

Planning and Regeneration
Manchester City Council
Town Hall Extension
Manchester
M60 2LA

Ref: 136-001
Date: 24 July 2024

Dear Sirs,

**William Hulme's Grammar School, Spring Bridge Road,
Manchester, M16 8PR**

Proposed Lawful Development Certificate

On behalf of our client, A&S Landscape Ltd, I am pleased to enclose a Proposed Lawful Development Certificate for the installation of an external canopy measuring 486m².

This application is submitted to demonstrate that the proposed external canopy would be lawful for planning purposes under Section 192 of the Town and Country Planning Act 1990 by virtue of Part 7 Class M of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the erection, extension or alteration of a school.

This Covering Letter sets out the context of the proposed development to evidence that the works are lawful, and do not require planning permission. The description of development is for the *'erection of an outdoor canopy.'*

The application comprises the following supporting documents:

- Application forms and fee.
- This covering letter.
- Plans pack comprising a location plan, existing site plan, proposed site plan, proposed specification and elevations.

Context and rationale

William Hulme's Grammar School is one of the most popular and highest performing state schools in the UK for children from 3 to 18 years old.

As with other Greater Manchester schools and colleges, William Hulme's School has experienced unparalleled levels of growth in recent years. Student numbers have increased by more than 75% since 2023, when 945 were enrolled up to 1,680 students in 2023/24.

This significant increase has been accommodated through extra forms in each secondary year group, and a doubling in size of the primary phase year groups.

The School currently doesn't have any outdoor shelter and indoor space is at a premium, no longer sufficient to accommodate the growth in student numbers, particularly at breaks and mealtimes, especially in poor weather.

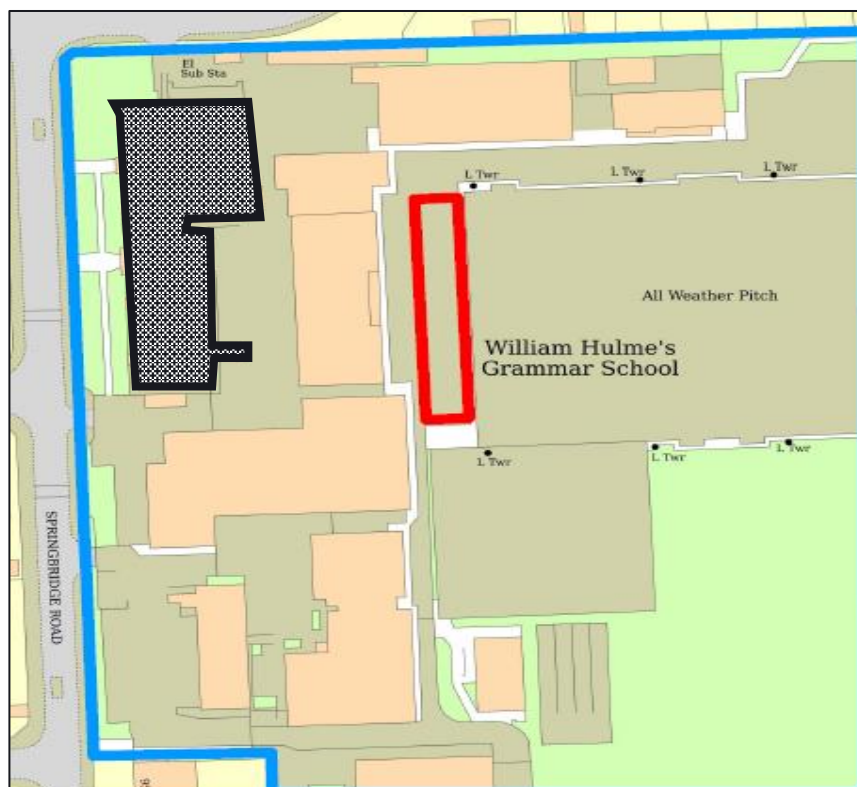
It is therefore critical for the School to be able to provide additional more useable outdoor space in the form of this simple shelter to protect and enhance the student experience in an inclusive manner, delivering an essential facility to help meet the demands of the increased student population.

