

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/10/2025	Ref: 72341/FUL
Registration: 02/09/2025	LDfC: 14/10/2025	Expiry Date: 28/10/2025
Site Visit: 29/09/2025	Site Notice: 22/09/2025	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: MIOT

Proposal: Installation of 2.2m to 2.4m security fencing around the boundary; Security gates at entry point from Sunnybank Road

Location: Bury Hebrew Congregation, Sunny Bank Road, Bury, BL9 8ET

Description

The synagogue to which this application relates is located at the busy junction of Manchester Road and Sunny Bank Road. The site is bounded around the road frontage by a 1.3m (approx) brick wall with coping. There is a mix of low growing shrubs, conifers and trees of varying qualities within the site. The main pedestrian and vehicular entrances are from Sunny Bank Road. Along the side (east) and rear (north) boundaries is a 2m waney lap fence with some self seeded sycamores growing along the rear.

The area is predominantly residential in character with houses sharing the eastern boundary. To the north and west are houses fronting Manchester Road. To the south is a grassed/ landscaped area adjacent to Manchester Road.

The proposed paladin weld mesh fence would encircle the boundary of site to a height of 2.4m. The fence would be green and would be located to the rear of the existing wall along the highway and the waney lap fence to the side and rear of the site.

Relevant Planning History

47574 - 2.4m HIGH PERIMETER SECURITY FENCE - Refused 16/03/2007

71683 - Lawful development certificate for proposed dual use of the premises as a school (Class F1) and place of Worship (Class F1) - Lawful Development 02/05/2025

71685 - Lawful development certificate for proposed Internal mezzanine floor to create internal first floor area - Lawful Development 02/05/2025

Publicity

The application has been advertised by Site Notice, which were posted both on Sunny Bank Road, at the entrance to the Synagogue, and on Manchester Road adjacent to the boundary of the application site. These site notices were erected on the 22/09/2025.

26 nearby and adjoining neighbours were notified directly by letter.

As a result of the above-mentioned publicity, one representation has been received raising objections to the style of fencing, calling it 'Prison fencing' and asserting it would have a negative visual impact on the character of the neighbourhood. Also raises concerns about any loss of trees/ bushes.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, based on the submitted amended plan.

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
JP-G7	Trees and Woodland
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.

Visual Amenity

The site is highly visible, lying at busy junction of one of the Borough's main throughroutes. As such the quality of design of any scheme should be of a particularly high standard. This is highlighted in UDP Policies EN1/2: Townscape and Built Design and EN1/7 Throughroutes and Gateways.

The application site is well landscaped which contributes greatly to the visual amenity of the locality. The proposed fence would be positioned behind the existing boundary landscaping which would greatly minimise the visual prominence of the proposed fence. This is materially different to an application submitted for a similar fence in 2007, which was refused - see Planning History Section of this Report, where the landscaping at the site was far less developed than it currently is. The proposal therefore accords with the above-mentioned policies.

Residential Amenity

UDP Policy EN1/2 also seeks to ensure that proposed developments have an acceptable relationship to the surrounding area, which includes to neighbours.

Residential properties exist on three sides of the Synagogue. To the north of the application site is no. 873 Manchester Road, the southern end of a short row of terrace properties. To the east the application site shares a boundary, along the rear boundaries of properties on Ajax Drive, nos. 1-7 (odd). No. 21 Sunny Bank Road exists to the east/right of the existing/proposed vehicular access. To the west, on the opposite side of Manchester Road to the application site exists terraces properties (802-818 (even)).

No. 21 Sunny Bank Road shares a side boundary with the application site which consists of a low hedgerow and a standard height timber fence. The outlook from this property is in a north-easterly direction so from the ground floor habitable room windows of this property the view would not be direct, however, it would be seen from an angle. The proposed fence, by virtue of its design, would primarily be see-through and therefore the occupants of this property would not suffer demonstrably from a loss of outlook, sunlight or daylight.

In respect of all the other neighbours, as the proposal seeks to sit the proposed fence inside the landscaping present along the boundaries of the site, and the landscaping is well established, the proposal would have a minimal impact on the amenity of these neighbours.

Crime and Disorder

UDP Policy EN1/5 Crime Prevention states that whilst the Council will encourage development that discourages crime, it should be sensitive and well designed.

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, which is not unreasonable given recent events.

Trees

As already stated the site is well-landscaped which contributed greatly to the visual amenity of the locality. The submitted plans indicate the extent of trees and shrubs and show these to be retained, a planning condition is recommended to ensure these trees and shrubs are retained.

Highway Safety

The Local Highway Authority initially raised concerns about the proposed fence not allowing a vehicle off the highway when opening and closing the proposed gates. To address this concern, the applicant has amended the plans by setting the proposed access gates back from the adopted highway by approximately 5.5m. This distance would let a car pull clear of the highway and therefore is acceptable in highway safety terms.

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.

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. A21.02 Rev. PL3: Proposed Site Plan;
Drawing no. A21.03 Rev. PL1: Site Elevations, Sheet 1; and,
Drawing no. A21.04 Rev. PL2: Site Elevations, Sheet 2.

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 and in the interests of neighbouring amenity, 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>

