

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/04/2026	Ref: 72833/LDCP
Registration: 09/02/2026	LDFC:	Expiry Date: 06/04/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed single storey dining extension to existing school buildings

Location: Bury C of E High School, Haslam Brow, Bury, BL9 0TS

Description

The proposed Lawful Development Certificate (LDC) seeks confirmation over whether a proposed development consisting of a single storey extension to provide additional dining provision for the existing school requires planning permission or not.

The proposed extension seeks to be erected on the south-west corner of the school on its southern elevation. It is a wrap around extension and would sit adjacent to the existing dining room and kitchen areas of the School. It would wrap around the west facing side elevation of the building to adjoin an existing store.

The LDC considers the proposed extension can be erected utilising the permitted development rights afforded to schools, colleges, universities, prison and hospital buildings by Part 7, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) which allows extensions.

Relevant Planning History

43225 - INTERNAL ALTERATIONS TO CREATE TEACHING SPACE AND NEW CORRIDOR LINK - Approved with Conditions, 14/10/2004

44060 - REPLACEMENT DULOCK MESH FENCE (2.86M HIGH) TO NORTH ELEVATION & PALASADE FENCE (2.7M HIGH) TO WEST ELEVATION - Approved with Conditions, 13/04/2005

46188 - Single storey dining hall extension and car park scheme - Approved with Conditions, 28/06/2006

52399 - Construction of new extension for new Learning Support Space, SEN room and Office. - Approved with Conditions, 21/05/2010

54141 - Extensions to three existing car parking areas and alteration to disabled provision - Approved with Conditions, 02/09/2011

54864 - Erection of single story extension to provide new office and storage space. - Approved with Conditions 15/03/2012

57458 - Proposed single storey extension with new office and storage space. - Approve with Conditions, 15/05/2014

68591 - Creation of additional vehicle parking area to provide 29 additional spaces and erection of 2.4m - 3m high fencing - Approved with Conditions, 02/11/2022

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

N/A

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.

Assessment

Part 7, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) states the erection, extension or alteration of a school, college, university, prison or hospital building is permitted development, unless a proposal contravenes one of the criteria within M1.a - g, or fails to meet one of the conditions of Class M2 (a) - (j). All these criteria are considered below:

Development is not permitted by Class M—

(a) if the cumulative footprint of any erection, extension or alteration under Class M on or after the relevant date would exceed the greater of—

- (i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st April 2021 the relevant date; or*
- (ii) 250 square metres;*

The footprint of the proposed dining room extension is 242sqm and thus complies with (a)(ii).

(b) in the case of a college, university, prison or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

The proposed extension is not sited within 5 metres of the boundary of the curtilage of the site.

(ba) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;

No part of the proposed development is within 5 metres of the curtilage of a residential property. The west side of the school abuts the Metrolink line.

(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

The location of the proposed dining room is not on land that is, or has been used in the last 5 years as a playing field.

(d) if the height of any new building erected would exceed 5 metres exceed—

- (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or*
- (ii) in all other cases, 6 metres;*

The maximum height of the proposed extension is stated to be 4.5m and therefore this criterion is not applicable to this proposal.

(e) if the height of the building as extended or altered would exceed—

- (i) if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres; or*
- (ii) in all other cases, the height of the building being extended or altered;*

The extension is not within 10m of the boundary of the curtilage of the premises.

(ea) if the height of any rooftop structure would exceed 1.5 metres above the height of the new building or the building as extended or altered (as the case may be);

This is not applicable to this proposal as the proposed extension would be 4.5m high to match the height of the existing dining room it is to abut.

(f) if the development would be within the curtilage of a listed building; or
Not applicable. The School is not a listed building.

(g) unless—

(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;

(ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services;

(iii) in the case of prison buildings—

(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners

(bb) in the case of a closed prison, the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on the relevant date.

The proposal seeks to provide a dining room extension to this existing High School. The proposal therefore accords with criterion (g)(i).

The development proposed under this LDC accords with criteria (a)-(g). Development under Part 7, Class M also needs to comply with the conditions stated under Class M.2 (a)-(j). These are considered below:

Conditions

M.2 Development is permitted by Class M subject to the following conditions—

(a) the development is within the curtilage of an existing school, college, university, prison or hospital;

The development is to be within the curtilage of an existing High School.

(b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university, prison or hospital;

The development is to be used as an extended dining room. The development would therefore only be used for a purpose incidental to the existing school use of the building.

(c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university, prison or hospital buildings

The application site is not located on article 2(3) land.

(d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered

The application site is not located on article 2(3) land.

(e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;

There is no indication within the submission that the proposed extension would result in an increase in the schools published admission numbers. An informative will however be added to the decision notice making the applicant aware of the requirements of this condition.

(f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the proposed development;

(ii) the design and external appearance of the erection, extension or alteration; or

(iii) the impact of the development on heritage and archaeology;

Not applicable.

(g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);

Not applicable.

(h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval date;

Not applicable.

(i) where proposed development under Class M relates to the erection, extension or alteration of an open prison building, before beginning development the developer must—

(i) assess the contamination and flood risks of the development;

(ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development;

(iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M); and

(iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j);

Not applicable

(j) discusses what documents and information specified in sub-paragraph (i)(iv) are required.

These are not applicable to this proposal.

Whilst the submission does not specifically refer to each of the conditions under Class M.2. the submitted details do say that the proposed extension complies with all conditions.

Based on all of the above, the proposal complies with the Part 7, Class M. It is therefore recommended that this LDC be granted.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposed dining room extension as set out in the First Schedule above on land outlined in red on plans received on the 09 February 2026, as set out in the Second Schedule above is considered to be a lawful use and consistent with the provisions of Section 192 of the Town and Country Planning Act 1990, as amended.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 02/04/2026		HL - 02/04/2026	

