Application Number	Date of Appln	Committee Date	Ward
090653/FO/2009/S1	4th Aug 2009	22nd Oct 2009	Hulme Ward

Proposal Permanent use of land for garden centre together with the erection of a single storey timber building to form eco - classroom

Location Hulme Community Garden Centre, 28 Old Birley Street, Hulme, Manchester, M15 5RF,

Applicant Mr Jamie Dickinson, Hulme Community Garden Centre, 28 Old Birley Street, Hulme, Manchester, M15 5RG,

Agent

Description

The application relates to an area of land bordered by Old Birley Street and Warwick Street and measures approximately 0.3 hectares in area.

The immediate area is mixed use in nature and consists of a 'live/work' complex (Homes for Change) and Science Park to the east of the site, a car park and vacant theatre (Hulme Hippodrome) to the south, vacant land to the south east and a public house and community centre to the north. The wider area is predominantly residential in nature.

The proposal involves the permanent use of the land as a garden centre. Planning permission was granted for change of use from amenity land to a community garden centre together with the siting of two polytunnels, and ancillary buildings on 4th February 2000. A condition was inserted which limited the use of the land to be used as a garden centre for a temporary period which expired on 1st March 2005. As such, the current use of the site is unauthorised and the present proposal seeks to regularise the use of the land for a permanent period.

In addition, it is proposed to erect a small timber building to be used as an eco classroom and is to be used ancillary to the main community garden centre use. The classroom is to be situated on land currently used as a patio area at the southern end of the site.

Consultations

Local Residents – No representations have been received.

Environmental Health – A ground contamination condition is recommended.

Regulatory and Enforcement Services - No objection.

Greater Manchester Policy (Design for Security) - No objection.

South Manchester Regeneration (Hulme Manager) –'The Hulme Garden Centre performs an important community and educational function in the area. Whilst there are potentially proposals coming forward on sites adjoining the garden

centre, it is not considered that wider regeneration of the area would be prejudiced by the grant of a permanent consent'.

Environmental Health – No objection.

Issues

Unitary Development Plan (UDP) - There are no site-specific policies relating to the application site. However the following city-wide policies are relevant to this proposal:

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. The matters that the Council will consider include the scale and appearance of the development and it's impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy HU1 encourages the lasting regeneration of Hulme by provided the framework for a partnership involving the Council, local residents, the private sector and other agencies to create a community and business mix which is significantly diverse to be self sustaining. The policy also seeks to radically improve physical, social and the economic environment, to improve infrastructure, to facilitate development, provide employment opportunities and to ensure the involvement and support of local residents.

Regional Spatial Strategy - In terms of regional policy, the Regional Spatial Strategy for the North West was adopted in September 2008. The Regional Spatial Strategy forms part of the statutory development plan for every Local Authority in the North West and provides a framework for development and investment over the next fifteen to twenty years.

The following policies are considered relevant:

Policy DP2 focuses on building sustainable communities. Places where people want to live and work is a regional priority and sustainable communities should meet the diverse needs of existing and future residents, promote community cohesion, equality and diversity, be sensitive to the environment and contribute to a high quality of life

In addition to the above, central government provides national planning guidance in the form of Planning Policy Guidance Notes (PPG) and on some planning issues, Planning Policy Statements (PPS).

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system. Emphasis in placed on the need for good design to ensure, attractive, usable, durable and adaptable places.

Further to the above, the 'Guide to Development in Manchester 2', which has recently been adopted as a Supplementary Planning Document (SPD). The document contains core principles to guide developers to high quality and inclusive design. The principles that development should seek to achieve

include, character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.
Principle – The permanent use of the land as a community garden centre together with the erection of an eco-classroom is considered an appropriate and satisfactory use in this area and consistent with Policies HU1 and H2.2 of the Unitary Development Plan.

