

DELEGATED REPORT

Report by Claire Booth	Date of report: 17/07/2023	Ref: 69652/FUL
Registration: 24/05/2023	LDfC: 19/06/2023	Expiry Date: 19/07/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey infill extension at first floor for additional classrooms

Location: Manchester Mesivta High School, Charlton Avenue, Prestwich, Manchester, M25 0PH

Description

The application site is a main school building comprising a mixture of two and three storeys in height and is located along the boundary with Thorndyke Walk, a Public Right of Way, and fronts on to Charlton Avenue.

The School building is predominantly two storeys in height near Bury New Road and three storeys in height near the centre of the site. There is a two storey building, projecting from the frontage of the School, near Charlton Avenue.

The site is bounded by Thorndyke Walk, apartments at Thorndyke Gardens and Park View Primary School to the North, Bury New Road to the West, Charlton Avenue to the South, and residential properties on Charlton Court to the East. The site is surrounded by residential properties.

Planning permission is sought to erect an infill first floor addition between the eastern elevation of a two storey building located to the west of the main three-storey building used as a gym, and the western elevation of the main building to create an additional classroom and install additional toilets. The area between the two buildings already has a first floor plant room which is set well-back from the front Charlton Avenue elevation of the school and it is proposed to extend the existing first floor area forwards towards the front elevations of both buildings, albeit the proposed extension would be set back slightly from each of their principal elevations.

Relevant Planning History

43959 - Formation of emergency vehicle access to school grounds from Charlton Avenue - Approve with Conditions, 07/03/2005

44476 - Floodlighting to all weather pitch - Refused, 27/06/2005

50954 - Construction of additional teaching accommodation above existing 3 storey classroom block - Approved with Conditions, 25/03/2009

52317 - Erection of a single storey extension to west of gymnasium - Refused, 09/06/2010

52801 - Construction of single storey extension to existing two storey classroom block. (Resubmission of 52317) - Approve with Conditions, 20/08/2010

69559 - Erection of two single-storey classrooms and associated recreational facilities (a Multi-Use Games Area) - Under consideration.

Publicity

Surrounding residents have been notified by letter about the proposals. One representation has been received which raises concerns that;

- a.) Only 6 residents of the 26 residents on Charlton Avenue have been consulted. All these 26 residents utilise Charlton Avenue for Access; and
- b.) Raises concerns that construction traffic will block Charlton Avenue and use Charlton Court turning head/ cul-de-sac to turn round.

In response to Point a.), the Local Planning Authority (LPA) is statutorily required to consult any neighbour adjoining the application site. The application site in this instance is a boundary drawn around the school grounds. All neighbours in close proximity to the boundary of the application site have been notified of the proposals by letter in accordance with the statutory requirements laid out in the Planning (Development Management Procedure) Order 2015 (as amended). The LPA has therefore carried out its statutory duties. Point b.) will be discussed in the report below.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections.

Traffic Section - No objections.

Pre-start Conditions - Applicant/Agent has agreed with the necessary pre-start condition recommended

Unitary Development Plan and Policies

CF1	Proposals for New and Improved Community Facilities
CF2	Education Land and Buildings
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5	Accessibility For Those With Special Needs
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

Principle of Development

- Policy CF1.1 of the Unitary Development Plan states that proposals for new and improved community facilities will be considered with regard to the following factors: Impact upon residential amenity and the local environment
- Traffic generation and car parking provision
- The scale and size of the development
- Accessibility by public and private transport
- The needs and requirements of the disabled.

Policy CF2 states that the Council will consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposed development would provide additional teaching facilities as a government requirement. The proposed development would improve the educational provision at the school and would be of a suitable size and scale. Therefore, the proposed development would be in accordance with Policies CF1/1 and CF2 of the adopted Unitary Development Plan. The principle of development is therefore considered to be acceptable.

Design and Visual Amenity

The proposed extension would be an infill first floor addition and would be located adjacent to existing classrooms, and would be accessed from the corridor serving those existing classrooms.

The proposed extension has been designed to sit beneath the eaves of the existing building which accommodate the gym as the existing link addition between the two buildings does and would therefore tie into the existing buildings on site. The proposed infill extension would be faced with glass, which would retain the visual break between the two buildings which currently exists.

The proposed extension would have a flat felt roof to match the roof of the existing infill development between the two buildings. In this case, the flat roof is acceptable as it gives the extension a sense of subservience to the buildings it would attach too. Therefore, the

proposed flat roof would not look out of place within the locality as it respects both buildings. The proposed extension would thus not be unduly prominent in the locality, and thus and would be in accordance with Policies CF1/1 and EN1/2 of the adopted Unitary Development Plan.

Impact upon Residential Amenity

There would be at least 40 metres between the proposed extension and the residential dwellings on Charlton Avenue which live opposite the front of the School. As the proposal is for an infill addition, the proposal would not adversely affect the amenity of the nearest dwellings on Bury New Road. As such, there would be no loss of privacy for the occupiers of these dwellings.

To the north of the site, is a three-storey block of apartments, which is at a higher level than the application site. The existing infill addition already present on site will entirely protect the amenity of these residents from this development. The three-storey main building would protect the amenity of residents on Charlton Court which are located to the east of the school.

To summarise, the proposed infill extension would not have an adverse impact upon the amenity of neighbouring properties and is thus considered to be in accordance with Policy CF1/1 of the adopted Unitary Development Plan.

Parking and Highway Safety

The proposed development would use the existing access from Charlton Avenue and the Traffic Section has no objections to the proposal. Level access would be provided and the proposed extension would be accessible to all.

SPD11 states that there should be a maximum of 1.5 spaces per classroom. The proposed development is considered to be within a high access area and has good access to public transport. Therefore, on this occasion, it is considered to be unnecessary to provide additional parking provision given the small nature of the classroom. The proposal is therefore considered to be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Concern has been raised over the impact of construction activities preventing the free-flow of traffic along Charlton Avenue which is used to not only to access properties on Charlton Avenue but also within/ on Charlton Court. A construction traffic management condition will be imposed to ensure that construction of the extension can be managed effectively.

Conclusion

Overall, subject to the recommended construction management condition being imposed, the proposal is recommended for approval.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:

Drawing no. A1.1 Rev. PL2: Location Plan;
Drawing no. A1.2 Rev. PL1: Plans;
Drawing no. A2.2 Rev. PL2: Proposed North, West and East Elevations; and,
Drawing no. A2.2 Rev. PL1: Proposed South Elevation

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi. Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site;
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. Measures to control the emission of dust and dirt during construction;
- ix. Control of noise emanating from the site during the construction period; and,
- x. Hours and days of construction work for the development

The approved Construction Method Statement shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

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Reason. Information not submitted at application stage. In the interests of the amenities of surrounding residents and to mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, to ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, and to also ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of the amenity of surrounding residents and highway safety, pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7/1 – Atmospheric Pollution, and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	17.07.2023	DM 17/07/23	