6, E3.6, DC16 and BM2 of the Unitary Development Plan on the basis that the memorial forest would not adversely affect the open nature and green character of the area and would not adversely affect residential amenity.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: **** **

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy **** of the Manchester Unitary Development Plan.

3) No development shall commence until a hard and soft landscaping treatment scheme, and a long-term maintenance strategy for the site, has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date

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the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the memorial forest is first brought into use. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

5) Full details, including scaled drawings and manufacturers details, of any lighting to be installed at the memorial forest shall be submitted to and approved in writing by the City Council as Local Planning Authority before development commences. The development shall then be implemented in accordance with the approved details.

Reason - To ensure an acceptable development, pursuant to UDP policy H2.2

6) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; 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

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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 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

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: 082524/FU/2007/N1 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:

Chief Executive's Landscape Practice Group
Engineering Services
Environmental Health
Manchester Leisure
Environmental Health
Chief Executive's Landscape Practice Group
Manchester Leisure
Engineering Services
North Manchester Partnership
Greater Manchester Police
Dennis Brogan, Crime Reduction Officer
8 Kilburn Avenue, Manchester, M9 6SW
10 Kilburn Avenue, Manchester, M9 6SW
12 Kilburn Avenue, Manchester, M9 6SW
14 Kilburn Avenue, Manchester, M9 6SW
16 Kilburn Avenue, Manchester, M9 6SW
Pike Fold Golf Club, Cooper Lane, Manchester, M9 6QQ
32 Charnwood Road, Manchester, M9 6GQ
34 Charnwood Road, Manchester, M9 6GQ
36 Charnwood Road, Manchester, M9 6GQ
38 Charnwood Road, Manchester, M9 6GQ
40 Charnwood Road, Manchester, M9 6GQ
42 Charnwood Road, Manchester, M9 6GQ
44 Charnwood Road, Manchester, M9 6GQ
46 Charnwood Road, Manchester, M9 6GQ
48 Charnwood Road, Manchester, M9 6GQ
50 Charnwood Road, Manchester, M9 6GQ
52 Charnwood Road, Manchester, M9 6GQ
25 Charnwood Road, Manchester, M9 6QG
27 Charnwood Road, Manchester, M9 6QG
29 Charnwood Road, Manchester, M9 6QG
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37 Charnwood Road, Manchester, M9 6QG
39 Charnwood Road, Manchester, M9 6QG

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45 Charnwood Road, Manchester, M9 6QG
47 Charnwood Road, Manchester, M9 6QG
49 Charnwood Road, Manchester, M9 6QG
51 Charnwood Road, Manchester, M9 6QG
53 Charnwood Road, Manchester, M9 6QG
55 Charnwood Road, Manchester, M9 6QG
57 Charnwood Road, Manchester, M9 6QG
59 Charnwood Road, Manchester, M9 6QG
60 Yewlands Avenue, Manchester, M9 6QR
Nut Bank House, Charnwood Road, Manchester, M9 6QG
The Beehive Club, Cooper Lane, Manchester, M9 6QQ
Nut Bank Cottage, Charnwood Road, Manchester, M9 6QG
4 Kilburn Avenue, Manchester, M9 6SW
6 Kilburn Avenue, Manchester, M9 6SW
88 Chain Road, Manchester, M9 6GN
10 Charnwood Road, Manchester, M9 6GQ
12 Charnwood Road, Manchester, M9 6GQ
14 Charnwood Road, Manchester, M9 6GQ
16 Charnwood Road, Manchester, M9 6GQ
18 Charnwood Road, Manchester, M9 6GQ
2 Charnwood Road, Manchester, M9 6GQ
20 Charnwood Road, Manchester, M9 6GQ
22 Charnwood Road, Manchester, M9 6GQ
24 Charnwood Road, Manchester, M9 6GQ
26 Charnwood Road, Manchester, M9 6GQ
28 Charnwood Road, Manchester, M9 6GQ
30 Charnwood Road, Manchester, M9 6GQ
4 Charnwood Road, Manchester, M9 6GQ
6 Charnwood Road, Manchester, M9 6GQ
8 Charnwood Road, Manchester, M9 6GQ
1 Charnwood Road, Manchester, M9 6QG
11 Charnwood Road, Manchester, M9 6QG
13 Charnwood Road, Manchester, M9 6QG
15 Charnwood Road, Manchester, M9 6QG
17 Charnwood Road, Manchester, M9 6QG
19 Charnwood Road, Manchester, M9 6QG
21 Charnwood Road, Manchester, M9 6QG
23 Charnwood Road, Manchester, M9 6QG
3 Charnwood Road, Manchester, M9 6QG
5 Charnwood Road, Manchester, M9 6QG
7 Charnwood Road, Manchester, M9 6QG
9 Charnwood Road, Manchester, M9 6QG
49 Cooper Lane, Manchester, M9 6QQ
51 Cooper Lane, Manchester, M9 6QQ
53 Cooper Lane, Manchester, M9 6QQ
55 Cooper Lane, Manchester, M9 6QQ
62 Cooper Lane, Manchester, M9 6QQ
64 Cooper Lane, Manchester, M9 6QQ
66 Cooper Lane, Manchester, M9 6QQ
68 Cooper Lane, Manchester, M9 6QQ
7 Glenthorn Avenue, Manchester, M9 6XP
11 Glenthorn Avenue, Manchester, M9 6XP
8 Glenthorn Avenue, Manchester, M9 6XP

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12 Glenthorn Avenue, Manchester, M9 6XP
1 Kilburn Avenue, Manchester, M9 6SW
3 Kilburn Avenue, Manchester, M9 6SW
5 Kilburn Avenue, Manchester, M9 6SW
7 Kilburn Avenue, Manchester, M9 6SW
9 Kilburn Avenue, Manchester, M9 6SW
11 Kilburn Avenue, Manchester, M9 6SW
13 Kilburn Avenue, Manchester, M9 6SW
15 Kilburn Avenue, Manchester, M9 6SW
2 Kilburn Avenue, Manchester, M9 6SW

Representations were received from the following third parties:

Engineering Services
Environmental Health
Chief Executive's Landscape Practice Group
North Manchester Partnership
Dennis Brogan, Crime Reduction Officer

Relevant Contact Officer : Carolyn Parry
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Email : c.parry@manchester.gov.uk