

DELEGATED REPORT

Report by Helen Leach	Date of report: 21/12/2020	Ref: 66065/FUL
Registration: 26/10/2020	LDfC: 18/11/2020	Expiry Date: 21/12/2020
Site Visit: 16/12/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement classrooms extension and demolition of Horsa buildings

Location: Park View County Primary School, Park View Road, Prestwich, Manchester, M25 1FA

Description

The site relates to a school, which is located to the south of Park View Road. The main school building is constructed from red brick building and is located along the frontage of the site. The site slopes steeply to the south and there are steps leading to three detached buildings containing classrooms. There are two playgrounds and these are at a higher level to the main school building. There is a car park for the school and playing fields located to the north of Park View Road.

There is a synagogue located to the west of the site with residential properties beyond. Manchester Mesivta is a school and is located to the south west and there are residential properties to the south and east.

The proposed development involves the removal of two detached buildings and the erection of an extension to the rear of the main school building.

The two buildings are located on the western boundary and contain 4 classrooms. The proposed extension would be two storey near the school building to address the steep topography of the land. The proposed extension would provide 4 classrooms, toilets, boiler room and extension to the library. The proposed extension would be constructed from red brick with a profiled metal cladding roof.

Relevant Planning History

02468/E - Replacement classrooms extension and demolition of Horsa buildings - Enquiry completed 25/09/2020

49657 - 20 space extension to existing staff car park; new retaining wall and fencing to front boundary of school and playground extension at Park View County Primary School, Park View Road, Prestwich. Approved with conditions - 21 May 2008

58397 - Single storey extension to existing nursery; External canopy at Park View County Primary School, Park View Road, Prestwich. Approved with conditions - 12 March 2015.

Publicity

The neighbouring properties were notified by means of a letter on 27 October 2020. There has been no response.

Statutory/Non-Statutory Consultations

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of

conditions relating to contaminated land.

United Utilities - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats, nesting birds and landscaping.

The Coal Authority - No objections, subject to the inclusion of an informative relating to coal mining.

Environment Agency - No objections, subject to the inclusion of conditions relating to contaminated land/controlled waters.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
RT1/1	Protection of Recreation Provision in the Urban Area
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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.

Principle (Community Facilities) - Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the following factors:

- impact on residential amenity and the local environment;
- traffic generation and car parking provision;
- the scale and size of the development;
- where applicable, access to shops and other services;
- if the use is intended to serve a local community, the suitability of the chosen location in relation to that community to catchment area;
- accessibility by public and private transport;
- the needs and requirements of the disabled

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

The proposed development would involve the demolition of two buildings, providing 4 classrooms and the erection of an extension to provide 4 classrooms. The proposed development would maintain and improve the educational facilities at the school. The size and scale of the proposed development would be appropriate and it would be located within the catchment area. The issues relating to traffic generation, impact on residential amenity and the needs and requirements of the disabled will be assessed later in the report. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 and CF2 of the Bury Unitary Development Plan.

Principle (Recreation) - The application site relates to a school, which contains playgrounds and playing fields.

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy RT1/1 states that development will not be allowed where it would result in the loss of:

- existing and proposed outdoor public or private recreation facilities, including playing

fields, sports grounds, parks and gardens, childrens play areas, allotments and golf courses;

- recreation space within settlements located in the Green Belt;
- indoor facilities for which there is a recreational need;
- any other unidentified recreation provision such as playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses, including sites created during the period of the plan.
- Exceptions to this policy may be permitted where:
- sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

The proposed development would be located between the school building and the existing playground and would be located on an area of landscaping. The proposed external works plan confirms that the playgrounds would not be affected by the proposed development. As such, the recreation facilities at the school would be maintained and the proposed development would be in accordance with Policy RT1/1 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would involve the demolition of the two existing Horsa buildings, which are located on the western boundary of the site. The buildings were erected in 1948 and have become dilapidated. The removal of these buildings would not have a detrimental impact upon the streetscene.

The proposed extension would be located at the rear of the main school building and the landscaped area at the rear is 1.1 metres higher than the school building. The proposed extension would be single storey and would vary between 3.3 metres and 6.5 metres in height, which takes account of the steep sloping land. The proposed extension would be constructed from red brick with profiled metal panels for the roof. Given the location at the rear, the proposed materials would be acceptable. The proposed windows would be suitably aligned and the proposed extension would be lower than the main school building. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, CF1/1 and CF2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case.

There are no windows in the gable elevation of the adjacent synagogue and there would be no amenity issues.

- There would be over 30 metres between Thorndyke Gardens and the proposed extension.
- There would be 46 metres between the proposed development and Manchester Mesivta
- There would be 55 metres from the Charlton Court to the proposed extension.

All of these distances would be in excess of the aspect standard. Therefore, the proposed development would not have adverse impact upon the amenity of the neighbouring properties.

Trees - The trees to the south and east of the playground (adjacent to Thorndyke Walk) are covered by a Tree Preservation Order (TPO). All of these trees are outside of the red edge and would not be affected by the proposed development. A condition requiring tree protection measures will be required to protect these trees during construction.

The proposed development would result in the removal of 27 trees at the rear of the school

building. A tree survey has been submitted and confirms that all of the trees are category U and C, which means that the trees are of low quality. The proposed external works drawing shows the mitigation proposals for the loss of trees, shrubs and nesting bird habitat and these include replacement planting with native species and a pond. GM Ecology Unit has confirmed that there are no objections to the proposal, subject to the inclusion of conditions relating to bats, landscaping and nesting birds.

Therefore, the proposed development would not have an adverse impact upon the character of the area and would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would not impact upon the vehicular access to the site. The proposed development would not increase the number of classrooms at the school and as such, the level of parking provision would be acceptable. Therefore, the proposed development would be in accordance with Policies EN1/2, CF1/1 and HT2/4 of the Bury Unitary Development Plan.

Access - The proposed development would be single storey, but there would be a stepped access within the building to take account of the difference in levels. A platform lift would be provided within the building to ensure access for all to the proposed classroom. Therefore, the proposed development would be accessible for all and would be in accordance with Policy HT5/1 of the Bury Unitary Development Plan.

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 pre-application discussions 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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered E 19317 A 01, E 19317 A E01, E 19317 A 03, E 19317 A 04, E 19317 A 05, E 19317 A 06, E 19317 A E02 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The brick shall match the existing building and the materials for the roof shall be as stated on the approved plans.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the

actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;

- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 7 No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 8 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 9 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 No demolition works in relation to the existing buildings shall take place, unless or until a emergence survey has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations in the approved report.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 11 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
- Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
 - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/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.

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

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 21/12/2020		DM - 04/01/2021	