

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136627/FO/2023

Date registered valid: 17 April 2023

Proposal: Installation of two-storey temporary classrooms for a three year period together with the demolition of two no. garages and boundary wall

Address: Land To The Rear Of St Edwards Church , Thurloe Street,
Manchester, M14 5SG

Ward(s): Rusholme Ward

Applicant: Xaverian College

Agent (if any): Mrs Gillian Worden P4 Planning Limited

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16.06.2023

Application details

Type of application: Full Application Consent

Development type: Public Service Infrastructure Dev

Date of site visit:

Standard consultations:

Printed: 19 May 2023 Expired: 19 May 2023

Neighbour notifications

Printed: 19 April 2023 Expired: 10 May 2023

Site notice

Posted: 25 April 2023 Expired: 16 May 2023

Press advert

Published: 25 April 2023 Expired: 16 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Victoria Park Conservation Area 1972

Tree Preservation Order: The Manchester City Council (St Edwards Church, Thurloe Street, Rusholme) TPO 2000



Location of TPO tree 'T1'

The site and surroundings

The site is located on the edge of the Victoria Park Conservation area. Immediately to the south is St Edwards church and to the south east the rectory. The site contains a Parish Hall building

adjoined to the east and north by hard standings part of which appears to be on the line of the former Lloyd Street, now called Walmer Street East which has been shortened and no longer runs in front of the building. Adjoining the Church ground to the west is a modern part two part three storey building and to the north a modern part two part three storey building both of which are part of the Xaverian College campus. Adjoining to the west is a more modern commercial building outside of the conservation area. The site is bounded to the north and east by brick boundary walls with a detached single storey garage and further garage which appears to form part of the boundary. Access is currently gained via Thurloe Street past a 1m high metal gate passed the church and its associated buildings.

The buildings and premises on Walmer Street East to the west of the application site are generally commercial in nature with a range of businesses operating adjacent to the Rusholme District Centre. The overall visual character of the street is of poor quality buildings of some age that have been altered and adapted to the business uses within them.

As set out in the planning history section permission was granted on appeal for the demolition of the Parish Hall building and remediation of the site to reinstall the boundary wall to the western boundary and resurfacing of the site with the installation of a surface water drainage scheme. A condition discharge request has been submitted in relation to these specific matters and is currently under consideration (reference CDN/23/0163). The application proposals subject to this report do not include for the demolition of the existing buildings, the principle of which has been established following the allowing of the appeal reference APP/B4215/W/21/3274148.

The proposals

The application proposals are for the siting of two storey temporary buildings to form classroom and toilet facilities for the use by the adjacent Xaverian College. The proposals are that the buildings be sited for a period of three years whilst capacity is increased at the College in the form of permanent buildings, which are subject to separate applications and proposals.

The temporary cabins would have a depth of 30 metres, a width of 16.7 meters at its widest, and 7m in height and would be arranged in an L shaped configuration with a ramped access provided at one end and a two storey staircase at the other (Walmer Street East end). The buildings would be of a standard goosewing grey coloured cladding with grey coloured fascia panels and building 'skirt' to its base, windows would be aluminium double glazed windows.

The proposals have been amended since first submission, the amendments specifically relate to alterations to the boundary between the application site and the adjacent Xaverian College for which the proposed temporary classrooms are required, this would facilitate the movement of pedestrians from the main College campus to the temporary buildings. The scope of wall demolition has been substantially reduced which also means that boundary category C trees are also to be retained with the loss of two trees towards the central portion of the site. A replacement scheme has been proposed within the grounds of the Xaverian College site. The TPO tree to the front of the application site closest to the access with Thurloe Street is shown as retained. Two garages on the site are also proposed to be demolished as part of the works.

Relevant Planning History

126736/FO/2020 - Proposed demolition of St Edward's Parish Hall and reinstatement of the site with macadam surfacing with associated surface water drainage - Refused 04.11.2020 - Allowed on appeal APP/B4215/W/21/3274148 - 27.10.2021

Consultations & Notification Responses

Neighbouring properties were notified of the proposals, a site notice was posted and an advertisement placed in the Manchester Evening News as the proposals are located within Victoria Park Conservation Area. No responses were received.

MCC Arborists - Recommend mitigation tree planting for trees to be removed.

MCC Environmental Health - Recommend conditions relating to opening hours, deliveries, acoustic insulation and external plant and equipment and waste management to be in accordance with the current site arrangements.

GMP Design for Security - The proposed classroom are concealed from view so it is essential that the boundary can restrict access to the site to prevent unauthorised access. The existing gate is 1000mm and can easily be climbed over. We would recommend that this gate is increased in height to match the adjacent wall.

