

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136992/FO/2023

Date registered valid: 16 May 2023

Proposal: Refurbishment works to community garden including installation of tool shed and shelter and amendments to entrance gate.

Address: Chorlton District Library, Manchester Road, Manchester, M21 9PN

Ward(s): Chorlton Ward

Applicant: Mrs Carolyn Kagan, Chorlton Community Garden

Agent (if any): Mr Nick Linder, Groundwork Greater Manchester

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11 July 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 2 June 2023

Standard consultations: Printed: 30 May 2023 Expired: 20 June 2023

Neighbour notifications: Printed: 30 May 2023 Expired: 20 June 2023

Site notice: Posted: 2 June 2023 Expired: 23 June 2023

Press advert: Published: 6 June 2023 Expired: 20 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site / building / area

Listed building: Grade II

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a plot of land known as 'Chorlton Community Garden', situated between Grade II listed buildings Chorlton Library and the Former Temperance Billiard Hall, now a JD Wetherspoon Free House, adjacent to Manchester Road (B5217). The plot first began to be used as a community garden sometime around 2013, however was later closed by the Council in 2019 as the site fell into disrepair, becoming a health and safety hazard for members of the public. The plot is now managed by community groups Friends of Chorlton Community Garden and Chorlton Voice who recently undertook a series of public online and face-to-face consultations in order to secure and establish the future use and longevity of the site, ensuring that it would appropriately serve the local community.



Figure 1. Chorlton Community Garden.



Figure 2. Relationship to the Former Temperance Billiard Hall.



Figure 3. Relationship to Chorlton Library.

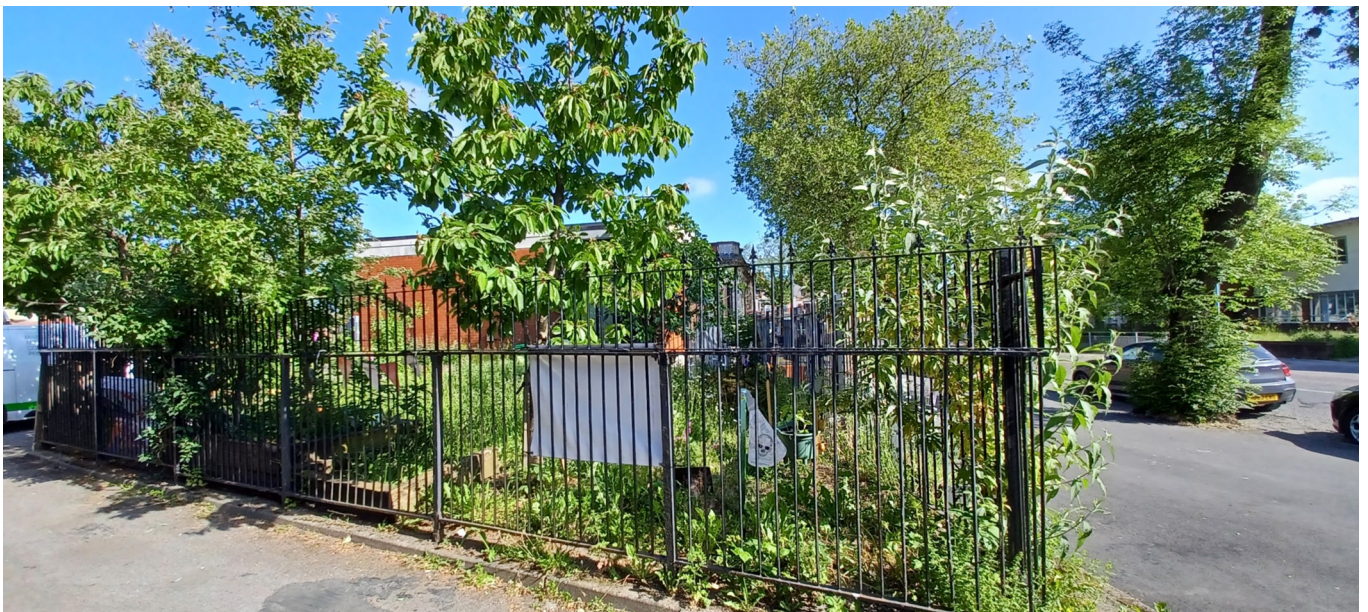


Figure 4. Chorlton Community Garden.

