

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00345/FUL	Majid Mir	17 July 2023

Address: St Marys Rc Primary School Whitelees Road Littleborough OL15 8DU

Proposal: Replacement of both low level and 1.8m high boundary fencing and access gates with a mixture of 2.4m and 3.0m high Paladin fencing and access gates

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 30 July 2023

SITE

The application relates to St Marys RC Primary School which is located off Whitelees Road in the Littleborough area of Rochdale. The school is of red brick construction and is relatively modern in its design (mid-late 20th Century) and predominantly single storey in its form.

The school is set on lower ground than Whitelees Road and some of the surrounding properties. Surrounding the buildings the school benefits from off street staff and visitor parking to the front and rear elevations and there is tarmaced playing areas to the side and rear elevations which lead onto school playing fields.

Beyond the site the school, to the west of St Mary School is the Annunciation RC Church. To the northeast there is an industrial unit (located within an Employment Zone) and a health centre. There are smaller commercial properties to the south. The rest of the local area is characterised by predominantly residential properties, including a modern housing development on the opposite of Whitelees Road.

PROPOSAL

The application seeks to install new boundary around the site of the school. Most of the proposal will see the existing boundary replaced, with a new Paladin mesh boundary fence and gate installed to the front by the entrance. The boundary treatment will vary in height between 2.4m and 3.0m. The proposed fence and gate will be powder coated in a black colour.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

- C8 Improving community, sport, leisure and cultural facilities
- P1 Improving Image
- P3 Improving design of new development
- T2 Improving accessibility

DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

88/D22173 - Extensions To Form Classroom And Toilets – Granted subject to condition

00/D38140 - Erection Of Single Storey Prefabricated Building For Use As A Nursery – Granted subject to conditions

04/D43240 - Installation Of Roller Shutters To Windows And Doors Of School – Granted subject to conditions

06/D47268 - Prefabricated Nursery Unit - Renewal Of Temporary Planning Permission – Granted subject to conditions

09/D51842 - Erection Of 2.4M High Perimeter Fencing – Withdrawn

10/D53054 - Erection Of 2.4M High Perimeter Fencing And Gates - Resubmission D51842 – Granted subject to conditions

10/D53385 - Construction Of A Canopy With Roller Shutters To Create A Secure External Play Area And The Build Up Of A Courtyard To Create A Resource Space – Granted subject to conditions

12/55609 - Single storey extension to south east facing elevation – Granted subject to conditions.

15/00736/FUL – Erection of single storey extension to be used as medical room and intervention are – Granted subject to conditions.

15/00802/FUL - Extensions to classrooms on front and side elevations together with 2 new external covered play areas and extension and alterations to roof – Granted subject to conditions.

17/00619/FUL - Proposed extension of existing external playground hardstanding and installation of 1.8M high fencing – Withdrawn.

CONSULTATION RESPONSES

Conservation And Design

No comments received to date

Highways And Engineering

The proposed fencing would not appear to have any impact on the wider adopted highway network itself, however there are a number of comments we wish to make.

The application includes a Notice in regards to the impact on the existing public right of way and we would welcome comments from the Councils Public Rights of Way Officer. The bridleway is a strategic route for users and provides links into the Councils sustainable highway network so we would not support any proposals that would reduce its use.

We note from the submitted plans that a vehicle access gate directly out onto Whitelees Road will be maintained. Whilst we accept that a gate may already exist in that location, vehicle access at that location is not supported by a standard vehicle access layout onto Whitelees Rad. We would ask that this access point is not used as a primary vehicle access point into the school grounds as we would require extensive detail on the access arrangements if vehicular use was to be increased through this point.

We also have concerns regarding the position of the fence around the turning head at the end of Duke Street We would ask that the fence is set back a minimum of

500mm from the rear of the kerb line of Duke Street to provide an adequate overrun strip for turning vehicles.

Subject to the above requests Highways would raise no objection to this application.

Env Health - Noise/Odours

No comments received to date

Rights Of Way Officer

Thank you for forwarding the map and fencing designs, the proposal appears to be in the boundary of the school and should not affect the right of way. The definitive route is quite defined and it is easy to observe the exact location of the right of way and the existing fencing should define the boundary of the new fencing or if possible be further onto land pertaining to the school. It should not be erected any further into the width of the right of way.

I attach photographs of the existing fencing for your information, can this be observed when considering the new fencing.

Tree Officer

I believe that they could construct the fencing without substantive tree losses, but only if the works are undertaken with care. Some pruning may also be required.

I would advise that if permission is granted, there should be a Condition requiring an Arboriculture Method Statement and a Tree Protection Plan to be prepared and, once agreed, implemented in full. Any tree losses considered to be absolutely necessary under the terms of the AMS should be compensated through new tree planting.

