

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136187/FO/2023

Date registered valid: 21 February 2023

Proposal: Relocation of existing habitat area (wildflower seeded area) and replacement with play area containing play equipment and the establishment of new habitat area

Address: Prospect House School, 56 Bank House Road, Manchester, M9 8LT

Ward(s): Higher Blackley Ward

Applicant: Mr Tim Rogers, DEP Landscape Architecture Ltd

Agent (if any): Mr Tim Rogers, DEP Landscape Architecture Ltd

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 April 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 March 2023

Standard consultations:

Printed: 3 March 2023 Expired: 24 March 2023

Neighbour notifications

Printed: 3 March 2023 Expired: 24 March 2023

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

Description of area

The application site relates to Prospect House School within the Higher Blackley ward of north Manchester. The application site is located against the eastern boundary of the site and measures approximately 316.7 square metres. The site currently comprises of grassland within the school's boundary and is bounded by high green weld mesh fences. The site would sit next to the soft informal/ soft play area to the north, and to the west of the site sits the school. Further north and south of the site sits public woodland, and as such the application site is only easily visible once inside the school grounds.

The school itself has just recently opened (see planning ref: 124767/FO/2019), is of a single storey and is white rendered. Car parking and drop off areas are sited to the front of the school, off Bank House Road.

The application site would contain the new play area and as such, the approved habitat area would need to be relocated. This would be located to an area of open space to the north of the site, close to the MUGA for the school. As existing, this area consists of grass and is bounded by high green weld mesh fences.

Description of development

The submitted application sought planning permission for relocation of existing habitat area (wildflower seeded area) and replacement with play area containing play equipment and the establishment of new habitat area. No permitted development rights exist for the installation of play equipment within school grounds, hence the need for the application.

The relocated habitat area would be sited to the north of the site and the play area would be sited against the eastern boundary of the site.

The play area would measure approximately 316.7 square metres. Timber play equipment would be sited in the proposed play area and information was provided with the application which shows 7 different pieces of play equipment, with a maximum height of 1.5 metres. All the equipment would be sited on top of 36mm green artificial grass safety surfacing. The existing tarmac to the south west of the site (close to the school itself) would be retained.

The proposed habitat area would involve 30 no. willow rods/whips (30cm²), the existing grass would be allowed to grow. A proposed native species hedge would be sited to the north west of the site and proposed wildflower seeding with plug and bulb planting would be sited to the north of the area. Trees and grass would be planted / retained across the site.

Planning history

As Prospect House School is newly developed, there are numerous planning applications related to the site, including:

CDN/22/0293- Discharge of conditions 23 (Environmental Standards) associated with planning permission 124767/FO/2019.
Approved 22 June 2022.

CDN/21/0883- Discharge of planning condition 6b (Ground Conditions Verification) associated with planning permission 124767/FO/2019.
Approved 17 January 2022.

CDN/21/0836- Discharge of conditions 5 (Drainage), 11 (Fumes), 12 (Plant), 13 (Waste), 15 (Off Site Highways Works), 17 (Traffic Management), 19 (Cycle Storage), 20 (Opening Hours), 25 (Bird and Bat Boxes), 26 (Roller Shutters), 27 (Boundary Treatment) and 29 (Community Use Strategy) associated with planning permission 124767/FO/2019.
Approved 28 April 2022.

CDN/20/0142- Discharge of planning conditions 3 (materials), 6(a) (ground conditions), 7 (piling), 8 (construction management), 22 (landscaping) and 33 (tree replacement) associated with planning permission 124767/FO/2019.
Approved 5 October 2020.

124767/FO/2019- Erection of a new single storey primary school building, together with a multi-use games area (Use Class D1), access, landscaping, boundary treatment and other associated works, following demolition of existing building.
Approved 12 December 2019.

Further planning permission exists for the previous school at the site, all of which pre-date 2012.

Consultations & Notification Responses

Local residents

Local residents were consulted and no responses were received.