Description of development

The applicant is seeking permission to undertake refurbishment works to the community garden including the installation of a tool shed and shelter and amendments to the entrance gate.

Planning History

096977/DEM/2011/S1 - Prior Notification for the demolition of public convenience – **NO OBJECTION** (06.10.2011).

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Highways made the following comments in response to the application:

- It is understood that the proposals will be contained within the private boundary of the site and will not have an impact on the external highway network.
- A new pedestrian entrance gate will be installed at the existing access point on Manchester Road to allow access to the garden area. For the avoidance of doubt, all external entrance doors/gates (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.
- There is no on-site parking associated with this development.
- An existing dropped kerb is in place at the pedestrian access point. Clarification is sought to confirm if alterations to the footway are required. If they are required, the applicant would be required to enter into a Section 278/184 agreement, funded at the applicant's expense.
- Waste management arrangements are acceptable from a highway perspective.
- Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements, where there is an impact on the highway. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the Council's Highway Applications and Network Resilience teams via Email --highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Corporate Property – no comments or objections received.

Ward Councillors – no comments or objections received.

South Neighbourhood Team – no comments or objections received.

Chorlton Voice – no comments or objections received.

Urban Design & Heritage Team made the following comments in response to the application:

- The open space under consideration, in use as the Chorlton Community Garden, is attached to the modern extension to the Grade II listed Chorlton District Library and located immediately next to the Grade II listed Former Temperance Billiard.
- The site is located outside but in the setting of the Chorlton Conservation Area.
- The proposal would add hard and soft landscaping and new structures to the gap site.

- On balance, I consider that the works would have a positive impact on the setting of the Grade II listed buildings and the character of the area, whilst deliver considerable public benefits.
- The new utilitarian structures, including the bin and the tool store, have been designed as to minimise their negative impact on the street scene and character of the area – i.e. through the addition of screening, green roof, and the careful positioning within the community garden.
- These measures show considered effort to ensure the new development will be sympathetic to the local area, which is supported on heritage & urban design grounds.
- Further information (sample and/or product specification) of the proposed stone flags, which should be York stone or similar, and the proposed gate, which should be steel to match, should be submitted.

Upon receipt of a new design for the proposed access gate, the Urban Design & Heritage Team made the following comments:

- The gates on their own are acceptable. There are concerns over the proposed 'welcome' signage however, based on the limited information provided to date; the form, design and size do not appear to fit well within the street scene or the immediate context of the site.
- In consequence, the signage is not supported on heritage & urban design grounds.
- Should signage/advertisement be advantageous/required, I advise that it is more discrete and of the highest quality, with more information submitted.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC19 – Listed Buildings

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy EN19 – Waste

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and enhancing the historic environment

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context. Policies DC19 of the Unitary Development Plan for the City of Manchester relates specifically to listed buildings and sets out a number of criteria against which proposals which may affect listed buildings will be assessed. Although this latter policy is now of some age, it is consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments, to sustain and enhance the significance of heritage assets, ensuring their positive contribution to local areas with character and distinctiveness.

Principle – the principle of the proposal, to undertake refurbishment works to an otherwise disused and neglected space is acceptable given that it would reinvigorate the site as it currently exists, creating an eco-friendly communal space to the benefit of the local community.

In this regard, the proposal is considered to accord with policy SP1 of the Core Strategy as it is believed that it would ‘make a positive contribution to the health, safety and wellbeing of residents’, whilst creating a ‘well designed [place] that enhance[s] or create[s] character’. As such, the proposal is understood as making a ‘positive contribution’ to Chorlton District Centre as well as its local community.

However, consideration must be given to the proposal’s impact upon visual amenity, residential amenity, nearby heritage assets and waste.

Appearance and visual amenity – the refurbishment works will take place within Chorlton Community Garden situated between Grade II listed buildings Chorlton Library and the Former Temperance Billiard Hall, adjacent to Manchester Road (B5217). The site itself measures to a total of 122 square metres.

