

Description

The application site is a small plot of land to the north of Thorndyke Walk, bordering the garden of no. 3 Thorndyke Walk, the grounds of Park View Primary School, and Charlton House with its surrounding residential development, Charleton Court. The land is owned by Manchester Mesivta High School, who are the applicants for this proposed development.

The site formerly contained part of the former Prestwich Lifelong Learning Centre which appears to have been demolished in the early 1990s. Access to the former learning centre was primarily from Bury New Road and was accessible on foot via Thorndyke Walk.

The site measures approximately 1035 square metres in area. The application site is now derelict and overgrown with self-seeded tree saplings and scrub. There is one old brick building to the north east corner of the site and a concrete hardstanding base in the centre of the east side of the grounds. The north boundary of the site is bordered by a linear row of mature trees, which are located just beyond the fence in the neighbouring Park View Primary School grounds, and which overhang the site.

Adjoining the eastern boundary of the site is the garden area of a residential property, no. 3 Thorndyke Walk. To the south of the site is a Grade II listed property containing retirement apartments and a retirement residential development surrounding it called Charlton House/ Manor House and Charlton Court). To the south-east of the site exist two more residential properties accessed from Thorndyke Walk (nos. 2 - 6 (even)). Park View Primary School grounds abut the western boundary of the site.

Thorndyke Walk is a single width Public Right of Way (PROW) which provides a pedestrian connection between Bury New Road and Heywood Road. Access to the proposed development is to be taken from Thorndyke Walk.

The application site contains deciduous trees, primarily, two trees protected by Tree Preservation Order exist along the boundary of the site with the PROW / Thorndyke Walk with a length of trees similarly protected by Tree Preservation Order located along and beyond the northern boundary of the site, shared with Park View Primary School which overhang the site. Trees exist throughout the site, some of which are self-seeded specimens.

The application site is unallocated on the adopted Proposals Map, accompanying the adopted Unitary Development Plan. However, the site is within the urban boundary.

The proposal is submitted by Manchester Mesivta High School, Charlton Avenue, located approximately 40 metres to the West of the application site, to utilise the plot of land as an additional campus to the school, to include two classrooms, a Multi-Use Games Area and an outdoor learning centre.

The classrooms are proposed to be timber pre-fabricated units. The stated dimensions on the submitted drawings indicate the classrooms would measure approximately 10.19m in length, 6.28m wide, 2.25m to eaves level and 3.35m to ridge level. The building would have a roof overhang, however, the submitted plans do not scale off at the stated scales on the submitted drawings so it is unknown how far the overhanging canopy would extend beyond the front of the classrooms.

The classroom buildings would have timber cladding to the walls and a felt shingle roof. Between the two classroom blocks an 'Auditorium' is proposed, this appears to be a C-shape.

The proposed Multi-Use Games Area (MUGA) would measure approximately 23.8m in length x 13m in width. The proposed MUGA would be surrounded with metal fencing

measuring approximately 3.5m high.

The application site is to be accessed from Thorndyke Walk, a Public Right of Way (PRoW).

It is noted that the Proposed Site Plan shows a proposed storage shed in the north-west corner of the site for which details do not accompany this application. In addition, the Proposed Site Plan also indicates lighting across the site, along the boundary of the site with Thorndyke Walk, and in the corners of the proposed MUGA. The proposed lighting is shown on the Proposed Visuals, drawing no. A1.3 Rev. PL1, as lighting columns. Again, no specific details of lighting proposed to illuminate this site accompany this application.

Relevant Planning History

No planning history for this site.

Manchester Mesivta High School to which the proposal would relate

69652 – Single storey infill extension at first floor for additional classrooms – Approved with Conditions, 17/07/2023

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

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

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

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

43959 - Formation of emergency vehicle access to School Grounds from Charleton Avenue - Approved with Conditions, 07/03/2005

Publicity

The proposals have been advertised by site notices along Thondyke Walk and also all residents in close proximity to the site have been notified of the application by letter. 3 letters of objection from nearby residents and a petition containing 22 signatures from nearby residents have been received.

