

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136633/FO/2023

Date registered valid: 30 March 2023

Proposal: Change of use to garden centre, including display of horticultural products and retail sales to visiting members of the public (Use Class E a) including the relocation and retention of existing storage container; erection of horticultural structures including polytunnel, open fronted timber barn and other storage sheds; open storage of plants, trees/shrubs and compost; internal landscaping arrangements; erection of new secure boundary treatments; and creation of new pedestrian access point and gates.

Address: Land Adjacent To 250 Burnage Lane, Manchester, M19 1FL

Ward(s): Burnage Ward

Applicant: Ms Brenda Smith, Bud Garden Centre Limited

Agent (if any): Mr Conor Vallelly, CV Planning

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25 May 2023



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 4 May 2023

Standard consultations:

Printed: 17 April 2023 Expired: 8 May 2023

Neighbour notifications

Printed: 17 April 2023 Expired: 8 May 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The application site occupies land immediately fronting Burnage Lane and forms a broadly rectangular shape, being bound to the north and east by existing railings and to the south by the boundary of 250 Burnage Lane. The site, in the ownership of the adjoining St Margaret's Church and community centre, currently comprises of a mix of previously developed land and hard standing, an existing shipping container used for storage and a grassed area. There are several trees along the northern and eastern boundaries of the site.

The area is predominantly suburban residential in nature with more traditional housing stock located further to the west and east of Burnage Lane. However, to the immediate north is Dahlia House, a modern extra care residential development operated by Southway Housing Trust, while to the south stands St Margaret's Church and the associated rectory and church hall. To the west of the site there is a lawned area, while to the east, on the opposite side of Burnage Lane there are residential properties.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to use the site as a garden centre, including the relocation and retention of existing storage container; erection of horticultural structures (including polytunnel, open fronted timber barn and storage sheds); open storage of plants and compost; erection of 2.4 metres high weld mesh fencing and creation of new pedestrian access point and gates.

Consultations & Notification Responses

Local Residents and Members of the Public – 14 letters of support have been received; the comments are summarised below:

- Bud Garden Centre is a flourishing community hub which is far more than a place to purchase plants, it's been at home in Burnage for many years and is a local space for people to visit. The business is a valuable asset to the area and deserves a to have a safe place to call home.
- Bud Garden Centre is a valuable community resource of British grown plants and friendly, expert advice. Local people use the business a lot and keeping it within reach of the regular clientele is important. Plants and gardening are so important for our wellbeing.

Highway Services – Highways Services have made the following comments:

- In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.
- The site is well accessed by sustainable modes.
- There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Considering the site's location and proximity to sustainable travel offer, this is acceptable in principle. As such, no parking concerns are raised from a Highways perspective by the proposals. Parking is available at the rear of the site in the existing St. Margaret's Church.
- The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.
- A refuse storage area is noted within the site. Due to the nature of the site it is not anticipated that there will be large volumes of waste associated with the development site.
- It is requested that a minimum of 2 cycle spaces are provided.

Neighbourhood Team Leader (Arboriculture) – No objection to the proposed works, subject to the Arboricultural Impact Assessment being strictly adhered too.

Environmental Health – Suggests the imposition of conditions designed to protect residential amenity and public health.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policy DC26, "Development and Noise" – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of

receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – The applicant currently occupies a small site off Grangethorpe Drive, close to Kingsway, but is having to relocate to facilitate its redevelopment. They are keen to remain in the community of Burnage and this proposed location is close to a number of existing community facilities, e.g. Burnage Library, a health centre and community hall. Given their desire to stay within the community, there is no objection in principle to the applicant relocating to this site.

Notwithstanding this, the potential impact upon existing levels of residential and visual amenity, as well as pedestrian and highway safety, must be assessed.

Residential Amenity – The proposal is relatively small scale in nature and would concentrate on horticulture, unlike larger enterprises that also sell homeware, patio furniture etc. As such, it is not believed that the proposed garden centre would result in excessive numbers of the public visiting the site at any one time. Accordingly, it is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of the nearest residential accommodation, namely Dahlia House.

