

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137275/FO/2023

Date registered valid: 5 July 2023

Proposal: Creation of community growing project including the installation of 15 freestanding planters (measuring 3m x 1m x 1m), a freestanding polytunnel (measuring 5m x 3m x 2m) and the planting of a 1.5m hedgerow around the site.

Address: Land At Whitley Road, Manchester

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Stephen Higgins Collyhurst Community Enterprises

Agent (if any):

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16/08/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 18 July 2023 Expired: 8 August 2023

Neighbour notifications

Printed: 18 July 2023 Expired: 8 August 2023

Site notice

Posted: Expired:

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

The area relates to Collyhurst, an area to the north-east of Manchester's City Centre. The area historically housed a red sandstone quarry, which is now Sandhills Park. The area's character comprises mainly residential uses, with some ecclesiastical, educational and light industrial uses.

The site consists of two areas of cleared land either side of a driveway where a residential tower block used to stand. The driveway leads to a City Council compound to the rear. There is also a commercial parade and some residences to the rear of the site. Opposite is more cleared land leading up to a railway line. Some development is newly underway in the vicinity of the site.

Description of development

The development relates to the installation of a community garden on the vacant lot for a temporary period of three years. The garden will consist of 15no. timber raised beds, measuring 3m x 1m x 1m, (seven to the southern portion, 8 to the northern portion), 1no. freestanding polytunnel measuring 5m x 3m x 2m in the northern portion and associated boundary treatment consisting of green weldmesh fencing and a newly planted 1.5m high hedgerow.

Consultations & Notification Responses

Publicity - a notice was displayed on site advertising the development. Letters were sent to surrounding occupiers informing them of the development. No representations have been received as a result of this publicity.

Highways Services - No objections, request for gates to open inwards and no inner perimeter hedge is provided 2m either side of the access in order to maintain suitable levels of pedestrian visibility.

Design for Security at Greater Manchester Police - No objection, support boundary treatment.
Environmental Health - No objections, informative regarding ground contamination requested.

Issues

The main policies that relate to this application SP1 (Spatial Principles), DM1 (Development Management), EN9 (Green Infrastructure) EN11 (Quantity of Open Space, Sport and Recreation), EN18 (Contaminated Land and Ground Stability) of the Manchester Core Strategy, Section 8 (in particular Paragraph 92) of the National Planning Policy Framework and Action 6 of Manchester's Great Outdoors: a Green and Blue Infrastructure Strategy for Manchester.

Issues

Principle

The use of brownfield sites for community garden meanwhile uses is the goal of Action 6 of Manchester's Great Outdoors: a Green and Blue Infrastructure Strategy for Manchester. This is supported by policies EN9 and EN10 of the Manchester Core Strategy which promote the retention and enhancement of Manchester's green infrastructure, including the creation, and retention, of allotments. Paragraph 92 of the NPPF also promotes the use of allotments to promote healthier lifestyles.

Given the above, the proposal is considered acceptable pursuant to the aims of policies EN9 and EN10 of the MCS, Paragraph 92 of the NPPF and Action 6 of the Manchester's Great Outdoors document.

Visual amenity

Since the demolition of the flats that previously stood at the site, the land has remained derelict and un-landscaped with no current use. The site does not contribute positively to the appearance of the surrounding area and requires maintenance to be undertaken to improve its amenity value.

The installation of the planters, polytunnel and fencing would create a positive feature. Their presence would improve the appearance of the site through the installation of new structures and the greenery that would come from the new planting. Furthermore, this improvement in appearance will make the space feel well-maintained and cared for, thereby enhancing the character of the area.

The green weldmesh fencing, whilst utilitarian in nature, is typical of such allotment uses and will be softened by the presence of plant life. Furthermore, in the context of the black weldmesh around the adjacent compound to the rear, the use of this form of fencing is not considered to be inappropriate, nor to harm visual amenity in a manner that would warrant a refusal.

Highways

The proposed development site is off the adopted highway. Highways Services raised access concerns the service road, that leads to the rear compound, that bisects the site. MCC

Corporate Property, who operate the compound, have confirmed that no access problems would be created by the development.

The weldmesh fencing is a highly visually permeable boundary treatment. Hence, this should allow any vehicles using the access road to have a clear view of any pedestrians through the fencing. This should help ensure pedestrian/highway safety is maintained. A condition is attached to ensure no planting that would block visibility through the fencing is within two metres of the access.

Security

The Design for Security Team at Greater Manchester Police raised no concerns regarding security or the potential for an increase in crime. The use of weldmesh fencing as a boundary treatment is supported by GMP.

Ground contamination

Environmental Health assessed the application and as the planters would be raised and filled with clean imported soil, they did not have any significant concerns regarding ground contamination. An informative was requested regarding ground contamination which has been attached to this approval. The development is therefore considered acceptable pursuant to policy EN18 of the Manchester Core Strategy.

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

The local planning authority, in making its decision, has had due regard to the National Planning Policy Framework as well as the development plan, national planning policy and other material

considerations and recommends approval the application for the reasons outlined in this report. Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to flood risk issues and lighting. The scheme is considered to be in accordance with the guidance contained within policies SP1 and DM1 of the Core Strategy.

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 this permission.

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

2) The permission hereby granted is for a limited period only, expiring after a period of 36 months from implementation of the scheme.

Reason - The use hereby granted is for a temporary period only to help meet the short term demand for community facilities in the area pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) The use hereby permitted shall be discontinued no later than 36 months from the implementation of the scheme and the works and structures comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use is required to cease within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

4) Two months prior to the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity of the site pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

5) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Drawing - Site Plan received by the City Council, as Local Planning Authority, on 13/07/2023

-Supporting information Supplementary Planning Information received by the City Council, as Local Planning Authority, on 14/08/2023

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

6) No inner perimeter hedge shall be planted 2m either side of the retained access in order to maintain suitable levels of pedestrian visibility.

Reason - in the interest of public safety pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

Informatives

1) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

16 Donovan Avenue, Manchester, M40 7QL
35 - 39 Southchurch Parade, Manchester, M40 7GE
66 Whitley Road, Manchester, M40 7GH

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 - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL