

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139722/JO/2024

Date registered valid: 5 April 2024

Proposal: Variation of planning application 135932/FO/2023 consisting of the variation of Condition 9 (Throwing cage relocation) to provide an alternative provision

Address: East Manchester Academy, Grey Mare Lane, Manchester, M11 3DS

Ward(s): Ancoats & Beswick Ward

Applicant: Mr T Chapman The East Manchester Academy

Agent (if any): T Chapman Lancaster Maloney Martin

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28/05/2024

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 08/05/2024

Standard consultations:

Printed: 15 April 2024 Expired: 7 May 2024

Neighbour notifications

Printed: 15 April 2024 Expired: 7 May 2024

Site notice

Posted: 08/05/2024 Expired: 29/05/2024

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to the former site of a throwing cage to the corner of one of the Academy's playing fields. The throwing cage has since been dismantled and removed during works to create new basketball courts on the field.

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

This application relates to the East Manchester Academy School situated on the highway junction of Grey Mare Lane and Albert Street in Beswick. The immediate surrounding uses are predominantly residential with some offices and individual shop units.

Description of development

The application seeks to vary condition 9 attached to planning permission application reference 135932/FO/2023, which requires the existing throwing cage to be relocated to another location. As the throwing cage has been disposed of, this is no longer possible.

Consultations & Notification Responses

Publicity - a notice was displayed on site for reasons of public interest, informing passers-by of the development. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Sport England – No objection

MCR Active – No objection

MCC Highways Services - no objection, request location is confirmed to ensure no road safety issues. As new location not yet decided, request they are consulted when condition 9 is discharged.

Environmental Health - no comments to make on application.

Issues

The main policies that relate to this application are SO1. (Spatial Principles) SP1 (Spatial Principles), EN10 (Safeguarding Open Space, Sport and Recreation Facilities), EN12 (Area priorities for Open Space, Sport and Recreation) and DM1 (Development Management) of the Manchester Core Strategy and saved policy EM11 (Sportcity) of The Unitary Development Plan for the City of Manchester (1995) and Policy JP-P7: Sport and Recreation of Places for Everyone (2023).

Principle

Planning permission 135932/FO/2023 required the removal of the cage to make way for a new set of basketball courts. As the throwing cage that was on site at the Academy was a Manchester Active asset, that had been placed at the school for use by pupils following the Commonwealth Games, it was deemed necessary to attach a condition to this approval to arrange as scheme to relocate that cage, as it was a facility that responded to an identified need in the Manchester's Playing Pitch and Outdoor Sport Strategy (2022). Consultation responses from MCR Active for 135932/FO/2023 supported the scheme on this basis, whilst the need to retain the cage formed part of the Sport England objection to this development. It was partly on the basis that the cage would be relocated that the development was approved by Committee on 22/11/2023.

As part of their role as consultees for 135932/FO/2023, the cage was assessed in 2023 by members of the MCR Active team and was deemed to be structurally sound and in a good enough condition to be relocated. Unfortunately, the contractor carrying out the works for the new basketball courts has dismantled and disposed of the throwing cage and thus it is no longer possible to relocate this specific cage.

The need for the facility still stands and hence Sport England and MCR Active (in consultation with England Athletics) have objected to the removal of the condition. They require that a cage is still provided somewhere else in the city for use by Manchester residents. Therefore, the wording of the condition is to be varied to allow for the provision of an alternative cage to the one that was originally specified in the condition within two months of this approval.

Given the above, the variation of the condition is considered acceptable pursuant to policies EN10, EN12, and DM1 of the Manchester Core Strategy and saved policy EM11 of The Unitary Development Plan for the City of Manchester (1995) and Policy JP-P7: Sport and Recreation of Places for Everyone (2023).

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, the variation is considered acceptable and hence appropriate conditions have been attached to the end of this report.

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

- 1) The development must be begun not later than 22.11.2026

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Drawing - Proposed P04 LINE MARKING LAYOUT

-Drawing - Site Plan P03

received by the City Council, as Local Planning Authority, 10/01/2023

-Drawing - Proposed P08 PROPOSED SITE LAYOUT received by the City Council, as Local Planning Authority, 26/09/2023

-Drawing - Proposed P05 TYPICAL GATE ELEVATION AND FENCE PROFILE received by the City Council, as Local Planning Authority, 03/10/2023

-Flood Risk Assessment or Drainage P06 DRAINAGE PLAN received by the City Council, as Local Planning Authority, 25/05/2023

-Supporting Information COVERING LETTER

-Noise assessment or information RSA418/2023 THE EAST MANCHESTER ACADEMY PROPOSED MUGA NOISE -ASSESSMENT REPORT

-Tree survey or information TREE CONDITION REPORT WITH A RECOMMENDED SCHEDULE OF WORKS

received by the City Council, as Local Planning Authority, 25/05/2023

-Supporting Information SPORTING BENEFITS STATEMENT received by the City Council, as Local Planning Authority on 10/08/2023

-Correspondence ACOUSTICIAN NOTE received by the City Council, as Local Planning Authority, 26/09/2023

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) Prior to the commencement of development, a construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

- Measures to control noise and vibration;
- Dust suppression measures;
- Compound locations where relevant;
- Details of an emergency contact telephone number;
- A community consultation plan; and
- Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

4) Prior to commencement of any sporting activities a Noise Management Plan (NMP) shall be submitted to and approved in writing by the City Council as local planning authority. The NMP shall include an assessment of noise from all activities associated with the use and shall not give rise to any significant adverse impacts on the occupants of nearby residential properties.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 of the MCS.

