

DELEGATED REPORT

Report by Helen Pressley	Date of report: 24/07/2025	Ref: 72156/NON
Registration: 16/07/2025	LDFC:	Expiry Date: 13/08/2025
Site Visit: 21/07/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA:
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 71737 (Erection of new 2.4m high boundary fencing and access gates and new privacy screening to inside): change from Dulok SR1 with screen mesh on inside to Zaun Hitech SR1 with louvre screen behind all in black

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 has been granted 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.

Non-material amendment following grant of planning permission 71737 (Erection of new 2.4m high boundary fencing and access gates and new privacy screening to inside) : change from Dulok SR1 with screen mesh on inside to Zaun Hitech SR1 with louvre screen behind all in black.

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54365 - Creation of Family Support Room and Additional Storage Room - Withdrawn - Invalid 29/09/2011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

71737 - Erection of new 2.4m high boundary fencing and access gates and new privacy screening to inside - Approve with Conditions 08/07/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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.

Design and Layout

The proposal seeks to amend the approved Dulok SR1 fencing with screen mesh on inside to Zaun Hitech SR1 with louvre screen behind all in black. The style of the screen proposed would provide the appropriate privacy rating required by the school that the previous screening would not.

The height and location of the fencing proposed would be retained as previously approved, it would be the style of the screen that would be amended. This would be located along the north elevation that is adjacent to the public park and the eastern boundary that slopes towards the River Roch.

A stretch of existing 2 metre fencing, along the north boundary that was previously going to be retained and backed in mesh fencing is also proposed to be amended to the style of fencing/screening.

The existing 2 metre fencing to the front of the site would be retained as existing with no screening proposed.

Whilst the style of the screen has been amended, the siting, height, and the fact that a screen is being proposed has not altered. As such it is considered that the proposed amendment would not materially alter the scheme in terms of visual amenity and would therefore be acceptable.

Amenity

The boundaries that are impact are adjacent to a park and a sloped embankment to the east of the site rather than residential properties. As such the amendment to the type of screen fencing would not impact on residential amenity.

Conclusion

The proposed amendments would not impact adversely on the design of the proposed development or the amenity of the neighbouring users. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 71737 and the policies against which this was approved. As such, the application is a non-material amendment.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or the amenity of the neighbouring users. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 71737 and the policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	24/07/2025	DM -	28/07/2025