

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/07/2025	Ref: 71995/FUL
Registration: 16/06/2025	LDfC: 11/07/2025	Expiry Date: 11/08/2025
Site Visit: 02/07/2025	Site Notice: N/A	Press Date: N/A
Objections: 7	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Construction of a feather edge board timber paladin waster bin enclosure

Location: Holly Mount Roman Catholic Primary School, Hollymount Lane, Tottington, Bury, BL8 4HS

Description

The application relates to a primary school which is located in a small hamlet of residential dwellings at the top of Hollymount Lane.

The site is located in a Landscape Character Area, Green Belt and River Valley.

The school building and car park are located on the northern side of the road with playing fields beyond.

The site itself is a length of gravelled land which is located on the other side of Hollymount lane directly opposite the school and which shares a boundary with residential properties to the rear.

The proposal is for a bin store enclosure for the school. The bin store would be located in the eastern corner of the site, next to the boundary with The Chapel (converted apartment building) and No 1 Chapel Gardens.

The bin store would be approx 24 sqm in area and would constructed of a 1.9m high open top timber panelled fence across the frontage with Hollymount lane and along the western elevation. The existing boundary timber fence to the rear adjacent to The Chapel apartments would form the rear boundary of the store with the existing stone wall forming the western side of the store.

The bin store would be accessed by an inward opening timber double door from Hollymount Lane.

The applicant has confirmed that the proposed timber panels would not be attached to either of the existing boundaries and confirmed submission of Certificate A is correct.

The applicant has submitted a letter from the Fire Service who highlighted the fire risk posed from the original bin store location which was directly against the school building and close to an emergency fire escape. The letter recommended that the bin store be located a safe distance from the main school building, hence the creation of the bin store which is the subject of the application.

The applicant has also submitted a letter to support their application to state the position of the proposed bin store which was in response to the Fire Service advise and also for security reasons.

The application is retrospective.

Relevant Planning History

68223 - Erection of new 2.4m high twin wire mesh fencing. - Approve with Conditions
05/05/2022

69911 - Erection of additional 2.4m high RAL 6005 V mesh fencing - Approve with
Conditions 20/09/2023

25/0041 - Erection of waste store shelter - 25/04/2025

Publicity

Letters sent to 13 properties on 20/6/25.

7 objections

1 comment/support

Objections

- The bin store was erected without prior consultation with the neighbouring properties.
- It has been attached to the neighbouring property boundaries - walls and fencing not owned by the school and needs their consent
- It obscures and prevents access to the fire hydrant essential to both the school and residential properties in the advent of a fire.
- It obscures and prevents access to a telegraph pole on which electricity cables are attached.
- It obscures and prevents access to the garden wall and therefore its maintenance and that of plants and trees adjacent to the boundary.
- There has been an increase in the presence of rodents since its installation, which is a serious health risk.
- Increase in litter to the area
- It has added a further hazard by taking up parking space outside the school making it even more difficult for residents to pass at the start and end of the school day.
- Less than 5 meters from residential properties. This close proximity raises serious fire safety concerns for the residents of the Church, particularly as the bins are not lockable, allowing easy access to combustible materials.
- The bin store's placement has created a severe safety hazard, particularly for vulnerable pedestrians. It has introduced a dangerous blind spot for children and parents navigating the lane to the school, especially when parking or arriving from nearby residences.
- The resulting increased visual obstruction and restricted manoeuvrability significantly amplify the risk of accidents involving both pedestrians and vehicles.
- Fire risk from litter in the open top bin store.
- There are more appropriate alternative locations exist within the school's existing boundaries for this bin store.
- If planning permission isn't required by the school to erect a bin store it's good practice to consider the impact on nearby residents. This includes, fire risk, odours and visual impact.

Comment/support

- Effective waste management is a cornerstone of healthy, safe, and thriving school environments. While the routine disposal of rubbish may seem mundane, the way in which school bins are stored and managed can have significant repercussions for both the school and the wider community.
- Fly-tipping: Unauthorised individuals may use the school's bins to dispose of their own waste illegally. This not only increases disposal costs for the school but also introduces unknown and potentially hazardous materials onto school property
- Arson: Bins filled with refuse are a common target for arsonists. A fire in or around school property poses a grave risk to buildings, property, and more importantly, to the safety of students and staff.
- In practice, schools across the country have successfully implemented locked bin enclosures without incident. Fire brigades have no difficulty accessing these areas

when necessary, and the benefits of secured bins far outweigh any minor inconveniences.

Statutory/Non-Statutory Consultations

Waste Management - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
OL5/2	Development in River Valleys
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-C8	Transport Requirements of New Development
JP-P5	Education, Skills and Knowledge
GMMWP	Greater Manchester Minerals and Waste Plan

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.

Siting and appearance

The bin store has been located in the eastern corner of a piece of land which is directly opposite the school building on Hollymount Lane and within the school's ownership.

Utilising the existing boundary fence at the rear to The Chapel apartments and stone wall to No 1 Chapel Gardens, the bin store would be enclosed on the remaining side by a 1.9m high close boarded timber panels and timber panels and inward opening double doors to the front.

The upper part of Hollymount Lane comprises grass verges either side and buildings and any high fencing are set back from the road which gives the area a sense of space and openness. Where there is boundary treatment to the sides of Hollymount Lane, it generally comprises of low stone or brick walls.

