

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 14/04/2023	Ref: 69334/FUL
Registration: 03/03/2023	LDfC: 30/03/2023	Expiry Date: 28/04/2023
Site Visit: 08/04/2022	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: Single storey extension for sensory and speech therapy room

Location: Unsworth Primary School, Blackley Close, Bury, BL9 8LY

Description

The proposal relates to Unsworth Primary School, which is bounded by residential development to the west and south and public open space to the north and east.

The existing school building is largely single storey with higher elements relating to the sports hall.

The proposal is for a single storey extension to provide a sensory and speech therapy room which would extend off the north-west elevation towards the detached single storey 'temporary' classroom. It would have a footprint of 12.35m x 5.9m and would have a flat roof to a height of 2.82m above ground with a 2m projecting canopy off the north-east elevation facing the school field. It would be finished in matching brick and white cladding boards.

Relevant Planning History

52725 - Erection of conservatory within court yard of school - Approve with Conditions 02/08/2010

64438 - Single storey extension at rear - Approve with Conditions 02/09/2019

68066 - Proposed additional staff car parking (7 additional spaces) - Approve with Conditions 14/07/2022

Publicity

Advertised by direct neighbour notification on 08/03/2023. No representations received.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land: No objection, subject to conditions relating to site investigation, risk assessment, remediation and verification.

Pre-start Conditions - Agent has agreed with the pre-start condition

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
CF1	Proposals for New and Improved Community Facilities
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings

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

The principle of additional accommodation is acceptable where it supports the provision of education facilities. UDP policy CF2 - Education Land and Buildings states the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposal would constitute an improvement to the school by providing additional and specialist classroom facilities and as such would accord with the aims of UDP policy CF2.

Visual amenity

The proposed extension would link to an existing flat roofed element and would be finished to the similar height and the same form and materials. Due to the position of enveloping existing buildings, the extension would not be visible from the neighbouring residential areas to the south and west of the site.

Given these circumstances, the proposal would not having any unacceptable impacts upon visual amenity and would therefore comply with the above UDP policies.

Residential amenity

As noted above, the proposed extension would be entirely enveloped by existing school buildings and it would not therefore have any unacceptable impacts on residential amenity.

Conclusion

The proposed development would not have any unacceptable impacts on visual or residential amenity. Given this, it is not considered that the proposal would conflict with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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
 Location and Site Plan (Dwg No. 04)
 Proposed Ground Floor Plan (Dwg No. 02)
 Proposed Elevations and Section (Dwg No. 03)
 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 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.

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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.

- 4 Following the provisions of Condition 3 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.

- 5 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	14/04/2023	DM	17/04/23