

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/07/2025	Ref: 71737/FUL
Registration: 23/05/2025	LDFC: 02/07/2025	Expiry Date: 18/07/2025
Site Visit: 11/06/2025	Site Notice: 11/06/2025	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of new 2.4m high boundary fencing and access gates and new privacy screening to inside

Location: St Thomas Primary School, Pimhole Road, Pimhole, Bury, BL9 7EY

Description

The application relates to a primary school accessed via School Street which is a public footpath (180BUR). Openshaw Park and Public Footpath 64BUR are located to the north of the site with Pimhole Community Farm located to the east and south of the site. The boundary of the site is depicted by a mixture of 2 metre high mesh fencing, and 1.4 - 1.5 metre high railings.

Planning permission is sought for the erection of new 2.4m high boundary fencing to the northern and eastern boundaries replacing the existing metal railings. To the northern boundary it is also proposed to construct privacy screening, attaching this to both the proposed and existing mesh fencing along this boundary.

Relevant Planning History

02144/E - Single storey classrooms extension - Enquiry completed 07/06/2018

51342 - Siting of 1no. storage container (temporary consent for 3 years) - Approve with Conditions 22/06/2009

54365 - Creation of Family Support Room and Additional Storage Room - Withdrawn - Invalid 29/09/2011

54855 - Single storey extension at rear - Approve with Conditions 02/04/2012

56855 - Demolition of modular classroom and replacement extension at side/rear - Approve with Conditions 12/12/2013

60050 - Single storey porch extension to main entrance at front; Single storey extension at front to form additional toilet facilities and office space; Single storey extension to main hall at rear - Approve with Conditions 17/06/2016

63000 - Demolition of single storey modular detached classroom and staff room and erection of new single storey classroom extension at rear; Extension to car park and associated fencing - Approve with Conditions 24/08/2018

Publicity

Neighbour letters 23/05/2025

Site Notice 11/06/2025

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the grant of planning permission

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
JP-P5	Education, Skills and Knowledge
JP-C2	Digital Connectivity
JP-C5	Streets For All
RT3/4	Recreational Routes
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Principle (Education Land and Buildings)

PfE Policy JP-P5 states that significant enhancements in education, skills and knowledge to benefit existing and new residents will be promoted.

The boundaries to be replaced across the north and east of the site directly bound Openshaw Park and a community farm. A public right of way is also located to the north of the site. The application seeks to increase the height of these boundary treatments, and introduce screening along the boundary with the park in order to address safeguarding at the school.

The heights of the existing boundaries to be replaced, and the visibility of the school buildings, playgrounds and the playing fields from the adjacent park have raised concerns in relation to safeguarding. The improvements in relation to these boundaries will ensure that the school would be able to meet its duty of care in safeguarding children. It is considered therefore that the proposal is acceptable in principle in terms of it being an enhancement of an existing educational provision.

Design and Layout

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

Whilst the proposed fencing would be higher than the existing fencing, this style and form of metal fencing to depict the boundary of school premises recreation spaces is not uncommon. The proposed site plan acknowledges the location of existing stone posts on the northern elevation that would be retained, with one being relocated to form new opening width for new gate. Entrances will be retained as existing in terms of location.

Some saplings are indicated to be removed on the eastern boundary. This area of the site is densely vegetated with brush and it is not foreseen that the loss of saplings would impact on the character of the area. No mature trees are indicated for removal.

It is considered that the proposal would not have a detrimental impact on the character of the immediate street scene or the existing school building and as such complies with the policy considerations set out above.

Highway and Public Right of Way

Traffic and Public Rights of Way have been consulted as part of the application process and have raised no objections to the siting of the fencing in terms of visibility or impact on the PROW system.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals.

As set out above no residential properties directly bound the site.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

Due to the nature of the proposal it considered that the above policies would not be relevant.

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The submitted application form states that the proposal is exempt from BNG as it would not result in the loss of more than 25 square metres of habitat.

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 numbered TA-01A, TA-02 A, TA-03,TA-04 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 3/7/2025			