

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 15/03/2022	Ref: 67859/FUL
Registration: 23/12/2021	LDFC: 28/01/2022	Expiry Date: 17/02/2022
Site Visit: 21/01/2022	Site Notice: 21/01/2022	Press Date: 13/01/2022
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Siting of a 6 no. classroom modular building with associated landscape works including relocated car parking, playground and athletics facility

Location: Unsworth Academy, Parr Lane, Bury, BL9 8LP

Description

The application relates to a High School site which was granted planning permission in 2017 for a new school building and associated sports facilities. The development has now been completed and the new school has been in operation for a couple of years.

The wider area is characterised by residential development to the north and west, with Unsworth Cricket and Tennis Club to the south and the M66 motorway to the east. To the south west is the local centre within Unsworth comprising a row of local shops, facilities and services.

The overall school site is partially located in the Green Belt and partly outside. The main school is within the Green Belt and consists of an 'L' shaped 3 storey building with the main entrance located on the north west corner.

Sports facilities and pitches are located to the south of the building.

Car parks are located to the north west of the main school building with overflow parking adjacent to the Sports Hall. There is also a row of 7 disabled parking spaces to the north of the school building across the internal access road. These elements of the site are outside the Green Belt.

The site has a Public Right of Way (PRoW) running in a west to easterly direction through the centre of the school site, between the school buildings and the open land to the north (where the former school was located). The PRoW leads to an underpass at the motorway and playing fields beyond.

The application seeks the erection of a modular building to provide 6 no. additional classrooms. The works would involve relocating the disabled parking spaces, cycle shelters and bin store.

The re-configuration and addition of the new educational facility of this part of the site would necessitate the diversion of the PRoW.

The applicant states that as a result of increasing pupil subscription to the school, there is a pressing need for a new separate classroom which can accommodate the increased demand for pupil places.

The modular building would be located to the north of the school building on the area of land where the disabled parking spaces are currently provided. This land is not in the Green Belt. The build would be single storey with a mono pitched roof and rectangular form. Elevations would comprise a mix of render and timber cladding with injections of blue brick and large grey aluminium windows. The build would provide 6 no. classrooms with

WC facilities.

The 7 x disabled spaces would be relocated to the grassed area in front of the school. The surface water run-off will be contained within Avo drains and discharge into the existing. the 2 lampposts would be repositioned.

The cycle shelters would be repositioned next to the new build and the relocated disabled spaces with the refuse compound located to the parking area adjacent to the sports Hall.

As the relocated disabled parking spaces and bin store would be located on the route of the existing PRoW, this would need to be diverted as part of the design of the scheme.

The PRoW diversion would be applied for under an application which would be dealt with outside of the Local Planning Authority and Highway Authority jurisdiction. The suggested route identifies the PRoW being diverted just before the main school entrance to travel to the south and loop around the school MUGA's and playing fields before re-joining the route at the underpass off the motorway. to thereon continue eastwards.

Relevant Planning History

45516 - Proposed construction of single storey hall. - Approve with Conditions 31/01/2006

52670 - Extension to existing construction hall to provide additional facilities - Approve with Conditions 23/07/2010

53677 - Single storey extension - Approve with Conditions 12/04/2011

61515 - Demolition of existing main school building and erection of new (relocated replacement) main school building, relocated hard surface games areas, car parking and landscaping and new substation - Approve with Conditions 11/09/2017

63378 - Variation of condition of planning permission 61515 for erection of new main school building:

Revised site layout plan to show amendments to the habitat zone and parking layout - Approve with Conditions 15/01/2019

Publicity

Letters sent to 43 nearby properties.

Site notice posted 21/1/2022

Press advert in the Bury Times 13/1/22

No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition

Borough Engineer - Drainage Section - No response

Environmental Health - Contaminated Land - No objection subject to conditions

United Utilities (Water and waste) - No objection

Public Rights of Way Officer - No objection to the principle of re-routing the PRoW

Children's Services - No response

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

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

EN7/2 Noise Pollution

HT4 New Development

HT5 Accessibility For Those With Special Needs

HT5/1	Access For Those with Special Needs
HT6	Pedestrians and Cyclists
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
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.

Principle - CF2 - Education Land and Buildings seeks to consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposed development for additional classroom space is in response to the increasing pupil roll which has put significant pressure on the current capacity within the existing school building.

Providing additional classroom accommodation would facilitate this shortfall, at least in the short term, and enable the school to provide the educational facilities to attain required standards.

It is therefore considered that the proposed development would be acceptable in principle and comply with CF2.

Siting and layout - The proposed location of the modular building has been chosen as it would be in close proximity to the existing school build and therefore relate to the main school allowing easier passage and interaction for pupils and teachers. The proposed building would not be located in the Green Belt and would be clear of the access road which runs through the middle of the school site.

The proposed building would be located on the land which is currently used for disabled parking (7 no. spaces). These spaces would be re provided closer to the main school building and which would also provide an accessible route to the main school.

The cycle shelters would be relocated to the side of the modular building, the main car park and the row of disabled spaces, and this would be a safe and accessible location which would also be close to the school. The refuse compound would be sited adjacent to the car park next to the sports hall and accessed via the internal road which would be an accepted solution.

