

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0028

Date registered valid: 16 January 2023

Proposal: Discharge of condition nos. 1 (time frame), 2 (specified plans), 3 (materials), 4 (roller shutter) and 5 (tree protection measures) attached to planning permission ref: 135187/FO/2022

Address: Grange School , Matthews Lane, Manchester, M12 4GR

Ward(s): Longsight Ward

Applicant: Mrs Racheal Clifford Prospere Learning Trust Grange School

Agent (if any): Mr Mark Manifold Prospere Learning Trust

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 February 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 27 January 2023 Expired: 17 February 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Arboriculturalist – 15.02.2023

Noted that the school had commissioned Godwins Arboricultural Limited to complete a full tree survey in the proposed canopy area as part of the process to discharge condition no.5. Although the completed survey identified root protection zones for number of trees immediately in the canopy area it has further been confirmed that these trees would also need pruning back. Concern has however been raised that the amount of pruning that will be required to the south side of the trees could result in the trees dying within a year of the works being completed. To remove any long-term environmental impact that could result from the completion of the canopy project the school would request permission to remove a number of trees from the canopy area and, following the installation of the canopy, plant new ones of the same species on a 3:1 ratio an adjacent area of the school grounds.

They would have no objection to the mitigation planting proposal, however, they queried whether the option of realigning the proposed development had been explored. They further advised that if the applicant is proposing to mitigate the loss of the 5 x trees on a 3:1 ratio, they would need a plan detailing the planting locations, species and measurements of the 15 proposed trees.

Following the submission of a plan detailing the planting locations, species and measurements of the 15 proposed trees, further comments were received on 22.02.2023 advising they have no objection to the proposed planting scheme.

Issues

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:

Article 35 Declaration

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

Condition 1 Time frame

1. Condition no.1 is a compliance condition, as such on the basis the development is begun before 16th December 2025, you will have complied with the requirements of condition no.1.

The school's confirmation that all works associated with this initiative will commence at be completed within a three year period from the planning approval date in the discharge of conditions document received 16th January 2023 is acknowledged.

Condition no. 2 Specified plans

2. Condition no.2 is a compliance condition , as such on the basis the development is implemented in accordance with the following documents and plans :

Rainbow canopy visual images received 12th October 2022;

Location Plan ref: 22010 01 rev.P0 received 7th November 2022;

Agent email dated 28th November 2022

Site Plan ref: 22010 02 rev.P1 received 30th November 2022;

Floor Plan and Elevations plan ref: 22010 03 rev.P1 received 16th December 2022;

you will have complied with the requirements of condition no.2.

The school's confirmation that all works will be carried out in accordance with this condition in the discharge of conditions document received 16th January 2023 is acknowledged.

Condition no.3 (materials)

3. The proposed use of roof panels comprising triple wall polycarbonate (16mm in depth) in the school colours - Fuschia Pink, Clear , Sea Grass Green , Pacific Blue and Sunburst yellow as viewed on site on 11th January 2023 to be installed in accordance with the visual image in the discharge of conditions document received 16th January 2023, together with the use of standard redwood wooden panelling and glue laminated redwood pressure treated timber support posts as viewed on site on 11th January 2023 are considered to be acceptable . On the basis the development is implemented in accordance with the materials specified above condition no.3 is discharged .

Condition no. 4 (roller shutters)

4. Condition no.4 is a compliance condition. However, the statement in the discharge of conditions document received 16th January 2023 that all shutters on the proposed canopy will be green in colour, and the canopy provider has confirmed that each shutter will be recessed so that the front cover on the shutter box will be level with the outside edge of the canopy upstands has been noted. Furthermore, the confirmation that the front of each side rails on the shutters will also be level with the outside edge of the canopy upstand is acknowledged.

On the basis of the statement in the discharge of conditions document received 16th January 2023 in relation to condition no.4 , you will have complied with the requirements of condition no.4.

Condition no. 5 (tree protection measures)

5. It is noted that a full tree survey has been commission by the school in connection with the discharge of condition no.5 , and although the completed survey identified root protection zones for number of trees immediately in the canopy area, it has further been confirmed that the 3no. trees on the northern boundary would also need pruning back. In addition, it has been noted that concern has been raised, that the amount of pruning that would be required to the south side of the trees could result in the trees dying within a year of the works being completed. This matter has been considered together with the school's proposal removal these trees, and a

common alder and a goat willow, and following the installation of the canopy plant new trees of the same species on a 3:1 ratio in an adjacent area of the school grounds.

The submitted documentation identifies the trees that school are seeking permission to remove are references T1, T3, T4, T5 and T11, but that these would be replaced with 5no. wild cherry trees , 3no.Goat Willow, 3no.Bird Cherry , and 3no.Common Elder, in the locations shown on plan ref: 5206 01 – Proposed Tree planting plan received 20th February 2023.

It is acknowledged that the on the basis of the above information that the trees to have protected fencing would no longer be retained at this site.

It is however, considered that the proposed tree planting scheme would mitigate the loss . Therefore, on the basis that the replacement tree planting in the locations on plan ref: 5206 01 – Proposed Tree planting plan and in accordance with the content of the email from the applicant received on 20th February 2023 , no further action would be required in relation to condition no.5 .

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)

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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA