

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 09/06/2023	Ref: 69608/FUL
Registration: 27/04/2023	LDfC: 02/06/2023	Expiry Date: 22/06/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Retention of single storey Portakabin to be used as an out of school club/flexible classroom.

Location: Holcombe Brook Primary Community, Longsight Road, Ramsbottom, Bury, BL0 9TA

Description

The application site is a primary school which is located next to a main road. The school is a typical 1960's/70's single story building with a cladded pitched roof. Access is directly off Longsight Road which leads into a car park at the front and main entrance to the school. There is a playground to the south of the main school building and playing fields to the east and south east.

The school is located in a predominantly residential area with Hewlett Court, a care home for the elderly, located adjacent to the southern boundary.

Planing permission was granted in 2017 for a single storey portacabin for use as an out of school club for a temporary period of 5 years.

The permission has now lapsed and the school are seeking to retain the building.

The cabin is sited in the south western part of the hardstanding play ground approx 14m from the school building and 16.5m from the boundary with Longsight Road. It is 11.9m x 12.4m with a height of 3.4m.

The cabin is clad in timber treated panels.

Relevant Planning History

63255 - Erection of 0.8m fence on top of an existing stone boundary wall and 1.2m bow top fence to separate the front entrance of the school from adjacent playground - Approve with Conditions 17/10/2018

Publicity

Letters sent 10/5/23

No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No response

Environmental Health - Contaminated Land - No comments to make

Borough Engineer - Drainage Section - no response

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
CF2	Education Land and Buildings
CF5	Childcare Facilities

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 CF1/1 - Location of New and Improved Community Facilities considers proposals for development with regard to residential amenity, local environment, traffic scale and accessibility. CF2 - Education land and Buildings considers favourably proposals for provision, improvement and dual use of educational facilities. CF5/1 - Childcare

Facilities in New Developments seeks to encourage the provision of nursery facilities.

The proposed development provides a building for educational use within the grounds of the school. It helps support the educational needs of the children, both during school hours and as a club and care facility for pupils before and after school.

The development would therefore be acceptable in principle and comply with UDP Policies CF1/1, CF2 and CF5.

Siting and visual amenity - The portable cabin is located in the south west corner of the existing hardstanding playground and comprises a floor area of approximately 142 sqm. There would be no loss of playing field and the remaining playground area would be sufficient to accommodate the needs of the school for play activities.

The cabin would partly be screened from public views by the stone wall which runs along the entire length of the boundary between the school and Longsight Road. From the houses to the east, which would be more than 100m away, the cabin would not be a highly visible structure given it would be single storey and 3.4m high and sited in the furthest corner of the playground from these properties.

The cabin would be most visible from Hewlett Court, the care home to the south. The cabin would be more than 20m from the nearest elevation of this building, set at an oblique angle and being single storey and a temporary modular type build, is considered not to significantly impact on outlook from this property.

Design and appearance - The build is clad with timber panels of varied natural wood shades. At intermittent sections, flat planed wood panels in a pencil design have been integrated to add a fun like element to the design. The cladded exterior also preserves the building more effectively than paint or a vinyl type cover.

As such the proposed development is considered acceptable and complies with EN1/2 and CF1/1.

The application seeks the retention of the building but does not specify a time period. The build has already been in situ for 5 years but as portable cabins are of a temporary type, permanent consents are not generally granted. Given the school's continued need for the accommodation it is considered reasonable to grant a further consent for 5 years. The applicant has been made aware of the temporary consent by email 5/6/23 and 7/6/23

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 Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building, works and use

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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 and pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and CF1/1 - Location of New Community Facilities.

- 2 This decision relates to drawings Location plan 2022_0001; Block plan 2022_0002; proposed portokabin plans and elevations 2022_0003 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>
JT - 08/06/2023		HL	09/06/23