

DELEGATED REPORT

Report by Helen Pressley	Date of report: 19/02/2024	Ref: 70199/FUL
Registration: 24/10/2023	LDfC: 23/11/2023	Expiry Date: 19/12/2023
Site Visit: 16/11/2023	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 to form two additional classrooms housing Y1 & Y2 children and a SEND resource unit, an office, toilets and a link corridor

Location: Our Lady Of Lourdes Roman Catholic County Primary, Rudgwick Drive, Bury, BL8 1YA

Description

The application relates to a primary school on Rudgwick Drive. The main school is located centrally within the site. There are a series of play areas and playgrounds to the west and south of the site. The site is accessed from Rudgwick Drive, which leads to a car park. Residential properties are sited to the north, west and south of the site on Rudgwick Drive and Swanage Close.

Planning permission is sought for the construction of a single storey extension to form 3 new classroom spaces, and a corridor. The proposed extension would be located to the south of the existing school building, and would be single storey in height incorporated 2no. mono pitch roofs, and a flat roof above the proposed corridor.

Relevant Planning History

02884/E - Single storey extension to form two additional classrooms housing Y1 & Y2 children and a SEND resource unit, an office, toilets and a link corridor. - Enquiry completed 04/10/2023

49664 - Extension of car park to increase number of spaces from 6 to 19; erection of new timber bin store; extension to existing play area - Approve with Conditions 27/05/2008

50261 - Erection of 2.4 m high wire mesh fencing to east boundary and 1.4m high metal railings to south west boundary - Approve with Conditions 26/11/2008

52726 - Installation of modular classroom to form 2 no. classrooms with storage and toilet facilities - Approve with Conditions 15/07/2010

55251 - New pedestrian gate onto the highway and external lighting to car park - Approve with Conditions 08/08/2012

58739 - Resurface existing hard surfaced playground and extend into existing grassed areas with relocation of existing play equipment and pedestrian gate - Approve with Conditions 10/07/2015

58975 - Erection of 2 no. cantilevered canopies off the existing building - Approve with Conditions 08/09/2015

64415 - Erection of replacement 2 metre high mesh fence/gates to Rudgwick Drive boundary - Approve with Conditions 23/08/2019

65164 - Installation of modular temporary building - Approve with Conditions 24/08/2020

67622 - Single storey extension to East side of school - Approve with Conditions 13/01/2022

69222 - Single storey extension to form two additional classrooms, office, toilets and link corridor; External works to the KS1 play area and formation of additional play area - Withdrawn by Applicant 13/04/2023

Publicity

Neighbour letters sent 2/11/2023. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions in relation to the submission of a construction traffic management plan (CTMP), and the car parking facilities being demarcated and made available for use.

Borough Engineer - Drainage Section - no response

Environmental Health - Contaminated Land - conditions requested in relation to the submission of a contaminated land preliminary risk assessment, site investigation, detailed risk assessment and remediation strategy.

Sport England - no objection, subject to conditions in relation to full details of the continuity of sport, construction management plan, playing field reinstatement, natural turf for sport, football pitches layout and community use agreement.

Greater Manchester Ecology Unit - Potential ecological issues are bats and mitigation for loss of a small area of amenity grass.

United Utilities (Water and waste) - no response

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN6/4	Wildlife Links and Corridors
CF2	Education Land and Buildings
HT5/1	Access For Those with Special Needs
CF1	Proposals for New and Improved Community Facilities
CF1/1	Location of New Community Facilities
RT1	Existing Provision for Recreation in the Urban Area
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
EN8/2	Woodland and Tree Planting
EN6/3	Features of Ecological Value
PFE	Places for Everyone

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 (Education)

Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the impact on residential amenity, traffic generation and parking provision, scale and size of the development, access to shops and other services, accessibility by public 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 provision of 3 no. classrooms and the overall reconfiguration of the space within the school which would lead to an improvement of accommodation at the school.

Therefore, the proposed development is considered to be acceptable in principle and would be in accordance with Policies CF1/1 and CF2 of the Bury Unitary Development Plan.

