

---

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091412/FO/2009/N1	7th Oct 2009	11th Mar 2010	Harpurhey Ward

**Proposal** Installation of decorative railings to the top of the existing boundary wall to create an overall height of 2.5 metres boundary treatment

**Location** Brierley Court, 145 Church Lane, Lightbowne, Manchester, M9 4LA,

**Applicant** Care Uk, Connaught House, 850 The Crescent, Colchester Business Park, Colchester, Essex, CO4 9QB

**Agent** John Foreman And Partners, 1 Mount Pleasant, Pilgrims Lane, Chilham, Canterbury, Kent, CT4 8AB

### **Description**

This application relates to an existing residential care home known as Brierley Court. This site is roughly rectangular in shape, and is bounded by Lila Street, Zeta Street, Amos Street and Church Lane. The area is predominantly residential in nature. The applicants, Care UK, want to extend the height of the boundary to create an overall height of 2.5 metres along the stretch that abuts the alleyway to the rear of numbers 2 - 20 Lila Street. The existing boundary is of brick construction, but rather than extend the expanse of brickwork, it is the applicants' intention to use ornamental railings such as those used on the adjacent City Council alley gating scheme to match in and limit the massing of the boundary.

The agent has stated, that this increase in height, is necessary to improve the security of the external amenity space in the rear garden, as some of the residents of Brierley Court have on several occasions been involved in incidents of leaving the premises over the rear wall, and subsequently being stuck within the gated alley, which causes concern for the safety of the occupants and problems for the staff of the care home in returning the residents safely back to Brierley Court.

### **Consultations**

Local Residents were informed - three letters of objection have been received with the main points of concern being as follows:

1/ Why has it been deemed necessary to provide a decorative railing to the boundary wall of this institution, when the rear alleyway to Lila Street, has been gated off for several years.

2/ Will the 2.5 metre railings run from the top of the existing boundary wall.

3/ Is this application part of changes to the fabric of the building, which I would take issue with, and more importantly, is it in any way connected with a change in the class of patients, accommodated within the care home.

4/ There is already a very large smoking area on the other side of the boundary wall, this leads to large gatherings and smells very bad. It has also prevented the yard area being developed as a therapeutic seated area for me to relax, as I am disabled and have mental health problems of my own, which could be helped by an outside

space which I cannot benefit from, due to the proximity of this large summerhouse / smoking area. This building has already seriously affected the quality of life I am able to enjoy. It has also affected the sleep of guests in my home.

5/ The erection of these railings will give an eye line impression of being in a prison when viewed from the ground floor of my property.

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

### **Issues**

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.

Principle of Development - The principle of increasing the security to a property that is occupied by vulnerable people is considered acceptable. The proposal does not result in the intensification of the site, nor does it introduce a use to the site that does not currently exist. It merely improves the security by the least invasive method possible. If the additional height had been proposed in brickwork this would have increased the solid massing of the boundary with the residential properties. Whereas by proposing the railing it takes no more light from the properties, is visually permeable, and yet functional for the purpose for which it is sought. It is therefore considered that the principle is acceptable.

Residential Amenity - The main issue, is to determine the level of impact that the proposal would have on the amenity currently enjoyed by the occupants of the neighbouring properties. It is acknowledged that visually the boundary treatment would be higher, however, not solid. It is not considered that the proposal would have a detrimental impact upon the level of amenity currently enjoyed by neighbouring properties. The railing would only increase the height to an overall height of 2.5 metres to the boundary with the properties on Lila Street, and not an additional 2.5 metres on top of the existing wall, as the objectors appear to believe. The design of the railing is decorative, and not industrial in appearance, and is therefore considered appropriate for this residential location.

The issues raised by the objectors relate more directly to the management of the external spaces, and are not directly related to the introduction of a higher boundary treatment. If anything, it should reduce the level of disamenity that residents have experienced on occasions, as it would mean that residents from Brierley Court, could not access the alley way between Brierley Court and Lila Street without assistance, which should reduce the incidences of disamenity to the local residents.

Head of Planning acknowledges the concerns of the objectors in relation to the issues of disamenity. However these are more directly related to the nature and management of the facility and it is not considered that the erection of the fence would exacerbate the situation further.

Visual Amenity - The appearance of the proposed railing is considered to be acceptable given that it would match up with the materials used in the City Council alley gating scheme in the adjacent alley way. It is not considered that the proposal would have a detrimental impact on the visual amenity or character of the area.

**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 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: site location plan and photographs stamped as received 7th of October 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.

3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a sample of the railing to be erected. 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.

### **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: 091412/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:**

Greater Manchester Police  
1- 15 Amos Street, Manchester, M9 4WL  
2a, Amos Street, Manchester, M9 4WL  
2 Amos Street, Manchester, M9 4WL  
2 - 20 Lila Street, Manchester, M9 4NN  
143 Church Lane, Manchester, M9 4LA  
2 – 8 Zeta Street, Manchester, M9 4ZA

### **Representations were received from the following third parties:**

12 Lila Street, Manchester, M9 4NN  
12 Lila Street, Manchester, M9 4NN  
Ground Floor Flat, 2 Amos Street, Manchester, M9 4WL

**Relevant Contact Officer :** Janet Lawless  
**Telephone number :** 0161 234 4535  
**Email :** [j.lawless@manchester.gov.uk](mailto:j.lawless@manchester.gov.uk)