

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 18/12/2023	Ref: 70078/FUL
Registration: 04/10/2023	LDfC: 02/11/2023	Expiry Date: 29/11/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Provision of a new SEN classroom unit

Location: Woodbank County Primary School, Brandlesholme Road, Bury, BL8 1AX

Description

The application relates to a primary school which is located on a main road and within an residential setting. The school is accessed via a side street and leads into a car park at the front of the site and the school building. To the north and east of the building are the school playing fields which are bounded by a 2.4m high mesh fence with a 1.5m high fence to the frontage with Brandlesholme Road.

Beyond the northern boundary are trees which are designated TPO's.

The application seeks the erection of a new classroom.

The classroom would be detached from the main school and located close to the northern boundary. The building would have a footprint of 126 sqm and a height of 3.8m and the elevations would be constructed of external green boarding to match the existing school colours.

The building would have ramped accesses on the north and south elevations and an associated play area which would be partly covered by a canopy and bounded by a mesh fence.

Additional planting is proposed to the northern boundary of the site to provide ecological mitigation.

The new classroom would facilitate children requiring Special Educational Needs.

Relevant Planning History

02890/E - Siting of classroom unit - Enquiry completed 30/08/2023

48358 - Single storey building and associated site work for child and family care support - Approve with Conditions 21/08/2007

56475 - Erection of new 2.4m high paladin/weld mesh fencing with pedestrian gate to school boundary with the adjacent cricket ground. Vehicular access gate onto Worcester Street (Resubmission of 56391). - Approve with Conditions 21/08/2013

Publicity

Neighbours notified 12/10/23

No responses received

The plans were subsequently revised from the initial planing submission to relocate the classroom further west than originally proposed due to comments received by Sport England.

Neighbours to the north of the site closest to the proposed development were re-notified on

23/11/23.

No responses received.

Statutory/Non-Statutory Consultations

Sport England - No objection to the revised location.

The Coal Authority - No objection

Environmental Health - Contaminated Land - No objection subject to condition.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN8/1	Tree Preservation Orders
CF1	Proposals for New and Improved Community Facilities
CF2	Education Land and Buildings

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

The principle to improve educational facilities for a school is considered to be acceptable and compliant with UDP Policy CF2.

Siting, design and appearance

The proposed classroom and associated play area would be detached from the main school building set between the northern elevation of the school building. The building would be 11m from the northern boundary with the edge of the play area set 5m away. There is an existing walking track which runs parallel to the northern boundary which would not be affected and the part of the track which currently runs close to the site would be diverted round the building.

The position of the proposed classroom has been revised from the original submission on Sports England's advice and as such there would now be no loss of sports facilities or pitches.

The proposed classroom would be a single storey modular type build with green panelling to the external elevations and typical in design and appearance to other classrooms which provide additional educational facilities in the Borough.

It is therefore considered the siting and design of the proposed development would be acceptable and comply with EN1/2.

Trees

Beyond the northern boundary and behind the proposed building is a row of TPO trees. An Arboricultural Report has been produced to assess whether the siting of the proposed classroom would impact on the TP trees.

It has been confirmed in the Report that the proposed development would not affect tree canopies or tree roots and there would be no works required to the TPO trees to facilitate the development.

Whilst the Report states that 4 category 'U' trees are in poor condition and are recommended for removal, as the trees are not required to be removed to facilitate the development and are located outside of the red edge site plan, any works or removal of trees would be subject to a TPO tree works application.

This would be included as an informative to the applicant.

As such there would be no impacts on existing landscaping. Ecological enhancements are proposed by the additional native planting to part of the northern boundary of the site.

Impact on residential amenity

The nearest properties would be those to the north of the site at The Woodlands. There would be a distance of 24m from the proposed development to the nearest dwelling. There is mature tree planting beyond the northern boundary between the site and these properties and the applicant proposes to close some gaps with additional planting of a native species type.

Given the distance away and the intervening screening it is considered there would not be a

detrimental impact on the amenity of nearby neighbours.

As such the proposed development would be comply with EN1/2 and CF2.

Sport England -

Assessment against Sport England's Playing Fields Policy and NPPF

The proposed development is not an indoor/outdoor sports facility nor an ancillary facility supporting the principal use of the site as a playing field. As such, Sport England Exception Policies E2 and E5 are not relevant considerations to the assessment of the proposal.

The development would result in the loss of playing field land which would not be capable of accommodating a pitch (such as a mini 5v5 football pitch or a rounders pitch) due to its size and the presence of the hard standing play equipment area and pathway.

Given the above, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application.

Sport England's position

Given the above, Sport England raises no objection to the application because it is considered to accord with exception 3 of our Playing Fields Policy.

Coal Authority - The Coal Authority's Planning & Development Team considers that the content and conclusions of the Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development.

The Coal Authority raise no objection to the proposed development.

However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

The applicant has confirmed the Coal Report covered the whole of the site and as such the re-positioning of the classroom would not be affected.

An informative to the applicant would be included to advise they contact the Coal Authority in the event of the discovery of any coal mining features

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 Existing site and location plan E 22308E A 01; Existing layout plan E 22308 A 02; Revised proposed site and location plan E 22308P A 01 B; General Arrangement 5433.001 GA; Elevations 5433.002 rev 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 A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
 - Substantiating validation data that should include where appropriate:
 - Confirmation that no unforeseen contamination was encountered during the development. This should include a photographic record of the development and should focus particularly on the excavations for the foundations in order to illustrate the ground conditions encountered.
 - Details of any imported topsoil / subsoil imported to site including details of the source site for the topsoil, any chemical testing carried out and assessment criteria used to show that the material is suitable for use.
 - Details of any soil material excavated and removed from site including copies of waste management records.
 - Confirmation that remediation objectives have been met.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 Tree protection measures to the trees along the northern boundary of the site shall be implemented in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 5 The landscaping scheme shown on proposed site and location plan E 22308P A 01 B shall be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u> JT 18/12/23	<u>Date</u>	<u>Sign off Officer</u> DM 18/12/23	<u>Date</u>

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