

DELEGATED REPORT**Report by** Amanda**Date of report:** 14/02/2022**Ref:**67822/FUL

Uhunmwagho

Registration: 03/12/2021**LDfC:** 05/01/2022**Expiry Date:** 28/01/2022**Site Visit:****Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** MIOT**Proposal:** Conversion of former school gym to classrooms including external alterations**Location:** Derby High School, Radcliffe Road, Bury, BL9 9NH**Description**

The proposal relates to the former boys gym which is located towards the rear of Derby High School. The gym is part of the main school building with an unattached building to the west side and a playground to the north. Metrolink tracks run alongside the site boundary to the north and west.

The proposal is to convert the former boys' gym into classrooms including external alterations.

Internally, a former S.E.N.D room and changing rooms/facilities would be converted into two classrooms. The main gymnasium would be converted into two workshops at ground floor level. Internally, a first floor level would be constructed providing two more classrooms.

Externally there would be some changes to openings to all three elevations. Upper level windows on the rear (west) elevation would be refurbished and sprayed to match new items and to the ground floor two existing fire doors would be replaced with windows, two windows would be enlarged and a new fire escape door installed.

On the opposite elevation the upper floor windows would be remain in the same position and would be cladded. At ground floor level three windows central to the elevation would remain as existing, the door would be repositioned to the opposite end of the elevation and the existing door would be replaced with a window. An additional window would also be installed on this elevation.

To the north side three existing small windows would be replaced with three full length windows and to the gable there would be two windows and an external door installed to the ground floor and two windows to the upper level. There would also be cladding to sections of the walls on all elevations to match the 'Inspire' building adjacent.

Relevant Planning History

01205/E - New sports centre and changing facilities - Enquiry completed 23/11/2012

47607 - 3M PREFABRICATED CONCRETE GARAGE TO ACCOMODATE MINIBUS -
Approve with Conditions 29/03/200750022 - 3 M HIGH GREEN BOUNDARY FENCING AND GATES - ZZZ Special deleted
application 23/06/200850143 - WELD MESH (PALADIN) BOUNDARY FENCE (3M HIGH) - Approve with
Conditions 14/08/2008

51514 - SECOND FLOOR EXTENSION TO PROVIDE OFFICE/ADMINISTRATIVE AREAS

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- Approve with Conditions 29/07/2009

52351 - Refurbishment and extension of existing Drama Studio to provide 'Creative Media Suite' - Approve with Conditions 07/05/2010

52504 - Replacement 2.4 metre high paladin boundary fence - Approve with Conditions 28/06/2010

52701 - Infilling of existing entrance area to create increased foyer area and form disabled toilet facilities - Approve with Conditions 08/07/2010

52921 - Application for non-material amendment following grant of planning permission

52351 for amendment to entrance ramp to front of building - Approve 09/08/2010

55841 - Construction of new sports hall & associated development including vehicular/pedestrian access to new building and car parking. - Approve with Conditions 08/02/2013

62621 - Creation of an outdoor learning space adjacent to the 'Inspire' building within the school grounds. The new space will include large timber gazebos; timber frames for displaying artwork, paths and hard surfacing to create a performance space, new planting, raised beds and seating - Approve with Conditions 21/05/2018

62913 - Creation of an outdoor learning space adjacent to the 'Inspire' building within the school grounds. The new space will include large timber gazebos; timber frames for displaying artwork, paths and hard surfacing to create a performance space, new planting, raised beds and seating - Approve with Conditions 03/08/2018

Publicity

Surrounding residential properties were notified via letter on 14/12/2021 - No comments or objections have been received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

CF1 Proposals for New and Improved Community Facilities

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

UDP Policy CF2 - Educational Land and Buildings supports proposals for the improvement of educational facilities.

The proposed development would provide additional accommodation for the school to improve the educational facilities for the children and staff.

As such, the proposed development would comply with CF2.

Visual amenity

The former gym which would be converted is situated towards the rear of the main school away from the main public views from the front of the building. It is positioned in between the three storey main school building and a single storey detached building to the rear. The proposed external finishings including cladding and the windows/doors would be considered in-keeping with the adjacent 'Inspire' building to the rear.

Given these circumstances, the proposal would not having any unacceptable impacts upon visual amenity and would therefore comply with UDP policies CF2 and EN1/2.

Residential amenity

The building to be converted does not directly face any neighbouring residential properties. As such it would not have any significant detrimental impact on residential amenity in this area.

Parking

The conversion of the building would not have any impact on existing parking areas within the site.

Conclusion

The proposed development would not have any unacceptable impacts on visual or residential amenity or highway safety. Given this, it is considered that the proposal would

conform with the above stated policies.

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 decision relates to drawings numbered 2211.P.001 Rev A, 2211.P.002, 2211.P.100 and 2211.P.101 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 UDP policies EN1/2 - Townscape and Built Design, CF2 - Education Land and Buildings and the NPPF.
- 3 The external finishing materials for the proposal hereby approved shall be as those detailed on approved plan 2211.P.101.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 14/02/2022			