

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140217/FO/2024
Date registered valid: 7 June 2024
Proposal: Erection of bat mitigation structure
Address: Land Off Wilmslow Old Road, Manchester
Ward(s): Woodhouse Park Ward

Applicant: Manchester Airport plc
Agent (if any): Mrs Natalie Belford Manchester Airports Group
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 19 August 2024



Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 17 June 2024 Expired: 8 July 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of development

Planning permission was previously granted (125916/FO/2020) for a bat barn to provide mitigation for the bat roosts found within Vicarage Cottages following a preliminary bat roost appraisal survey that was undertaken in May 2019 and subsequent dusk emergence and dawn re-entry surveys between July and September 2019. Permission 125916/FO/2020 has since lapsed and a new permission is now being sought to provide compensatory bat mitigation prior to the demolition of the cottages.

The site falls within land that is allocated as part of the 'Manchester Airport Strategic Site' as defined by Policy MA 1 of the Manchester Core Strategy (July 2012) and is further defined as being within the Airport Operational Area.

Consultations & Notification Responses

Members of the Public – No comments received.

Greater Manchester Ecology Unit – No objections to the above proposals on nature conservation grounds.

Policies

The National Planning Policy Framework (December 2023) – 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:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

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 specific issues, of which the following are of most relevance:-

- 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.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Policy DM 2, Aerodrome Safeguarding – This policy states that development that would affect the operational integrity or safety of Manchester Airport or Manchester Radar would not be permitted.

Policy EN9, Green Infrastructure – New development would be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in accordance with current Green Infrastructure Strategies the Council would encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer would be required to demonstrate how this loss would be mitigated in terms of quantity, quality, function and future management.

Policy EN15, Biodiversity and Geological Conservation – This policy states that the Council would seek to maintain or enhance sites of biodiversity and geological value throughout the City. Particular consideration would be given to sites with international or national designations for their biodiversity value or other sites of biodiversity value, including Sites of Biological Importance (SBIs). The policy states further that developers would be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site, contributing to linkages between valuable or potentially valuable habitat areas where appropriate.

Policies

Principle of the Proposal – Given the granting of planning permission for a similar structure in 2020 (ref. 125916/FO/2020) the principle of this proposal is considered acceptable. As planning permission 125916/FO/2020 lapsed in March 2023 consent is now being sought again to provide compensatory bat habitat.

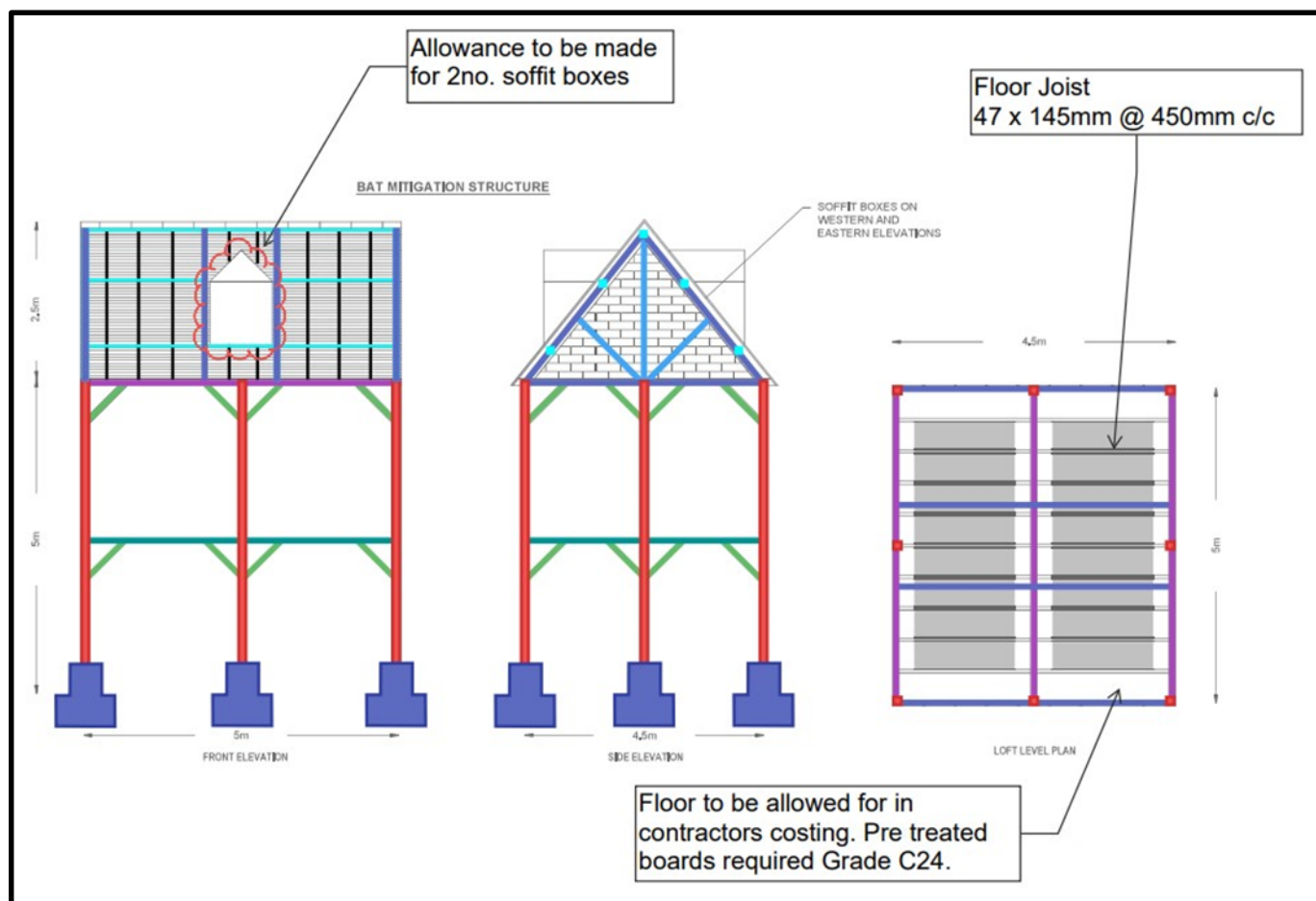
Further bat surveys were undertaken in 2023 to inform the nature of appropriate mitigation and determine whether the design of the previously consented bat barn would still mitigate for the effects on the roost, or whether a revised design would be required.