Given that temporary school buildings often remain for long periods of time we would recommend that robust doors and windows are used, and laminate glazing is used in ground floor windows. It is highly recommended that the entrance is illuminated with dusk-til-dawn lighting and that an intruder alarm is fitted. If there is an existing CCTV system it is recommended that it is extended to cover this space.

GMEU - Raise no objections to this application - the buildings have negligible potential to support bats.

United Utilities - Raise comments regards to buildings close to or over their assets, this information has been provided to the applicant.

Policies

Core Strategy

The relevant Core Strategy policies to consideration of this application are SP1, DM1, EN1 and EN3

Unitary Development Plan

The relevant saved UDP policy is DC18

National Planning Policy Framework (NPPF) (2021)

Para 38 confirms that 'local planning authorities should approach decision making on proposed development in a positive and creative way', working proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area.'

Para 95 highlights the importance of the provision of school places, noting that: 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

Para 130 - Planning decisions should ensure that developments will function well and add to the overall quality of the area, are sympathetic to local character and history, and establish or maintain a strong sense of place.

Para 134 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Para 189 - Heritage assets should be conserved in a manner appropriate to their significance.

Para 195 - LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Para 197 - In determining applications, LPA's should take account of, the desirability of sustaining and enhancing the significance of heritage assets.

Para 199 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Para 200 - Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Para 202 - Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

Para 203 - The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Para 206 - Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

Issues

Principle – The provision of temporary classroom facilities (class F1 use) is generally considered acceptable subject to consideration of the impacts on the visual amenity, character of the area and in this instance impacts on the designated heritage asset of the Victoria Park Conservation Area. Further consideration is also required of any potential impacts on pedestrian and highway safety.

Impact on the Victoria Park Conservation Area – The application site sits within The Victoria Park Conservation Area, which was designated in 1972. Historically, the area was a private estate encompassing numerous large houses on spacious plots.

The proposed building, would make for a prominent addition to the application site due to its design, height, mass & footprint. As such the temporary buildings would be in contrast to the St Edward's Church and other attractive historic buildings in the area. However, the proposed temporary classrooms would be situated behind the St Edward's church building and encompassed by boundary walls to the north and east, and employment units to the west. The view of the temporary classrooms would be limited from Thurloe Street and Crescent Range. The side of the cabins will be visible at the end of Walmer Street East, which ends at the disused gates to the parish hall. As such whilst there would be some views of the temporary buildings it is considered that key views into and out of the conservation area or the ability to appreciate it would be minimal.

In addition to the siting of the temporary classrooms the proposals also include for the demolition of elements of the boundary wall and associated garage structures. The extent of boundary wall to be demolished has been substantially amended since the first submission due to raised concerns with the loss of a historic boundary marker between the College Campus, which contains a number of listed buildings, and the Church site. This amendment has looked to remove sections of wall that appear to have been altered more recently and it is intended that this boundary wall would be rebuilt following the removal of the temporary classrooms. The garage structures to be removed are not considered to positively contribute towards the Conservation Area and their loss is considered to be on that is beneficial.

It is considered that the proposed temporary classrooms and works to the boundary wall would give rise to less than substantial harm to the conservation area. As such the public benefits of the proposals is required to be assessed as directed by the NPPF.

The applicant has set out within their supporting statement the pressing need for alternative teaching accommodation to be in place prior to a more permanent solution being brought forward on the main college campus – an application has recently been submitted for a new science block following the demolition of a building within the main campus. No decision has yet been made on that application. The temporary classrooms would facilitate the bringing forward of a more permanent replacement and whilst no decision has been made on these more permanent proposals it is considered that public benefit does arise from the provision of temporary facilities in the intervening period. The fact that the proposals are for a temporary period is not considered to set an unacceptable precedent in the conservation area where each case for development would be treated on its own merits and tested against adopted planning policies and the provisions contained within the NPPF including the public benefit assessment.

In this instance the public benefit is considered to outweigh the identified harm which would arise for a temporary period whilst the buildings are in situ and a small section of boundary wall is removed.

Residential Amenity – The application site is separated from residential properties by existing Church buildings, adjacent College buildings and industrial buildings to the west. As such given the separation from residential properties it is not considered that the proposals would give rise to impacts on residential amenity in terms of loss of privacy or overlooking from second floor windows and external staircase or from comings and goings associated with the use.

Visual Amenity – The design and scale of the proposed buildings is utilitarian in nature but is common to the project type and similar structures that have been installed in the city. Whilst the proposals are within a conservation area, as set out above the public benefit that derives from the proposal is considered to outweigh the harm identified. In this instance it is necessary, given the identified harm, for a temporary consent to be granted which would be subject to a reinstatement condition including of the section of boundary wall to be removed to facilitate access with the College Campus.

