

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 28/02/2022	Ref: 67920/FUL
Registration: 20/01/2022	LDfC: 28/02/2022	Expiry Date: 17/03/2022
Site Visit: 04/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Rear elevation, open sided metal powder coated frame with opal polycarbonate roof plus rainwater goods

Location: Parrenthorn High School, Heywood Road, Prestwich, Manchester, M25 5GR

Description

The proposal relates to a yard area at the rear (south) side of Parrenthorn High School. The site is entirely enveloped by school grounds and infrastructure.

The proposal is for the erection of an open sided canopy with a floor area of approximately 140 sqm (14.86m x 9.4m) immediately to the rear of the school. It would have a curved roof of a maximum height of 3.96m. It would have a metal powder coated frame with opal polycarbonate roof.

Relevant Planning History

44157 - SINGLE STOREY EXTENSION TO FORM 3 CLASSROOMS & WC PROVISION - Approve with Conditions 28/04/2005
46242 - CAR PARK - Approve with Conditions 15/06/2006
46368 - FENCE & FLOODLIGHTING TO SYNTHETIC PLAYING SURFACE, INCLUDING EXTENSION TO ALL WEATHER SURFACE - Approve with Conditions 11/08/2006
47407 - TWO STOREY EXTENSION - Approve with Conditions 16/03/2007
47640 - FREE STANDING WIND TURBINE - ZZZ Special deleted application 16/02/2007
54767 - Replacement 2.4 metre high paladin fence/gate to Heywood Road boundary - Approve with Conditions 05/03/2012

Publicity

No representations received

Statutory/Non-Statutory Consultations

None required

Unitary Development Plan and Policies

EN1	Built Environment
EN1/2	Townscape and Built Design
EN7	Pollution Control

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.

ANALYSIS

Visual amenity

The proposed shelter would be set to the immediate south of the school building and would therefore be largely screened by it. The shelter would constitute a light weight structure and could only be viewed against the backdrop of the school buildings from the south from the bridleway that links Heywood Road to Old Hall Lane.

Given these circumstances, the proposal would not having any unacceptable impacts upon visual amenity and would therefore comply with the above UDP policies.

Residential amenity

Given the enclosing structures that would obscure the structure from nearest neighbouring dwellings to the west, the proposal would not have any unacceptable impacts.

Other matters

The structure would be erected over an existing school yard area and no other matters material to the consideration of the application would pertain.

Conclusion

The proposed development would not have any unacceptable impacts on visual or residential amenity. Given this, it is not considered that the proposal would conflict with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore 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 drawing KB 21309 CANOPY 01 REV. B and the development shall not be carried out except in accordance with the drawings/particulars 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 finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and EN1/2 of Bury Unitary Development Plan.

<u>Case Officer</u> DC	<u>Date</u> 28/02/2022	<u>Sign off Officer</u>	<u>Date</u>
---------------------------	---------------------------	-------------------------	-------------