The three letters of objection raise the following concerns:

- Raises concerns that the all-weather pitch, would result in noise constantly throughout the day resulting in a loss of amenity, also notes the boundary fence can be seen through and that the proposal would also result in a loss of privacy.
- Raise concerns over how the site would be accessed – advising that the applicants drove a digger up the steps of Thorndyke Walk, damaging them in the process, to carry out investigatory works.
- Asserts residents of Thorndyke Walk need to retain access along Thorndyke Walk.
- States the amount of parking in this area is zero and raises concern there is no access to the application site, stating parents picking up from the school park on Bury New Road in the cycle lane now, would this happen on Heywood Road.
- As a resident of Charlton Court retirement complex the application raises numerous issues such as children's safety and consideration to the elderly and other residents of Charlton Avenue and Charlton Court, particularly regarding the proposed Multi-Use Games Areas etc. and numerous competitions with other visiting schools.
- Advise, the erection of two single storey classrooms would not be a welcome addition to the current view from various residents' windows in Charlton Court and Charlton House (or the Manor House).

- Raises that Parking for the High School is totally inadequate and asserts is a daily struggle regarding access and blocking of traffic, which on occasion has almost resulted in a collision or accident on the Avenue and complex, putting everyone at risk.
- Concerned that compounding an already overstretched and somewhat very dangerous situation is really not in the best interest of the area or the community.
- Advises the site is a confined space, restricted in area, which is separate from main campus by public path, next to a retirement site and very close to the sites properties and other residential properties.
- Asserts students require supervision at all times and raises concern that children already walking off pavements not looking.
- Asserts the High School already has a football pitch, growing area, and a greenhouse on campus and questions the need for this development.
- Raises concern that no parking is proposed and questions where visiting teams, spectators and their extra vehicles would park and advises that parking is already severely constrained on the main school site causing daily problems on Charlton Avenue and Bury New Road.
- Concerned that the site is within a secluded area and would thus be open to abuse.
- Asserts more classrooms = more pupils, tutors and relatives and cars.
- Raises concern that the abundant wildlife, birds, bees, foxes, bats, owls on the land would lose their natural habitat.
- Raises concerns over whether the proposal would be maintained, stating that the applicants (the High School) have previously tried to keep a garden, they have had rabbits, a greenhouse which have all been left to ruin and not used, there is always litter around the school and the existing all-weather pitch has been full of moss because of lack of use.
- Notes that current users of the Public Right of Way experience abuse from students of the High School when passing the existing High School and fears this would happen on this site.
- Requests the Council think about the impact of the proposal on the area, near a very busy arterial road already congested.

The petition signed by 22 local residents object on the grounds that the proposed development would disrupt their daily lives and their amenity due to the noise level of the site increasing dramatically and the amount of people coming and going along Thorndyke Walk and excess vehicles wanting to park in a 'no parking' area. They also state that the only access to the houses on Thorndyke Walk is by the Public Right of Way and the footpath is also used by residents to walk to the bus stop on Bury New Road. They raise concern about the proposed intensification of use of the footpath and state any closure of the footpath (such as during any construction period) would have a huge impact on residents.

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections

Public Rights of Way Officer - The PROW is part of the adopted highway so the highway authorities' requirements take precedence over the remits of PROW legislation.

Environmental Health - Contaminated Land- No objections, subject to pre-commencement conditions.

Environmental Health - Pollution Control - Raises objections based on noise and disturbance adversely affecting the amenity residents, and the proposed illumination of the site also adversely affecting the amenity of surrounding occupants.

Borough Engineer - Drainage Section - No comments or observations received.

United Utilities (Water and waste) - Raises objections but determine a pre-commencement

condition can be used to overcome their concerns.

Environment Agency - No comments or observations received.

Greater Manchester Ecology Unit - Raises objections on the lack of information relating to biodiversity.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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, i.e. 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

Procedural Matters

The application is accompanied by a range of drawings which do not scale off when measuring the various elements of the proposal and therefore cannot be relied upon.

The application also contains conflicting information in respect of drainage and construction works required for the development that would be within the Root Protection Areas of trees protected by Tree Preservation Order, which lie within and lie adjacent to the site.

In addition, the Proposed Site Plan shows a proposed storage shed in the north-west corner of the site for which details do not accompany this application.