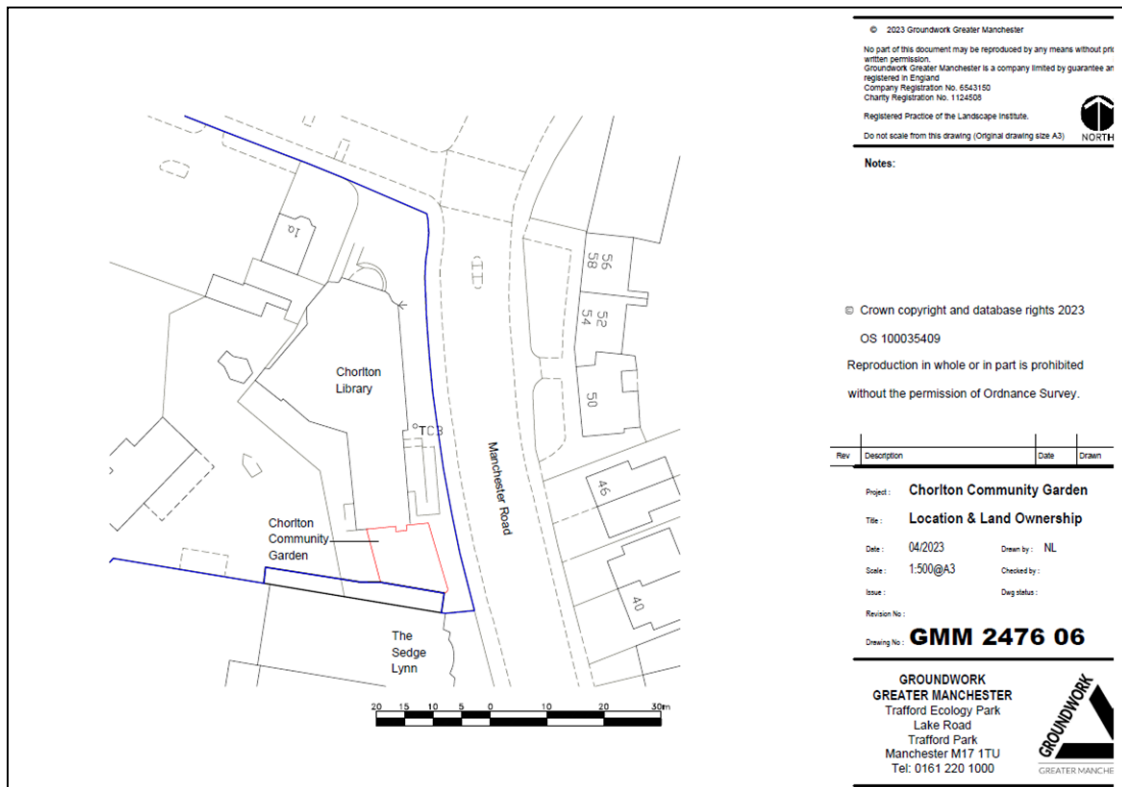


Figure 5. Submitted location plan.

The proposed works include: the installation of a new tool shed, bin store and shelter with an associated performance space, widening of the existing entrance and installation of a new gate, retention of existing trees and planting of new ones, cultivation of existing planted borders and installation of new planting beds, creation of new paved areas using recycled stone flags and self-binding golden gravel, and the installation of new seating facilities (including benches, boulder seats, and an inclusive picnic bench).

