

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 27/01/2023	Ref: 69110/FUL
Registration: 22/11/2022	LDfC: 04/01/2023	Expiry Date: 17/01/2023
Site Visit: 21/12/2022	Site Notice: 21/12/2022	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Retention of single storey Portakabin building for a period of 5 years from the date of expiry on original planning application (ref no. 57546)

Location: Christ Church Church Of England Primary School, Church Street, Tottington, Bury, BL8 3AX

Description

The application relates to a primary school and a detached modular building which is used as a before and after school club as well as holiday clubs and additional lessons. The building is a single storey modular detached building, 12.2m long, 10m wide and 3.5m high. It is located to the south of the school grounds next to the school playground.

To the north of the school is Moyse Avenue and the entrance into the site, and to the west are the school playing fields beyond which are residential properties on Green Street. To the east is Church Street which follows the school boundary along the southern edge of the site and is bounded by a stone wall and substantial tree planting.

A temporary consent for the portable building was granted in 2014 for a period of 5 years until 2019. The building was never removed and continues to be used. This application seeks the retention of the modular building for a further 5 years from the date of expiry of the original permission, until 31st July 2024.

The school is seeking to secure funding for a more permanent solution to provide this facility but until then, the school needs to retain the building temporarily to ensure that its needs are met which will mean it can continue operations successfully.

Relevant Planning History

48198 - Extension to administration block - Approve with Conditions 20/07/2007
50702 - Temporary (for 5 years) single storey building to be used as an after school club erected on an unused area of land to the north of the site. - Approve with Conditions 16/12/2008
57208 - Continued use of single storey building to be used as a before and after school club for a temporary period of 5 years - Withdrawn by Applicant 03/03/2014
57546 - Relocation of a new temporary portable building (for 5 years) to replace the existing out of hours childcare facility which will be removed (Retrospective) - Approve with Conditions 11/06/2014
57812 - Single storey extension to main entrance for infant block; Single storey kitchen infill extension - Approve with Conditions 15/09/2014

Publicity

Site notice posted 21/12/22
No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Env Health Pollution Control - No comments received

Greater Manchester Police - designforsecurity - No comments received

Env Health Contam Land/ Air Quality - No comments to make

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/2 Townscape and Built Design

CF1/1 Location of New Community Facilities

HT5 Accessibility For Those With Special Needs

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.

Appearance and siting - The modular building has been positioned in the southern part of the school site next to the playground. Whilst close to the boundary with Bank Street and in an elevated position it is well screened from views from Bank Street by the dense line of trees which form this boundary.

The external appearance is typical of a temporary classroom to provide additional teaching and care facilities.

As such, the building is considered to be appropriately sited without detriment to visual amenity and in compliance with EN1/2 and CF1/1.

Residential amenity - The nearest properties are those to the south on Bank Street. Whilst there is a significant difference in levels with the school build set at a much higher level, the build is more than 20m away and separated by the road and a densely treed boundary.

It is therefore considered the amenity of occupiers of these properties would not be detrimentally affected by the proposal.

As such the development would comply with EN1/2 and CF1/1.

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 permission hereby granted is for a limited period only, namely for a period expiring on 31st July 2024, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.
Reason. The development is of a temporary nature only pursuant to policies of the Unitary Development Plan listed below.
- 2 This decision relates to drawings Existing location and block plan CCPSELBBPRC; Proposed layout HD/7082/03 Rev B 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 building hereby permitted shall only be in use at the following times: 07.00 to 18.30 weekdays and for no other purpose at any other time.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies CF1/1 - Location of New Community Facilities.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 27/1/23			