Furthermore, the Proposed Site Plan also indicates lighting across the site, along the boundary of the site with Thorndyke Walk, and in the corners of the proposed MUGA, including the corners adjacent to the boundary of 3 Thorndyke Walk. The proposed lighting is shown on the Proposed Visuals, drawing no. A1.3 Rev. PL1, as lighting columns and on Drawing no. A1.7 Rev. PL1: 'Recreational Area'. Again, no specific details of lighting proposed to illuminate this site accompany this application, despite the site being in close proximity to residential dwellings.

All of the above, lead the Local Planning Authority to conclude that the details submitted with the application cannot be relied upon and it is recommended the application be refused due to the lack of information and inconsistencies within this submission.

Principle of Development

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

The proposal would provide the provision of education facilities and therefore is acceptable in principle.

Heritage Assets

The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

UDP Policy EN2/3 states the Council will actively safeguard the character and setting of Listed Buildings when assessing applications.

Charlton House, also referred to as the Manor House, a Grade II listed building, is located directly to the south of the application site on lower land than Thorndyke Walk and the application site. Its rear boundary abuts Thorndyke Walk and would be within 2.5m of the application site.

The gable of a historic curtilage building, currently occupied as Flats 55 and 57 Charlton Court, abuts Thorndyke Walk. This historic building is positioned at 90 degrees to the rear of the listed building in the north-west corner of its curtilage. This historic curtilage building, which first appears on the 1893 historic map within the curtilage of Charlton House, is also a heritage asset.

The setting of Charlton House and its historic outbuilding is very constrained to within its

own curtilage. There are views of the upper floors of the Grade II listed building and its historic outbuilding from Thorndyke Walk. These are constrained by the 2m high timber hit and miss timber fencing bounding Thorndyke Walk. The application site and Thorndyke Walk are set at a higher level than the listed building.

One of the proposed classrooms would be sited directly in line with the rear elevation of Charlton House. Given the low-level nature of the proposed timber clad classrooms, and the current boundary fencing along Charlton House/ Thorndyke Walk they would not harm the setting of the Manor House.

The proposed MUGA would be located parallel to the northern gable of nos. 55 and 57 Charlton Court. The proposed MUGA would be surrounded by green metal sports fencing. Given the plans do not scale it is unknown how high the fencing surrounding the proposed MUGA would be, nevertheless, the application site is already bounded by similar green coloured metal fencing which is approximately 3m high and therefore the impact on the setting of the listed building is unlikely to be substantially different. However, the lack of a scale bar and written dimensions on the plans to check whether the drawing scale off, further justifies the Local Planning Authority's (LPAs) view that the submission contains insufficient information for the LPA to accurately assess the impact of the proposals on the setting of the listed building.

Land Contamination

Paragraph 183 of the National Planning Policy Framework, states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and after land has been remediated, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The application site is not situated within 250 metres of any known landfill sites and is situated on the Sherwood Sandstone Principal aquifer which is overlain by Glaciofluvial Sand and Gravel.

The application site was historically in use as open land and was developed as a school building by 1963. That school has now been demolished with a concrete pad remaining which covers the central part of the eastern end of the site.

A Groundsure Environmental Risk Report accompanies this application. Although the site has not had any known contaminating land use, as the site has been previously developed there is likely to be deposits of made ground at the site. Due to the sensitivity of the proposed land use, as a minimum, a Desk Study and Preliminary Risk Assessment would need to be secured prior to any works commencing on the site, should the Local Planning Authority be minded to approve the application.

Highway Safety Matters

The submitted application contains no details of how the site would be accessed for its proposed use of extended facilities for the High School with the exception of the submitted Design and Access Statement which advises the development would be accessed via the existing entrance to the school, and a direct route would be provided to the new facilities. The submitted Statement also states that if the new facilities are used during school holidays they would be accessed via the Thorndyke Walk public footpath (PRoW). Whilst the Design and Access Statement states this, no actual details showing the proposed route from the High School, are included within this submission or any consideration of whether the PRoW/ adopted highway needs any improvement works, or whether existing users of the PRoW.

Thorndyke Walk is a narrow, single person lane which is an adopted highway and a designated Public Right of Way, Public Footpath, no. 6PRE. The majority of it is single width, therefore it is very narrow in places particularly towards the end where it passes the high school and towards the Bury New Road end of the path and in the area between the application site and the boundary of Charlton House retirement complex, the area which would form the frontage of the application site.