Visual and Residential Amenity – It is not believed that there would be any significant, adverse impact as a result of the proposal. The site is bordered on two sides by woodland and hedging and therefore visibility is minimal from street level. The site and its buildings can be seen above street level, particularly from the nearby 'Homes for Change' building to the east of the site. However, the view would be one of soft landscaping and green roofs, which would represent a benefit within a predominantly urban environment.

In light of the surrounding environmental context, screening provided by landscaping and the continued use of the site for a garden centre for the last 9 years without any environmental problems, it is not considered that there would be any significant impact upon either residential amenity or the visual character of the area as a result of the proposal. As such, the proposal complies with Policy H2.2 of the Unitary Development Plan.

Regeneration/Long Term - It is recognised that there are wider plans for the regeneration of the Hulme area. However, as the City Council owns the land to which the application relates and there are mechanisms in place to control the use of the land through the terms of the lease, it is not considered that an approved scheme would prejudice any wider regeneration proposals.

Community Benefit - The garden centre performs and important and useful function in the area and is a not for profit organisation which provides education and training for various community groups. The continued use of the land for a garden centre, together with the proposed classroom building would allow an expansive training programme that would act as a vital community resource, particularly for those marginalised by society. The development will be used to host workshops and classes educating individual and community groups about sustainability, horticulture and the environment. Such a use conforms with the principles embodied within Policy HU1 of the Unitary Development Plan and is therefore believed to be acceptable.

Scale and Design – The proposed eco classroom with be a flat roof, single storey, timber building constructed using sustainable and recycled materials. The building will incorporate a green (living) roof and will utilise sun pipe technology to provide additional daylight.

The building will form a low key, subservient building which due to its scale and use of materials will blend easily into its surroundings, without any significant or undue impact upon either residential amenity or the character of the area.

Disabled Access – The site and its ancillary buildings are fully accessible as far as practicable. The entrance and shop is served by disabled access ramps and raised beds have been incorporated to assist wheelchair users and those with

impaired mobility. The proposed eco-classroom building incorporates a level access sufficiently wide enough to allow disabled access.

Car Parking and Access – Access is gained from a single entrance off Old Birley Street. No formal car parking is provided within the curtilage of the site.

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 on the basis that the proposal accords with Policies H2.2 and HU1 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise. It is not considered that there would be any significant impact upon residential amenity or the character of the area and the continued use of the land as a community garden centre would provide employment opportunities and ensure the involvement and support of local residents as a sustainable feature in the area.

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: F04523/R1/1 and plans stamped as received on 23rd July 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.

2) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

3)
a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) The development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

4) A management plan for the future upkeep and maintenance of the garden centre and its grounds should be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - In the interests of the visual amenity area pursuant to Policy H2.2 of the Unitary Development Plan for the City of

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: 090653/FO/2009/S1 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:

Environmental Health
South Manchester Regeneration
Greater Manchester Police
Homes/Work For Change
Judith Hackney, Crime Reduction Officer
Flat 306, 41 Old Birley Street, Manchester, M15 5RE
Flat 203, 41 Old Birley Street, Manchester, M15 5RE
Flat 309, 41 Old Birley Street, Manchester, M15 5RE
Ethical Consumer Information Systems, Unit 24, 41 Old Birley Street, Manchester, M15 5RF
Flat 303, 41 Old Birley Street, Manchester, M15 5RE
Ecra Publishing Ltd, Unit 21, 41 Old Birley Street, Manchester, M15 5RF
Flat 222, 41 Old Birley Street, Manchester, M15 5RE
Flat 410, 41 Old Birley Street, Manchester, M15 5RE
Flat 227, 41 Old Birley Street, Manchester, M15 5RE
Flat 402, 41 Old Birley Street, Manchester, M15 5RE
Flat 102, 41 Old Birley Street, Manchester, M15 5RE
Flat 206, 41 Old Birley Street, Manchester, M15 5RE
Flat 221, 41 Old Birley Street, Manchester, M15 5RE
Flat 404, 41 Old Birley Street, Manchester, M15 5RE
Flat 104, 41 Old Birley Street, Manchester, M15 5RE
Flat 405, 41 Old Birley Street, Manchester, M15 5RE
Flat 304, 41 Old Birley Street, Manchester, M15 5RE
Flat 207, 41 Old Birley Street, Manchester, M15 5RE
Flat 223, 41 Old Birley Street, Manchester, M15 5RE
Flat 6, 41 Old Birley Street, Manchester, M15 5RE
Flat 305, 41 Old Birley Street, Manchester, M15 5RE
Women 4 The Future, Unit 13, 41 Old Birley Street, Manchester, M15 5RF
Flat 301, 41 Old Birley Street, Manchester, M15 5RE
Flat 5, 41 Old Birley Street, Manchester, M15 5RE
Flat 230, 41 Old Birley Street, Manchester, M15 5RE
Flat 224, 41 Old Birley Street, Manchester, M15 5RE
Homes For Change, Unit 26, 41 Old Birley Street, Manchester, M15 5RF
Flat 103, 41 Old Birley Street, Manchester, M15 5RE
Flat 1, 41 Old Birley Street, Manchester, M15 5RE
Flat 231, 41 Old Birley Street, Manchester, M15 5RE

