

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 01/11/2022	Ref: 68591/FUL
Registration: 23/06/2022	LDfC: 13/08/2022	Expiry Date: 18/08/2022
Site Visit: 26/07/2022	Site Notice: 26/07/2022	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: Creation of additional vehicle parking area to provide 29 additional spaces and erection of 2.4m - 3m high fencing

Location: Bury C of E High School, Haslam Brow, Bury, BL9 0TS

Description

The proposal relates to Bury C of E High School, Haslam Brow, which is bounded by Bury Sports Club and The Derby High School to the south, the Metrolink line to the west and residential areas to the north and east. Thicker tree cover occurs close to the boundaries, particularly the northern part of the site. There are 61no. car parking spaces presently.

The proposal is for the creation of extended vehicle parking areas to provide 29 additional car parking spaces and erection of 2.4m - 3m high fencing. It would comprise:

- The creation of a new car parking area to the immediate east of the school building comprising 41 spaces accessed from the existing drive. This would be formed upon an existing grassed area and link to a small area presently comprising 7 no. spaces;
- Extension of existing 10no. space car park to the immediate north of the multi-use games courts to provide 24no. spaces;
- Rationalisation of existing parking areas to reduce numbers and increase disability vehicle parking spaces;
- Erection of 2.4m high welded panel fencing (coloured moss green) to the immediate east of the school to provide a boundary between the proposed new and expanded parking areas and the school and 3.0m high fencing of the same design and colour to enclose the multi-use games area (presently enclosed by 2.4m high chainlink fencing).

The development would result in 90no. car parking spaces at the site (with 7no. disabled vehicle spaces), thus increasing the number provided by 29. All new surfacing would be in Bitumen Macadam.

There are sporadic trees within the school grounds, but no significant trees would be affected by the proposed development.

Relevant Planning History

44060 - REPLACEMENT DULOCK MESH FENCE (2.86M HIGH) TO NORTH ELEVATION & PALASADE FENCE (2.7M HIGH) TO WEST ELEVATION - Approve with Conditions 13/04/2005

54141 - Extensions to three existing car parking areas and alteration to disabled provision - Approve with Conditions 02/09/2011

Publicity

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

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions requiring a Construction Traffic Management Plan and implementation of the parking areas in accordance with the approved details.

Environmental Health: Contaminated Land: No objection, subject to a condition requiring the provision of electric vehicle charging points.

United Utilities: No objection. Any works either above or below ground within proximity to the pipe must be in line with our Standard Conditions Guidance

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
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

Design and impact on street scene

The new and extended hard surfacing would replace relatively benign grassed areas. The few trees that would be felled are immature and contribute negligibly to the aesthetic of the area. No neighbouring properties immediately overlook the development areas, trees partially obstruct views of these areas and the fencing would be of a recessive colour that would enable easy assimilation in the context. The proposal would not therefore have any unacceptable impacts on the street scene or visual amenity.

Neighbouring amenity

The car parking to the immediate north of the multi-use games area would be extended closer to the rear of dwelling that backs onto this area at the east. However, the games area would remain the closer to the boundary with the curtilage. The proposed fencing around the games area would be 0.6m higher than the existing. However, it would be of the weld mesh type and coloured green such that it would assimilate with the existing context beyond existing garden boundaries.

The proposal would not therefore have any unacceptable impacts upon neighbouring amenity.

Highway matters

Supplementary Planning Document 11 sets a maximum parking standard of 1.5 spaces per classroom. Supporting information states that the proposed increase in the parking provision would be to relieve pressure caused by staff parking informally across the site and upon access roads, which causes congestion and is detrimental to highway safety.

The application states that there are 47no. classrooms at the school and further associated staff/admin rooms. It is the applicant's contention that given the number of classrooms, sports hall and ancillary offices that this justifies the minor exceedance of the maximum parking standard in this case given the existing problems with congestion and informal parking.

The Highway Officer is satisfied that the proposal is acceptable, subject to the conditions set out above.

Other matters

United Utilities are satisfied that the proposal would be acceptable, subject to a condition that would ensure protection of their assets within the site.

The Environmental Health Officer has advised that electric vehicle charging points should be provided at the rate of 20% (of the additional spaces).

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 development would not have any harmful impacts

upon visual amenity, neighbouring 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 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:
Location Plan (Dwg no. 701)
General Arrangement (Dwg no. 101)
Demolitions/Strip Out (Dwg no. 102)
Surfacing Drawing (Dwg no. 103)
Indicative Drainage (Dwg no. 104)
Fencing and Access Control (Dwg no. 105)
Fencing Details (Dwg no. 106)
Landscaping Plan (Dwg no. 107)
Hazard ID and Site Compound (Dwg no. 108),
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 Six car parking spaces shall be provided with electric vehicle (EV) charging points (minimum 7kW*) prior to the use of those spaces.
*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	01/11/2022		