

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139511/FO/2024
Date registered valid: 12 March 2024
Proposal: Retention of portable cabin.
Address: Armitage CE Primary School, Rostron Avenue, Manchester, M12 5NP
Ward(s): Ardwick Ward

Applicant: Mrs Gaynor Stubbs, Armitage CE Primary School
Agent (if any):
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 7 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 23 April 2024

Standard consultations:

Printed: 20 March 2024 Expired: 12 April 2024

Neighbour notifications

Printed: 20 March 2024 Expired: 12 April 2024

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: No

Tree Preservation Order: No

Planning Permission is sought for the retention of a temporary classroom building, with an associated access ramp, within the grounds of Armitage C of E Primary School, Rostron Avenue, Ardwick. The school is situated within a residential area. The porta cabin was authorised under planning permission reference number 088598 in 2009 and the structure has been in situ since then. The temporary consent expired in 2014. However, the classroom has been in continual use since it was first occupied.

The building is use for classroom purposes.

The building measure 12.2 metres in length, 6.1 metres in width and 2.94 metres in height. The scheme has been designed to adhere to Design for Access 2.

The grounds of the site are secured by high-level boundary treatment. Trees adjacent to the site of the building are to be unaffected by the proposal. The building would be sited adjacent to existing school buildings.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no representations were received.

The Highways Team were consulted and confirmed they have no objections regarding the retention of portable cabin at Armitage CE Primary School. It is understood that the proposals will not have an impact on the approved pedestrian/vehicular access, parking, circulation or the external highway network.

Greater Manchester Police were consulted and confirmed they had no comments regarding the proposal.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in September 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development and the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high-quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are relevant:

- i. Chapter 2: Achieving sustainable development - It is considered that the development would accord with the objectives of chapter 2 by ensuring the continued sustained use of the application site and its contribution to the local economy.
- ii. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive and safe places which:
 - a) Promote social interaction;
 - b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;

It also discusses the importance of providing social, recreational and cultural facilities and services that communities need.

Within its context, it is considered that the development would not harm amenities or well-being in the area. Chapter 8 would therefore be positively responded to.

iii. Chapter 9. Promoting sustainable transport - States that in assessing applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be made dependent of the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The development has appropriate car parking. The site is in an area with access to public transport. The development would therefore positively respond to chapter 9.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. The development would accord with the following aspects of the specified PPG:

- i. Consultation and pre-decision matters
- iii. Flood Risk Planning and Flood Risk
- iv. Health and well-being
- v. Land affected by contamination
- vi. Noise.

The Places for Everyone Plan - Is a Joint Development Plan Document and provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is 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 following policies are relevant:

- i. JP- S1- Sustainable development

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- i. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- ii. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- iii. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

It is considered that the development would positively contribute to the operation of the site, which provides teaching facilities. It also represents an efficient use of land without undue harm to the amenities of the area. The development would thereby be positively related to policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - Seeks to encourage and deliver good design. In this case the design of the building has been previously assessed and continues to be acceptable. Policy EN1 would thereby be accorded with.

Policy T1 Sustainable Transport - Seeks to encourage a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport.

Policy T 2 Accessible areas of opportunity and need - Seeks, amongst other things, to:

- i. Deliver appropriate car parking facilities, including facilities that meet the needs of disabled people;
- ii. Delivers cycle storage;
- iii. Reduces traffic impact assessments
- iv. Where appropriate relates the development to a travel plan.

The development was originally intended to provide accommodation for existing staff. On this basis the development would not generate significant additional traffic impacts. The magnitude of the development would not be sufficient to trigger a requirement for a travel plan. Appropriate car parking would be required. A local bus services provide sustainable transport options and a condition is included to ensure the provision of cycle storage. On balance, it is considered that policies T1 and T2 would be accorded with.