Flat 228, 41 Old Birley Street, Manchester, M15 5RE
Flat 9, 41 Old Birley Street, Manchester, M15 5RE
Flat 8, 41 Old Birley Street, Manchester, M15 5RE
Flat 401, 41 Old Birley Street, Manchester, M15 5RE
Flat 220, 41 Old Birley Street, Manchester, M15 5RE
Manchester Youth Theatre, Unit 14, 41 Old Birley Street, Manchester, M15 5RF
Flat 210, 41 Old Birley Street, Manchester, M15 5RE
Flat 219, 41 Old Birley Street, Manchester, M15 5RE
Flat 216, 41 Old Birley Street, Manchester, M15 5RE
Flat 217, 41 Old Birley Street, Manchester, M15 5RE
Flat 302, 41 Old Birley Street, Manchester, M15 5RE
Flat 211, 41 Old Birley Street, Manchester, M15 5RE
Flat 3, 41 Old Birley Street, Manchester, M15 5RE
Flat 7, 41 Old Birley Street, Manchester, M15 5RE
Flat 411, 41 Old Birley Street, Manchester, M15 5RE
Flat 101, 41 Old Birley Street, Manchester, M15 5RE
Openspace Co-op Ltd, Unit 1, 41 Old Birley Street, Manchester, M15 5RF
Source Unknown, Unit 15, 41 Old Birley Street, Manchester, M15 5RF
Flat 409, 41 Old Birley Street, Manchester, M15 5RE
Flat 105, 41 Old Birley Street, Manchester, M15 5RE
Flat 501, 41 Old Birley Street, Manchester, M15 5RE
Flat 106, 41 Old Birley Street, Manchester, M15 5RE
Flat 226, 41 Old Birley Street, Manchester, M15 5RE
Flat 308, 41 Old Birley Street, Manchester, M15 5RE
Flat 232, 41 Old Birley Street, Manchester, M15 5RE
Flat 229, 41 Old Birley Street, Manchester, M15 5RE
Flat 214, 41 Old Birley Street, Manchester, M15 5RE
Flat 307, 41 Old Birley Street, Manchester, M15 5RE
Flat 208, 41 Old Birley Street, Manchester, M15 5RE
Flat 2, 41 Old Birley Street, Manchester, M15 5RE
Flat 225, 41 Old Birley Street, Manchester, M15 5RE
Flat 204, 41 Old Birley Street, Manchester, M15 5RE
Flat 403, 41 Old Birley Street, Manchester, M15 5RE
45 Old Birley Street, Manchester, M15 5RF
Venture Arts, 43 Old Birley Street, Manchester, M15 5RF
Flat 406, 41 Old Birley Street, Manchester, M15 5RE
Flat 212, 41 Old Birley Street, Manchester, M15 5RE
Flat 209, 41 Old Birley Street, Manchester, M15 5RE
Flat 412, 41 Old Birley Street, Manchester, M15 5RE
Flat 205, 41 Old Birley Street, Manchester, M15 5RE
Flat 218, 41 Old Birley Street, Manchester, M15 5RE
Flat 407, 41 Old Birley Street, Manchester, M15 5RE
Flat 408, 41 Old Birley Street, Manchester, M15 5RE
Flat 4, 41 Old Birley Street, Manchester, M15 5RE
Homes For Change, Unit 25, 41 Old Birley Street, Manchester, M15 5RF
Flat 215, 41 Old Birley Street, Manchester, M15 5RE
H A B, Unit 18, 41 Old Birley Street, Manchester, M15 5RF
Flat 202, 41 Old Birley Street, Manchester, M15 5RE
Unit 20, 41 Old Birley Street, Manchester, M15 5RF
Flat 213, 41 Old Birley Street, Manchester, M15 5RE
Flat 201, 41 Old Birley Street, Manchester, M15 5RE
Ricardo Vilela, Unit 16, 41 Old Birley Street, Manchester, M15 5RF