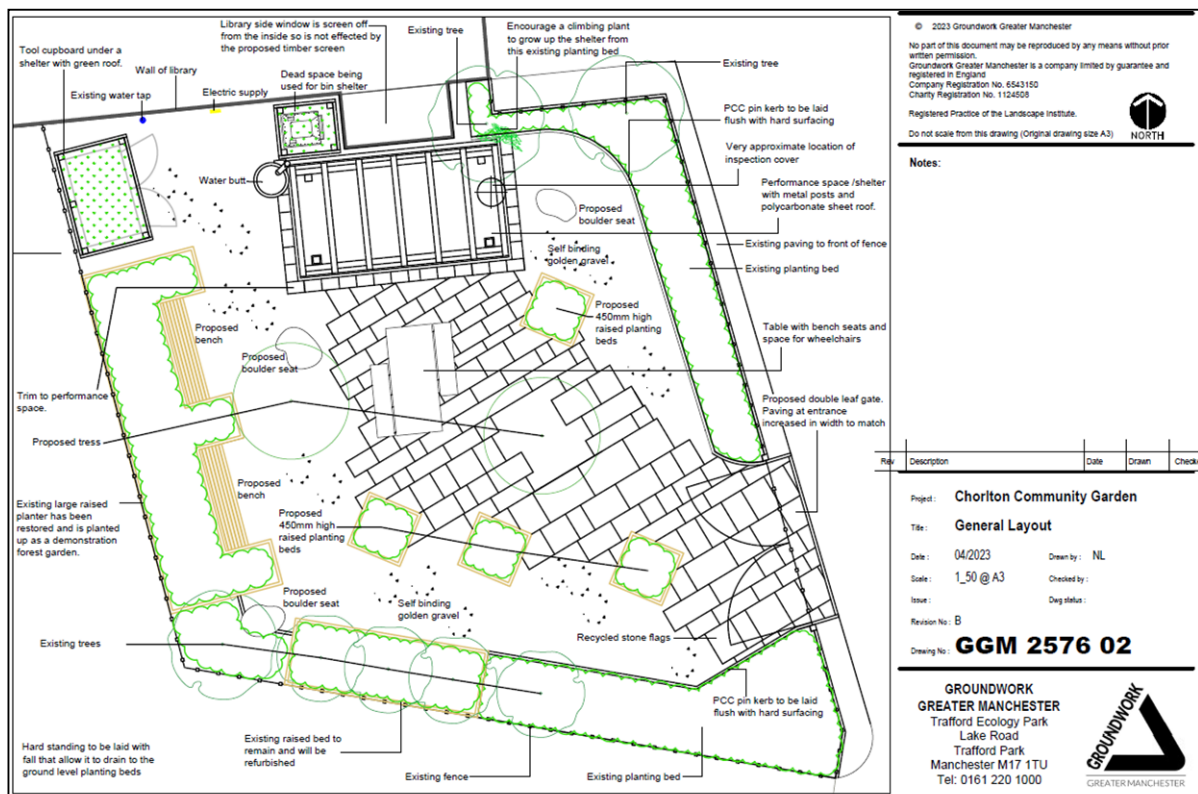


Figure 6. Submitted general layout plan.

The proposed tool shed would be sited in the northwest corner of the plot with dimensions measuring to 1.7m in height, 1.95m in width, and 1.35m in depth. The shed would be a treated (fsc) softwood timber construction with a slightly pitched green roof, planted with sedums or native wildflowers, and would feature a 50mm downpipe leading to a small water butt. A green steel tool cupboard with outward-opening doors would be housed within this shed and, as such, would be largely screened from view.

The bin shelter would be sited along the northern boundary of the plot, adjacent to the southernmost wall of Chorlton Library, behind the proposed performance space and shelter. It would measure to 1.7m in height, 1m in width, and 1m in depth. The bin shelter would also be a treated (fsc) softwood timber construction with a slightly pitched green roof, also planted with sedums or native wildflowers. The shelter would also feature 76mm guttering. A refuse bin would be housed within this shelter and, as such, would be largely screened from view.

