

DELEGATED REPORT

Report by Claire Booth	Date of report: 27/06/2025	Ref: 71548/FUL
Registration: 28/02/2025	LDFC: 21/03/2025	Expiry Date: 25/04/2025
Site Visit: 13/03/2025	Site Notice: N/A	Press Date: N/A
08:55:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Proposed open three-sided canopy extension and retrospective application for Octagon Forest classroom unit, open-sided gazebo and storage container

Location: Chantlers County Primary School, Foulds Avenue, Bury, BL8 2SF

Description

The application relates to a primary school accessed from Foulds Avenue, an established residential cul-de-sac. The application site backs on to a residential estate bordering the western boundary of the site.

The site topography is very flat. The main school building is entirely single storey and constructed of standard materials including red brick, felt charcoal roofs, and timber roof surrounds painted white and blue plus white pvcu windows doors with blue plastisol panels and white pvc fascia cladding. The main school building comprises 8 - 9 classrooms and has a detached Pre-School pre-fab building located to the South East of the main building. The site bounds a Sports Club to the North, properties on Ainsworth Road to the South with numerous trees and shrubs along its shared boundaries to the north and south of the site. Properties on Foulds Avenue is located to the east of the school grounds and properties on Stapleford Grove and Rose Grove abut the western boundary of the school grounds.

The school has a single vehicular entrance with access via the western end of Foulds Avenue, an established residential cul-de-sac. Pedestrian access to the school is available from the end of Stapleford Grove.

Planning permission is sought for four elements;

- i) a three sided canopy extension to the rear of the school to create a covered area outside the tri-folding door on the rear of the extension approved by application no. 69111;
- ii) Retrospective planning permission is also sought for to retain an Octagon Forest classroom unit located on the land between the School building and the boundary of the site with No. 17 Stapleford Close;
- iii) an open-sided gazebo; and,
- i.v) a storage container.

Relevant Planning History

47995 - PROVISION OF NEW PRE-SCHOOL; COVERED PLAYGROUND EXTENSION TO EXISTING SCHOOL; TOYSTORE; FENCING; ACCESS PATHS - Approved with Conditions, 20/06/2007

67922 - Single storey infill extension to front elevation corner including canopy; Entrance road to be altered to cater for new extension plus 5 new parking spaces; Store to be replaced with new cycle shelter - Approved with Conditions, 23/05/2022

69111 - Creation of new extension to wrap around and infill an indent onto the current school perimeter located to the rear elevation of school. New extension is to provide a resource provision for a maximum of 12 pupils with SEMH (Social, Emotion, Mental Health) - Approved with Conditions, 13/02/2023

69830 - Non-material amendment following grant of planning permission 69111 for creation of new extension to wrap around and infill an indent onto the current school perimeter located to the rear elevation of school to change proposed window (north elevation) bottom section to create 3 bi-fold doors to give better external access for pupils into playground - Approved, 19/07/2023

Publicity

24 neighbouring properties were consulted on 28/2/25 by direct letter. As a result of this publicity, no objections have been received.

Statutory/Non-Statutory Consultations

The Coal Authority - No objections.

United Utilities (Water and waste) - No comments or observations received.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
RT2/3	Education Recreation Facilities
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
HT2/4	Car Parking and New Development
JP-P5	Education, Skills and Knowledge
JP-C5	Streets For All
JP-C8	Transport Requirements of New Development
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD11	Parking Standards in Bury
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.

Principle of Development

Paragraph 100 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities, and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The NPPF advises that LPA's:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 104 of the National Planning Policy Framework (NPPF) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on.

PfE Policy JP-P5: Education, Skills and Knowledge seeks enhancements in education, skills and knowledge to benefit existing and new residents.

The proposed development seeks to add an external covered area outside one of the classrooms to enable children with social, emotional and mental health needs (SEMH) students (children) access to the secure outside area even during inclement weather, it seeks to retain an outdoor teaching area/ forest classroom, a covered area within the internal classroom and a storage container to accommodate educational equipment. The proposed development would maintain and improve the educational facilities and SEMH support at the school. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies JP-P5 of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Land Safety and Stability

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the plotted position of two off-site mine shafts 378410-003 and 378410-004 are both located adjacent to the north-eastern corner of the application site, with their potential zones of influence extending into the site. Due to potential plotting inaccuracies, the actual position of the shaft could deviate from its plotted position by several meters, such that both shafts could potentially be present within the application site. We hold no details of any past treatment of these former coal mining related features. Whilst an untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety, this feature is located away from the proposed development.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application.

However, in this instance the proposed development will be located outside the DHRA, i.e. within the Development Low Risk Area. The Coal Authority's Planning & Development Team therefore does not consider that a Coal Mining Risk Assessment is required to support the proposal in this particular case and accordingly do not object to this planning application. They have however recommended an informative be added making the applicants aware of the mine shafts.

Siting, Design and Visual and Residential Amenity

UDP Policy EN1/2: 'Townscape and Built Design' concern themselves with, amongst other things, ensuring proposals do not have a detrimental effect on buildings and visual amenity.

Canopy Extension

The proposed three sided canopy extension to the rear of the school to create a covered area outside the tri-folding door on the rear of the extension approved by application no. 69111 is suitably designed and sited, so would not cause any harm to either the appearance of the School or visual amenity.

Octogan Outdoor Classroom

Retrospective planning permission is also sought for to retain an Octagon Forest classroom unit located on the land between the School building and the boundary of the site with No. 17 Stapleford Close which, according to the submitted plans, has been in situ for between 7 and 8 years. This building is constructed in lightweight timber.

This building appears domestic in scale and size and has an acceptable visual impact on the locality. It is of a size that would cause any additional noise within the school playground. This view is corroborated by virtue of the fact no representations have been received on this application which seeks to retain it. This part of the proposal is therefore acceptable on both residential and visual amenity grounds.

Open-sided Gazebo

The retrospective proposed open-sided Gazebo/ external covered shelter also exists. It is sited to the south of the School building. The school has a staggered south facing elevation. The proposed Gazebo is positioned within the inner playground and is appropriately positioned against one of the projections on this elevation and does not project beyond.

The gazebo is simple in design and is of a lower height than the main school building so it appears as a subordinate structure within the School grounds.

The extensive tree planting along the southern boundary of the site shared with properties on Ainsworth Road further ensures that the proposal has no impact on the visual amenities of the Ainsworth Road street scene. In views of the school building from Stapleford Grove, the main school building shields the external gazebo.

The open sided shelter is within the existing playground and therefore there would be no change to the noise generated within the playground as a result of this proposal.

Given all the above, the proposal is acceptable on visual and residential amenity grounds.

Storage container

The storage container is located adjacent to the northern elevation of the School in a location where two other storage containers are sited. The proposal will therefore form a group. Due to the northern boundary of the School, shared with Elton Vale Sports Club, being heavily tree'd, this storage container is suitably located and causes no harm to the visual amenity of the area.

To conclude, taking account of all of the above, the proposals are acceptable in all regards and thus the proposal accords with UDP Policy EN1/2 - 'Townscape and Built Design and UDP Policy EN7/2 - 'Noise Pollution'.

Crime and Safety

UDP Policy EN1/5 'Crime Prevention' and associated guidance in SPD3: 'Planning Out Crime', highlights the importance of making a positive contribution to reducing the opportunity for crime upon new developments.

The site is partially overlooked by properties located to the east and west of the school and other pedestrian entrances are locked during normal teaching hours, in the interests of child safety, and obviously locked after school hours. The application is submitted by the Council for the Council and will therefore the proposals have been designed to minimise crime occurring at the school. The school already has a range of crime prevention measures in place which cover all areas where of the site, and as such the proposal is considered to accord with UDP Policy EN1/5 and SPD3.

Impact on Highways & Access

UDP Policies HT2/4: Car Parking and New Development, HT5/1: Access for Those with Special Needs, and HT6/2: Pedestrian/ Vehicular Conflict of the Bury UDP and PfE Policies JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development all highlight policy requirements relevant to this proposal.

This proposal would not result in any additional traffic movements occurring, or require any additional parking spaces to be provided. The proposals also do not affect any vehicle or pedestrian accesses or pedestrian routes. The proposal therefore accords with all relevant parts of the above-mentioned policies.

Conclusion

In consideration of the above, it is considered that the proposed developments would be acceptable in terms of the sitting, scale, and design of this development. As such, the

proposed development as a whole is therefore considered to be acceptable and complies with all relevant Development Plan policies and the National Planning Policy Framework. With the exception of the approved plans condition, no other conditions are required or recommended and it is thus recommended that the application be approved.

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 permission relates to the following drawings:

Drawing no. KB02: Location Plan (Amended) - Item 2;
Drawing no. KB 22305 Rev 'A': Proposed Site Plan;
Drawing no. KB 22305A Proposals Doc 'C': New Application: External Canopy and Storage Container Elevations; and,
Drawing no. KB 22305B Retro Doc 'C': External Open Sided Gazebo & Forest School Room Plan & Elevations.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB 27/6/25		DM 27/6/25	