

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 138364/FO/2023

**Date registered valid:** 19 October 2023

**Proposal:** Installation of 3-metre-high security fencing to the site perimeter, including security gates at the vehicle entry point from Bennett Road and pedestrian entry point from Middleton Road.

**Address:** 4 Middleton Road, Manchester, M8 5DS

**Ward(s):** Crumpsall Ward

**Applicant:** Mr Akiba Pines, Shalsheles College

**Agent (if any):** Mr Zalman Hanovitch, EA Town Planning Ltd

**Case officer:** Steven McCoombe  
Tel: 0161 234 4607  
Email: [steven.mccoombe@manchester.gov.uk](mailto:steven.mccoombe@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 10 November 2023

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 20 October 2023

### **Standard consultations:**

Printed: 20 October 2023 Expired: 10 November 2023

### **Neighbour notifications**

Printed: 20 October 2023 Expired: 10 November 2023

### **Site notice**

Posted: 20 October 2023 Expired: 10 November 2023

### **Press advert**

Published: 24 October 2023 Expired: 7 November 2023

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

The application site relates to 'Roselands' – an attractive part three, part 4 storey, Victorian building of predominantly red brick construction, formerly occupied by a medical centre, but since 2021 has been occupied by Shasheles Further Education College, which provides higher education and vocational courses for 50-60 students between the ages of 16 and 18 and offers an integrated curriculum of Higher Educational Jewish and Secular studies at an advanced level.

A second building, a small bungalow building is tucked away to the rear of the site - a more recent annexe building built circa 1980's

The main building occupies a prominent position on a large corner plot at the junction of Middleton Road and Bennett Road. To the rear is a disused bungalow structure.

The site is located in the Crumspall Lane Conservation Area and is bounded by residential properties to the north, west and east on Middleton Road and Bennett Road respectively, with a large telecommunications exchange premises situated just to the south of the site.

Vehicular access to the site is located along Bennett Road to the eastern perimeter, which leads to small car park area. A separate pedestrian access is situated off Middleton Road.

The site is bounded by a combination of brick wall, timber and concrete panels and contains a number of trees of high amenity value around the perimeter of the site, protected by Tree Preservation Orders.

The grounds presents accommodate a number of portable building which currently benefit from temporary planning permission.

**Listed building:** Not applicable

**Conservation area:** Crumpsall Lane Conservation Area 2004

**Tree Preservation Order:** Yes

### **Description of area**

The immediate area is principally residential in character, mainly comprising large, semi-detached and detached buildings ranging from 2-4 storeys in scale of various architectural styles and tenures.

The site is also situated within the Crumpsall Lane Conservation Area, largely characterised by period properties situated along tree lined roads.

### **Description of development**

Planning permission is sought for the erection of 3-metre-high security fencing to the site perimeter, including security gates at the vehicle entry point from Bennett Road and pedestrian entry point from Middleton Road.

The need for the secure boundary treatment has arisen because the host college is a Jewish School and there has been a significant rise in the security risks faced by Jewish institutions, particularly because of recent events in Israel and the ongoing war in Israel/Gaza, which has led to a rise in antisemitic incidents and anti-Jewish hate crimes across Europe. The applicant therefore wishes to provide a more secure environment for students and staff.

The proposed boundary treatment will be 3 metres high, comprising green mesh galvanised steel fencing and consists of the following elements.

*Northern site boundary to Bennett Road frontage* - It is proposed to erect a 3-metre-high security fencing along the entire perimeter behind the existing row of trees and vegetation. The proposed fencing will be stepped back 2.4 metres from the site boundary at its furthest point along the boundary and 1.3 metre at its closest point to the Bennett Road Boundary.

A 2.4-metre-high security gate will be erected at the existing vehicular entrance to the site, with access controlled by a security guard during school hours.

*Southern Site Boundary (In between the college premises and the BT Exchange Building)* – A 3-metre-high security fence along the entire western perimeter of the site is proposed in between the BT Exchange building and the college premises.

*Western Site Boundary (Middleton Road frontage)* - It is proposed to erect a 3-metre-high security fencing along the full length of the Western Elevation Middleton Road boundary. The proposed fencing will be set back from the site boundary by 2.2 metres and would be positioned to the rear of the existing trees and vegetation along this frontage. It is also proposed to erect a 2.4-metre-high security at the existing pedestrian entrance to be fitted with a combination lock. In order to maintain a uniform height of 3 metres across the entire boundary, an additional panel will be installed above the proposed security gate.

