

DELEGATED REPORT

Report by Claire Booth	Date of report: 13/02/2023	Ref: 69111/FUL
Registration: 01/12/2022	LDFC: 03/01/2023	Expiry Date: 26/01/2023
Site Visit: 11/01/2023	Site Notice: N/A	Press Date: N/A
14:15:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Creation of new extension to wrap around and infill an indent onto the current school perimeter located to the rear elevation of school. New extension is to provide a resource provision for a maximum of 12 pupils with SEMH (Social, Emotion, Mental Health)

Location: Chantlers County Primary School, Foulds Avenue, Bury, BL8 2SF

Description

The application relates to a primary school accessed from Foulds Avenue, an established residential cul-de-sac. The application site backs on to a residential estate bordering the western boundary of the site.

The site topography is very flat. The main school building is entirely single storey and constructed of standard materials including red brick, felt charcoal roofs, and timber roof surrounds painted white and blue plus white pvcu windows doors with blue plastisol panels and white pvc facia cladding. The main school building comprises 8 classrooms (including detached Pre-School pre-fab building SE of the main building). The site bounds Ainsworth Road to the South and a country park to the North, with numerous trees and shrubs along its boundaries.

The school has a single vehicular entrance with access via the western end of Foulds Avenue, an established residential cul-de-sac. Pedestrian access to the school is available from the end of Stapleford Grove.

Planning permission is sought for a single-storey extension on the north facing side elevation, at the rear/ western end of the building that would partly infill a space between two existing projections on the building and would extend to be level with the existing rear elevation.

The proposed extension is to be sited within the existing north and south building lines, providing space for a new teaching space together with three 'breakout' areas for children with The additional floorspace would measure 63sqm with a mono-pitch roof carried over from the existing roof. As a result of amended drawings received at the request of the Local Planning Authority, the walls of the extension will now be partly brick and partly render, with white UPVC window frames that have a solvent blue plastisol bottom to match existing windows at the school. The roof of the proposed extension is to match the white plasticol roof on the existing building.

A disabled access/ concrete ramp is proposed at the new fire escape door located on the north facing side return of the proposed extension.

During the course of the application, the submitted drawings have been amended to include brick on the elevations up to and including windowsill height and have also resulted in the elevations being re-labelled with the compass directions.

Relevant Planning History

34478 - Single storey classroom extension at rear - Approved 1998

47995 - Provision of new pre-school; covered playground extension to existing school, fencing and access paths - Approved with Conditions, 20/06/2007

67922 - Single storey infill extension to front elevation corner including canopy; Entrance road to be altered to cater for new extension plus 5 new parking spaces; Store to be replaced with new cycle shelter. - Approved with Conditions, 23/05/2022

Publicity

Immediate neighbours notified by letter dated 17/02/2022 sent to 23 neighbours. No representations have been received as a result of this public consultation.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to the suggested planning condition.

Borough Engineer - Drainage Section - No comments received.

The Coal Authority - No objections subject to an advice informative being imposed.

Waste Management - No comments received.

Greater Manchester Police - designforsecurity - No comments received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
CF1/1	Location of New Community Facilities
CF2	Education Land and Buildings
RT2/3	Education Recreation Facilities
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
HT2/4	Car Parking and New Development
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD11	Parking Standards in Bury

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 Development

Paragraph 99 of the National Planning Policy Framework (NPPF) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on. Bury UDP Policy RT2/3 - 'Education Recreation Facilities' does not allow development where it would result in the loss of education recreation facilities unless there is no long term need, significant demand or an adequate supply within the neighbourhood. However, the proposed siting of the extension is an area of paved/tarmaced ground. As such there would be no loss of education recreation space and it is considered that no further assessment is necessary with regard to this policy. In addition, the extension is required to provide additional accommodation to meet the needs of the local population.

UDP Policy CF2 states that the Council, will, where appropriate consider favourably proposals for the provision, improvement and dual use of education facilities.

Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities, and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The NPPF advises that LPA's:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

The proposed development would involve the construction of a new teaching area with 3 breakout areas and would be directly connected to the function of the school and provide

areas specifically designed to help the children with social, emotional and mental health needs (SEMH). The proposed development would maintain and improve the educational facilities and SEMH support at the school. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies CF2 and RT2/3 of the Bury Unitary Development Plan and paragraph 95 of the National Planning Policy Framework.

Siting, Design and Visual Amenity

UDP Policy EN1/1 'Visual Amenity' and Policy EN1/2 'Townscape and Built Design' concern themselves with, amongst other things, ensuring proposals do not have a detrimental effect on buildings and visual amenity.

The proposed extension, would be sited to the northern side of the school which is clearly visible from Elton Sports Club, with a portion of the proposed extension being seen from Rose Grove and Stapleford Grove located adjacent to the western boundary of the school.

The proposed single storey extension would have a flat roof, This would appear somewhat at odds with the existing 'butterfly style' roof, however, the increased floor space proposed is needed to serve the needs of children and its design has been amended to include a greater use of brick to match the existing school building to limit its impact. The proposed extension would be, as amended, constructed of red brick to windowsill height with all windows having brick sills, with white render above, white upvc windows, fascia cladding, and powder coated blue edge trim.

