



Paul Butler Associates

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21 June 2024

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Manchester City Council
Planning,
P O Box 532,
Manchester,
M60 2LA

FAO Katie Raw

Our ref: 24.2025

Dear Julie,

Blackley E-Act Academy, Victoria Avenue, Manchester, M9 0RD

Application for a Lawful Development Certificate for a Proposed Use or Development Town and Country Planning Act 1990 (as amended)

I am pleased to submit this application for a Lawful Development Certificate (LDC) for a Proposed Development on behalf of our client, E-Act.

The application is submitted to confirm that proposed external alterations to the existing school are lawful and benefit from permitted development rights. The application establishes that the proposed works are lawful by virtue of permitted development rights relating to schools set out in Schedule 2, Part 7, Class M 'extensions etc for schools, colleges, universities [, prisons] 1 and hospitals' of the GPDO 2015 (as amended).

This letter provides an overview of the site and evidence that the proposed works are lawful, together with a schedule of the supporting information that has been submitted as part of the LDC application.

The Application Site

The application site is located at Blackley E-Act Academy, Victoria Avenue, Manchester, M9 0RD and is outlined red on the submitted Site Location Plan. The application property comprises a school (use class F1). The property was purpose built as a school and appears on historic maps from approximately the 1930s. Historic map regression shows that a smaller school building was originally constructed on the corner plot between Victoria Avenue and what is now Cecil Road, however this was later demolished and the existing school building constructed as shown on historic mapping dating from 1934 (see figures 1 and 2 below). The wider school grounds include a flat roof early years classroom building and playing fields to the east of the main school building.



Figure 1: Lancashire XCVI.11. Revised: 1915, Published: 1922. This shows the former school building located on the corner plot location to the east of the application site.



Figure 2: Lancashire XCVI.11 Revised: 1932, Published: 1934. The school to the east has been cleared and the existing school has been constructed.

The school is of traditional construction with stock brick and terracotta dressings, timber sash windows and a hipped slate roof. The application building is not listed and is not located within a conservation area.

Proposed Works

E-act have programmed a package of refurbishment works to the school building which are aimed at delivering improvements to the appearance, maintenance, climatic control and energy

efficiency of the building. Works affecting the external elevations of the building will involve replacement of the timber framed windows with white aluminium framed windows, replacement of timber doors with aluminium panel and glazed doors, together with some other minor alterations such as repainting masonry.

The existing timber framed windows are in poor condition, with many of them painted shut and unable to be opened. Currently the windows result in an uncomfortable internal environment with overheating in summer and draughty conditions demanding high energy bills at other times of the year. To help combat this issue, the proposed refurbishment will also include internal heating control works which are scheduled to take place this summer. The windows are proposed to be replaced with double glazed units with toughened or laminated glass in some cases, and solar control glazing on the south facing elevations. This will have major benefits in terms of energy efficiency, thermal and acoustic properties and for safeguarding and maintenance.

E-act are cognisant of the architectural character of the building, therefore a high quality replacement window has been selected. The replacement windows will be PPC aluminium frames which will be visually similar to the existing windows in terms of the glazing bar arrangement and colour. However, in accordance with building regulations the windows will require trickle vents, and the opening pane or method of opening may change which may impact frame thickness in some locations. The transoms and mullions will be integral Georgian bars.

The application submission is supported by scaled existing and proposed elevations and a proposed window schedule which is cross-referenced to site photographs (please refer to the schedule of drawings at Appendix 1).

Assessment

The proposed external alterations are lawful by virtue of the permitted development rights set out in Schedule 2, Part 7, Class M of the GPDO 2015 (as amended). The following section assesses the proposals against the relevant section of the legislation.