*Eastern site boundary (in between the neighbouring residential flats at no.2 Bennett Road and the college)* – It is proposed to erect a 3 metre high security fence along the full length of the eastern site boundary located in between the site at no.2 Bennett Road and the college premises.

## **Consultations & Notification Responses**

Local Residents/Occupiers – 1 objection has been received.

It is considered that the fencing would be too high and would look out of place in the conservation area.

Arboriculture - No objection, subject to the measures within the Arboricultural Impact Assessment being strictly adhered to.

Highway Services - No materials or machinery should be stored within the root protection zones of the trees during the construction of the fence.

The proposed fencing will be located behind the existing fence-line set back from the adopted highway boundary. The proposed fencing will not hinder driver visibility at the site egress, adjacent no. 2 Bennett Road driveway egress or Middleton Road/Bennett Road junction. The proposed pedestrian access from Middleton Road will be retained with provision of an internally opening pedestrian access gate which is acceptable. The existing vehicle access from Bennett Street will be retained with an internally opening access gate which will be set-back 2.4m from the site boundary/back of footway and controlled by a security guard during operational hours.

## **Planning History**

137810/FO/2023

Retrospective application for the retention of the existing portable building and associated air-conditioner units and security cabin. Temporary Permission of 3 years. *Approved 12 October 2023.*

116157/FO/2017

Change of use of 'Roselands' from Class D1 (non-residential institution) to Class C2 (residential care facility) with associated two storey rear extensions, and erection of two 2, storey detached properties (residential care , and ancillary offices use) following the demolition of the existing bungalow to the rear of the site. *Approved 16 November 2017.*

066688/OO/NORTH1/02

Demolition of existing consulting rooms to be replaced by 16 apartments - three and four storey - and associated parking and landscaping. Refused 16 January 2003.

034520

Outline application for the erection of a nursing home in grounds of existing medical centre. *Approved 30 November 1989.*

020621

Erection of a single storey building at rear of medical consulting suite to form an x-ray unit. *Approved 4 January 1984.*

019639

Change of use of dwellinghouse to doctors consulting rooms and construction of a car park within the grounds with a capacity for 20 cars. *Approved 27 July 1983.*

## **Policy**

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC18.1 of the Unitary Development Plan;
- Policies DM1, SP1 and EN9 of the Core Strategy;
- Guide to Development in Manchester (SPD);
- Manchester Green and Blue Infrastructure Strategy 2015;
- Places for Everyone (Consultation Draft).
- National Planning Policy Framework (NPPF).

## **Issues**

### **Principle**

The principle of the proposed development is considered acceptable and would comply with relevant planning policies and guidance.

The impact to the character and appearance of the conservation area needs to be weighed against preventing crime and promoting security so that patrons of the college feel safe.

In this case, it is believed that the fence/gates design, coupled with its set-back from the main frontages, behind the established tree line, strikes an acceptable balance. On this basis, it is believed that the impact of the boundary treatment can be sustained. Specific issues are outlined further below.

### **Security**

The boundary treatment is required as staff and pupils of the establishment are vulnerable to hate crimes, particularly in light of the recent conflict in Israel/Gaza and a rise in antisemitic sentiment. The boundary treatment is therefore considered necessary in order to provide site security and promote a feeling of safety.

The proposed fencing is made from welded steel wire mesh with small openings and is difficult to cut or climb. The style of fencing is generally recommended by Greater Manchester Police for use in security sensitive areas, as it offers a high level of protection against intrusion, vandalism, and theft, whilst also allowing for transparency and inter visibility. It is these qualities that offer an acceptable solution to site security in this instance.

### **Visual Amenity Impact to the Conservation Area**

The desire to have special regard to the desirability of preserving the character of conservation areas is also mirrored within Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which refers to the need for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of designated areas.

This point is supported by policies EN3 and DC18.1 of the Core Strategy, along with Section 16 of the revised NPPF, which underline the need for due consideration to be given to the impact of new developments on heritage assets.

In this case, the site is situated within an area of historical context and heritage value, within the bounds of the Crumpsall Lane Conservation Area.