REPRESENTATIONS

Letters of notification were sent to neighbouring properties and site notices were placed in the vicinity of the site. Two objections were received. The objections have been summarised below:

☐ I do not want to be looking at a huge fence which will make feel like they are behind bars in prison.

☐ Present timber panelled fencing hides the existing fencing. Increasing the fence height would damage aesthetics of neighbouring gardens.

Officer comment: Discussed in design section of the report.

☐ Reduce value of my property.

Officer comment: This is not a material planning consideration and as such is not considered when determining the application.

☐ They previously requested a higher fence with was refused and a smaller one was erected. Now requesting a higher fence again and as this was refused last time I do not see why it should be allowed this time around.

Officer comments: Planning history of a site is a material planning consideration when determining a planning application. A previous application (10/D53040) was granted planning permission. Two other planning applications which included fencing were withdrawn.

☐ Do not want to be restricted by some enormous fence which could impact on peoples wellbeing.

Officer comment: Discussed in the amenity section of the report.

ANALYSIS

Design and Visual Amenity

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to adhere to high quality design and enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. Paragraph 130 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The site is predominantly enclosed with 1.8m high Paladin mesh fencing and gates. To the front, and by the main entrance, there is low level rail fencing and gate. Along Whitelees road there is a stone wall by the highway and 1.8m high Paladin mesh fencing set further back and on lower ground.

In terms of its design, the proposed fencing and gates proposed are of a style that is commonly seen at schools for security. To the east and south east of the site, the application proposes the replacement of the existing fencing and gate with fencing and gate that is 0.6m taller. The colour of the proposed fencing and gate would be black, the same as the existing. The proposed fencing and gate will be see-through Paladin mesh and would have minimal impact given its open appearance. Overall, considering the existing boundary treatment, the proposed boundary is not considered to unduly impact on the visual amenity of the streetscene.

To the southwest and west, the site currently benefits from low level boundary treatment consisting of metal rail fencing and gate. Furthermore, there is the stone wall and Paladin mesh fencing. Due to the land dropping away, when viewed from Whitelees Road, the Paladin mesh fencing slightly projects above the stone wall and is unobtrusive. Overall the boundary treatment along this part of the site is low level and can be easily be climbed. The 3m proposed fencing would replace the 1.8m fencing, therefore when viewed from Whitelees Road, the proposed fencing would not have the visual appearance of a 3m fence. The existing stone wall would be retained. As such, the proposed 3m would not be as visually prominent as would be expected of 3m fencing. It is therefore considered that the 3m fencing would not unduly impact on the visual amenity of the streetscene.

To the main entrance, the metal rail fencing would be replaced by 2.4m fencing and gate. The proposed fencing and gate would be sited in a prominent position and would have the greatest visual impact. It is acknowledged that the present boundary treatment does not provide the necessary security. The use of Paladin mesh design ensures that the visual prominence of the fence is minimised. The proposed black finish will be in-keeping with the existing boundary and would further diminish the visual impact. It is considered a suitable design choice to increase the height of the fence and gate as a reasonable anti-climb measure.

Finally, moving to the north, the proposed fencing presently is set behind the row of trees that run along the northern boundary. The application proposes to site the proposed fencing in front of the trees and therefore close to the public right of way that runs along the northern boundary. This will give a more enclosed feeling when travelling along the public right of way. However, the boundary fencing would have an open aspect and will be viewed in the backdrop of the row of trees, thereby minimising the visual prominence of the boundary fencing.

In light of the above, the proposed fencing and gates are considered to on balance, offer the required level of security through a relatively unobtrusive form of boundary treatment. Therefore, on balance, the proposal is considered to be acceptable in terms of visual amenity and impact on the surrounding area. The application would therefore accord, in this regard, with policy P3 and DM1 in the adopted Core Strategy and the NPPF.

Amenity

Paragraph 185 of the NPPF also states that Planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 130 states that planning policies and decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

The properties that are conceivably most likely to be impact by the proposed boundary treatment are the residential properties of no. 1 and no. 2 Hanover Street. It is noted that there are other properties within close vicinity the application site, however, it is considered that the boundary treatment would be set sufficiently away from these properties to unduly impact on the amenity of the occupants of these properties.

The rear elevations of no. 1 and no. 2 Hanover Street are set approximately 6.6m to the boundary. There is no specific guidance in regards to the distance a boundary treatment should be from the rear elevation of a residential property, however it is noted that paragraph 4.1 of the Guidelines and Standards for Residential Development SPD (SPD) states that a 10m distance should be retained between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room. It is noted that the proposed boundary treatment by these properties would be 0.6m taller than the existing

boundary treatment and would have a total height of 2.4m. Furthermore, the boundary treatment consist of Paladin fencing with open aspect and therefore allow light to go through it. Furthermore, it is noted that properties already have boundary treatment consisting of timber panels that is of a similar height as the existing boundary treatment. As such, only 0.6m on top of the fence would be visible. It is considered that this would not substantially restrict the level of light and outlook experienced from the habitable rooms.