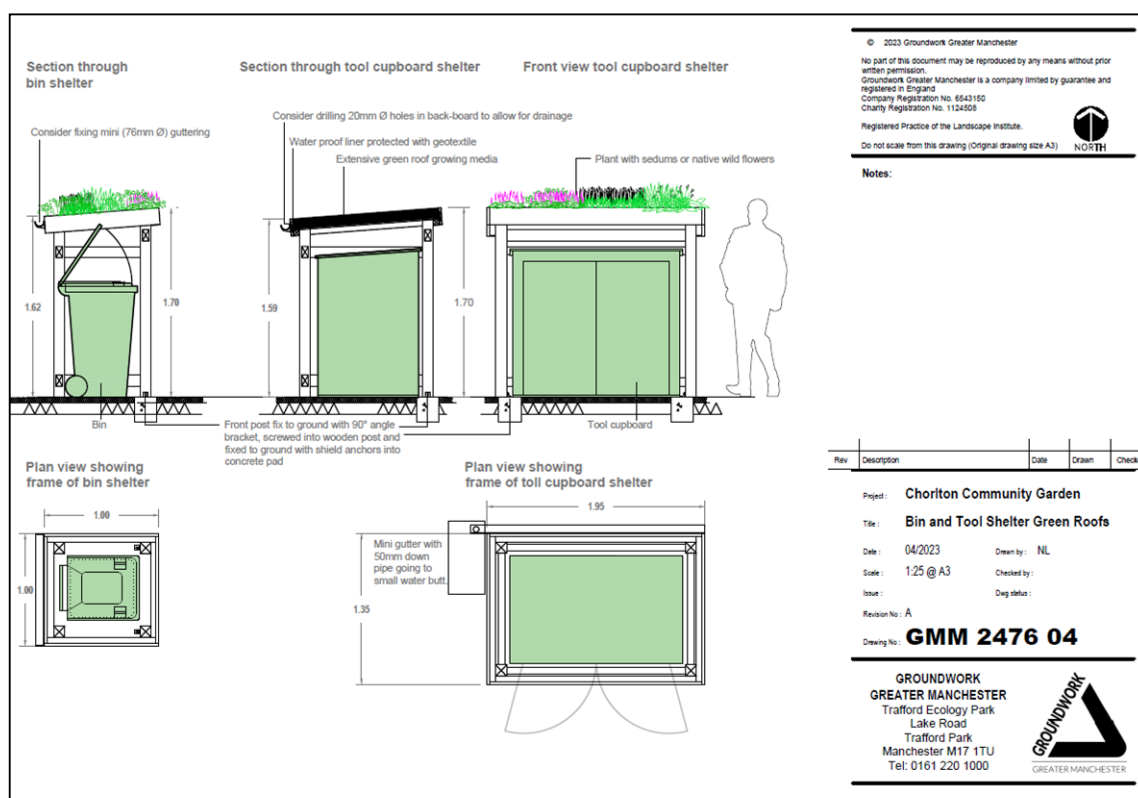


Figure 7. Submitted bin and tool shelter plans.

The performance space and shelter would be sited in northern region of the plot, in front of the proposed bin shelter. It would measure to 2.48m in height, 3.51m in width and 2m in depth. The shelter would be a treated (fsc) softwood timber construction with clear dual wall polycarbonate roofing sheets for its (slightly pitched) roof. It would also feature guttering and a downpipe to its rear elevation with a screen of cedar horizontal slats with planks measuring to 50mm wide with gaps of 10mm between. Its support posts would be constructed of galvanised steel measuring to 120mm x 120mm x 8mm and would either be painted or clad with timber to soften their appearance.