M.1. Development not permitted

Development is not permitted by Class M—

[(a) if the cumulative footprint of any erection, extension or alteration under Class M on or after [the relevant date] 2 would exceed the greater of—

(i) 25% of the cumulative footprint of the school, [college,] 3 university, prison or hospital buildings as it was on [the relevant date] 2 ; or

(ii) 250 square metres;] 1

Application Evidence: M.3. Interpretation of Class M confirms the “relevant date” is 21 April 2021. E-Act have confirmed that there have been no extensions or construction of external structures / shelters within the school grounds since 21st April 2021. Notwithstanding, it is clear that any ancillary outbuildings located within the school playground would not exceed either footprint outlined in points (i) or (ii) above. Furthermore there have

(b) [in the case of a college, university [, prison] 5 or hospital building,] 4 if any part of the development would be within 5 metres of a boundary of the curtilage of the premises; [(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;] 6

Application Evidence: Land neighbouring the site to the east, south and west is in residential use. The proposed external alterations to the elevations of the school building are all in excess of 5m from the boundary of the curtilage of the residential land. At its closest point, replacement windows would be circa 14m from the curtilage of residential land (i.e. the rear boundary of houses on Ethel Avenue).

(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;

Application Evidence: The proposals relate to elevational changes only and will have no impact on playing fields.

- (d) if the height of any new building erected would [exceed—] 7
[(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
(ii) in all other cases, 6 metres;] 7
[(da) if the height of any rooftop structure would exceed 1.5 metres;] 8

Application Evidence: No new building will be erected.

- (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] 9.5 metres; or
(ii) in all other cases, the height of the building being extended or altered;

Application Evidence: The height of the building will not be altered.

- (f) if the development would be within the curtilage of a listed building; or

Application Evidence: The school is not listed and the development is not within the curtilage of a listed building.

- (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;
(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 [;] 10
[(iii) in the case of prison buildings—
(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners [; and] 11
(bb) in the case of a closed prison, the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on the relevant date.] 12
(cc) [...] 13

Application Evidence: The predominant use of the existing buildings on the premises is for the provision of education.

M.2. Conditions

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] 1 or hospital;

Application Evidence: The proposed works relate to elevational alterations to an existing school building.

(b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university [, prison] 1 or hospital;

Application Evidence: The proposed works are part of a wider refurbishment package for the ongoing maintenance of the school facility.

(c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university [, prison] 1 or hospital buildings; [...]²

Application Evidence: No new building will be erected as part of this LDC application and the school is not located on article 2(3) land.

(d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered [;] ³

Application Evidence: The application building is not located on article 2(3) land therefore this stipulation for alterations to use similar external materials does not apply.

[(e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;

Application Evidence: The proposed alterations relate to elevational changes and will not result in an increase in the school's published admission number. The condition to provide a travel plan within 6 months of completion of the works does not apply.

(f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the proposed development;
- (ii) the design and external appearance of the erection, extension or alteration; or
- (iii) the impact of the development on heritage and archaeology;

Application Evidence: The application does not relate to a university building, part (f) does not apply.

(g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);

Application Evidence: As above, not applicable.

(h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval [date;] ⁴ ³

Application Evidence: As above, not applicable.

- [(i) where proposed development under Class M relates to the erection, extension or alteration of an open prison building, before beginning development the developer must—
- (i) assess the contamination and flood risks of the development;
 - (ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development;
 - (iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M); and
 - (iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j);

Application Evidence: The application does not relate to a prison building. Part (i) is not applicable.

- (j) the documents and information specified in sub-paragraph (i)(iv) are—
- (i) a written description of the proposed development;
 - (ii) a plan indicating the site and showing the proposed development;
 - (iii) a drawing, prepared to an identified scale, showing—
 - (aa) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and
 - (bb) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;
 - (iv) the proposed commencement date;
 - (v) written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date;
 - (vi) the developer's contact address; and
 - (vii) the developer's email address if the developer is content to receive communications electronically.

Application Evidence: As above, not applicable.