The Application Site

The William Hulme's Grammar School is located within the Whalley Range area, to the south of Manchester City centre. It is located on a corner site, to the east side of Spring Bridge Road and the south side of Montcliffe Crescent.

Set within a predominantly residential area, the school grounds comprise several buildings, car parking, hard surfaces and playing fields to the east. The original school building as shown by the photographs contained within **Appendix 1** is Grade II Listed.

The application site itself, however, is not within the curtilage of the listed building as it is separated by modern school buildings as shown in Figure 1. The red edge area is the extent of the proposed canopy and the black shaded area to the west is the Listed Building, with the wider school campus identified by the blue edged area. A copy of the official Historic England listing is enclosed at **Appendix 2**.



Process

Section 192 of the Town and Country Planning Act 1990 provides anyone to apply to the Local Planning Authority (LPA) for a Lawful Development Certificate (LDC).

In this instance, a certificate is a statutory document certifying that in the case of the application under Section 192 of the Act, the lawfulness of the proposed operations on or use of land.

Planning Practice Guidance advises that the onus of proof is on the applicant to demonstrate that the proposed development as described within the application is lawful, if instituted or begun at the time of the application and if the LPA are satisfied with the evidence provided, they shall issue a certificate to that effect.

Assessment

The first matter to address is to confirm that this planning assessment is made against Class M of Part 7, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Development under Class M relates to the erection, extension or alteration of a school, college, university, prison or hospital building.

Table 1 below sets out a full compliance table against the conditions of Class M.

Firstly however, it is important to consider part M.1 (a) which sets out that development is not permitted *if the cumulative footprint of any erection, extension or alteration under Class M on or after the relevant date 21st December 2023 would exceed **the greater** of –*

- (i) *25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st December 2023; **or***
- (ii) *250 square metres*

As we have indicated in bold, this condition places emphasis on the *greater* figure of either (i) or (ii). Therefore, part M.1(a) is an either-or condition depending on which figure of either (i) or (ii) is the greater.

In this case, the greater figure is the cumulative footprint of the school. Although the proposed canopy (at 486m²) fails to comply with part (ii) above, the overall footprint of the school is 17,013 m². In accordance with part M.1 (a) above, 25% of the cumulative footprint of the school as it was on 21st December 2023 measures 4,253.25m² which is the *greater figure* of part M.1 (a), which the proposed canopy should not exceed.

The proposed canopy (at 486m²) clearly does not exceed 4,253.25m² and therefore the proposed development **complies** with Part M.1 (a)(i) and is permitted development.

Furthermore, to benefit from permitted development, the application must demonstrate that the proposed development is not within the curtilage of a Listed Building.

Pertinent to this application, Historic England Advice Note 10: Listed Buildings and Curtilage, provides useful advice on this issue. The introductory text to this document sets out that:

"Unless the list entry explicitly says otherwise, the law (section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990) says that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1st July, 1948".

.....The curtilage of a building (the principal building) is in general terms any area of land and other buildings that is around and associated with the principal building.

The courts have said that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:

- *The physical layout of the listed building*
- *Their ownership, both historically and at the date of listed; and*
- *The use or function of the relevant buildings, again both historically and at the date of listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).*

Not all buildings will have a curtilage".

In our assessment of the Listed Building Description (at **Appendix 2**) and the guidance set out by Historic England, the Listed Building status relates only to the original school building, which fronts Springbridge Road and as identified by the photographs contained in **Appendix 1**.

Figure 1 above and the submitted proposed site plan demonstrate that the proposed external canopy will not be located 'around' or 'associated with the principal building' and cannot therefore be described as being within the curtilage of the Listed Building.

Indeed, the location of the proposed external canopy structure is physically separated and detached from the Listed Building as a matter of fact and degree and also separated (physically and visually) by another existing modern school building. As such, it does not fall within the curtilage of the listed building.