Students would have to travel to and from the site via the Public Right of Way either from the school site itself, through a gate which exists in the palisade fencing on to Thorndyke Walk, or from either of the main road access points. The access point on to the PRow, from Bury New Road is very narrow. The access from Heywood Road is up steps which are used for residents to access their properties.

Paragraph 100 of the Framework states; planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The Public Right of Way (PRow) would be filled with students travelling to and from the main school grounds. This would restrict the free pedestrian access that currently exists along this footpath which extends between Heywood Road and Bury New Road and detract from the current enjoyment of the semi-rural feel this PRow has, which is already partially blighted by students making comments to walkers as they travel along the foot, as noted by the representations received by nearby occupiers and also by myself whilst assessing this planning application.

Furthermore, there are no proposals to improve the adopted highway/ Public Footpath, No. 6, Prestwich, that serves the site and which separates the site from Manchester Mesivta High School, or the accesses to it from either Heywood Road or Bury New Road that would be used out of school hours and term times. Intensification in use of this single width path would also result in a substandard pedestrian access and detract from local residents' use of the public footpath. The proposal would therefore not protect and enhance the public right of way, contrary to the requirements of the Framework and Policy HT6/2 and paragraph 100 of the National Planning Policy Framework.

Moving on, no details accompany the application as to whether parking facilities are proposed to serve the development, or whether safe and suitable access for the disabled would be provided for the proposed development. The application therefore contains insufficient information in this respect, contrary to UDP policies HT2/4, HT5/1 and HT6/2.

The two classrooms would have a combined floor area of approximately 128 sq.m. The MUGA would have a floor space of approximately 309 sq.m. It is clear from the submitted Planning Statement that the proposed development seeks to provide additional teaching space and recreational facilities for the High School, which, in accordance with SPD11: Parking Standards in Bury, necessitates 1 parking space per 2 staff to be provided, a disabled parking bay, at least 1 cycle parking space and at least 1 space for a two-wheeled motorised vehicle to be provided within the development. There are no specific parking requirements for outdoor recreation facilities such as the proposed MUGA with the SPD stating that this will individually be considered. The proposed development would be used by pupils of the High School and for local summer camps for primary school-aged children during the school holidays. The proposal clearly lacks consideration of how this site would be safely accessed by users of the development or how the development would protect and enhance the Public Right of Way, this justifies refusal of the application on these grounds.

The Highway Authority has also objected to the application proposals on these grounds, advising the parking and servicing facilities proposed, or the lack thereof, are sub-standard and would lead to vehicles parking and carrying out manoeuvres on the adjacent adopted

highways, to the detriment of the free flow of traffic and highway safety.

Similarly, the proposal would result in the intensification of use of sub-standard pedestrian access arrangements to the site from the adjacent adopted highways, which would also be detrimental to highway safety.

Finally, the Highway Authority also advise that the application contains inconsistent and insufficient information to properly assess the physical impact of the development on the adjacent adopted highways and/ or the facility outside of school hours and terms times and resultant use and resultant impact on the adjacent adopted highways in terms of both access to the site and vehicles parking and carrying out manoeuvres on the adjacent adopted highways. Given all of the above, the proposed development is considered to be contrary to policies HT2/4, HT5/1 and HT6/2 of the UDP and the National Planning Policy Framework and is therefore recommended for refusal on the aforementioned highway safety grounds.

Residential Amenity

Paragraph 130 of the Framework states that planning decisions should ensure that developments have a high standard of amenity for all existing and future occupants of land and buildings.

The proposed development would be very close to several neighbouring dwellings, including occupiers of Charlton House and the associated residential dwellings directly opposite the application site on Charlton Court/

The semi-natural site would become wholly developed. The proposed development would occupy the whole of the application site, with the proposed MUGA extending up to the garden area of no. 3 Thorndyke Walk and their habitable rooms which overlook their garden and the application site. The proposed MUGA would lie adjacent to no.57 Charlton Court and no. 6 Thorndyke Walk. The proposed MUGA, classrooms and outdoor learning area and picnic area would be sited directly behind the apartments within Charleton House and the surrounding properties, on Charlton Court.

Whilst the Council notes that local residents will experience noise and disturbance from the site of Park View Primary School and Manchester Mesivta School, which this application relates, these two school sites are located further away from local residents than the application site, the Council considers that the change of use of this parcel of land would result in residents experiencing noise from activities associated with the proposed development much closer to their dwellings and outdoor private amenity spaces. Officers consider that with the proposed development being much closer to their properties than the current noise sources in the local vicinity would result in conditions detrimental to the amenity of all surrounding residents.