Pedestrian and Highway Safety – No objections were raised in terms of pedestrian and highway safety. The main access to the temporary classrooms would be through the formed gap in the boundary between the main College Campus and the application site. As such the main College entrances would continue to form the main routes for students and teachers.

Trees – As a result of amendments to the application the number of trees to be lost has been significantly reduced. This is welcomed and whilst two poor quality trees are to be lost the applicant has proposed a tree replacement site within their main campus to mitigate the loss. Whilst on the neighbouring site, given the constraints of the Church site this is considered to be

acceptable and a condition is proposed for the final species, size and timescales for planting is to be attached to any approval.

Waste – The applicant has confirmed that the proposed temporary classrooms would utilise the waste management procedures in place across the main College campus. These arrangements are considered satisfactory.

Security – The applicant's agent has confirmed that a number of security measures are to be in place to protect the proposed buildings including improved CCTV system, alarmed buildings, secure gating to the site and improvements to the campus boundary walls. These are considered to be acceptable.

Other matters- The demolition of the existing Parish Hall building on the site is to be progressed through the planning permission in place for those works granted through the successful planning appeal. This consent was subject to a number of conditions including surface water drainage, rebuilding of boundary wall and construction management. An application has been submitted to deal with these matters which is currently being assessed.

Conditions were recommended to deal with external plant noise and acoustic insulation of the proposed buildings. The proposals do not indicate the requirement for any external plant or equipment and no kitchens are proposed so this condition is not considered necessary. If the applicant wished to install such equipment at a later date this is likely to require consent in its own right. In relation to acoustic insulation, the buildings are noted as being double glazed and would be of a standard design, surrounding uses are not considered to be particularly sensitive to noise as such a condition is considered to not be necessary in this instance.

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. Issues that have arisen during consideration of the application have been discussed with the applicant and amended plans prepared and appropriate 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 7th August 2026; and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land and boundary walls shall be reinstated in accordance with a scheme previously approved prior to the temporary period expires, which shall include a timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason - In the interest of the visual amenity of the Victoria Park Conservation Area and the setting of nearby listed buildings due to the proposed buildings being of a temporary nature pursuant to Core Strategy Policies EN3, SP1 and DM1 and saved Unitary Development Plan policy DC18.

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

6037_1120 Rev P04 'Proposed Site Plan'; 6037_1100 Rev P04 'Proposed demolition' both as received by the City Council as local planning authority on the 12th June 2023

6037_1210 Rev P01 'Proposed GA elevations'; 6037_1200 Rev P01 'Proposed GA Plans' both as received by the City Council as local planning authority on the 29th March 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) Within 3 months of the installation of the hereby approved temporary buildings detail of the species and size of proposed trees to be planted as identified on approved drawing reference 6037_1120 Rev P04 'Proposed Site Plan' together with a timescale for their planting shall be submitted and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details. 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.

4) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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.

5) 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 British Standard 5387 (Trees in relation to construction) 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 Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Planning Casework Unit
Highway Services
Environmental Health
Heritage & Urban Design
Greater Manchester Police
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Ecology Unit
Rusholme, Fallowfield & Moss Side Civic Society

Unit 5, Dagenham Road, Manchester, M14 5ED
Units 6 And 7, Dagenham Road, Manchester, M14 5ED
Units 3 And 4 Opposite 1A, Walmer Street East, Manchester, M14 5SS
6 Crescent Range, Manchester, M14 5RW
14 Crescent Range, Manchester, M14 5RW
10 Crescent Range, Manchester, M14 5RW
8 Crescent Range, Manchester, M14 5RW
Unit 4A, Walmer Street East, Manchester, M14 5SS
Unit 1 Adjacent 1A, Walmer Street East, Manchester, M14 5SS
Church And Community Hall, Thurloe Street, Manchester, M14 5SG
5 - 7 Walmer Street East, Manchester, M14 5SS
Flat At, Xaverian College, Lower Park Road, Manchester, M14 5RB
Flat 216, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 215, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 214, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 213, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 212, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 211, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 210, Park Hall, Thurloe Street, Manchester, M14 5SG
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Flat 3, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 2, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 1, Park Hall, Thurloe Street, Manchester, M14 5SG
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Flat 12, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 11, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 10, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 9, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 8, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 7, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 6, Park Hall, Thurloe Street, Manchester, M14 5SG
Flat 5, Park Hall, Thurloe Street, Manchester, M14 5SG
Unit 4, Walmer Street East, Manchester, M14 5SS
Park Hall, Thurloe Street, Manchester, M14 5SG
12 Crescent Range, Manchester, M14 5RW
Xaverian College, Lower Park Road, Manchester, M14 5RB
4 Crescent Range, Manchester, M14 5RW

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
Conservation Area - Victoria Park Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA