

DELEGATED REPORT

Report by Claire Booth	Date of report: 13/03/2025	Ref: 71421/FUL
Registration: 14/01/2025	LDFC: 11/02/2025	Expiry Date: 11/03/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of conditions 2 (approved drawings) and 3 (approved materials) of planning permission 68903: Reduce the building footprint and construct in blockwork with render finish rather than Siberian larch timber cladding

Location: Greenmount Nursery School, Brandlesholme Road, Tottington, Bury, BL8 4DS

Description

The proposal relates to an existing flat roofed double garage with pebble dash walls positioned within the car park at the rear of Greenmount Old School immediately adjacent to the stone boundary wall. There is a single garage immediately adjacent to the south elevation. Greenmount Old School is a non-designated heritage asset (NDHA).

Following approval of planning application 68903 for the replacement of a garage used for storage purposes with a storage building finished in timber cladding with a juniper green roof, this application seeks permission to vary conditions 2 (approved drawings) and 3 (approved materials) of planning permission by proposing to reduce the overall length of the proposed garage by approximately 1.12m from 7.9m to 6.78m, reducing the eaves height to provide a domestic styled garage and changing the materials from larch timber cladding to a K-Rend finish, the colour of which is stated as to be agreed.

Relevant Planning History

68903 - Replacement of existing storage garage with a new steel framed storage building - Approved with Conditions, 12/12/2022

64311 - Replacement of existing storage garage with a new steel framed storage building - Approve with Conditions, 05/08/2019

Publicity

The proposal has been advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/1	Visual Amenity
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), 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.

ASSESSMENT

Design and appearance

UDP Policy EN1/2: 'Townscape and Built Design' requires developments be in keeping with the character and townscape of the area to which it would pertain. Paragraph 216 of the National Planning Policy Framework states that applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal would necessitate the removal of an unattractive, domestic type double garage. Although the proposed storage building would be around 1.6m taller and would therefore be more prominent, it will be positioned at the rear and partially screened by the adjacent outbuilding. It is recognised that the approved natural materials to the walls would have been more sympathetic when seen in context with the Greenmount Old School, however, it is considered that the proposed garage would still be a visual improvement to the garage which is seeking to be replaced. Accordingly, it would not therefore have any unacceptable impacts on visual amenity or the setting of the NDHA over and above the existing garage this proposal seeks to replace.

Amenity

The proposed building would be at least 18m from the rear of dwellings that back onto the on North Avenue (these are the nearest dwellings). Whilst the building would be immediately adjacent to the boundary with these dwellings, at 4.5m to ridge, it would not be overbearing or have unacceptable impacts on amenity.

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. The would not have any harmful impacts upon visual amenity or on the setting of the adjacent NDHA. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, and subject to the recommended planning condition relating to the colour of the proposed render, the proposal 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 12 December 2025.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings:

Location Plan (Dwg No. 203.110 Rev. A)
Block Plan (Dwg No. 203.111 Rev. A)
Elevations (Dwg No. 203.102 Rev. D)
Elevations - Sheet 2 of 2 (Dwg No. 203.108 Rev. B)
Floor Plans (Dwg No. 203.109 Rev. A)
Sections (Dwg No. 203.101 Rev. A)
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 and Places for

Everyone Joint Development Plan.

- 3 All external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars and as indicated within the email from the applicant, dated the 12/02/2025.

Reason. To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2: 'Townscape and Built Design' 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 - 13/03/2025		HL - 13/03/2025	