

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 08/10/2024	Ref: 70930/FUL
Registration: 15/08/2024	LDFC: 06/09/2024	Expiry Date: 10/10/2024
Site Visit: 06/09/2024	Site Notice: 06/09/2024	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 5 no. huts/stalls with canopies to include seating area with retractable canopy

Location: Nazareth House, Scholes Lane, Prestwich, Manchester, M25 0NU

Description

The proposal relates to a care home situated north of Scholes Lane, west of the junction with Bury Old Road. The home comprises two storey traditional and contemporary buildings positioned within generous landscaped grounds.

The site is bounded by St. Monica's Secondary School and Elmsbank College to the north and east, residential neighbourhoods to the west and Scholes lane to the south.

Nazareth House (middle part and courtyard block) is grade II listed.

The proposal is for the erection of 5 no. huts/stalls with canopies to include seating area with retractable canopy to be positioned upon an existing balcony within the enclosed courtyard of the northernmost block. They would form an 'L' shaped block with a flat roof at a height of 2.3m (above balcony). They would be finished in timber with serving hatches.

The huts would serve as a dementia village, to provide positive stimulation and activities for residents of the care home.

Relevant Planning History

None relevant.

Publicity

Site Notice posted 06/09/2024.

No representations received.

Statutory/Non-Statutory Consultations

None applicable.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1	Built Environment
CF3	Social Services
JP-P1	Sustainable Places
JP-P6	Health

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 the development

The proposal is for the erection of timber buildings of a minor scale for a use incidental to the primary function of the site as a care facility. The proposal is therefore acceptable in principle.

Visual amenity

The proposed position of the development is within an enclosed court that is not visible from outside the immediate enclosing two storey care block. The proposed timber sheds

would be minor in scale and form, akin to garden outbuildings and only viewed by residents occupying the enclosing block. The proposal would not therefore have any unacceptable impacts on visual amenity.

Cultural Heritage

Given the position of the proposed development, entirely enclosed by the contemporary care block, it would have no impact on the setting or appearance of Nazareth House.

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
Site Location Plan dated 09/07/2024
Proposed Site Plan (Dwg No. 1399)
Prelim Proposal (Dwg No. 1399)
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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u> DSC	<u>Date</u> 08/10/2024	<u>Sign off Officer</u> HL - 08/10/2024	<u>Date</u>
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