The above appraisal of the proposed works against the relevant legislation confirms that the proposed external alterations are in accordance with permitted development rights set out in Schedule 2, Part 7, Class M of the GPDO 2015 (as amended).

Permitted development rights are applicable to the application building since there has been no removal of permitted development rights via an Article 4 Direction, nor via planning condition attached to a previous planning permission (see planning history at Appendix 2).

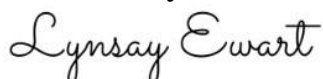
Based on the above evidence a Certificate of Lawfulness should be duly issued to confirm that the proposed works as identified on the submitted drawings are lawful and do not require an application for planning permission.

Submission

The schedule of information submitted in support of this application is set out in Appendix 1. The application fee has been paid by the applicant during the submission of the application via the Planning Portal. We trust that this information is sufficient to enable approval of this application.

If you require and further information please do not hesitate to get in touch. The proposed works are scheduled to take place in October to obtain the benefit this coming winter. We therefore look forward to progressing this application through to a positive decision as soon as possible.

Yours sincerely



Lynsay Ewart BSc (Hons) MSc MRTPI
Principal Planner

Appendix 1: Schedule of Submitted Information

The application is supported by the following information.

- Application Forms (completed by Paul Butler Associates)
- Application Covering Letter (prepared by Paul Butler Associates)
- Windows Schedule and Photos (prepared by 3D Aluminium)
- Application Drawings (prepared by S2e):
 - Site Location Plan dwg 01 rev B
 - Site Plan dwg 02 Rev A
 - Existing Elevations Sheet 1 dwg 01 rev C
 - Existing Elevations Sheet 2 dwg 02 rev B
 - Proposed Elevations Sheet 1 dwg 10 rev C
 - Proposed Elevations Sheet 2 dwg 11 rev B

Appendix 2: Site Planning History

The planning history identified on MCC's online public access database relating to the application site and wider school grounds is provided below.

Application Reference	Proposal	Decision
053460/VO/NORTH1/97	CITY COUNCIL DEVELOPMENT Construction of 2.4m high boundary fencing to play ground	Approved 04 Feb 1998
079167/VO/2006/N1	CITY COUNCIL DEVELOPMENT Installation of canopy to main entrance and creation of fully accessible space in front parking area	Approved 24 Jul 2006
093835/VO/2010/N1	CITY COUNCIL DEVELOPMENT Installation of two sets of double doors with associated access ramp and handrails to form access to quadrangle	Approved 17 Sep 2010
105387/VO/2014/N1	CITY COUNCIL DEVELOPMENT Erection of single storey detached classroom building to create 2 classrooms with associated resources including kitchen, laundry store,	Approved 12 August 2014

	covered play area, storage, toilet facilities and new boundary treatment	
106063/VO/2014/N1	CITY COUNCIL DEVELOPMENT for the installation of single storey temporary classroom unit to provide 2 no. classrooms in advance of permanent new school accommodation being completed by April 2015	Temporarily Approved 18 Aug 2014
108272/JO/2015/N1	Application to vary condition 2 (specified plans) of 105387/VO/2014/N1 to permit alterations to approved canopy areas, external store units, covered and external play areas, and elevational alterations, including relocation of windows/doors and omission of rooflight	Approved 15 May 2015
109708/FO/2015/N1	Creation of permanent vehicular access from Victoria Avenue, relocation of pedestrian access and associated highway works together with boundary treatment and reconfiguration of adjacent playing field to create early years play space and landscaping works	Withdrawn 07 Oct 2015
110835/FO/2015	Relocation of two pedestrian accesses off Victoria Avenue, with associated boundary treatments, gates and pathways, together with the reconfiguration and enlargement of the existing car parking provision, and the reconfiguration of the existing playing field to create enclosed early years space, and outdoor teaching spaces, including wetland area, and sports area; works to involve regrading of ground levels, and hard and soft landscaping, including planting of trees, together with erection of boundary treatments, including gates.	Approved 04 March 2016