

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 14/07/2022	Ref: 68066/FUL
Registration: 14/03/2022	LDfC: 21/04/2022	Expiry Date: 09/05/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Proposed additional staff car parking (7 additional spaces)

Location: Unsworth Primary School, Blackley Close, Bury, BL9 8LY

Description

The proposal includes an area of informal play at the immediate rear of single storey 'temporary' classrooms, which is surfaced with fake grass and contains a small number of immature trees and an area of hard surfaced car parking. The play area is entirely bounded by 2m high security fencing. A pedestrian route (not a public right of way) crosses the site to a gate in the boundary fence that links to a public footpath beyond that links into the adjacent park.

The proposal is for the creation of an additional 7 car parking spaces area set upon an extended area of hardstanding that would replace the existing small grassed area and play space. The application has been amended such that the existing footway would be retained between spaces. The immature trees would be cleared to facilitate the development. The development would result in a total of 39 car parking spaces at the school.

Relevant Planning History

64438 - Single storey extension at rear - Approve with Conditions 02/09/2019

52725 - Erection of conservatory within court yard of school - Approve with Conditions 02/08/2010

Publicity

Advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

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.

ASSESSMENT

Design and impact on street scene

The proposed additional parking area would be to the rear of the school, adjacent to the security fencing enclosing the northern boundary to the park. The extended hard service would replace a relatively benign area of existing tarmac, grass and fake grass. The trees are immature and contribute nothing to the aesthetic of the area. No neighbouring properties overlook the area. The proposal would not therefore have any unacceptable impacts on the street scene.

Highway matters

The proposal is to relieve pressure caused by staff parking and increase the capacity of the site. The Highway Officer is satisfied that the proposal is acceptable.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the

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Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The would not have any harmful impacts upon visual amenity or highway safety. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Location Plan (Dwg no. 09), Proposed Site Plan (Dwg no. 05 A) 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 car parking indicated on the approved plans, incorporating the retention of the pedestrian route to the gate that accesses the adjacent footpath, shall be surfaced, demarcated prior to the use of the development of the development hereby approved.
Reason. To ensure adequate off-street car parking and pedestrians access arrangements, in the interests of road and pedestrian safety.
pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 14/07/2022	<u>Sign off Officer</u>	<u>Date</u>
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