

DELEGATED REPORT

Report by Mark Kilby	Date of report: 05/04/2023	Ref: 69245/FUL
Registration: 14/02/2023	LDfC: 21/03/2023	Expiry Date: 11/04/2023
Site Visit: 27/02/2023	Site Notice: 27/02/2023	Press Date: 23/02/2023
Objections: 0	Con Area: BROO	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Replacement of 33 no. existing single glazed timber framed windows with 33 no. slimline aluminium framed double glazed window; Replacement of 4 no. existing single glazed tracery style arched windows with 4 no. Insulead(R) double glazed BFRC "A" rated double glazed windows

Location: Summerseat Methodist Primary School, Rowlands Road, Summerseat, Ramsbottom, Bury, BL9 5NF

Description

Application for the replacement of 33 No. windows including tracery and casement windows to all elevations of the Summerseat Methodist Primary School. The school is within Brooksbottoms and Rowlands conservation area. The building is not listed or a Non-Designated Heritage Asset. The front elevation (north) of the school would be visible from a distance of approximately 40 metres from Rowlands Road the west and east elevations would not be visible in the street scene. The rear elevation fronts onto the school playground with a public car park beyond at a lower level and beyond that Brooksbottoms Cricket Club. The side and rear boundaries of the site are heavily screened with mature trees.

The existing windows are predominantly non-historic and vary in design between timber and steel framed. The windows generally are in a poor condition with failed openings and as single glazed windows, in all likelihood with poor thermal properties.

The replacement casement windows would be double glazed steel framed like for like windows in colour RAL 7039 - Quartz Grey and would retain the existing external and internal reveal setbacks. The replacement tracery windows would be a specialist Insulead (registered) lead framed double glazed which would retain the existing internal and external reveal setback and stone tracery rebates, also in colour RAL 7039 - Quartz Grey.

Relevant Planning History

02756/E - Replacement windows - Enquiry completed 26/10/2022
45898 - LANDFILL TO FORMER QUARRY TO FORM EXTENSION TO EXISTING SCHOOL PLAYGROUND TO FORM PLAY AREA & INFORMAL TEACHING AREA - Approve with Conditions 28/06/2006.

Publicity

Press Notice on 23/2/23, Site Notice on 27/2/23 and letter to nearby addresses dated 20/2/23. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/1	Visual Amenity
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.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or

enhancing the character or appearance of the conservation area.

Conservation Area - The proposed replacement windows would be like for like replacements of the casement windows existing windows which are not original and heritage level Insulead (Registered) used in listed building for the tracery windows. By virtue of their design, construction, materials, colour and the maintaining of the existing window reveal set backs and rebates the proposal would have a neutral impact on the character and appearance of the conservation area and street scene and as such would at least preserve it.

Details of the proposed windows have been submitted and as such it is not considered necessary to impose a condition for sample window(s) to be submitted prior to commencement.

The proposal would therefore comply with adopted UDP policies EN1/1-Visual Amenity, EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control and paragraphs 194, 195, 199, 202, 206 of the NPPF.

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: Standard Insulead Unit A3, Stacked Insulead Unit A3, Windows Materials Samples Details, Colour - RAL 7039 - Quartz Grey, S9/10424/P/07, S9/10424/P/01, S9/10424/P/06, S9/10424/P/04, S9/10424/P/05, S9/10424/P/02, S9/10424/P/03, S9/10424/P/T01 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>
Mark Kilby	5/4/23	HL	05/4/23