Design and Layout

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The proposed extension would be of a similar design and appearance to the existing school. It would be brick built with dual mono pitch standing seam roofs above the two new proposed "wings". A flat roof link corridor would be provided between the two new proposed wings. The proposed extension is considered to be of a suitable scale and design when viewed in relation to the existing school building. Views of the building from outside of the school compound will be limited due and as such it is considered that the addition would not have a detrimental impact on the character of the locality. As such the proposal would comply with UDP Policy EN1/2.

Recreation layout

UDP Policy RT1/1 - Protection of Recreation Provision in the Urban Area does not allow development that would result in the loss of existing and proposed public or private recreation facilities. Paragraph 103 of the NPPF also confirms 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.

The proposal would affect the existing school playing field/ Sport England have therefore been consulted on the proposal and they have assessed the proposal in relation to their Playing Fields Policy.

The location of the proposed extension is in an area which although once forming a larger grassed area, that has since sometime before 2017, been used for ancillary external school uses. It would appear from Google imagery, it had never been marked out as a playing pitch prior to that. The proposed extension will result in the loss of approximately 0.03ha of playing field land.

The location of proposed extension would ensure that the building would have limited impact on the usable playing field. Having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site.

Consequently, Sport England are of the view that the proposal broadly meets exception E3 of their playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);

- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

The proposal also includes the construction of an access which is shown across the existing playing field and will result in the loss of approximately .28ha of playing field land.

The applicant has stated that the proposed construction access and compound are temporary provisions only for the duration of the extension build and once completed the playing field will be restored. In addition the applicant has provided a Proposed Site Plan drawing 2517 SDA P 09 and has include in the Planning Statement a commitment to the restoration of the natural turf playing field in its entirety and without the 'daily mile' footpath and the marking out of two 7v7 football pitches.

Sport England welcomes the removal of the track and the reinstatement of two football pitches. However, it is clear from the submitted drawing that two 7v7 pitches cannot be accommodated on the size with their required run-off areas. Sport England have confirmed that they would be satisfied with the provision of two 5v5 pitches with run-off to Sport England and FA standard sizing of 43m x 33m, as this was the approximate size of the previously marked out pitches on the playing field.

Given the temporary nature of the playing field loss and the commitment to its full restoration, Sport England can assess this element of the proposal against Playing Field Policy Exception 4 in that:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

It is noted that the 'prior to commencement' requirement of Exception 4 would not be able to be met, however Sport England recommends a condition relating to the submission of details for the playing field reprovision and an agreement to a timetable for its delivery.

The applicant has indicated how the provision of continuity of sport during the construction period can be delivered. Sport England will require further details with regard to the extent of remaining playing field set out for sport and a better understating of the sporting provision on the school's sister site. This can be achieved by the recommended planning condition. In this regard NPPF paragraph 103 b) applies.

Sport England's Position

Based on the proposed reprovision of the playing field and subject to the recommended conditions as set out below, Sport England raises no objection, subject to conditions, as it is considered that the proposal broadly meets the requirements of Playing Field Policy Exceptions 3 and 4 - as set out above - and paragraph 103 of the NPPF.

Impact on residential amenity

As confirmed above UDP Policy CF1/1 requires an assessment to be made of the proposal on the impact on residential amenity.

The proposed extension would be screened from the residential properties to the north and west boundaries by existing buildings and structures. The proposed extension would be located approximately 59 metres from the residential properties to the south. No dwellings are located to the east of the site which is where the proposed construction compound would be located.

The proposed access track from Rudgewick Drive would be temporary in nature and the playing fields would be re provided in this area once construction has finished.

No residential amenity issues are therefore foreseen.

Highways and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The traffic section have been consulted on the proposed plans, which include provision of a construction access and have raised no objections to the proposal on this basis subject to the submission of a Construction Traffic Management Plan to mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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 terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

SPD 11 requires 1.5 spaces per classroom, which equates to 1 per full time member of staff with limited provision for visitors Only operational requirements should be provided for. The proposed site plan indicates 10 spaces/rooms that could be utilised as classrooms. The room labeled LRC is assumed to be a resource area and as such has not been included. This level of classroom accommodation would require 15 spaces.

The proposal seeks to consolidate and upgrade existing classroom provision rather than increase pupil numbers. The planning statement submitted states that the confirms that the existing parking provision (17 spaces) will therefore remain as existing. The proposal therefore complies with SPD 11.