Environmental Health

Environmental Health were consulted on the application and provided the following comments: We recommend the following informative for the above application as the site is located on or close to a historic landfill site:

CLAND Watching Brief

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

MCC Neighbourhood Trees

The internal arboriculture team were consulted on the application and provided the following comments:

There is no tree survey or Arboricultural impact assessment attached to this planning application and therefore I would assume that the trees are not within influencing distance of the proposed development.

We would have no objection to the proposed development, however, we would request that protective fencing is erected to ensure that the machinery/ materials do not encroach into the root protection zone of the trees surrounding the site.

GM Ecology Unit

The ecology unit were consulted on the application and had no objections to make.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

i. Chapter 8. Promoting healthy and safe communities- States that planning policies and decisions should aim to achieve healthy, inclusive and safe places and policies and decisions should promote public safety and take into account wider security and defence requirements.

ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The impact; on the surrounding areas; in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Policy EN10 (Safeguarding Open Space, Sport and Recreation Facilities); states the Council will seek to retain and improve existing open spaces, sport and recreation facilities to the standards set out above and provide a network of diverse, multi-functional open spaces. Proposals will be supported that:

-improve the quality and quantity of accessible open space, sport and recreation in the

local area

- provide innovative solutions to improving the network of existing open spaces, increase accessibility to green corridors, and enhance biodiversity

- improve access to open space for disabled people

Proposals on existing open spaces and sport and recreation facilities will only be permitted where:

- Equivalent or better replacement open space, sport or recreation facilities will be provided in the local area;

or

- The site has been demonstrated to be surplus for its current open space, sport or recreation function and the City wide standards set out above are maintained, and it could not fulfil other unsatisfied open space, sport or recreation needs, and a proposed replacement will remedy a deficiency in another type of open space, sport or recreation facility in the local area;

or

The development will be ancillary to the open space, sport or recreation facility and complement the use or character.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Paragraph 2.7 states that development should help to sustain local neighbourhoods, encouraging the most appropriate form of development to enliven neighbourhoods and sustain local facilities.

Paragraph 2.14 goes on to say that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.16 considers the impact of site boundaries, which can be significant and must be taken into account and incorporated into the design of new developments and conversions from an early stage. Original examples that contribute to the character of the area should be retained. Well designed new treatments such as walls, low walls and railings or hedges and boundary trees, can maintain the enclosure of the street, reinforce the building line and contribute to the quality of the environment.

ISSUES

Principle of Development

The application seeks permission for the relocation of existing habitat area (wildflower seeded area) and replacement with play area containing play equipment and the establishment of new habitat area. This is considered acceptable in principle as the existing habitat area would be relocated, to ensure the development can enhance biodiversity. In addition, the location and particulars of the proposed play area are considered acceptable in terms of visual amenity and design and appearance. The proposal would not result in any additional pupils and so would have no implications in terms of capacity for the school or in terms of parking.

Visual /Residential Amenity

The proposal would not create any adverse impacts in relation to visual/ residential amenity.

The proposed play area would be sited against the eastern boundary of the site. The play area would be contained within the school's curtilage and would not be easily visible by surrounding neighbours due to the site's position close to public woodland/ green space. The area would be viewed from the school building itself in context with the other school facilities and the noise produced from the play area would be viewed in context with the school.

The relocated habitat area to the north of the site would allow specific biodiversity enhancement to be achieved elsewhere at the school. No issues would arise.

Design and Appearance

With the information provided as part of the application, examples of the elevations and types of play equipment were provided. These are considered acceptable in terms of design and appearance and are typical of other play equipment seen in similar settings. The maximum height of equipment of 1.5 metres is considered acceptable. A condition to that effect would be attached to any consent granted.