The Council also notes that due to the High School being open Monday to Fridays, and on Sundays and the site is proposed to be used during school holidays, residents would experience no relief from the proposed development. This leads Officers to further consider that the proposal would adversely affect the amenity of surrounding residents.

Whilst no specific details of how the site would be illuminated and no light spillage plans accompany this application, flood lights and lighting columns are shown to be sited along all sides of the proposed MUGA and across the entirety of the site. The Council considers that illumination from the proposed lighting would overspill across the boundaries of the site into neighbouring properties. Residents are therefore likely to find the general illumination of a large area so close to their homes disturbing, especially when combined with the noise of active use, to the detriment of the amenity of all surrounding residents.

Overall, the proposal would cause demonstrable harm to the amenity of surrounding

residents, contrary to Policy EN1/2 and EN7/2 of the Local Plan and the requirements of the Framework/ NPPF.

Trees

UDP Policy EN8 encourages the retention of trees, woods, and hedgerows and replacement tree planting throughout the borough.

Policy JP-G7: Trees and Woodland of the emerging Greater Manchester Places for Everyone Plan states that where development would result in the loss of existing trees, replacement on the basis of two new trees for each tree lost is required. Although, the Greater Manchester Places for Everyone plan is given limited weight at this stage of its progress, it is clear that there is a national presumption of retaining trees and replacing any trees lost to development similar to the UDP Policy EN8 requirement.

Two trees along the site frontage are protected by Tree Preservation Order. All the trees neighbouring the northern boundary of the site and which overhang the site are also protected by Tree Preservation Order.

An Arboricultural Impact Assessment, dated the 23 May 2023, accompanies the application. This has surveyed the trees on the site in accordance with the requirements of BS5837 (2012): 'Trees in relation to design, demolition and construction'. This notes that 17, Category C Trees and 4 Category U trees are to be removed to make way for the proposed development.

These trees are located in the central area of the site, and also in the area fronting the with Thorndyke Walk, excluding the two trees protected by TPO (T33 and T38). The proposal would therefore result in a loss of trees on the site and whilst these are category C trees, they have a visual amenity value and may well have a biodiversity value too. The development proposes no replacement or mitigatory planting, contrary to the requirements of UDP Policy EN8 and the with no replacement of Policy JP-G7 of the emerging Greater Manchester Places for Everyone Plan.

The Arboricultural Impact Assessment provides Tree Constraint Plans and illustrates clearly that the proposed classrooms, outside seating area and Multi-Use Games Area (MUGA) would all encroach well into the Root Protection Area (RPA) of the protected trees bordering the northern boundary of the site. Whilst the submitted report states the proposed classrooms would be installed on pads and thus thereby limit the impact on these trees, the Arboricultural Report does not discuss the impact of installing a seating area and associated hardstanding within the root protection areas of these trees. Nor does it provide any reasonable assessment of the impact of installing/ erecting a MUGA within the RPA's of protected trees, namely T15 - T20 and also T33, instead advising that the "playing pitch surfaces are to be a no-dig porous material construction" and that due to the above construction methods and what is described as 'very minimal RPA overlaps', together with the fact that all the remaining sections of the tree RPAs "and contiguous areas will remain undisturbed, the potential loss or damage to roots is put forward as being insignificant and would not be expected to cause any significant harm to the long-term health and viability of the trees". The LPA does not agree with this conclusion.

It is clear from the submitted Tree Constraints drawing - Dwg. No RTS/29052023/TPP 002, that the proposed MUGA would cover far more of the RPA than what can be described as 'minimal'. The submitted report fails to recognise this and Officers consider sizeable areas of the root protection areas, over the 30% recommended within BS5837: Trees in Relation to Design, Demolition and Construction, would be encroached by the proposed development to the detriment of those trees and their survivability.

Furthermore, whilst a 'no-dig' construction is proposed, having investigated the works required to both remove the existing concrete base and install the proposed MUGA

facilities, it is clear to the LPA that the area of the proposed development would need to be level before installation/ construction works begin. The roots of trees would therefore likely be affected by such ground preparation works.

