

**DELEGATED REPORT**

|                                  |                                   |                                                                    |
|----------------------------------|-----------------------------------|--------------------------------------------------------------------|
| <b>Report by</b> Dean Clapworthy | <b>Date of report:</b> 06/03/2023 | <b>Ref:</b> 69183/FUL                                              |
| <b>Registration:</b> 10/01/2023  | <b>LDfC:</b> 10/02/2023           | <b>Expiry Date:</b> 07/03/2023                                     |
| <b>Site Visit:</b> 23/01/2023    | <b>Site Notice:</b> 23/01/2023    | <b>Press Date:</b> 19/01/2023                                      |
| <b>Objections:</b> 0             | <b>Con Area:</b> HOLC             | <b>Adv Type:</b> CA                                                |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA<br><b>Dec Level:</b> DEL<br><b>Stat Class:</b> MIOT |

**Proposal:** Installation of external canopy to provide sheltered outdoor play provision.

**Location:** Holcombe C of E Primary School, Helmshore Road, Ramsbottom, Bury, BL8 4PA

**Description**

The proposal relates to the south-west elevation of Holcombe CE Primary School. The site is located in an elevated position above Helmshore Road and is accessed via steps or a ramp from the front. The school has had extensive alterations to the front including a new two storey extension, and entrance tower. The site is located within Holcombe Village Conservation Area, Green Belt, Special Landscape Area and the West Pennine Moors. Part of the school building is a non-designated heritage asset (NDHA) on the Draft Local List.

The proposal is for the installation of a canopy to the south-west elevation of the single storey element of the school. It would measure 4.15m deep x 6.45m wide. The timber framed structure would be supported by timber posts and the roof would be finished with polycarbonate sheets. The canopy would form a covered play area.

**Relevant Planning History**

45813 - Conservatory and provision of disabled toilet - Approve with Conditions 15/03/2006

52919 - Two storey extension, new rendered entrance lobby tower and various external works to improve site access - Approve with Conditions - 21/10/2010

52951 - Conservation area consent for demolition of extension - Approve with Conditions 09/12/2010

53340 - Non- Material Amendment for changes to existing windows on western elevation - Approve 07/12/2010

53513 - Non Material Amendment for the removal and reinstatement of additional section of boundary wall, excavation of area of land indicated on plans. Relocation of existing cherry tree. - Approve with Conditions 21/01/2011

53653 - Non material amendment to replace the platform lift to main entrance with stairlift - Approve 07/03/2011

59847 - Installation of retractable awning at the rear - Approve with Conditions 19/04/2016

**Publicity**

The proposal has been advertised by press and site notice and direct neighbour notification. No representations received.

**Statutory/Non-Statutory Consultations**

Conservation Officer: No objection.

**Pre-start Conditions** - Not relevant

**Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| EN1/1 | Visual Amenity                     |
| EN1/2 | Townscape and Built Design         |
| EN2/1 | Character of Conservation Areas    |
| EN2/2 | Conservation Area Control          |
| EN9/1 | Special Landscape Areas            |
| OL1   | Green Belt                         |
| OL7/2 | West Pennine Moors                 |
| CF2   | Education Land and Buildings       |
| 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) 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**

Policy CF2 states that the Council will consider proposals for the improvement of educational facilities favourably.

The proposed development would protect a part of the existing outdoor amenity area from the elements such that it could be utilised in all weather conditions and would therefore be acceptable in principle.

**Green Belt, Holcombe Village Conservation Area and visual amenity**

The NPPF states that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include bullet point c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The school has been substantially extended previously, as noted in the above planning history. However, the proposed canopy would not extend the school in a volumetric manner, but would rather represent an external alteration that would not add to the mass or bulk of the existing building. It would form a lightweight structure attached to the south-west gable of the single storey part of the building that is significantly obscured by the later two storey extension and other features such as trees and boundary fencing.

As such, it is considered that the proposed development would not adversely impact upon the openness of the Green Belt nor harm the setting or appearance of the conservation area or the street scene.

**Other matters**

The proposal would not have any material additional impacts upon neighbouring 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 proposal would provide much needed protected outdoor amenity space without detriment to the openness of the Green Belt or the character and appearance of the conservation area or street scene or amenity. 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, the proposal merits approval.

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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 decision relates to drawings  
Affected Elevations as Existing & Location Plan (Dwg No. P-01 A)  
Plans as Proposed and Typical Section as Proposed (Dwg No. P-03 A)  
Proposed Site Plan (Dwg No. P-04)  
Part Affected Elevations as Proposed ((Dwg No. P-05)  
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 be as detailed within the approved application particulars.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/1 Visual Amenity, EN1/2 - Townscape and Built Design EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and the principles of the NPPF

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| DSC                 | 06/03/2023  | DM                      | 06/03/23    |