Achieving biodiversity improvement

The application also includes the relocation of the habitat areas, to achieve biodiversity enhancement. As such, the GM Ecology Unit were consulted on the application and had no objections to make. Furthermore, the MCC Neighbourhood Trees team had no issues with the works. Whilst undertaking the site visit, the applicant explained the current habitat area (where the play area is to be positioned) was too wet for wildflowers to grow. As such, the proposal is considered to ensure biodiversity enhancement at the site, in a more appropriate location of the school grounds and offers further play opportunities for the pupils.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is considered acceptable and complies with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1 and Saved Policy DC1 of the Unitary Development Plan.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and appropriate conditions have been placed on any approval granted.

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:

- Application for Planning Permission, stamped as received by the City Council as Local Planning Authority on 7 February 2023.
- Supporting Information (Proposed New Play Area- 284/15 REV-1 – PROSPECT HOUSE PRIMARY SCHOOL – T.B), stamped as received by the City Council as Local Planning Authority on 7 February 2023.
- Drawing- Proposed- Play Area and Relocation of Habitat Area, numbered 5192 01 A, stamped as received by the City Council as Local Planning Authority on 21 February 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 materials to be used throughout the proposal hereby permitted shall be implemented in accordance with the approved details as set out in 'Supporting Information (Proposed New Play Area- 284/15 REV-1 – PROSPECT HOUSE PRIMARY SCHOOL – T.B)', specified in Condition 2 of this approval.

Reason- In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester, SP1 and DM1 of the Manchester Core Strategy and the requirements of the National Planning Policy Framework.

4) The development hereby approved shall be carried out in accordance with 'Drawing- Proposed- Play Area and Relocation of Habitat Area, numbered 5192 01 A', stamped as received by the City Council as Local Planning Authority on 21 February 2023, in relation to the proposed habitat area. The proposed habitat area shall be implemented in accordance with the approved scheme and shall be so maintained and retained at all times thereafter.

Reason – To encourage bio-diversity pursuant to policies SP1, EN1, EN15 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

Informatives

- 1) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.
- 2) Protective fencing should be erected to ensure that the machinery/ materials do not encroach into the root protection zone of the trees surrounding the site.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Ecology Unit

58 Bank House Road, Manchester, M9 8LT
51 Bank House Road, Manchester, M9 8LY
Police Station, Plant Hill Road, Manchester, M9 8LU
16 Castlemere Road, Manchester, M9 8LE
55 Bank House Road, Manchester, M9 8LY
53 Bank House Road, Manchester, M9 8LY
49 Bank House Road, Manchester, M9 8LY
31 Bank House Road, Manchester, M9 8LY
29 Bank House Road, Manchester, M9 8LY
120 Plant Hill Road, Manchester, M9 8LU
Flat 41, 58 Bank House Road, Manchester, M9 8LT
Flat 40, 58 Bank House Road, Manchester, M9 8LT
Flat 39, 58 Bank House Road, Manchester, M9 8LT
Flat 38, 58 Bank House Road, Manchester, M9 8LT
Flat 37, 58 Bank House Road, Manchester, M9 8LT
Flat 36, 58 Bank House Road, Manchester, M9 8LT
Flat 35, 58 Bank House Road, Manchester, M9 8LT
Flat 34, 58 Bank House Road, Manchester, M9 8LT
Flat 33, 58 Bank House Road, Manchester, M9 8LT
Flat 32, 58 Bank House Road, Manchester, M9 8LT
Flat 31, 58 Bank House Road, Manchester, M9 8LT
Flat 30, 58 Bank House Road, Manchester, M9 8LT
Flat 29, 58 Bank House Road, Manchester, M9 8LT
Flat 28, 58 Bank House Road, Manchester, M9 8LT
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Flat 7, 58 Bank House Road, Manchester, M9 8LT
Flat 6, 58 Bank House Road, Manchester, M9 8LT
Flat 5, 58 Bank House Road, Manchester, M9 8LT
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Flat 3, 58 Bank House Road, Manchester, M9 8LT

Flat 2, 58 Bank House Road, Manchester, M9 8LT
Flat 1, 58 Bank House Road, Manchester, M9 8LT

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

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA