

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 31/10/2025	Ref: 72462/NON
Registration: 20/10/2025	LDFC:	Expiry Date: 17/11/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 71738: Relocating the fence alignment so it is a little further away from the SBI Zone as shown on the revised drawings listed below. The height of the proposed fence panels remains unchanged at 2.4 metres

Location: St Stephens C Of E Primary School, Colville Drive, Bury, BL8 2DX

Description

The application relates to a primary school which is located within an established residential area. The school is accessed via a short road from Colville Drive between Nos 12 and 14 which leads to the car park and the school buildings located in the southern part of the site with the school playing fields beyond to the north, east and west.

A linear piece of land at the school site along the north western boundary is part of the Barracks Lodge Site of Biological Importance (SBI) and a wooded area and the school playing fields are a Protected Species Site for Great Crested Newts (gcn)

Planning permission was granted for the erection of a 2.4m high boundary fence, new internal 1.8m high fence and new 2.4m high access gates to replace the existing school entrance.

This application relates only to the new 2.4m high fence which was to be positioned from the boundary with the rear of No 22 Colville Drive westwards along the rear of houses up to No 45 Newington Drive. It would be off-set from the boundary with these neighbours by 1.5m. The fence would then be directed eastwards into the school site to follow the boundary line of the wooded area (the existing fence along this boundary would be removed) whereon it would continue northwards along the line of the woods to the top end of the school playing fields.

It is now proposed to re-align a section of the fence which runs along the SBI Zone to move it further away from this area and tree roots.

The application has been submitted as a non-material amendment.

Relevant Planning History

48200 - Single storey building and associated works for childcare services; extension to playground; additional parking provision - Approve with Conditions 22/08/2007
54309 - Installation of 2.4m high paladin fencing/gates & 4m high ball stop fencing (resubmission) - Approve with Conditions 28/09/2011
55188 - Installation of 2.45m high paladin fencing with single access gate. - Approve with Conditions 11/06/2012
63084 - Two storey extension at rear - Approve with Conditions 18/09/2018
71738 - Erection of new 2.4m high boundary fencing and access gates - Approve with Conditions 24/07/2025

Publicity

n/a

Statutory/Non-Statutory Consultations

n/a

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
CF1/1	Location of New Community Facilities
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
EN1/5	Crime Prevention
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/3	Features of Ecological Value
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-P5	Education, Skills and Knowledge
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity

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.

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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

It is now proposed to reposition the fence further away from the SBI Zone which would also avoid tree roots to the wooded area within this zone.

The re-alignment would not impact on ecological value of the site or cause harm to the visual amenity of neighbouring properties which are located to the west.

As such, the proposed amendments are considered to be non-material to the approved scheme ref 71738.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments to re-position the fence would not affect the character of the originally approved scheme and there would be no adverse impacts on ecological value of the site or residential amenity.

The development would still be in accordance with the principles of planning permission reference 71738 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	31/10/25	DM	31/10/25