

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134692/FO/2022

Date registered valid: 15 August 2022

Proposal: Installation of artificial surface to create walking track

Address: Rushbrook Primary Academy , 101 Shillingford Road, Manchester, M18 7TN

Ward(s): Longsight Ward

Applicant: Mr Edward Vitalis Bright Futures Education Trust The Lodge House, Cavendish Road, Altrincham, WA14 2NJ

Agent (if any): Mr Richard Bayley Black Cat Building Consultancy The Lightwell, 61-63 Brown Street, Manchester, M2 2JG

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

Recommendation: Approve

Date of recommendation: 6 October 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 30 August 2022 Expired: 20 September 2022

Neighbour notifications

Printed: 14 September 2022 Expired: 5 October 2022

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

The school site was used historically as a railway sidings and for military use as a World War II prisoner of war camp and anti aircraft battery, but was subsequently cleared and developed as three form entry primary school to accommodate 630 primary school pupils for Gorton Mount Primary School, with associated car parking, landscaping, vehicular access from Shillingford Road, and pedestrian access from Shillingford Road (3 points of access) and via the Cedar Mount /Melland Schools campus to the south-west.

The scheme enabled Gorton Mount Primary School, to relocate from their former accommodation at Mount Road in Gorton, and accommodate an additional class of children each year. The site covers 1.6 hectares, with the school having a building footprint of approximately 3,198sq.m.

The area to the south of the school is laid to grass and previously was marked out as one (under 11's -under 12's) footpath pitch 73.15m x 45.72m), with additional markings so it can be used as two mini soccer pitches (under 7's- under 8's) (45.72m x 27.3m), but the northern section of this area is now occupied by a MUGA following a recent approval in 2021 ,due to the ground conditions preventing the use of the grassed pitch during winter months, and periods of inclement weather. The MUGA facility is used solely by the school during weekdays between the hours of 9am-6pm.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Planning History

130504/FO/2021 - Installation of a Multi Use Games Area (MUGA) to grassed area together with perimeter fencing and external lighting.

Rushbrook Primary Academy , 101 Shillingford Road, Manchester

Approved subject to conditions 10.1.2021.

110876/JO/2015/N2 - Variation of condition nos. 2,3,25,29 and 34 attached to 106655/FO/2014/N2 to enable an increase in the ground levels for the sports pitches; revisions to the boundary treatment ;revisions to fenestration, louvres, and skylights; provision of an electrically operated gate to the car park, bat box provision, and additional lighting columns to the south west of the site.

Approved 08.02.2016.

106655/FO/2014/N2 - Erection of a new school building with a maximum of 2 storeys together with playing fields, games courts, hard and soft play areas, access from Shillingford Road, car parking and landscaping.

Approved 12.11.2014

Description of area

The surrounding area is characterised by predominantly residential dwellings to the north - west and east, with the Cedar Mount school/Mellands school campus to the south -west with their playing fields/sports facilities directly to the south.

Description of development

The proposal relates to the construction of a Daily Mile Track around the perimeter of the existing grassed pitch. The Track will be 2.1m wide and comprises a blue 'AstroTurf' surface (with concrete edgings). A small section of new tarmac footpath (2.1m in width) is proposed to enable a connection between the existing school path and the proposed walking track. The proposed location of the Track enables the retention of the existing small (under 7's- under 8's) football pitch with the required 3m run off area.

Consultations & Notification Responses

Local Residents – an email has been received objecting to the proposed development. They advise that they live adjacent to the school grounds, and that the school have recently built a Multi Sportspitch (MUGA) with floodlights, which has yet to be used and they therefore do not yet know the impact this will have on their quality of life and quiet enjoyment of their home. They are of the view that the proposed works are in fact different to what the title of "walking track" suggests, as this work would also mean a "relocation" of the "existing" football pitch to the centre of the walking track. When the MUGA was proposed, it was stated that the existing football pitch was not fit for use, and that part of that would be incorporated into the new MUGA. They are of the view that MUGA of the size that has been built and also a full size football pitch is needed.

This football pitch and walking track would be adjacent to their home and would interfere with the quiet enjoyment of their home. There are existing football pitches across the field at the back of their property(which can be noisy at times), the new MUGA to the side of our property and now a proposed further football pitch immediately to the back of our property. They advise that they chose their home due to the peaceful nature of the land to the back of their property. They are aware it is a school and therefore there will be some noise during the school day, but

what has been built and now currently proposed would together significantly increase the noise levels. The new proposal states about the residential properties adjacent to the school that "due to the proximity of these homes it is highly likely that they are occupied by the families of pupils that attend the school". This is not, in fact, true. Numbers 89, 91, 93& 95 only have 1 family with children at the school. On speaking to one of their neighbours, they had not realized that within the proposal there is a plan to relocate the football field, therefore they feel the way the proposal is worded is a misrepresentation of the actual proposed work and therefore neighbours may not object as they are not fully aware of what is proposed. Due to the size of the new MUGA on the grounds of the school there could be a walking track around that, if one is needed.

Environmental Health – recommend a watching brief in relation to contaminated land is attached to any approval as an informative .

Highway Services - have no objections regarding the installation of artificial surface to create walking track at Rushbrook Primary Academy. It is understood that the proposals would not have an impact on the approved pedestrian/vehicular access, parking, circulation or the external highway network.

Sport England - The proposal relates to the construction of a Daily Mile Track on the existing playing field. The Track will be 2m wide and an 'AstroTurf' construction located around the periphery of the natural turf area of the playing field. The location of the Track enables the existing small sided football pitch to be marked out along with the required 3m run off area. The Design and Access Statement sets out the sporting benefits of the Track to the school. Consequently, Sport England are of the view that the proposal meets Exception 5 of their Playing Fields Policy, in that:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Further to the above assessment, Sport England does not wish to raise an objection to this application, but further advise that the absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Policy Context

The following local and national policies and documents are considered relevant in the determination of the application proposals.

National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019, and subsequently revised in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 8: Promoting healthy and safe communities

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which:

- a) Promote social interaction;
- b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;

Paragraph 92 discusses the importance of providing social, recreational and cultural facilities and services that communities need.

It is considered that the proposal would lead to the provision of an additional facility to improve health and wellbeing of pupils at the school. It is not considered that the development would give rise to significant adverse effects to residential amenity. Chapter 8 would therefore be positively responded to.

ii. Chapter 12: Achieving well-designed places

Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that planning and decisions should ensure that developments:

- o Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- o Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- o Are sympathetic to local character;
- o Maintain a strong sense of place;
- o Create places that are safe, inclusive and accessible and which promote health and well-being and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In this case, the development would involve changing the nature of the existing surface to the periphery of a pitch with the incorporation of a surfaced walking track.

On this basis, it is considered that chapter 12 would be appropriately responded to.

National Planning Policy Guidance (NPPG)

The relevant sections of the NPPG are as follows:

Noise : states that 'Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

These largely relate to detailed aspects of a planning submission which are addressed in the following section of the report; the conclusions of the necessary assessments is that the proposal accords with the general principles of the NPPG.

Manchester Core Strategy

Relevant policies include :-

Policy SP1

Policy DM1

Policy EN1

Policies EN 10, 11 and 12

Policy EN14

Policy EN18

Issues

Principle

The principle of the site being used for educational purposes has been established through a previous planning approval to develop a primary school on this site in 2014. The principle of constructing a walking track around the periphery of an existing under 7's -under 8's_ pitch is considered to be acceptable on the basis that the facility would provide an additional sports facility would enable the school to provide a wider range of sports and activities for their current pupil roll. The proposal would enable the school to increase the number of curricular and enrichment activities for pupils of all age, with pupils having increased access to recreational opportunities, and extra-curricular provision to be available for the school throughout the year.

However, the potential impact of the proposal on the neighbouring properties must be assessed.

Visual Amenity

The proposed walking track MUGA would include the incorporation of a 2.1m wide blue Astro turfed surface , would be partly visible in the streetscene facing onto Shillingford Road, to the

south east of the site . However, this is an urban area with existing school buildings in the immediate area.

It is considered that the proposal would not adversely impact on visual amenity of the local residents on Shillingford Road and would accord with policy DM1 of the Core Strategy.

Residential amenity

The existing grassed pitch is screened from the houses directly to the east on Shillingford Road by high close boarded fencing. Therefore , while the provision of a walking track around the perimeter of the pitch, would bring pupils and staff closer to the site boundary with the dwellinghouses , it is not considered that there will be a significant increase in disturbance or any loss in the current privacy of the existing dwellinghouses when compared to the pre-existing situation.

It is however proposed to restrict the hours of use of the proposed walking track to the hours confirmed by the planning agent for i.e. Mondays to Fridays 8 a.m. to 6 p.m. to safeguard the amenity of nearby local residents.

Lighting

The existing MUGA to the north of the pitch and proposed walking track , has external lighting, which is sited and angled over the playing surface. Furthermore, the circulation route within the school to the west has similar lighting arrangements. No external lighting is proposed in connection with the proposed walking track around the perimeter of the grassed pitch , and as such the residential properties to the east of the proposed walking track would not be adversely affected light spill.

Health and wellbeing

A walking track has been proposed to enable pupils and staff at the school to walk a mile a day to improve health and wellbeing.

Access

All the access points to the site are existing . Furthermore, existing pathways will ensure that the facility will continue to be accessible for disabled people in the same way that the playground and the MUGA are accessed.

Contaminated Land

Previous applications in connection with developments at the school have been accompanied by a Phase 2 Geo- Environmental report which identified that the site was generally found to be capped by cohesive made ground. This made ground was found to be present to depths of between 1.3m and 1.6m. Anecdotal evidence suggests that this material was site won during the construction of the school and associated playing fields. Furthermore, a geotextile membrane was revealed at most test positions at a depth of 0.7m.