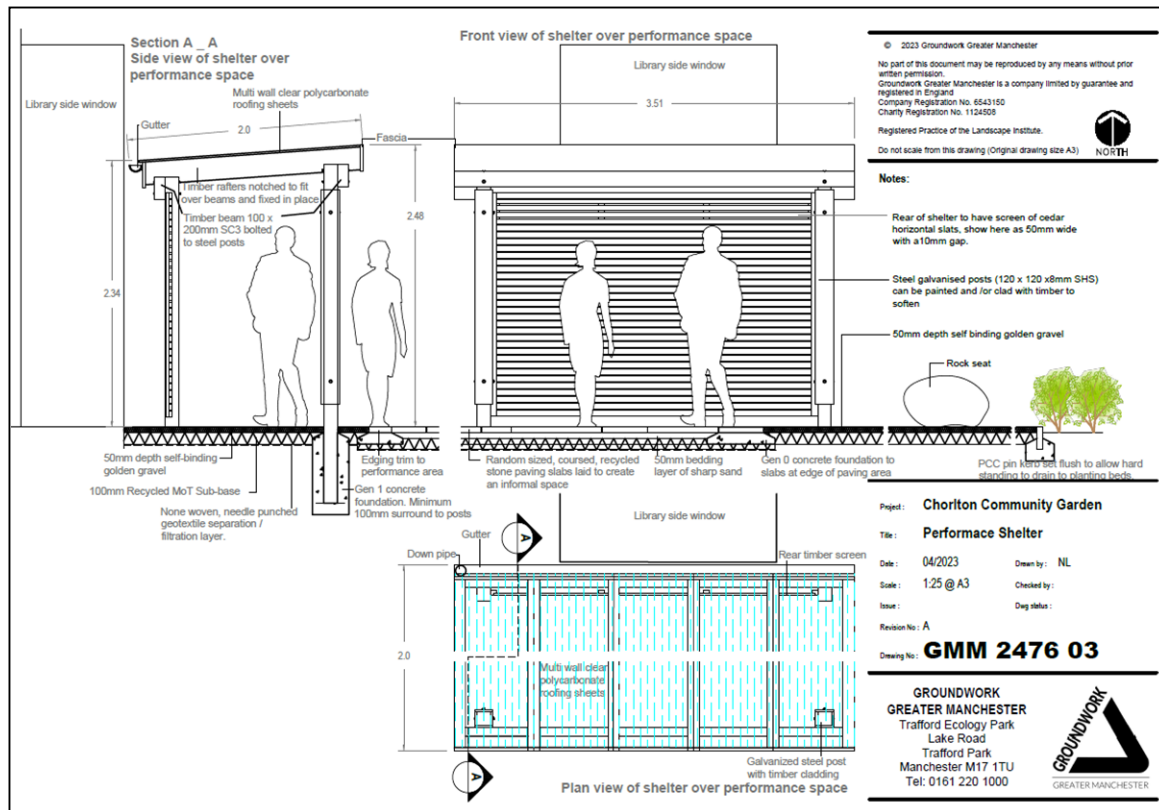


Figure 8. Submitted performance shelter / space plans.

The proposed access gate would be sited between the existing fence posts along the eastern boundary of the plot, measuring to approximately 2.8m in height and 2.94m in width. The proposed gate would be an inward opening 'vertical bar double leaf gate', painted in black to match the existing railings with an arched header bearing laser cut steel 'WELCOME' signage. The railings themselves would be 16mm in diameter, with the gate featuring a clasp and padlock in its centre, and a bolt and padlock at its base.

Whilst the Urban Design & Heritage Team objected to the design of the access gate on the grounds that it would 'not fit well within the street scene or the immediate context of the site', it is considered that the gate's design would not be out-of-keeping with the wider context of the surrounding area due to the proposal's siting along Barlow Moor Road high street, which features an array of varied signage, as well as its proximity to Chorlton District Library's modern extension. As such, it is believed that less than substantial harm would be caused as a result of the proposal that would be outweighed by the benefits of the proposal.

