

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/10/2024	Ref: 71061/FUL
Registration: 12/08/2024	LDfC: 26/09/2024	Expiry Date: 07/10/2024
Site Visit: 05/09/2024	Site Notice: 05/09/2024	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Retention of single storey Portakabin building for a period of 5 years from the date of expiry on planning application, ref. no. 69110

Location: Christ Church Church of England Primary School, Church Street, Tottington, Bury, BL8 3AX

Description

Temporary permission is sought for a period of 5 years to retain a detached modular building at Christ Church CofE Primary School, Walshaw, used as a before and after school club as well as for additional lessons and holiday clubs.

The building is a single storey modular detached building, 12.2m long, 10m wide and 3.5m high. It is located to the south of the school grounds next to the school playground.

To the north of the school is Moyse Avenue and the entrance into the site, and to the west are the school playing fields beyond which are residential properties on Green Street. To the east is Church Street which follows the school boundary along the southern edge of the site and is bounded by a stone wall and substantial tree planting.

A temporary consent for the portable building was originally granted in 2014 for a period of 5 years until 2019 and in 2019 planning permission was granted for a further temporary period until 31st July 2024 under application 69110. This application seeks to retain this detached modular building for an additional 5 years, so until 31st July 2029.

The school is containing trying to secure funding for a more permanent solution to provide this facility but until then, the school needs to retain the building temporarily to ensure that its needs are met which will mean it can continue operations successfully.

This application will see no increase in staff or pupil numbers.

Relevant Planning History

50702 - Temporary (for 5 Years) Single Storey Building to be used as an after school club erected on an area of land to the north of the site - Approved with Conditions 16/12/2008

57208 - Continued use of single storey building to be used as a before and after school club for a temporary period of 5 years - Withdrawn by Applicant 03/03/2014

57546 - Relocation of a new temporary portable building (for 5 years) to replace the existing out of hours childcare facility which will be removed (Retrospective) - Approved with Conditions 11/06/2014

69110 - Retention of single storey Portakabin building for a period of 5 years from the date of expiry on original planning application (ref no. 57546) - Approved with Conditions 30/01/2023

Other applications on the school site

45171 - New security fencing to part of the school boundary 2.4m high - Approved with Conditions, 27/10/2005

47117 - 2.440m high Paladin Perimeter Fencing to School Site Entrance- Approved with Conditions, 27/11/2006

48198 - Extension to Administration block - Approved with Conditions, 20/07/2007

57812 - Single storey extension to main entrance for infant block; Single storey kitchen infill extension - Approve with Conditions 15/09/2014

Publicity

Site Notice posted: 05/09/2024

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Env Health Pollution Control - No comments or observations received

Pre-start Conditions - Not applicable

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
CF1/1	Location of New Community Facilities
HT5	Accessibility For Those With Special Needs
JP-P5	Education, Skills and Knowledge
JP-C8	Transport Requirements of New Development

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 of Development

PfE Policy JP-P5: Education, Skills and Knowledge generally supports education provision.

Whilst Modular buildings are not meant to be permanent solutions for Schools and by their nature are deemed to be temporary buildings whilst purpose built, well designed and constructed accommodation is designed and subsequently built on School sites. Due to the well publicised Government funding shortfall for Schools and education provision in general, the School has not yet successfully secured funding for a new purpose built extension to the School. The School is continuing trying to secure funding for a more permanent solution to provide this facility but until then, the school needs to retain the building temporarily to ensure that its needs are met which will mean it can continue operations successfully.

Given the above, the proposal is acceptable in principle.

Appearance, Siting and Visual Amenity

The modular building is positioned in the southern part of the school site, next to the playground, albeit on the opposite side of it to the main School Building. Whilst close to the boundary of the School with Bank Street and in an elevated position on the site, it is well screened from views from Bank Street by the dense line of trees which form this boundary.

The external appearance is typical of a temporary classroom to provide additional teaching and facilities. As such, and due to its modular appearance and height, the building is considered to be appropriately sited and have an appropriate appearance without detriment to visual amenity and in compliance with UDP Policies EN1/2: Townscape and Built Design and CF1/1: New Community Facilities, for an extended temporary period of 5 years to assist the School.

Residential Amenity

The nearest properties are those to the south on Bank Street. Whilst there is a significant difference in levels with the school building set at a much higher level, the build is more

than 20m away and separated by the road and a densely treed boundary. It is therefore considered the amenity of occupiers of these properties would not be detrimentally affected by the proposal. As such, the development would comply with UPD Policies EN1/2 and CF1/1: Location of New Community Facilities.

Conclusion

The Portakabin building provides the space and facilities needed for Christ Church C of E Primary School's continued operations. The temporary nature of this building has minimal impact on the environment with regards to its appearance and use, although the LPA would seek a more permanent building to be sited in closer proximity to the main School building.

Christ Church C of E Primary School intend to continue its use of the specifically fitted out building for continued operations, and once a permanent plan is sought, the building can easily be removed with little impact on the land on which it is sited.

For the above reasons and the reasons given in the Principle of Development section of this report, it is recommended that the application be approved for a further 5 year period until the 30 July 2029.

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 permission hereby granted is for a limited period only, namely for a period expiring on 31st July 2029, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.

Reason: The development is of a temporary nature only. The buildings associated with the use have a limited life expectancy. The issuing of a temporary permission will allow the Local Planning Authority to retain control over the condition and appearance of the buildings in the interests of visual amenity and achieving well-designed development, in accordance with policies within the Unitary Development Plan, Places for Everyone Plan and National Planning Policy Framework.

- 2 This permission relates to the following plans:

Drawing no. CCPSELBPRC: Existing Location & Block Plan;
Drawing no. CCPSPLBPRC: Proposed Location; and,
Drawing no. HD/7082/03 Rev. B: Proposed Layout, 3 x UK123 Ultima Modules.

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

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Development Plan, Places for Everyone Plan and the National Planning Policy Framework.

- 3 The building hereby permitted shall only be in use at the following times: 07.00 to 18.30 weekdays and for no other purpose at any other time.

Reason To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 02/10/2024		DM - 02/10/2024	