The proposed development would not result in the loss of any parking spaces and the proposed modular building would relate well to the main school building to enable the school to operate efficiently.

It is therefore considered that the siting and layout of the proposed development would not conflict with the current arrangements of the school site and as such would comply with EN1/2, HT2/4, HT6/2 and CF1/1.

The proposed development would require the diversion of the existing PRoW which runs through the site. This is considered in the section below.

Design and appearance - The proposed build would be single storey and would be relatively small in scale comparative to the main build and as such, a subservient addition to this part of the site which would be considered acceptable.

In terms of materials, a mix of render and fine gauge timber cladding is proposed with a darker cladding around large aluminium windows which would be similar to the main build. the proposed palette of materials would be contemporary and considered to complement and harmonise with the existing school and as such considered acceptable.

It is therefore considered the proposed development would comply with EN1/2.

Highways - In terms of parking provision, the proposed development would not result in the loss of overall parking for the school site.

The existing 7 no. disabled parking spaces would be relocated in front of the school building and would not impact on the vehicular route through the site. The spaces would be accessible and usable.

The cycle shelters and refuse storage compound would not impact on the flow of traffic or obstruct access through the site for the purposes of the school use.

The proposed development would therefore comply with EN1/2, HT2/4 and HT6/2.

The proposed development would, however, require the diversion of the existing Public Right of Way which runs through the site. This is considered below.

Public Right of Way (PRoW) - There is an existing PRoW which has historically run through the school site in a west to easterly direction. Following the completion of the new school building, the PRoW has remained obstructed, albeit there is the potential for this to be re-opened. That said, the public route through the site impacts on the operation of the school and causes concerns in terms of pupil safeguarding.

In addition, the location of the new development to facilitate the relocated parking spaces and cycle stores would obstruct the route through the school site.

The applicant therefore proposes to re-route the PRoW.

The new route would follow the western side of the school building and loop round the sports pitches to re-join the route at the motorway underpass. Whilst this would make the path much longer and indirect, the diversion appears to be the best option for opening up access across the site.

That said, the diversion would need to be applied for under a separate procedure and process away from Planning and Highway Authority jurisdiction. Acceptability of the diversion would therefore be pursued through the Planning Inspectorate using Section 247 Town and Country Planning Act 1990.

For information, the application states that the proposed diverted route would create a sufficiently wide, surfaced (compacted crushed stone) and slightly meandering path that would make the most of the green space through which the path would run.

Air quality

The site is not located within an Air Quality Management Area. Due to the scale of the development it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

However, Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. A condition is recommended that EV chargepoints shall be provided for 20% of the parking spaces to which the applicant has agreed.

Drainage - A drainage strategy has been submitted and UU have confirmed the proposals would be acceptable in principle and recommend a condition for the implementation.

There is UU infrastructure which crosses part of the site, however, the relocation of the cycle shelter and refuse compound would appear not to obstruct access to the water main.

For certainty, UU have requested a condition that details are provided to ensure the infrastructure is not damaged or obstructed by the proposed development. The applicant has agreed to the condition.

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 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 -
Site location plan 2118-MEB-XX-XX-DR-A-3-100-A;
Proposed roof plan 2118-MEB-XX-XX-DR-A-3-101-E
Proposed plans and elevations 2118-MEB-XX-XX-DR-A-3-102-C
Proposed site plan 2118-MEB-XX-XX-DR-A-3-103-H
Proposed car park plan 2118-MEB-XX-XX-DR-A-3-105-B
Foul & Surface Water Drainage Design Drawing 105363-CUN-S0-XX-DR-C-52-000, Rev C12 - Dated 16/07/2019
Indicative PRow Diversion Proposals 21058.IN.01 rev c
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 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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.
- 4 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 If during the works on site, excess or waste soil material is removed from site, details of where and how the soil material was disposed of, including copies of waste transfer documentation, shall be submitted to the Local Planning Authority for approval.
Reason. This is to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the

National Planning Policy Framework.

- 6 Prior to occupation the applicant shall provide electric vehicle (EV) charging points for 20% of the proposed parking spaces. EV chargepoints shall be 7kW* as a minimum.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 7 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 105363-CUN-S0-XX-DR-C-52-000, Rev C12 - Dated 16/07/2019 which was prepared by GallifordTry. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 8 No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason. In the interest of public health and to ensure protection of the public water supply pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 9 Notwithstanding the details shown indicatively on approved plan references 21058.IN.01 Revision C and 2118-MEB-XX-XX-DR-A-3-103 -H, no development shall commence unless and until full details of the diversion of Part of Public Footpath Numbers 101 Bury and 7 Whitefield, incorporating all engineering operations required to provide the proposed minimum 2.0m wide route in a compacted 'Breedon' gravel type surface (or similar material to be agreed) with timber edgings and at a gradient that does not exceed 1 in 12, have been submitted to the Local Planning Authority. The details subsequently approved shall not be commenced unless and until the required diversion order has been secured and shall be implemented to an agreed programme with the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the public right of way network, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, CF2 - Education Land and Buildings and HT6/1 - Pedestrian and Cyclist Movement.

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- 10 The repositioned car and cycle parking facilities indicated on approved plan references 21058.IN.01 Revision C and 2118-MEB-XX-XX-DR-A-3-103 -H shall be surfaced, demarcated and/or made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	15/3/22		