The proposed development is for a walking track which would be surfaced with Astro turf, which will act as a suitable barrier between the site soils and the end-use. The risk from ground conditions is therefore not considered to be so significant. It is therefore not considered to be necessary to undertake specific remediation at the site.

It is however proposed to attach an informative in relation to ground conditions.

Hours of use

The operating hours of existing pitches is Monday to Friday, 0900hrs to 2100hrs, Saturday and Sunday, 1100 to 1800hrs, with the MUGA being used between 9a.m. to 6.p.m on Mondays to Fridays . Given the observations by a local resident it is recommended the hours of use confirmed by the planning agent (Mondays to Fridays 8 a.m. to 6 p.m.) are conditioned.

Other matters raised by residents

This application is solely for the creation of walking track . This area of the school grounds (laid to grass) previously formed part of a marked out as a footpath pitch (73.15m x 45.72m) for under 11's -under 12's, with additional markings so it could be used as two mini soccer pitches (under 7's- under 8's) (45.72m x 27.3m), but the northern section of this area is now occupied by a MUGA following a recent approval in 2021 ,due to the ground conditions preventing the use of the grassed pitch (under 11's -under 12's) during winter months, and inclement weather. As such the application is correctly titled, in that whilst the submitted plan is annotated to refer to a pitch within the route of the walking route , this reflects the use of this part of the school site.

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 to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. The original submission raised initial concerns about any external lighting and hours of use , and following the receipt of further information these matters has been satisfactorily resolved and the appropriate conditions have been attached.

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:

OS Plan ref: BFET-RPA-D01-001

Block Plan ref: BFET-RPA-D01-002

Proposed Landscape Plan ref: BFET-RPA-D03-001 rev. A

Design Access Statement

received 15th August 2022.

Agent email dated 15.09.2022 confirming that no lighting is proposed and the hours the walking track would be used.

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 (2012).

3. The walking track hereby approved shall not be used outside the following hours:-

Mondays to Fridays 08:00 to 18:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).

Informative

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. We also advise that it is the developer's responsibility to arrange for the safe disposal of any contaminated arisings.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Sport England

7 Flemish Crescent, Manchester, M18 7TR
5 Flemish Crescent, Manchester, M18 7TR
1 Flemish Crescent, Manchester, M18 7TR
3 Flemish Crescent, Manchester, M18 7TR
59 Rawsthorne Avenue, Manchester, M18 7GA
39 Rawsthorne Avenue, Manchester, M18 7GA
57 Rawsthorne Avenue, Manchester, M18 7GA
49 Rawsthorne Avenue, Manchester, M18 7GA
43 Rawsthorne Avenue, Manchester, M18 7GA
37 Rawsthorne Avenue, Manchester, M18 7GA
99 Shillingford Road, Manchester, M18 7TN
91 Shillingford Road, Manchester, M18 7TN
93 Shillingford Road, Manchester, M18 7TN
2 Hamsterley Avenue, Manchester, M18 7TP
10 Flemish Crescent, Manchester, M18 7TR
8 Flemish Crescent, Manchester, M18 7TR
6 Flemish Crescent, Manchester, M18 7TR
4 Flemish Crescent, Manchester, M18 7TR
2 Flemish Crescent, Manchester, M18 7TR
97 Shillingford Road, Manchester, M18 7TN
95 Shillingford Road, Manchester, M18 7TN
89 Shillingford Road, Manchester, M18 7TN
4 Braithwaite Road, Manchester, M18 7TJ
2 Braithwaite Road, Manchester, M18 7TJ
100 Shillingford Road, Manchester, M18 7TN
98 Shillingford Road, Manchester, M18 7TN
96 Shillingford Road, Manchester, M18 7TN
81 Rawsthorne Avenue, Manchester, M18 7GA
79 Rawsthorne Avenue, Manchester, M18 7GA
77 Rawsthorne Avenue, Manchester, M18 7GA
75 Rawsthorne Avenue, Manchester, M18 7GA
73 Rawsthorne Avenue, Manchester, M18 7GA
71 Rawsthorne Avenue, Manchester, M18 7GA
69 Rawsthorne Avenue, Manchester, M18 7GA
67 Rawsthorne Avenue, Manchester, M18 7GA
65 Rawsthorne Avenue, Manchester, M18 7GA
63 Rawsthorne Avenue, Manchester, M18 7GA
61 Rawsthorne Avenue, Manchester, M18 7GA
55 Rawsthorne Avenue, Manchester, M18 7GA
53 Rawsthorne Avenue, Manchester, M18 7GA
51 Rawsthorne Avenue, Manchester, M18 7GA
45 Rawsthorne Avenue, Manchester, M18 7GA

41 Rawsthorne Avenue, Manchester, M18 7GA
47 Rawsthorne Avenue, Manchester, M18 7GA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA