

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 30/09/2022	Ref: 68777/FUL
Registration: 12/08/2022	LDfC: 27/09/2022	Expiry Date: 07/10/2022
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: Single storey extension to Porritt Street elevation to form secure entrance area/office

Location: St Pauls C of E Primary School, Porritt Street, Bury, BL9 6LJ

Description

The proposal relates to St. Paul's C of E Primary School on Porritt Street, Bury. Porritt Street, wraps around the northern boundary of the school, which falls at a lower level than the opposing dwellings, that are set back from the road. The school building appears to have evolved incrementally over time and is formed by a series of ridged, mono-pitched and flat roofed elements set at different levels owing to the sloping land.

The proposal is for a single storey extension to the northern (Porritt Street) elevation to form secure entrance area/office. It would link to an existing flat roofed section and would have a flat roof and be to the same height as the existing, would be 11.2m wide by 5.5m projection. It would be built over an area of amenity grass and would be finished in brick and coloured render. It would be fenestrated to the two external elevations with a roof lantern over the proposed entrance lobby.

Relevant Planning History

46136 - NEW COVERED JUNIOR ENTRANCE - Approve with Conditions 22/05/2006

59255 - Replacement of covered play area enclosure - Approve with Conditions 03/11/2015

63273 - Siting of a single storey portakabin building to be used for meetings for a temporary period of 3 years. - Approve with Conditions 14/11/2018

Publicity

Advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

Borough Engineer - Drainage Section: No comments received

Environmental Health - Contaminated Land: No objection

United Utilities (Water and waste): No comments received

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

CF1 Proposals for New and Improved Community Facilities

CF1/1 Location of New 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.

ASSESSMENT

Principle

The principle of additional accommodation is acceptable where it supports the provision of education facilities. UDP policy CF2 - Education Land and Buildings states the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposal would constitute an improvement to the school by providing addition staff

space and an improved entrance lobby and as such would accord with the aims of UDP policy CF2.

Visual amenity

The proposed extension would link to an existing flat roofed element and would be finished to the same height, form and materials and would remain set back from the forwardmost projecting element on the associated elevation. It would extend over a small area of grass.

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

The site and therefore proposed extension would be set lower than the street and opposing dwelling, would be positioned behind palisade fencing and would remain to be set back from the forwardmost element on this elevation.

The proposal would not therefore have any unacceptable impacts on residential amenity.

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 drawings
 Location Plan (Dwg no. 4848 001)
 Proposed Site Plan (Dwg no. 4848 003)
 Proposed Floor Plan (Dwg no. 4848 005)
 Proposed Elevations (Dwg no. 4848 007)
 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 match those of the existing building.
 Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

DELEGATED REPORT

- 4 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u> DSC	<u>Date</u> 30/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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