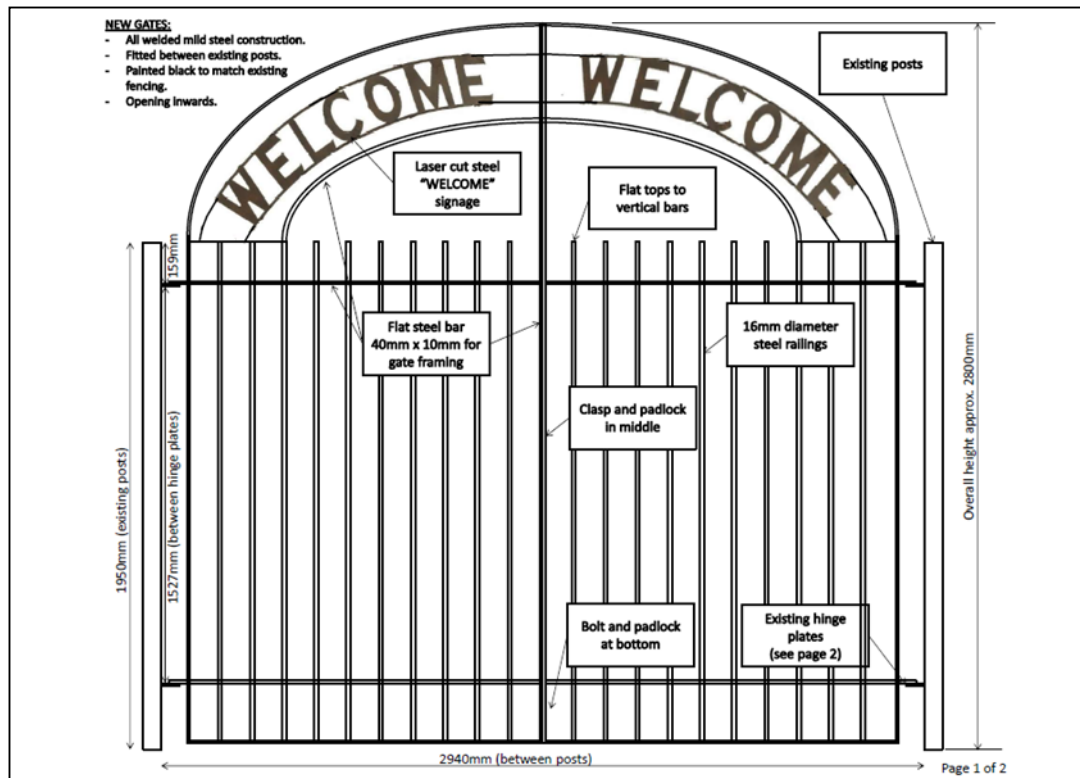


Figure 9. Submitted proposed double leaf gates.

Of the plot's trees, two are to be retained within its north-eastern planted border and five are to be retained in its south-western planted border. Two new edible fruiting trees are proposed to be planted in central locations within the plot. The mature shrubs situated within the existing planting beds are to be retained and added to, with any additional planting aiming to provide sensory and seasonal appeal as well as ease of maintenance. The large, raised bed along the plot's western boundary is to be restored and planted up as a demonstration forest garden. Four new 450mm-high raised timber planting beds are also proposed to be installed within the central space of the plot.

The new paved walkway will lead from the proposed access gate to the performance shelter and space and will be constructed of recycled stone flags, the details of which are to be confirmed through a condition discharge application at a later date. The surrounding surfaces are to be laid with self-binding golden gravel to provide a further level surfacing as well as visual intrigue.

A variety of new seating is also proposed including: a picnic style table with bench seats and spaces for wheelchairs located in front of the performance shelter / space, two boulder seats located towards the plot borders, and two benches nestled into the raised planter and forest garden.

Considering the characteristics of the proposal, in addition to its appropriate siting, use of natural and sustainable materials and its potential to improve an otherwise neglected and disused communal space, the proposal is not considered to harm the visual or aural amenity of this locale. It is believed that the proposal aims to improve the appearance of the existing streetscape, providing an attractive and visually interesting outdoor amenity space to the benefit of the local community. The proposal is therefore considered to be well-designed and will have minimal detrimental impact upon the street scene, possibly even enhancing the visual amenity of the area overall.

The proposal therefore accords with policies DM1, SP1 and EN1 of the Core Strategy as well as chapter 12 of the NPPF.

Residential amenity – Chorlton Community Garden is nestled between two public buildings along a busy stretch of road which runs through Chorlton District Centre. The application site is therefore not situated within close proximity to any residential properties and, as such, should not cause issues related to overshadowing, loss of light, overlooking, and loss of privacy, nor should it introduce an overbearing presence into the area.

The proposed widened entrance would feature inward-opening gates and, as such, would not encroach onto the pavement in front of the plot, thus avoiding impeding or reducing pedestrian accessibility.

It is also not considered that the proposal would give rise to a significant degree of noise due to the small-scale character of the plot as well as its intended use as a community garden for local residents. Moreover, it is believed that any noise pollution caused as a result of the proposal would be minimal in comparison to the levels generated by nearby outdoor drinking facilities as well as traffic travelling along the highway.

The proposal is therefore considered acceptable due to its accordance with policies DC1 of the UDP and SP1 and DM1 of the Core Strategy.

Impact upon nearby heritage assets – the proposed works would not physically affect either of the Grade II listed buildings situated within its proximity, with their individual external appearance and structure remaining as existing. The proposal would however affect their setting and environment, though it is considered that this would be in a positive and constructive respect. This is due to the fact that currently the plot presents a tired and neglected appearance to the street scene. It is believed that the proposed works would substantially improve the visual attractiveness of the plot and its surrounding area (including the visual context of the listed buildings) as the proposal is considered to be well-designed, utilising natural and sustainable materials and incorporating eco-friendly and green features, whilst including considerable attention to detail.

The proposal is therefore considered acceptable due to its potential to positively contribute to the setting and environment of the listed buildings situated within its proximity, pursuant to policies DC19 of the UDP, EN3 of the Core Strategy and chapter 16 of the NPPF.

Waste management – the submitted plans indicate the inclusion of a refuse bin with an associated timber store sited along the northern boundary of the plot, behind the proposed performance shelter / space. This should ensure that adequate provisions are in place for the management and disposal of waste generated by activities associated with the site. The inclusion of a timber store should also screen the bin from view, ensuring that the visual amenity of the area is not detrimentally affected.

