

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 06/06/2022	Ref: 68045/FUL
Registration: 04/03/2022	LDFC: 01/04/2022	Expiry Date: 29/04/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of a freestanding timber lodge to be used for teaching purposes and associated works including pedestrian access and external lighting

Location: Bury College Woodbury Centre, Market Street, Bury, BL9 0BG

Description

The proposal relates to a lawned area adjacent to Market Street and within the grounds of Bury College. The area is bounded by car parking spaces and fenced boundaries to Market Street and Townside Fields.

The proposal is for a single storey timber building measuring 6m x 4m to be used for teaching in association with the college. It would be clad in cedar planks with a cedar shingle roof. A new bitmac pedestrian footway would be installed from the existing gates into the site.

Relevant Planning History

No relevant history

Publicity

Advertised by site notice. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection

Unitary Development Plan and Policies

CF2/1	Bury College
TC3	Bury Town Centre
EN1	Built Environment
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

Principle of the development

The site falls upon the identified Bury College site. Unitary Development Plan Policy CF2/1 supports proposals for the provision, improvement and dual use of educational facilities at this location. The principle of a further building for educational purposes is therefore acceptable in principle.

Design and visual amenity

The building would be minor in scale and positioned within an incidental area of the grounds adjacent to car parking spaces and framed within the 2.4m high security fencing where they chamfer to the boundary with Market Street. The building would be akin in form and materials to a domestic garden building and would assimilate appropriately in the street scene.

Amenity

The proposed building would be sited within the grounds of the existing college and there are no sensitive uses close by.

Access and highways

The area of grounds is presently served by pedestrian gates within the security fencing and the proposed pedestrian footway would utilise these. The Highway Officer has no objection to the proposal.

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 Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would not have any harmful impacts upon visual or residential 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 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 Location Plan (Dwg no. 003 Rev. 1), Proposed Site Plan (Dwg no. 002 Rev. 0), Proposed Elevations and Roof Plan (Dwg no. 001 Rev. 0) 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 No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 06/06/2022	<u>Sign off Officer</u>	<u>Date</u>
----------------------------	---------------------------	-------------------------	-------------