A preliminary bat roost appraisal was undertaken in December 2023 of the wider site subject of planning permissions 122638/FO/2019 and 132366/JO/2021. This considered the five Vicarage Cottage buildings and one tree within the site as having some potential for bats. It confirmed roosts in two buildings (buildings 1 and 2) but not within buildings 3 to 5 or in the mature tree. The report recommended dusk emergence surveys to confirm the roost characterisation and inform a European Protected Species Mitigation Licence and the nature of appropriate mitigation. These surveys were conducted in May 2024 and from these it was established that the features included in the bat mitigation structure that was consented under planning permission 125916/FO/2020 remain suitable and are included in the design that forms the basis of this new application. The proposed location of the bat mitigation structure would be within the landscape buffer area associated with planning permissions 122638/FO/2019 and 132366/JO/2021.

Ecological Impacts – Given the nature of the proposal it is recognised that the proposal will enhance the roosting habitats available in the area. This is welcomed.

Visual Amenity – The proposal will not have a detrimental impact upon current levels of visual amenity.

Design – The bat mitigation structure will be a timber structure with open sides, measuring 4.5 metres by 5 metres, supporting a single floor attic space. The overall structure height will measure 7.5 metres. The elevations and design details are shown below:



The roof space of the bat mitigation structure seeks to replicate that of Vicarage Cottages. A bitumen roofing felt will be used with slate roofing tiles and brickwork to complete the gable ends. Fibreglass insulation will also be provided. There will be open dormers fitted on the eastern and western sides of the roof to allow access and egress for bats, as well as access points for bats under ridge tiles, access under eaves, and timber boards lifted. Two bat boxes will be retrofitted to the structure once it is in place.

Overall, the design of the structure is considered acceptable.

Pedestrian and Highway Safety – The proposal will not have a detrimental impact upon the current levels of pedestrian and highway safety enjoyed along Wilmslow Old Road.

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 issues arising from the consideration of this 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 following drawings and documents received on 7 June 2024:

- a) Drawing no. 60609076-MAN-CBB-BMS-002 P1 – Clough Bank B Bat Mitigation Structure Site Location Plan
- b) Drawing No. 60609076-MAN-CBB-BMS-003 P1 – Bat Mitigation Structure Concept
- c) Drawing No. 60719865-ACM-ZZ-ZZ-DR-SE-01001 P01 – Bat Barn Proposed Plans
- d) Drawing No. 60719865-ACM-ZZ-ZZ-DR-SE-04001 P01 – Bat Barn Proposed Sections
- e) Superstructure and Substructure Design Calculation Report Rev P01 (May 2024)
- f) Preliminary Bat Roost Appraisal Report (December 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.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Green Belt Land - Greater Manchester Green Belt Local Plan 1984

Airport Noise Index Zone - Noise and Nuisance Index - 50-59

Area Team Boundary - Name: SOUTH AREA