
Application Number	Date of Appln	Committee Date	Ward
092064/FO/2009/N1	29 th Dec 2009	8 th Apr 2010	Moston Ward

Proposal Part Retrospective Application for the erection of 2 metre high green powder coated paladin fence and gates

Location 273 Moston Lane East, Moston, Manchester, M40 0JJ

Applicant Mr. John Edwards, New Moston Conservative Club, 273 Moston Lane East, Moston, Manchester, M40 0JJ

Agent

Description

This application relates to an existing single storey unit that is currently in use as the Moston Conservative Club. It sits at the junction of Moston Lane East and Holinwood Avenue, Moston.

The site is currently open to the road, with concrete posts from previous fencing around the border of the site. The area to the far north- east and south of the site is predominantly residential in nature, with the area to the north and west of the site being a mix of commercial and retail. The application site is occupied by a single storey club - house, and a car park, with some soft grassed area to the site frontage. A path runs to the rear of the site from Werbeck Road.

The applicants, Moston Conservative Club are applying for part retrospective consent for the erection of a 2 metre high green powder coated weldmesh paladin fence to secure the site. The fencing would run along the boundary with Moston Lane East and Warbeck Road. There would also be three gates proposed as part of the scheme. Two of the gates would be for pedestrian use, these being one from Moston Lane east, and one from Warbeck Road. The pair of double gates would give access for vehicles from Moston Lane East, and are set within the site to the north - eastern boundary and serve the car park.

The applicant has stated, that the fencing off of the site is required due to increased incidences of criminal activity around and within the site, with the building, and vehicles within the curtilage being vandalised. There have also been instances of vehicles being driven down the adjacent alleyway off Warbeck Road, and being set alight, prior to being abandoned, which has also posed a risk to the club house and its occupants.

Consultations

Local Residents and businesses were informed – no representations were received.

Ward Members were informed - and had some concerns over the gating off of the route that has been used for many years by local residents as a path way from Warbeck Road through to the shops on Moston Lane East, as this now denies residents a route through to the shops. The Ward Member has been advised that this would be addressed under separate Highways Legislation, and how to pursue a

request for designation. The issue of this closure will be investigated further in the report.

North Manchester Regeneration Team - no objections to the proposal.

United Utilities- had no objections to the proposal, however wanted the applicants to be aware that the development is shown to be adjacent to / include their electricity distribution equipment and therefore, it is essential that the applicant check that they are within their own land ownership, and that United Utilities maintenance and or access rights are maintained. Great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

Greater Manchester Police Design for Security- no objections to the proposal.

Issues

The site has no specific allocation in the Unitary Development Plan for the City of Manchester, however H2.2 would be considered when determining applications of this type. UDP- Policy H2.2 states: "The Council will not allow development, which will have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution".

It is considered that the proposal accords with this policy.

Residential amenity- It is not considered that the proposal would have a detrimental impact on the level of amenity currently enjoyed by the neighbouring properties. The site would be secured by 2 metre high colour coated weld mesh fencing, and, as such would remove some of the issues associated with anti social behaviour by securing the site and therefore not encouraging people who are not using the facilities to loiter. It would also reduce the incidences of crime on both vehicles parked in the car park of the club, and on the club itself.

Pedestrian Access

The issue of the closing off of the path to the Warbeck Road boundary adjacent to the residential property of number 2 Warbeck Road, has been raised. This path has been fenced off by the applicants, prior to this current application being submitted, and, whilst the legality of the action, and the possible need for the formal submission of a planning application for the erection of the section of fencing is being investigated, it falls outside of the site edged red, and as such cannot be taken into consideration when determining this current application.

However, in the interest of information, investigation has been undertaken into such issues as the ownership of the site, and the designation of the path. The land registry state that the site is unregistered, and the Head of Highway Services has confirmed that the path currently has no official designation as a footpath / right of way. However, these issues are not being considered as part of this application, but will be pursued under separate highways legislation, and if required a planning application will be sought.

Access- vehicular - would be taken from down the side of the existing club via double gates in the car park located off Moston Lane East. Pedestrian access would be served from Moston Lane East and Warbeck Road.

Design Siting and Appearance- are considered acceptable

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

on the basis that the proposal broadly complies with the policy in the Unitary Development Plan for the City of Manchester (in particular policy H2.2) and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1/ 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: 091014/02 A and details of materials both stamped as received 21st of December 2009

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

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: 092064/FO/2009/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:

Engineering Services
United Utilities Electricity Services
Councillor Rita Tavernor
Councillor Henry Cooper
Councillor Paul Murphy
271 Moston Lane East, Manchester, M40 3HY
269 Moston Lane East, Manchester, M40 3HY
324 Moston Lane East, Manchester, M40 3HZ
334 Hollinwood Avenue, Manchester, OL9 9NQ
332 Hollinwood Avenue, Manchester, OL9 9NQ
330 Hollinwood Avenue, Manchester, OL9 9NQ
328 Hollinwood Avenue, Manchester, OL9 9NQ
Rowbottom Podiatrist, Post Office Building 336-338, Hollinwood Avenue,
Manchester, M40 0JB
336a, Hollinwood Avenue, Manchester, M40 0JB
Post Office, New Moston Post Office 336-338, Hollinwood Avenue, Manchester,
M40 0JB
78 Owler Lane, Manchester, OL9 9PB
1 Warbeck Road, Manchester, M40 3LG
2 Warbeck Road, Manchester, M40 3LG
273 Moston Lane East, Manchester, M40 0JJ
Raja Bros, 321 Hollinwood Avenue, Manchester, M40 0JA

Representations were received from the following third parties:

Relevant Contact Officer : Janet Lawless
Telephone number : 0161 234 4535
Email : j.lawless@manchester.gov.uk