5) Prior to the first use of the MUGA hereby approved, full design and materials specifications for the three metre high acoustic barrier, shall be submitted to and approved in writing with the Local Planning Authority. The development shall then be completed in strict accordance with the approved design, shall be fully installed prior to the first occupation of the dwellings and shall be retained in situ for as long as the MUGA is being used.

Reason - In order to protect the future occupants of the residential accommodation from existing noise sources in the vicinity of the application site pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

6) No activity on the MUGA shall be permitted outside the hours of:

Monday to Friday 09:00 to 17:00

Saturday/Sunday 09:00 to 16:00 (daylight permitting)

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

7) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work" and BS5837 "Trees in relation to design, demolition and construction".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

8) Prior to first use of the Multi Use Games Area a community use agreement, prepared in consultation with Manchester Active and Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Multi Use Games Area and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement and for the duration of the development.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policies EN10, EN11 and EN12 of the Manchester Core Strategy.

9) Within 2 months of the date of this planning permission, a scheme to ensure a Throws Cage is provided at a suitable location shall be submitted to and approved in writing by the Local Planning Authority. The scheme must set out the location, specification of the throw cage (including height and materials) and arrangements for access. The scheme must include a timetable for the provision and implementation of the Throws Cage. The approved scheme shall be implemented and complied with in full and within the timescales set by the scheme.

Reason: To ensure the development is fit for purpose and sustainable and to accord with policies DM1, EN10, EN11 and EN12 of the Manchester Core Strategy.

10) Notwithstanding the details contained in the approved drawings (Drawing - Proposed P04 LINE MARKING LAYOUT; Drawing - Site Plan P03 received by the City Council, as Local Planning Authority, 10/01/2023; Drawing - Proposed P08 PROPOSED SITE LAYOUT received by the City Council, as Local Planning Authority, 26/09/2023; Drawing - Proposed P05 TYPICAL GATE ELEVATION AND FENCE PROFILE received by the City Council, as Local Planning Authority, 03/10/2023; Flood Risk Assessment or Drainage P06 DRAINAGE PLAN received by the City Council, as Local Planning Authority, 25/05/2023), prior to the commencement of the development, details of the design and layout of the Multi Use Games Area shall be submitted for approval in writing by the City Council, as Local Planning Authority. The details shall include scale plans with dimensions and cross sections of the materials and depths of each sub layer. The Multi Use Games Area shall be constructed in accordance with the approved details.

Reason: To protect the MUGA from damage, loss or availability of use during the construction of the development and to accord with policy DM1 of the Manchester Core Strategy.

11) Notwithstanding the details in the approved drawing (Flood Risk Assessment or Drainage P06 DRAINAGE PLAN received by the City Council, as Local Planning Authority, 25/05/2023) Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site, based on sustainable drainage principles shall be submitted to and approved in writing by the City Council, as local planning authority. The development shall be constructed and completed in accordance with the approved details.

The scheme shall include:

- Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes is required.
- Surface water drainage layout including all components, levels, connectivity and proposed overland flow routes for extreme events.
- Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates. An email of acceptance of proposed flows and/or new connection will suffice.
- Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority. Consent applications can be arranged by contacting the Lead Local Flood Authority.
- For sites where proposed development would cause pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.
- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building;
- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment. Provide at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area.
- Hydraulic calculations to support the drainage proposal.
- Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

12) Notwithstanding the details contained in the approved drawings (Drawing - Proposed P08 PROPOSED SITE LAYOUT received by the City Council, as Local Planning Authority, 26/09/2023; Drawing - Proposed P05 TYPICAL GATE ELEVATION AND FENCE PROFILE received by the City Council, as Local Planning Authority, 03/10/2023), prior to the commencement of the development hereby approved, full and final details of the boundary treatment shall be submitted to and approved in writing by the City Council, as local planning authority. The approved details shall be implemented as part of the development and be in place prior to the first occupation of the development.

The boundary treatments for each phase of development shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

13) Prior to the commencement of the development hereby approved, a hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to the first occupation of the development. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCR Active
Sport England

11 Jobling Street, Manchester, M11 3TA
17 Jobling Street, Manchester, M11 3TA
15 Jobling Street, Manchester, M11 3TA
13 Jobling Street, Manchester, M11 3TA
1 Jobling Street, Manchester, M11 3TA
13A Jobling Street, Manchester, M11 3TA
7 Jobling Street, Manchester, M11 3TA
5 Jobling Street, Manchester, M11 3TA
23 Jobling Street, Manchester, M11 3TA
19 Jobling Street, Manchester, M11 3TA
9 Jobling Street, Manchester, M11 3TA
27 Jobling Street, Manchester, M11 3TA
25 Jobling Street, Manchester, M11 3TA
21 Jobling Street, Manchester, M11 3TA
3 Jobling Street, Manchester, M11 3TA

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL