

DELEGATED REPORT

Report by Helen Pressley	Date of report: 15/08/2025	Ref: 71739/FUL
Registration: 23/05/2025	LDfC: 13/08/2025	Expiry Date: 18/07/2025
Site Visit: 27/06/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of new 2.4m high boundary fencing and access gates

Location: Radcliffe Hall C Of E Methodist Primary School, Bury Street, Radcliffe, Manchester, M26 2GB

Description

The application relates to a primary school accessed via Bury Street and Bealey Row. The boundary of the site is depicted by a mixture of 1.5 metre railings along the front and side of the school, with the remaining boundaries depicted by weldmesh fencing of various heights.

Planning permission is sought for the erection of new 2.4m high boundary fencing along Bury Street, Bealey Row, around the playing fields to the north east of the school and between the existing staff car park and the playground. Where the proposed fencing would be adjacent to existing residential gardens, an offset of 1.5 metres is proposed.

Relevant Planning History

48224 - Single storey building and associated site works for child and family car support - Approve with Conditions 18/10/2007

58308 - Demolition of link corridor, staff accommodation, prefabricated teaching block structure and dining/kitchen block; Construction of 3 no. classrooms and associated accommodation, new main hall/dining, new main school kitchen and toilets; General external works including construction of new bin store and enlargement of car park area; Creation of new pitched roof and canopy to form focal point for new main school entrance - Approve with Conditions 07/08/2015

63234 - Replacement boundary facing and gates up to 2.4m high at 7no. locations and extension to existing bin store and hard standing - Approve with Conditions 08/11/2018

Publicity

Neighbour letters sent 23/05/2025 and 01/07/2025

One comment received in relation to:

- We support the erection of this fence for the safety of the children in school but have some concerns.
- We would like to know if the plans include clearing the brambles and hedging that will lie inbetween our property and the proposed fence.
- Will this area be maintained as currently there is quite a bit of rubbish?
- What is the purpose of the gates near our property, is it for access and safety?
- There are a number of very large trees on the school playing field which is a concern to us and may be a safety risk to the children.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the grant of planning permission

Pre-start Conditions - Not relevant

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
EN8/2	Woodland and Tree Planting
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-G7	Trees and Woodland
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.

Principle (Education Land and Buildings)

PfE Policy JP-P5 states that significant enhancements in education, skills and knowledge to benefit existing and new residents will be promoted.

The boundaries to be replaced along Bury Street and Bealey Row are of such a height that someone could climb over. These boundaries directly bound public footpaths. The application seeks to increase the height of these boundary treatments, in order to address safeguarding at the school.

Similarly the applicant wishes to raise the height of the boundaries surrounding the playing fields, offsetting these boundaries from the residential properties by 1.5 metres to avert anyone using the existing residential fences as a step over the new fence and compromise the safeguarding and security of the children.

The improvements in relation to the school boundaries will ensure that the school would be able to meet its duty of care in safeguarding children. It is considered therefore that the proposal is acceptable in principle in terms of it being an enhancement of an existing educational provision.

Design and Layout

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

Whilst the proposed fencing would be higher than the existing fencing, this style and form of metal fencing to depict the boundary of school premises and associated recreation spaces is not uncommon. In some areas the fencing would be adjacent to trees and it is considered appropriate to condition reasonable avoidance measures to ensure that the root protection areas of these trees are not impacted by the proposals.

Paragraph 104 of the NPPF which states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Additionally, PfE Policy JP-P7: Sport and Recreation states that high quality and accessible sports and recreation facilities will be protected and enhanced.

The proposed fencing would not reduce the playable playing field area due to the existing trees and scrub around the existing boundary of the site. The applicant has confirmed that fencing would be set against this existing soft landscaping and away from the sports area.

There are quite a few trees around the site that aren't shown on the site plan. The

application form states no trees to be removed as a result of the proposal however due to the potential impact the installation of fencing posts may have on root areas of the trees it is proposed to condition construction methods adjacent to these trees to minimise any root loss/damage.

Given the above is considered that the proposal would not have a detrimental impact on the character of the immediate street scene or the existing school building and as such complies with the policy considerations set out above.

Highways and Access

Traffic have been consulted as part of the application process and have raised no objections to the siting of the fencing in terms of visibility.

The existing pedestrian and vehicular accesses to the site are retained. A number of internal accesses are shown within the offset fencing around the existing playing fields to allow access and maintenance of the land between the proposed fencing and the existing residential fencing.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. There are no adopted aspect standards for educational facilities however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

The proposed fencing would be located minimum of 12.5 metres from the rear elevations of the dwellings along Bealey Row exceeding the 6.5 metres required by SPD 6.

The elevations of No. 6 and No. 3 Bentley Close, and No. 8 Bealey Close facing towards the north east boundary of the site appear to be side elevations. As such aspects have not been applied. The rear elevations of No. 9 and 11 Park Avenue would face towards this same boundary. These elevations would be a minimum of 8 metres from the proposed fencing complying with the 6.5 metres required by SPD 6. The rear elevation of No. 15 Bealey Close would also obliquely face towards the proposed fencing but would be located approximately 12 metres from the fencing complying with aspect standards.

The proposed fencing along Bury Street would be separated from the directly facing properties by a highway as such an unduly overbearing relationship is not foreseen.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

Due to the nature of the proposal it considered that the above policies would not be relevant.

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The submitted application form states that the proposal is exempt from BNG as it would not result in the loss of more than 25 square metres of habitat.

Response to representations

The application relates to works that require planning permission. Any general maintenance of the school grounds would need to be discussed directly with the school.

A number of internal accesses are shown within the offset fencing around the existing playing fields to allow access and maintenance of the land between the proposed fencing and the existing residential fencing.

As with any tree, the owners of the tree/s within the site would be responsible for inspection and maintenance of the trees.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 decision relates to drawings numbered TA-01 Rev A, TA-02 Rev A, TA-03, TA-04, TA-06 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". Tree protection measures shall include
 - Where situated within a tree's RPA, each support post hole is to be excavated using hand tools under the supervision of an appointed arboriculturist. Where necessary, root pruning will be undertaken.
 - No fence posts to be positioned immediately adjacent to a tree stem, to avoid damaging the buttress roots/structural roots and to prevent future problems as the trees mature in size.
 - Each post hole to be lined with a non-permeable material prior to any concrete being poured, to prevent leaching.

The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP - 15/08/2025		DM - 15/08/2025	