The supporting information and table below demonstrate full compliance with the list of requirements of Class M. Development is not permitted by Class M:

Class M of Part 7, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.		Does it comply?
M.1 (a) if the cumulative footprint of any erection, extension or alteration under Class M on or after the relevant date 21 st December 2023 would exceed the greater of –		
(i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21 st December 2023; or		Yes – proposal is less than 25%
(ii) 250 square metres		N/A
M.1 (b) in the case of a college, university, prison or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises		Yes – not within 5m
M.1 (ba) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land		Yes – not within 5m
M.1 (c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used		Yes – does not affect playing field
M.1 (d) if the height of any new building erected would –		
(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or		N/A
(ii) in all other cases, 6 metres;		Yes – lower
M.1 (da) if the height of any rooftop structure would exceed 1.5 metres;		Yes – no rooftop structures
M.1 (e) if the height of the building as extended or altered would exceed –		
(i) if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres; or		N/A
(ii) in all other cases, the height of the building being extended or altered;		N/A
M.1. (f) if the development would be within the curtilage of a listed building; or		Yes – not within curtilage

M.1 (g) unless -		
(i)	in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;	Yes
(ii)	in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services;	N/A
(iii)	in the case of prison buildings -	N/A
	(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners in closed conditions;	N/A
	(bb) the buildings are located on a site with a closed perimeter	N/A

Conditions

In the case of the relevant conditions, part M.2 sets out that development is permitted by Class M subject to the following conditions.

(a) The development is within the curtilage of an existing school, college, university, prison or hospital

The proposed canopy is clearly located within the curtilage of William Hulme's Grammar School.

(b) The development is only used as part of, or for a purpose incidental to, the use of that school, college, university, prison or hospital

The proposed development comprises an external canopy which is clearly for a purpose incidental to the wider educational use of William Hulme's Grammar School.

Design

The proposed canopy measures 54.5m long by 9m wide. The height of the eaves stands at 2.89m and the highest point of the roof measures 4.1m.

The canopy will be constructed of a polycarbonate glazed roof which will sit on top of a steel frame with aluminium gutters and rainwater pipes as shown on the submitted plans.

Conclusion

The submission demonstrates that the proposed canopy complies with the GDPO for the reasons set out above and therefore comprises permitted development.

We trust that you find this application is in order and we look forward to receiving confirmation that it has been registered and validated as soon as possible. The School is keen to install the canopy this summer and would be grateful, therefore, for the council's early approval.

Kind regards

Yours sincerely,

Samantha Lee
Senior Planner

cc: A&S Landscape

Appendices

Appendix 1: Listed Building Photographs

HULME'S
CHARITY
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GRAMMAR
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MDCCCLXXXVI







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Appendix 2: Historic England Listing

"School. Dated 1886. Designed by A.H.Davies Colley; with extension of 1910. Red brick, some yellow brick bands, and stone coping; terracotta dressings; green slate roofs. Two blocks with linking entrance and reception hall. Eclectic late Gothic manner. The 1886 block (to the north) has a basement, 2 tall storeys and a full attic storey, 1:2:3:2:1 windows, with gabled centre breaking forwards; traceried terracotta panels between floors; banded attic storey, steeply-pitched hipped roof with lead-clad fleche. The centre has a porch with round-headed doorway, string-course, and parapet with lettered panels; various narrow transomed windows; and shaped gable with oculus. Large mullion-and-transom cross-windows, mostly with arched lights, those at the ends in 2-storey canted bays with banded parapets and those to the attic set in round-headed blank arches with banded heads and shaped gables breaking into roof. Attached at south end, a single-storey (over basement) link of 3 bays, with terracotta buttresses, frieze and pierced parapet, 6-light transomed windows in the first 2 bays and a gabled entrance in the third, with a round-headed doorway in a richly ornamented terracotta surround including a swan-neck pediment. The 1910 block, attached and set back to the south of this, is a large school hall over a basement, 6 bays; the 2nd and 5th bays break forwards, with 5-sided oriel windows carried up from the basement (a doorway at ground floor level of that to the right) and banded gables; these and the other bays have tall 6-light windows with low transoms and Tudor-arched lights, and traceried terracotta panels below. Steeply-pitched roof trapped between gables, with lead-clad cupola in the centre. Rear and interior not inspected."

