

Description

The application relates to an existing well established horticultural nursery with an associated cafe. It is currently served by an unsurfaced car park situated behind the boundary hedge along Arthur Lane, to the south of the entrance. The site is within a semi-rural area and situated within the Green Belt and a Special Landscape Area.

The success of the nursery business and cafe has lead to increased customer and vehicular traffic and this has lead to the need to increase the size of the existing car park and improve its construction by creating. Currently it accommodates approximately 20 cars in no particular arrangement. Part of the existing plant display area, adjacent to the car park would be repositioned to facilitate the enlargement. The enlarged car park would accommodate 31 cars in a chevron arrangement. The access would remain as existing. The car park would be surfaced in porous planings and the spaces would be delineated with concrete edgings.

Relevant Planning History

52148 - Prior notification of agricultural development - Proposed multi span polythene tunnel - Prior Approval Required and Refused Prior Approval Required and Refused 05/02/2010

53102 - Erection of a multi span polythene tunnel for the propagation and cultivation of hardy plants. - Approve with Conditions 06/10/2010

54475 - Erection of single storey building for use as tea room/shop - Approve with Conditions 02/11/2011

56009 - Erection of single storey detached toilet block - Approve with Conditions 27/03/2013

58926 - Prior Notification for the proposed extension to existing shed for the storage of horticultural products - Prior Approval Required and Refused Prior Approval Required and Refused 21/07/2015

69840 - Agricultural Notification for proposed agricultural building - Prior Approval Not Required 26/07/2023

Publicity

Immediate neighbours notified by letter dated 04/07/2023. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Need - The existing nursery business and associated cafe is very popular but currently experiences problems with inadequate parking which in turn causes customers to park on nearby roads. The additional parking capacity within the sight would ease this problem and reduce highway safety issues. The proposal would improve what is a successful local business and comply with the NPPF and UDP Policy EC4/1 Small Businesses.

Green Belt and Visual Amenity - The extension to the car park would be relatively modest in scale in relation to the existing car park and would extend over an existing hardstanding used for the display of plants for sale. The area involved would be situated between the existing greenhouses and the car park and would be screened by the buildings on site and the boundary hedging. Given the nature and scale of the development, the proposal would not have a material impact on the character or openness of the Green Belt and surrounding countryside. Complies with the NPPF and UDP Policies EN1/1 Visual amenity, EN9/1 Special Landscape Area and OL1/5 Mineral Extraction and Other Development in the Green Belt.

Residential Amenity - The nearest residential properties are to the north of the site and across Arthur Lane, to the east. Given the nature and scale of the development, there are no issues with regard to residential amenity. It is likely that the additional car parking would improve on-street parking in the immediate area for the benefit of residents. Complies with UDP Policy EC4/1 Small Businesses in relation to Residential amenity.

Highways - The extension to the car park would improve parking on the site and reduce the potential for on-street parking. This is considered to be a benefit and there is no objection from the Traffic Team. The proposal would comply with UDP Policies HT2/4 and HT6/2 with regard to parking.