

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/05/2022	Ref: 68223/FUL
Registration: 16/03/2022	LDfC: 29/04/2022	Expiry Date: 11/05/2022
Site Visit: 13/04/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of new 2.4m high twin wire mesh fencing.

Location: Holly Mount Roman Catholic Primary School, Hollymount Lane, Tottington, Bury, BL8 4HS

Description

Holly Bank R.C. Primary School sits on a site totalling 0.97 hectares with controlling use of a further 1.08 hectares of field and woodland. The school has a pupil roll of 314.

The site is bounded along Whipney Lane by a 2m high hawthorn hedge, with a vehicular gate at the northern end of the playing fields providing supplementary parking. To the north of the playing field is an area of woodland, used by the school for outdoor education, which is similarly bounded along Whipney Lane by a 2m high hawthorn hedge. The northern boundary of the woodland bounds neighbouring farmland and is separated by an existing timber post and wire fence approximately 1.2m high. The site lies within the Green Belt and there is a public footpath running along Whipney Lane.

It is proposed to supplement the existing hawthorn hedge along Whipney Road, and the post and wire fence to the north of the woodland area with a 2.4m tall 868 wire paladin fence in Green (RAL6005) set back from the Whipney Lane boundary by approximately 2m (to avoid any existing trees), and sitting directly inside the post and wire fence to the north of the adjacent woodland area.

A matching new 2.4m vehicular gate is proposed in the location of the existing vehicular gate serving the supplementary parking area at the northern end of the playing field. The new fencing is required to prevent ingress from the public to the playing fields and school grounds during the school day, weekends and holidays. Members of the public have gained access to the playing fields and wooded area and caused damage particularly during school holidays.

The new fencing is also a safeguarding project to prevent pupils from the school leaving school premises without the knowledge of the school and to protect the integrity of the outdoor classroom to ensure no damage or intrusion occurs. It is not proposed to remove any of the existing trees within the site.

Relevant Planning History

46462 - Staff room extension and covered play area - Approve with Conditions 31/07/2006
50459 - First floor infill extension above existing flat roof to create new staff room - Approve with Conditions 20/10/2008

Publicity

Immediate neighbours notified by letter dated 07/04/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.
Public Rights of Way Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/1	Visual Amenity
CF2	Education Land and Buildings
EN1/5	Crime Prevention
SPD3	DC Policy Guidance Note 3: Planning Out Crime
EN8	Woodland and Trees
OL1/5	Mineral Extraction and Other Development in the Green Belt
NPPF	National Planning Policy Framework
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes

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) and 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 Policy 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.

Need - The new paladin fence is required to increase security at the school and to protect property, in particular the playing fields which have in the past been damaged by unauthorised trespassing. The proposed fence is acceptable in respect to protecting school facilities and complies with UDP Policies CF2 Education Land and Buildings and CF1/5 Crime Prevention.

Visual amenity and character of the Green Belt - The green paladin fence would run along the existing boundary and would not appear out of keeping within the school environs. Situated behind the existing hedgeing and at a height of 2.4m, it would not have a serious impact on the character and openness of the Green Belt. Complies with UDP Policies CF2 , EN1/1 and OL1/5 in relation to visual amenity and Green Belt.

Residential amenity - Given the nature of the proposal and the siting around the boundary, there are no residential amenity issues arising from the positioning of the new fence.

Access and footpaths - The existing vehicular access into the fields from Whipney Lane would not be changed. The new paladin gates would replace the existing gates without impact on visibility. The existing public footpaths would not be impacted by the proposal. In this respect the proposal is acceptable and complies with UDP Policies RT3/4 Recerational Routes and HT6/2 - Pedestrian/Vehicular Conflict.

Trees/Ecology - The new fence would be set off from the exisitng hedge along Whipney Lane and would not have any serious impact on the existing hedge or nearby trees. Notwithstanding this, it is appropriate to attach a condition requiring tree/hedge protection measures to be implemented prior to work commencing. This would comply with UDP Policy EN8 Woodland and 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 location plan and drawings numbered 2 and 3 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 listed.

- 3 All trees and boundary hedging shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". 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>
Tom Beirne	04/05/2022		