It is considered that there would be negligible impact to the character and appearance of the conservation area as a consequence of the proposed boundary treatment with any harm outweighed by the benefits to site security.

The host building is not statutorily listed and the external elevations of the building itself will not be altered by the proposal.

The proposed fencing and gates would be set back away from the existing site boundary by around 2.4 metres, behind the tree line to limit any impact to the appearance of the street-scene. Whilst it is acknowledged that the fencing would be partially visible from the road frontages, view of the fencing/gates would be substantially screened by existing vegetation and tree cover, the trees of which are protected which will ensure views would remain obscured. The proposed fencing would not therefore detract from any significant views within the conservation area.

Whilst there will be some minor adverse impact to visual amenity, this low level of harm is considered to be outweighed by the public benefits of providing a safe and secure environment for an education provider and its users.

The proposed fencing is essential to prevent unauthorised access and any potential security threats. Indeed, the NPPF places emphasis on the protection and security of religious institutions and educational facilities such as the existing college.

Whilst there would be some minor measurable change to the host asset, there would be no detrimental loss of historical or architectural significance, with the changes resulting from the proposed fencing being fully reversible if required.

### Trees

The supporting Arboricultural Impact Assessment (AIA) indicates that none of trees, all of which are protected by Tree Preservation Orders, will need to be removed or would be adversely impacted by the proposed works.

The report identifies the potential impact of the proposed fencing on the existing trees and their root protection areas and suggests appropriate measures to avoid any harm to the TPO's. The appointed fencing contractors have clarified that all fence posts will be installed away from any tree roots and any reduction to the hedges and vegetation surrounding the site to facilitate the installation of the fencing will be kept to a minimum.

The report has been assessed by the Council's Arboriculturalist who considers that the proposed development would not impact the trees on the site, provided that the measures detailed within the submitted AIA are adhered to. A condition to reflect this has been included. If such measures are implemented, the impact to tree provision on site is considered 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**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

### **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:

Drawings referenced 2021.50-4LP (Location Plan), and 2327-NMA-XX-00-DR-B-00004/P2, 2327-NMA-XX-00-DR-A-00208/P2, 2327-NMA-XX-00-DR-A-00207/P2, 2327-NMA-XX-00-DR-A-00205/P5 and 2327-NMA-XX-00-DR-A-00204/P5, received by the City Council as Local Planning Authority on 19 October 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.

3) The development hereby approved shall only be implemented in accordance with the measures detailed within the Tree Survey and Arboricultural Impact Assessment produce Roavr

Group (Ref: 23\_5837\_06\_450 received by the City Council as Local Planning Authority on 20 October 2023.

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 Manchester Core Strategy.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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 Manchester Core Strategy.

## **Appendix 1 – List of consultees & neighbours notified**

### Highway Services

Flat 12, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 10, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 2, 1 - 3 Bennett Road, Manchester, M8 5DU  
23 Middleton Road, Manchester, M8 5DT  
Flat 9, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 5, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 2, 2 Bennett Road, Manchester, M8 5DX  
Flat 1, 1 - 3 Bennett Road, Manchester, M8 5DU  
21 Middleton Road, Manchester, M8 5DT  
Flat 4, 2 Bennett Road, Manchester, M8 5DX  
15 - 17 Middleton Road, Manchester, M8 5DT  
2 Bennett Road, Manchester, M8 5DX  
Flat 8, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 7, 1 - 3 Bennett Road, Manchester, M8 5DU  
1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 3, 4 Bennett Road, Manchester, M8 5DX  
Flat 6, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 4, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 11, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 3, 1 - 3 Bennett Road, Manchester, M8 5DU  
Flat 3, 2 Bennett Road, Manchester, M8 5DX  
Flat 1, 2 Bennett Road, Manchester, M8 5DX  
25 Middleton Road, Manchester, M8 5DT  
11 Middleton Road, Manchester, M8 5DT  
4 Bennett Road, Manchester, M8 5DX  
13 Middleton Road, Manchester, M8 5DT  
Flat 2, 4 Bennett Road, Manchester, M8 5DX  
Flat 1, 4 Bennett Road, Manchester, M8 5DX

## **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 - Not Affected  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Conservation Area - Crumpsall Lane Conservation Area 2004  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: NORTH AREA