The traffic section have asked for a condition that this are is demarcated and made available for use prior to occupation, however the car park is already laid out and as such this condition has not been attached to the recommendation.

Ecology

GMEU considered that the development would be very low risk for bats. An informative is therefore proposed in relation to what should be done if a bat is found during works.

Section 180 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development is likely to result in the loss of 0.01ha of amenity grassland. There are likely to be no wildlife issues. GMEU are satisfied given the extent of the wider site that mitigation for any vegetation losses can be achieved, through for instance additional tree planting or provision of bird boxes. Biodiversity mitigation and enhancement details can therefore be conditioned via the submission of a landscaping scheme.

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 Location Plan, 2517_SDA_P_01, 2517_SDA_P_02, 2517_SDA_P_03, 2517_SDA_P_04, 2517_SDA_P_05, 2517_SDA_P_06, 2517_SDA_P_07, 2517_SDA_P_08, 2517_SDA_P_09, 2517_SDA_P_10 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 external finishing materials for the proposal hereby approved shall match those of the existing building as per drawings 2517_SDA_P_04 and 2517_SDA_P_05.
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 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 or the provision of and bird boxes within the new development. The approved scheme shall thereafter be implemented not later than 12 months from the date the extension 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 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.
- 5 No development shall commence until a scheme to ensure either:

(a) the continuity of the existing sports use of/on the retained playing field shown on Drawing No.2517 SDA P 08 and;
(b) the provision of replacement facilities during construction works/other activities

has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities as appropriate together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities as appropriate. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.
Reason. To protect playing fields/sports facilities from damage, loss or availability of use during the construction of the development and to accord with Bury Unitary Development Plan Policy RT1/1 - Protection of Recreation Provision in the Urban Area and Chapter 8 - Promoting healthy and safe communities of the National Planning Policy Framework.

- 6 No development shall commence until full details of:
- (a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
 - (b) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated
- are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.
- Reason. To protect retained playing fields/sports facilities from damage, loss or availability of use and to accord with Bury Unitary Development Plan Policy RT1/1 - Protection of Recreation Provision in the Urban Area and Chapter 8 - Promoting healthy and safe communities of the National Planning Policy Framework.
- 7 (a) The use of the building hereby approved shall not commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation (or other approved time frame). The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- Reason. To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Bury Unitary Development Plan Policy RT1/1 - Protection of Recreation Provision in the Urban Area and Chapter 8 - Promoting healthy and safe communities of the National Planning Policy Framework.
- 8 The playing field/s and pitches shall be constructed and laid out in accordance with the Sport England and FA standards for two U7/U8 pitches (43m x 33m O/A) and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before or occupation of the extension or other specified timeframe of the development hereby permitted.
- Reason. To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Bury Unitary Development Plan Policy RT1/1 - Protection of Recreation Provision in the Urban Area and Chapter 8 - Promoting healthy and safe communities of the National Planning Policy Framework.
- 9 The development hereby permitted shall not be brought into use until the Playing Field shown 2517 SDA P 09 has been cleared and laid out in accordance with Sport England and FA standards as indicated in Condition 8, so that it is available for use as a playing field/sports facility, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re-enacting that order) that area shall

not thereafter be used for any purpose other than as a playing field.

Reason. To secure the provision and use of playing field before the occupation of the extension and to accord with Bury Unitary Development Plan Policy RT1/1 - Protection of Recreation Provision in the Urban Area and Chapter 8 - Promoting healthy and safe communities of the National Planning Policy Framework.

- 10 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply the natural turf playing field laid out for 5v5 football and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Bury Unitary Development Plan Policy RT1/1 - Protection of Recreation Provision in the Urban Area and Chapter 8 - Promoting healthy and safe communities 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:

1. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
2. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site and temporary site access in the event that subsequent remedial works are required following construction of the development;
3. Access point/arrangements for construction traffic from Rudgwick Drive, taking into consideration the need to maintain safe pedestrian/vehicular access to the school, and all temporary works required to facilitate access for construction vehicles and reinstatement works required following completion of the development;
4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto/along Rudgwick Drive;
5. Confirmation of hours of operation and number of vehicle movements;
6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
7. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
8. Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or 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 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.

- 12 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.

- 13 Following the provisions of Condition 12 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 19/02/2024			