Notwithstanding this, it is still felt prudent to attach conditions limiting when deliveries can take place and when the garden centre can be open.

Visual Amenity – The applicant is proposing to reuse the shipping container and erect a garden shed, polytunnel and open fronted horticultural building on the site. Given the low level nature of the proposed structures and the prevalence of the existing boundary landscaping it is not considered that the proposal would have a detrimental impact upon the existing levels of visual amenity enjoyed along Burnage Lane.

Fencing – The applicant is proposing to erect 2.4 metres high weld mesh fencing around the site. This type of fencing is considered acceptable and its installation would not impact upon existing levels of visual amenity.

Trees – The following trees are to be removed to facilitate the proposal:

- T7 – multi-stemmed laburnum with a history of limb failures, category C1
- G9 – willow and ash scrub, self-seeded, category C2.

Due to the condition and location of these trees there is no objection to their removal. Furthermore, given the existing mature tree coverage along the perimeter of the site it is not considered appropriate in this instance to require replacement planting within the site.

Pedestrian and Highway Safety – While there are no off-street parking spaces proposed within the site, there is a sizable car park associated with the church which would be able to accommodate visitors to the site. Given this and the small scale nature of the proposal, it is not considered that the garden centre would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along Burnage Lane.

Cycle Parking – Sufficient space would exist within the curtilage of the site for cycles to be parked up while customers visit the site.

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 to resolve any matters arising in relation to dealing with the planning application.

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 development hereby approved shall be carried out in accordance with the drawings, Arboricultural Impact Assessment and Method Statement, all stamped as received on 30 March 2023.

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

3) The premises shall not be open outside the following hours:-

a) 0900hrs to 1800hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

- a) 0730hrs to 2000hrs on Mondays to Saturdays,
- b) no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

5) a) Before the use hereby approved commences any external lighting shall be designed and installed, in accordance with a scheme approved in writing by the City Council as local planning authority, so as to control glare and overspill onto nearby residential properties.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy.

6) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of residential amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

7) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained in the Arboricultural Impact Assessment and Method Statement (both Lally Tree Management, stamped as received on 30 March 2023); and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informatives

1) Informative for condition 6 – The Waste Management Strategy must include the following information:

- a) Estimated volumes and types of waste produced by the development;
- b) Details of internal and external stores for both waste and recycling, including any plans and designs;
- c) Location of the proposed collection point and details of the route the collection vehicle will take;
- d) Details of how waste will be transferred between stores and to the collection location;
- e) Details of number and capacity of bins proposed and collection frequency.

Other details as per 'Waste Proforma v1.0' - refer to guidance at:

http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)

Flat 56, Dahlia House, 210 Burnage Lane, Manchester, M19 1FL
Flat 55, Dahlia House, 210 Burnage Lane, Manchester, M19 1FL
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Flat 1, Dahlia House, 210 Burnage Lane, Manchester, M19 1FL
Dahlia House, 210 Burnage Lane, Manchester, M19 1FL
49 St Margarets Avenue, Manchester, M19 1EL
259 Burnage Lane, Manchester, M19 1FN
257 Burnage Lane, Manchester, M19 1FN
253 Burnage Lane, Manchester, M19 1FN
251 Burnage Lane, Manchester, M19 1FN
51 St Margarets Avenue, Manchester, M19 1EL
47 St Margarets Avenue, Manchester, M19 1EL
45 St Margarets Avenue, Manchester, M19 1EL
53 St Margarets Avenue, Manchester, M19 1EL
2 Dahlia Close, Manchester, M19 1TA
250 Burnage Lane, Manchester, M19 1FL
4 Dahlia Close, Manchester, M19 1TA
261 Burnage Lane, Manchester, M19 1FN
255 Burnage Lane, Manchester, M19 1FN

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