

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 09/12/2022	Ref: 68903/FUL
Registration: 13/10/2022	LDFC: 04/11/2022	Expiry Date: 08/12/2022
Site Visit: 24/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of existing storage garage with a new steel framed storage building

Location: Greenmount Nursery School, Brandlesholme Road, Tottington, Bury, BL8 4DS

Description

The proposal relates to an existing flat roofed double garage with pebble dash walls positioned within the car park at the rear of Greenmount Old School immediately adjacent to the stone boundary wall. There is a single garge immediately adjacent to the south elevation. Greenmount Old School is a non-designated heritage asset (NDHA).

The proposal is for the erection of a single storey storage building on the site of the existing double garage. It would have a footprint of 7.9m x 6.1m and a maximum height of 4.5m to ridge (4.15m to eaves). Walls would be finished in larch timber cladding, with juniper green roller shutter door and grey profiled metal roof.

Relevant Planning History

64311 - Replacement of existing storage garage with a new steel framed storage building. Approve with Conditions 05/08/2019.

Publicity

The proposal has been advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

Conservation Officer: No objection.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/1	Visual Amenity
NPPF	National Planning Policy Framework

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 appearance

UDP policy EN1/2 require developments be in keeping with the character and townscape of the area to which it would pertain. Paragraph 203 of the National Planning Policy Framework states that applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal would necessitate the removal of an unattractive, domestic type double garage. Although the proposed storage building would be around 1.6m taller and would therefore be more prominent, it will be positioned at the rear and partially screened by the adjacent outbuilding. Further, it would be finished in natural materials (to the walls) that would be more sympathetic in the context than the existing garage.

The proposal would not therefore have any unacceptable impacts on visual amenity or the setting of the NDHA.

Amenity

The proposed building would be at least 18m from the rear of dwellings that back onto the on North Avenue (these are the nearest dwellings). Whilst the building would be immediately adjacent to the boundary with these dwellings, at 4.5m to ridge, it would not be overbearing or have unacceptable impacts on amenity.

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 would not have any harmful impacts upon visual amenity or on the setting of the adjacent NDHA. 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. 203.110 A)
Block Plan (Dwg No. 203.111 A)
Elevations (Dwg No. 203.102 B)
Elevations - Sheet 2 of 2 (Dwg No. 203.108 B)
Roof Plan (Dwg No. 203.103 A)
Floor Plans (Dwg No. 203.109 A)
Sections (Dwg No. 203.101 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 external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	09/12/2022	DM	09/12/2022

