

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/10/2025	Ref: 72221/FUL
Registration: 20/08/2025	LDFC: 10/10/2025	Expiry Date: 15/10/2025
Site Visit: 26/09/2025	Site Notice: 26/08/2025	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Security fencing around two perimeters, rear and right side of the boundary

Location: Holy Law Congregation, Bury Old Road, Prestwich, Manchester, M25 0EX

Description

The application relates to a religious building which front Bury Old Road and is located opposite a Local Shopping Centre and a parade of shops, on the corner of Ravensway .

The religious building is considered a Non-Designated Heritage Asset (NDHA).

The building itself is set back into the site with the front part grassed/landscaped and paved and has security fencing (mesh fencing, painted black) set within the site, approved by application 67082 in October 2021, which extends along the boundary of the site with Ravensway, behind the brick wall bordering the adopted highways.

Planning permission is sought to install a similar black mesh fence along the rear boundary of the application site that borders Ravens Place and the south facing boundary along the side boundary of the site boarding no. 14 Bury Old Road. The mesh fence would be approximately 2.4m and would be fitted with a 2m high privacy screen and would be finished in a black colour.

Relevant Planning History

67082 - Retrospective erection of security fencing - Approved with Conditions, 07/10/2021

Publicity

The application has been advertised by site notice and adjoining/ nearby neighbours have been notified about the proposal by letter.

2 representations have been received who raise the following concerns:

- Prison style fencing would be unnecessary, disproportionate, and an overreach that would harm my property.
- Transparent fencing would remove privacy, especially when some properties are overlooked by the congregation as fire doors are left open during services, and would expose the neglected rear (rusted stairs, broken guttering, litter), harming visual amenity
- Noise from weddings and barmitzvahs, often with DJs until very late, would worsen as the current fence provides some buffering.
- Recommends noise mitigation fencing

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Conservation Officer - No objections.

Prestwich Village Neighbourhood Forum - No comments or observations received.

GM Police - Makes recommendations on how to make the fencing secure.

Pre-start Conditions - Not applicable.

Development Plan and Policies

JP-P1	Sustainable Places
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN8/2	Woodland and Tree Planting
EN1/5	Crime Prevention
JP-C2	Digital Connectivity
JP-G7	Trees and Woodland
JP-P1	Sustainable Places
JP-P3	Cultural Facilities
JP-S2	Carbon and Energy
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.

Heritage

The building is considered to be a Non-Designated Heritage Asset (NDHA). It is not within a conservation area.

The National Planning Policy Framework requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The building is a rare example of a place of worship in the Art Deco style. The retention of the fencing would not alter the buildings appearance. The transient nature of the fencing and its very minimal visual impact on the buildings setting would not represent an impact that would cause a loss of significance of the building.

The development is therefore considered to comply with policies EN1/1, EN1/2 and the heritage related principles of the NPPF.

Visual Amenity

Whilst located along the rear of the building, the rear boundary of the site borders Ravens Place a single track highway which provides vehicular and pedestrian access from Ravensway to nos. 1 and 2 Ravens Place and to the rear of properties on Bury Old Road and Ravens Close.

The proposed fence would be a see-through mesh type and as it is finished in a black colour. It would have a 1.5m high privacy screen to reflect the existing fence. It is therefore considered there would not be a significantly harmful impact to the visual amenity of the area. As such, the proposed development is considered to be acceptable and comply with UDP Policy EN1/2.

Residential Amenity

No. 1 Ravens Place main outlook is out on onto the shared access path and the existing rear boundary of the application site that is currently a timber wavylap fence, approximately 1.2m high. From Ravens Place the Synagogue The proposed replacement fence would be over 1.3m higher than the existing fence and in this respect would enclose the open aspect the occupiers of this property has, albeit except for the existing wavylap fence. However, the proposed fence would be a rigid mesh fence and therefore the occupiers of no. 1 Ravens Place would not be demonstrably harmed as the occupiers would have views through the fence.

In respect of the proposed fence along the shared boundary with no. 14 Bury Old Road, the existing boundary of the application site and fence is set at a higher level than this neighbour and other neighbours present on Bury Old Road. The existing fence is therefore at first floor height in relation to this property and its neighbours.

A representation has been received from an occupier of one of the properties on Bury Old Road which raised concerns about overlooking due to the fence being see through, compared to the existing fence.

The height of the fence, which is already on higher land than the dwellings on Bury Old Road, causes some concern, however, due to its see-through design, it would not cause demonstrable harm. The privacy screen on the fence would be slightly higher than the existing fence, however, its increase in height of approximately 20-30cms would not result in demonstrable harm to the amenity of neighbouring residents.

Crime and Disorder

Para. 135f of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal has been put forward to minimise the vulnerability of the religious building to anti-semitism. GM Police have provided a number of recommendations to ensure the fence is resilient to crime. These recommendations are posted on the Council's website and have also been sent to the agent.

Trees

The rear boundary of the application site contains a couple of mature deciduous trees. These trees are not noted on the submitted plans. A planning condition is recommended to ensure these trees are retained, pursuant to UDP Policies EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

Digital Connectivity

PfE Policy JP-C2: Digital Connectivity requires all new development to have full fibre to premises connections. As the proposal relates to a boundary fence, this policy is not applicable in the assessment of this proposal.

Carbon and Energy

PfE Policy JP-S2: Carbon and Energy seeks to deliver a carbon neutral Greater Manchester no later than 2038 with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures. None of the measures identified within the policy specifically relate to this proposal as all fence panels are already made. and therefore this policy is not applicable in the assessment of this proposal.

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 permission relates to the following plans:

Drawing ref. Location Plan (Planning Portal);
Drawing no. 502: Site - Boundary Treatments - Existing Elevations
Drawing no. 503: Site - Boundary Treatments - Existing Elevations;
Drawing no. 504.2: Site - Boundary Treatments - Proposed Elevations; and,
Drawing no. 506.2: Site - Boundary Treatments - Specifications

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development pursuant to the policies of the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and National Planning Policy Framework.

- 3 No trees shall be felled, lopped or topped before or during the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

<u>Case Officer</u> CB	<u>Date</u> 28/10/2025	<u>Sign off Officer</u>	<u>Date</u>
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