Given the location of the proposed extension, and the amended design better reflecting the materials of the existing school building, the proposed extension would not be an overly prominent feature when viewed from the north, Elton Vale Sports Club, due to existing boundary trees. It would also sit fairly comfortably with the existing school building when viewed from the east and west. It is therefore considered the proposals would not cause significant harm to the visual amenities of this locality. Accordingly the proposals are considered to be in accordance with Policies EN/1, EN/2 CF/1, and CF of the adopted Bury UP.

Crime and Safety

The Coal Authority records indicate that within that part of the application site and surrounding area there are coal mining features and hazards, which should be considered as part of development proposals. The specific part of the site where the extension is proposed however actually falls outside the defined Development High Risk Area. Therefore the Coal Authority have determined that a Coal Mining Risk Assessment is not necessary for this proposal and accordingly have confirmed that they do not object to this planning application, subject to an informative note advising the applicant/ the Council of the potential risks associated with developing in this area in the interests of public safety.

UDP policy EN1/5 'Crime Prevention' and associated guidance in SPD3: 'Planning Out Crime', highlights the importance of making a positive contribution to reducing the opportunity for crime upon new developments. This includes emphasis that "pedestrian access should be as direct as possible from the main road to the main entrance of the building", with consideration given to the use of gated entrances/exits and the use of CCTV, and the need to maximise the opportunity for surveillance from outside the site.

The site is partially overlooked by properties located to the west of the school and other pedestrian entrances are locked during normal teaching hours, in the interests of child safety, and obviously locked secure after school hours. The application is submitted by the Council for the Council and will therefore be designed to minimise crime occurring at the school. The school already has a range of crime prevention measures in place which will be extended to cover the proposed extension and as such the proposal is considered to accord with UDP policy EN1/5 and SPD3.

Impact on Residential Amenity

UDP policy Policy CF1/1 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. There is no specific guidance on aspect standards between educational buildings and residential properties.

The extension projects from the north facing elevation. The windows on this elevation will look over the grounds of Elton Vale Sports Club.

Nos.14 and 17 Stapelford Grove and nos. 27 and 34 Rose Grove border the western boundary of the application site and are the nearest properties to the proposed extension. The separation distance between the side of the extension and the gables of the above-mentioned properties, is approximately 40 metres. There will thus be no impact on the amenity of these residents. For these reasons, the extension would be acceptable in terms of impact on residential amenity, and accordingly comply with UDP Policy CF1/1.

Impact on Highways & Access - UDP Policy HT2/4: Car Parking and New Development, HT5/1: Access for Those with Special Needs, and HT6/2: Pedestrian/ Vehicular Conflict of the Bury UDP highlight policy requirements relevant to this proposal.

The siting of the proposed development would not impact upon the vehicular access to the site or existing parking provision and is of a scale to not require anymore parking provision, over that which was secured as part of application 67922, in May 2022. This parking layout is included on the submitted drawings and therefore the planning condition requiring this parking layout to be implemented will be re-enforced through this application.

These proposals will change the route of the existing pedestrian access around the school. The Highway Authority has reviewed the proposed change and consider it to be acceptable. This amended pedestrian route will also be secured by planning condition.

The proposed development would be single storey and raised slightly off the ground, but there would be a ramped access for both the side fire exit for the building to take account of the difference in levels. Therefore, the proposed development would be accessible for all and would be in accordance with Policy HT5/1 (Access for Those with Special Needs) of the Bury UDP.

The proposal would for this school extension does not involve any increase in classrooms, or staff and therefore it is not necessary to consider parking standards in SPD 11 Parking Standards. Nevertheless, during a site visit it was evident that there was a notable number of cars being parked on the (on-site) blind bend along the approach to the car park. Existing on-site parking provides 20 car spaces which was evidently inadequate during a site visit, while the new proposal has 25 spaces. Due to reconfiguration of the car park there would be 7 spaces close to the boundary with the nearest residential neighbour, although the changes would represent a net increase of 5 parking spaces. Given the situation and the fact there are no changes to parking layout other than the entrance road width/length, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Sustainable Development - The provision of the cycle store on the submitted car parking layout is considered to be a positive contribution in helping Bury Council tackle climate change by providing an easy access area of storage of bikes during the school day. The existing pedestrian access from Stapelford Grove results in the school being accessible on foot from both the east and west.

Conclusion - In consideration of the above, it is considered that the proposed development would be acceptable in terms of the sitting, scale, and design of this development. The amendments received to the elevational treatments, improves the appearance of the development and will help the extension compliment the existing brick school building rather than appear wholly at odds with it. As such, the proposed development is therefore

considered to be acceptable and complies with UDP Policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, RT2/3 Education Recreation Facilities, CF1/1 Location of New Community Facilities, CF2 Education Land and Buildings, EN1/5 Crime Prevention with associated guidance in SPD3, and HT2/4: Car Parking and New Development with associated guidance in SPD11.

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 permission relates to the following plans:

Drawing no. A100 Rev. A: Site and Location Plan; and,
Drawing no. A121 Rev. C: Proposed Elevations.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing no. A121 Rev. A).

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Bury Unitary Development Plan policies EN1/1, EN1/2 and CF1/1 and the National Planning Policy Framework.

- 4 The car parking indicated on approved plan reference A100 Revision A shall be surfaced, demarcated and implemented to a programme to be agreed with the Local Planning Authority and thereafter maintained available for use at all times within 12 months of the extension being occupied.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB 13/2/23			