Policy DM 1 Development Management - States that all development should have regard to the following specific issues, which are relevant in relation to the proposed development:

- o Appropriate siting, layout, scale, form, massing, materials and detail;

- o Impact of design on the character of the surrounding area;
- o Effects on amenity
- o Accessibility
- o Community safety and crime prevention
- o Design for health
- o Refuse storage and collection;
- o Vehicular access and car parking;
- o Effects relating to biodiversity, landscape, archaeological or built heritage;
- o Flood risk and drainage

The above issues have been previously considered and continue to be positively responded to.

Unitary Development Plan (UDP) saved policies - The following saved policies are considered to be relevant:

Part 2 policy

Policy DC26 Development and noise - The following elements of policy DC26 are relevant:

Policy DC26.1 - Requires an assessment of:

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

In this case, the development site is located in residential context. The noise environment is effected by the exiting use and the operation of the cabin as a teaching facility would not cause disamenity in the area due to noise. As the development would be used as teaching accommodation it would not generate undue noise and disturbance. It would thereby be appropriately related to policy DC26.

Principle of the development - The development would be appropriate related to the surrounding context. The continued siting of the building would be appropriate for a temporary period of five years. Given the characteristics of the building, its appearance may decline during this time, and it may be appropriate to consider alternative accommodation solutions during the period of the temporary permission. The development has therefore been conditioned and related to a temporary five-year permission.

Siting - The siting of the proposed building is contextually appropriate.

Height, scale and massing - The development is limited to a single storey and its scale and proportions of the building would continue to be appropriately related to the surround context and wider street scene.

Design - The design of the building has been previously assessed and continues to be acceptable in context of neighbouring commercial building.

Crime and security - The development appears to have reimplemented in accordance with the previously recommendations of GMP Design for Security. The site perimeter is enclosed with fencing. The building also benefits from natural surveillance and wider site security. The continued siting of the building would not present additional security concerns

Accessibility - The internal layout of the proposed building would incorporate suitably wide corridors and circulation spaces with an accessible WC. An access ramps with balustrade has been installed and related to the western elevation. This arrangement would be retained and is considered to be acceptable.

Noise - The site is in a location characterised by traffic noise in close proximity to residential uses. A condition has been included requiring the hours of operation be conducive with the main school building.

Conclusion - The proposed development would facilitate the sustained operation of the application site. The building is in good condition and its siting for a further five years would not be harmful to the amenities of the area. The development is therefore considered to be acceptable.

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

The application has been determined in a positive and proactive manner. In this instance no issues have arisen during consideration of the proposals and appropriately worded conditions are proposed.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The permission hereby granted is for a limited period only, expiring on 7 May 2029. The building and associated access ramp are required to be removed. The land shall be reinstated in accordance with a scheme and timetable of implementation to be submitted to, and approved in writing by the City Council as local planning authority before this permission expires.

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:

221 08 01 Rev B, 221 08 03 Rev A Site Plan, 221 08 02 Rev A, Location Plan and the Design and Access Statement, stamped as received on the 12 March 2024.

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

3) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority: -

Monday to Friday 07:45hrs to 18:00hrs

Reason- In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Greater Manchester Police

30 Trowtree Avenue, Manchester, M12 5LR

32 Trowtree Avenue, Manchester, M12 5LR

36 Trowtree Avenue, Manchester, M12 5LR

34 Trowtree Avenue, Manchester, M12 5LR

52 Rostron Avenue, Manchester, M12 5LQ

50 Rostron Avenue, Manchester, M12 5LQ

48 Rostron Avenue, Manchester, M12 5LQ

46 Rostron Avenue, Manchester, M12 5LQ

44 Rostron Avenue, Manchester, M12 5LQ

42 Rostron Avenue, Manchester, M12 5LQ

12 Whixhall Avenue, Manchester, M12 5LW

37 Rostron Avenue, Manchester, M12 5LQ

35 Rostron Avenue, Manchester, M12 5LQ

33 Rostron Avenue, Manchester, M12 5LQ

31 Rostron Avenue, Manchester, M12 5LQ

Armitage Community Centre, Armitage CE Primary School, Rostron Avenue, Manchester, M12 5NP

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH AREA