The proposal therefore accords with policies DM1 and EN19 of the Core Strategy.

Conclusion – given the above issues, it is considered that the proposed refurbishment works are acceptable in terms of their principle, appearance, impact upon visual amenity, residential amenity, and nearby listed buildings as well as waste management. The proposal is therefore understood as broadly complying with policy DC19 of the UDP, policies SP1, DM1, EN1, EN3 and EN19 of the Core Strategy and chapters 12 and 16 of the NPPF.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 a right to a fair hearing and to this end the local planning authority 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 recommendation given 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: Approve

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. Minor issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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

1) The development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following documents labelled:

- 'Chorlton Community Garden: General Layout', numbered 'GGM 2576 02 REV B', stamped as received by the City Council as Local Planning Authority on the 16th May 2023.

-‘Chorlton Community Garden: Performace Shelter’, numbered ‘GMM 2476 03 REV A’, stamped as received by the City Council as Local Planning Authority on the 16th May 2023.
-‘Bin and Tool Shelter Green Roofs’, numbered ‘GMM 2476 04 REV A’, stamped as received by the City Council as Local Planning Authority on the 16th May 2023.
-‘Groundwork Greater Manchester: Design Access Statement for Chorlton Community Garden’, stamped as received by the City Council as Local Planning Authority on the 16th May 2023.
-‘NEW GATES’, stamped as received by the City Council as Local Planning Authority on the 7th July 2023.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved plans.

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 policies SP1 and DM1 of the Core Strategy.

4) Prior to the installation of any paving, the following details shall be submitted to and approved in writing by the City Council as Local Planning Authority:

-Product specifications and / or samples of the paving to be used.

The development shall be installed in accordance with the approved details.

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 policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Corporate Property
South Neighbourhood Team
Chorlton Voice

46A Manchester Road, Chorlton, Manchester, M21 9PH
42 Manchester Road, Chorlton, Manchester, M21 9PH
Ground Floor And First Floor, 52 - 54 Manchester Road, Chorlton, Manchester, M21 9PH
52 - 54 Manchester Road, Chorlton, Manchester, M21 9PH
32B Manchester Road, Chorlton, Manchester, M21 9PH
56 - 58 Manchester Road, Chorlton, Manchester, M21 9PH
Funeral Parlour Junction Nicholas Road, Manchester Road, Chorlton, Manchester, M21 9PN
38A Manchester Road, Chorlton, Manchester, M21 9PH
Village Dry Cleaners, 38 Manchester Road, Chorlton, Manchester, M21 9PH
Flat 3, 32A Manchester Road, Chorlton, Manchester, M21 9PH
Flat 2, 32A Manchester Road, Chorlton, Manchester, M21 9PH
Flat 1, 32A Manchester Road, Chorlton, Manchester, M21 9PH
Oswald Road Primary School, Oswald Road, Manchester, M21 9PL
Flat 3, 40 Manchester Road, Chorlton, Manchester, M21 9PH
Flat 6, 40 Manchester Road, Chorlton, Manchester, M21 9PH
Flat 2, 40 Manchester Road, Chorlton, Manchester, M21 9PH
32 Manchester Road, Chorlton, Manchester, M21 9PH
32A Manchester Road, Chorlton, Manchester, M21 9PH
36 Manchester Road, Chorlton, Manchester, M21 9PH
2 Nicolas Road, Manchester, M21 9LQ
44 Manchester Road, Chorlton, Manchester, M21 9PH
46 Manchester Road, Chorlton, Manchester, M21 9PH
21A Manchester Road, Chorlton, Manchester, M21 9PN
Flat 7, 40 Manchester Road, Chorlton, Manchester, M21 9PH
Flat 4, 40 Manchester Road, Chorlton, Manchester, M21 9PH
Flat 5, 40 Manchester Road, Chorlton, Manchester, M21 9PH
Flat 1, 40 Manchester Road, Chorlton, Manchester, M21 9PH
34 Manchester Road, Chorlton, Manchester, M21 9PH
50 Manchester Road, Chorlton, Manchester, M21 9PH
Proof Bar, 30A Manchester Road, Chorlton, Manchester, M21 9PH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA