

DELEGATED REPORT

Report by Tom Beirne	Date of report: 08/06/2023	Ref: 69591/FUL
Registration: 24/04/2023	LDFC: 02/06/2023	Expiry Date: 19/06/2023
Site Visit: 01/06/2023	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: Erection of canopy at rear

Location: 15 Stock Street, Burrs, Bury, BL8 1BU

Description

The application is retrospective and relates to the end terraced property on Stock Street within Burrs Country Park. The attached property is in residential use.

The applicant has submitted a supporting statement which sets out some background. The Sunnywood Project is a non-profit outdoor education and events provider, combining arts and nature to promote an appreciation of the great outdoors through a variety of events, conservation and educational programmes, stimulating a mentally and physically healthy lifestyle for those living in Bury and surrounding areas.

The Hub has recently been established at 15 Stock Street, an end terraced property leased from the Council in Burrs Country Park. The Hub is the base for the Sunnywood Project Team made up of outdoor professionals, experienced teachers, youth workers, youth workers and counsellors. The work includes support programmes and educational opportunities for individuals struggling with mainstream education and walk leadership training. The Hub is ideally situated in the Country Park, with its woodland and waterways, for families and school children to be taught to appreciate and conserve the natural environment.

The Hub building includes a recreation area, classroom/workshop, counselling space and a meeting room. Space inside is limited and some activity takes place outside at the rear. The canopy has been erected to shelter visitors from the rain. It is a simple structure with a felt clad sloping roof supported by three timber posts. It extends out 3m from the rear elevation and has a mono-pitched roof to a height of 3.2m.

Relevant Planning History

N/A

Publicity

Immediate neighbour notified by letter dated 10/05/2023. No objection received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual Amenity - The canopy has a basic design and modest in scale and on the rear elevation, does not appear out of keeping with the property. It is not prominent within the immediate area. The proposal is acceptable in terms of visual amenity and complies with UDP Policy EN1/2.

Residential amenity - Given the siting and modest scale of the canopy, there are no residential amenity issues arising from the proposal. It is noted that there is no objection from the immediate neighbour. In terms of residential amenity the proposal is acceptable and complies with UDP Policy EN1/2 and guidance in SPD6.

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 This decision relates to drawings numbered 2023/729/01 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB - 08/06/2023		HL 08/06/23	