The store is located directly next to the kerb edge with Hollymount Lane. As it is 1.9m high and of a solid appearance, the store has an overbearing, obtrusive and alien appearance within the streetscene and the hamlet setting, and as such considered to have a detrimental impact on the visual amenity of the area.

Chapter 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and helps make development acceptable to communities.

Planning policies and decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area, over the lifetime of the development, are visually attractive, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

It is considered that the proposed development, by virtue of its height, design and location within the streetscene would achieve none of these objectives.

There are alternative solutions to providing a bin store away from the school building but still within their grounds and easily accessible on collection days. The school car park is one such option.

It is therefore considered that the proposed development is harmful to the visual quality of the streetscape and surrounding area and as such would be contrary to policies EN1/2 and JP- P1.

Impacts on residential amenity

The bin store has been located next to the boundary of the residential properties at The Chapel and Chapel Gardens. The bin store utilises the existing stone wall and timber fence to the boundary of these residents but the applicant has confirmed it is not attached to any of the neighbours fencing or land.

7 objections have been received to the application, citing amongst other things, increased rodent/pest activity, smells and unsightly appearance, visual obstruction and hazardous for pedestrians and children on the highway and the enclosure of public utilities.

The bin store has been located directly adjacent to the gardens and properties of The Chapel and No 1 Chapel Gardens. Whilst it is enclosed on all sides, the store remains exposed and in inclement weather/windy conditions, waste could escape out the storage area or in warm temperatures, cause smells.

Whilst it has been located an acceptable distance from the school, its proximity to the adjacent dwellings is unneighbourly.

The bin store has also been located directly next to the highway and opposite the school, and is a well used and accessed area for both pedestrians and vehicles at school pick up and drop off times as well as being a route used by residents who live in the area. The height and its position in relation to the highway therefore causes issues of visibility and safety for users of the area.

In terms of the location of the fire hydrant which residents have referred to, the Fire Service have confirmed it is located in the roadway and not in the area of the bin store. The Hydrant plate is situated on the telegraph pole within the bin store but the Fire Service state that this has no affect on the hydrant itself.

Whilst safety is a priority and any potential hazards should be moved away from the school building, as identified above, the applicant has failed to consider alternative locations which would not only be safe and accessible but also be located away from residents and their properties.

It is therefore considered that the bin store would be harmful to the amenity of local residents and adjacent occupiers and as such contrary to policies EN1/2 and JP-P1.

Response to objections from the school

The school are aware that some local residents have raised concerns regarding the proposed location, specifically in relation to a nearby fire hydrant, a perceived increase in vermin activity in the area, access to stop taps, a telegraph pole and the relocation of our bins and provide the following written response (to be published on the Council website) -

- In response to the first concern, the local fire brigade has conducted a site inspection on Friday 4th July 2025 and confirmed that the proposed bin store does not obstruct or cover any fire hydrant. Whilst the 'H' symbol is located on a post, the actual hydrant is in the middle of Holly Mount Lane. We remain committed to ensuring that emergency access is never compromised.
- With regard to the concerns about rats and vermin, we would like to clarify that the school does not store any food waste in the bins that are housed in the bin store. The bins are used solely for general waste and recyclables, and we have strict procedures in place to ensure they are regularly emptied and maintained in a hygienic condition. The brown bins have remained outside the school kitchen. We are confident that the refuse arrangements at the school are not contributing to any increase in vermin in the area.
- The relocation of the bin store is part of our broader efforts to improve site safety, cleanliness, and maintain a safe and pleasant environment for our pupils, staff, and neighbours.
- The fire brigade also looked at the stop taps, which we were unaware were situated on our land as they were under gravel that was laid many years ago. We were advised that each of the properties in the Chapel has its own stop tap within their property and these other taps are only ever used if the main tap fails. It was obvious from inspecting these that they have not been used in many years. However, it remains important that the

residents or emergency services could access them if ever needed and so we suggest we provide a coded padlock on the bin store with details of how to gain access for the Chapel residents.

- BT/Openreach have visited twice during the time the bin store has been in use and had no issue with it being inside the fencing as their ladder would be outside.
- The original purpose of moving the bins was to keep them away from the school building and be able to lock them away, which actually makes them far less unsightly than their original position on the opposite side of the lane. Some of the objections suggest school uses alternative parts of our grounds on Whipney Lane to store the bins. This is not possible or practical to expect staff to walk over 250 metres to empty the bins and then pull industrial sized bins out for emptying.
- We trust that the Planning Department will consider the findings of the fire brigade and the school's proactive approach to waste management and community concerns when reviewing this application.

It is positive to note that the school have taken action to seek to address residents objections by providing the above response.

The position of the fire hydrant and access to the telegraph pole have been clarified and should therefore not cause safety concerns and residents access to utilities and services should not be compromised by the position of the store.

That said, and as analysed above, the bin store is in a prominent position within the area close to residents and as such considered to be detrimental to the visual amenity of the area and streetscape and residential amenity, when there are alternative locations within the school grounds which would be significantly less harmful in both respects.

For those reasons, the planning application is recommended for refusal.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed bin store would, by reason of its height, position and design, be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area and highway safety. The proposed development therefore conflicts with policies EN1/2, JP-P1 and chapter 12 of the NPPF.
- 2 The proposed development, by reason of its location and proximity to residential dwellings and its open top design would be have a detrimental impact on the visual and residential amenities of the adjacent occupiers by reason of its unsightly appearance and smells. The proposed development would therefore be contrary to Policies EN1/2 and JP-P1.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	30/7/25	DM	01/08/2025