In addition, the whole site, including the proposed MUGA development need to have drainage. The application is accompanied by a Drainage Plan (Drawing No, A1.8, Revision PL1). The proposed drainage plan shows drainage running through the RPA's of T6 - T20 and T33. These drains would be below the ground, thereby they would directly cut through the roots of the affected protected trees to the detriment of their health, particularly T33 fronting the site whose RPA is already constrained by Thorndyke Walk and the Schools existing outdoor sports area, both of which currently encroach partly into the RPA of this tree.

The author of the Arboricultural Impact Assessment appears to have not been aware of the need for the development, including the proposed MUGA, to require drainage, as the proposed drainage for the site does not form part of the considerations within that assessment. Therefore, once again, the application contains insufficient information as to the true impact the proposed development would have on the protected trees on-site and bordering the site. Moreover, the proposed development in the north-east corner of the site has also not been taken into account within the submitted Arboricultural Impact Assessment. Given all the above, it is clear the proposal is contrary to Policy EN8 of the adopted UDP and Policy JP- G7 of the emerging Greater Manchester Places for Everyone Plan. It is thus recommended the application be refused on this basis.

Biodiversity

Paragraph 194 of the NPPF states that planning policies and decisions, amongst other things, should minimise impacts and provide net-gains for biodiversity.

Given the trees on and bordering the application site and the overgrown nature of the site and the number of self-seeded trees on the site, and the mature trees on the edge of the application site, the application should be accompanied by a Biodiversity Assessment to establish whether the biodiversity value of the site would be harmed by the proposed development, and if so whether any harm could be mitigated.

No such assessment has been submitted and therefore it is recommended that to ensure biodiversity is not harmed by the proposed development and that the proposal would provide net-gains to biodiversity, the application should be resisted based on this lack of information, in accordance with the requirements of the National Planning Policy Framework.

Drainage & Flood Risk

Paragraph 167 of the Framework states that development should only be allowed in areas at risk of flooding where, amongst other things, it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

The application site lies within Flood Zone 1 where the risk of flooding is low, and the submission has been accompanied by a proposed drainage plan. Said plan depicts that the proposed pitch would be drained into an existing United Utilities Wastewater system which runs along the grass verge running from the corner of the site along the boundary of no. 3 Thorndyke Walk. United Utilities have reviewed the proposal and state that this form of drainage is not acceptable to them as the applicant has not investigated the drainage hierarchy which seeks infiltration first rather than discharging straight into the public sewer or investigated restricting discharge rates. United Utilities consider that this matter can be addressed by planning condition if the LPA are minded to approve this application. On this basis, subject to such a condition it is considered the proposal is acceptable from a drainage and flood risk perspective and therefore accords with UDP Policies EN5/1, EN7/3

and EN7/4.

Visual Amenity

Paragraph 126 of the Framework states that good design is a key aspect of sustainable development, and the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

UDP Policy EN1/2 seeks to ensure development does not adversely affect visual amenity and local character.

The proposals seem to be suitably designed in the main for their intended purpose. However, the submission also shows that all lighting columns would be significantly higher than the built form of this development, and due to their height and the subsequent light spillage of the proposed lighting would constitute a substantial visual intrusion for the residents affected by these proposals. Overall, the proposals would fail to accord with Policy EN1/2 of the UDP and the requirements of the NPPF.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

For all the reasons discussed through this report it is clear that this proposal by virtue of its intended use and proximity to neighbouring residential properties would harm the amenity of surrounding occupiers by virtue of noise, disturbance and light pollution. Secondly, the proposal would result in conditions detrimental to highway safety for pedestrians and vehicles and users of the Public Right of Way. The proposal also lacks information and consideration of the proposals impact, including construction of the proposals, would cause significant harm to trees protected by Tree Preservation Order to the detriment of those trees, possibly biodiversity and to visual amenity. The application also lacks consideration of the proposals impact on biodiversity occupying and utilising the site and fails to demonstrate that the proposals could mitigate any harm to biodiversity and also whether net-gains to biodiversity could be achieved on the site. For all these reasons, it is strongly recommended that the application should be refused as it fails to comply with a number of policies within the adopted Local Plan, the emerging Greater Manchester Places for Everyone Plan, and the National Planning Policy Framework. For all the reasons discussed within this report, it is thus recommended the application be refused.