Charlie Baker Design, Unit 19, 41 Old Birley Street, Manchester, M15 5RF
13 Ormsgill Street, Manchester, M15 5JE
11 Ormsgill Street, Manchester, M15 5JE
10 Ormsgill Street, Manchester, M15 5JE
12 Ormsgill Street, Manchester, M15 5JE
15 Ormsgill Street, Manchester, M15 5JE
14 Ormsgill Street, Manchester, M15 5JE
4 Ormsgill Street, Manchester, M15 5JE
Flat 3, 101 Chichester Road, Manchester, M15 5UP
Flat 7, 101 Chichester Road, Manchester, M15 5UP
Flat 1, 101 Chichester Road, Manchester, M15 5UP
Flat 6, 101 Chichester Road, Manchester, M15 5UP
Flat 4, 101 Chichester Road, Manchester, M15 5UP
Flat 2, 101 Chichester Road, Manchester, M15 5UP
Flat 5, 101 Chichester Road, Manchester, M15 5UP
Flat 8, 101 Chichester Road, Manchester, M15 5UP
Flat 9, 101 Chichester Road, Manchester, M15 5UP
Hulme Community Garden Centre, 28 Old Birley Street, Manchester, M15 5RG
Manchester Asylum Seeker Team, Claremont Centre, Rolls Crescent, Manchester, M15 5FS
Citizens Advice Bureau, Claremont Centre, Rolls Crescent, Manchester, M15 5FS
Hulme Resources Ltd, Claremont Centre, Rolls Crescent, Manchester, M15 5FS
Yellow Brick Cafe, 49 Old Birley Street, Manchester, M15 5RF
Limited Resources, 53 Old Birley Street, Manchester, M15 5RF
3 C V Ltd, 51 Old Birley Street, Manchester, M15 5RF
51 Old Birley Street, Manchester, M15 5RF
Hidden Beauty Model Agency, Unit 7e, 47 Old Birley Street, Manchester, M15 5RF
1a, Rolls Crescent, Manchester, M15 5JZ
Junction Hotel, 1 Rolls Crescent, Manchester, M15 5JZ
36 Abbeyville Walk, Manchester, M15 5ER
102 Chichester Road, Manchester, M15 5EJ
Gilbert Deya Ministries, Warwick Street, Manchester, M15 5JJ
113 Chichester Road, Manchester, M15 5UP
111 Chichester Road, Manchester, M15 5UP
109 Chichester Road, Manchester, M15 5UP
107 Chichester Road, Manchester, M15 5UP
105 Chichester Road, Manchester, M15 5UP
103 Chichester Road, Manchester, M15 5UP
Agro Food Services Ltd, 115 Chichester Road, Manchester, M15 5UP

Representations were received from the following third parties:

Environmental Health
Greater Manchester Police

Relevant Contact Officer : Steven McCoombe
Telephone number : 0161 234 4607
Email : s.mccoombe@manchester.gov.uk