It is acknowledged that the present boundary treatment at the school is relatively low and does cause a security risk for the children at the school. The proposed boundary would meet the requirements set out in national guidance in regards to boundary treatment (Site Security Guidance, 2019).

On balance, the proposal is considered to be compatible with Policy DM1 of the Council's Core Strategy and the requirements of the National Planning Policy Framework.

Highways

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The highways department did not consider the boundary treatment would have an impact on the wider adopted highway network itself, however, concerns were raised in regards to an existing vehicle access gate on to Whitelees Road and the distance of the boundary treatment from the kerb line on the turning head on Duke Street. Subsequently the applicant has removed the access gate on to Whitelees Road and set back the boundary treatment by 500m from the kerb line on the turning head on Duke Street as requested by the highways department.

There are two public rights of way that run close to the site. The public right of way that is most likely to be impacted by the proposed boundary treatment is the public right of way that runs along the north and northeast of the site. To the northern boundary, the boundary treatment is presently set behind a row of trees, however, the proposed boundary treatment will be set in front of the row of trees and therefore close to the public right of way. The highways department noted that this is a strategic route for users and provides links into the Councils sustainable highway network and therefore would not support any proposals that would reduce its use. The Council's Public Right of Way Officer noted that the boundary treatment would be on the school's land and therefore should not affect the right of way. The Public Right of Way Officer added that the route is defined and it is easy to observe the

exact location of the public right of way and the existing fencing should define the boundary of the new fencing or if possible be further onto land pertaining to the school. Finally, the Public Rights of Way Officer added that the proposed boundary treatment should not be erected any further into the width of the public right of way. It is considered appropriate adding an advisory notice with any decision notice to inform the applicants of the legal rights in regards to public rights of way.

It is therefore considered that the proposal is acceptable in regards to highway safety and would comply with DM1 and T2 of the Core Strategy and NPPF.

Ecology and trees

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Policy G6 of the adopted Core Strategy expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

There are number of trees scattered around the site and in close vicinity to the proposed boundary treatment. The applicant confirmed that not trees will be felled. The Tree Officer believes that the proposed boundary treatment can be installed without substantive tree losses, but only if the works are undertaken with care. Additionally, there is likely to be some pruning required. As such the Tree Officer recommended that a condition requiring an Arboriculture Method Statement and a Tree Protection Plan should be provided prior to installation of the boundary treatment. The applicant has agreed to the necessary pre-commencement planning condition.

Subject to the inclusion of the conditions, the proposed is considered to acceptable and would comply with G6 of the Core Strategy and NPPF.

RECOMMENDATION GRANT SUBJECT TO FOLLOWING CONDITIONS:

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 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:-
 - Site Plan as Existing and Location Plan. Drawing no: P-01
 - Fencing Elevations A,B,C,D as Existing. Drawing no: P-02
 - Site Plan as Proposed. Drawing no: P-03A
 - Fencing Elevations A,B,C,D as Proposed. Drawing no: P-04A
 - Typical Elevation Details as Proposed. Drawing no: P-05

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. The fencing and gates hereby approved shall be black RAL 9005 in colour and shall be retained as such thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. Prior to the commencement of the hereby approved development (including site preparatory works), a scheme for the protection of the retained trees in accordance with BS 5837:2012, including Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The details the AMS and TPP shall include but not be limited to:

- a) Locations of retained trees and root protection areas of these trees.
- b) A specification for protective fencing to safeguard retained trees during groundworks and construction phases and a plan indicating the location and alignment of the protective fencing.
- c) Specifications of signage clearly defining tree protection areas.
- d) Methods of ground clearance which may be required within the root protection areas (RPA as defined in BS 5837: 2012) of the retained trees
- e) Details of any required construction within the RPA or that may impact on the retained trees.
- f) A full specification for the installation of boundary treatment works which may affect trees.
- g) A methodology for Arboricultural site supervision and inspection by a suitably qualified tree specialist.
- h) An approach to reporting of inspection and supervision.

The development thereafter shall be implemented in accordance with the approved details.

Reason: To safeguard the trees, and to conserve biodiversity value in accordance with Policies G6, G7, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Protection measures for retained trees are required to be in place prior to commencement to ensure no damage is caused.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised

sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

1. The applicants are reminded that all nesting birds their eggs and young are legally protected under the Wildlife and Countryside Act 1981.
2. All bats and their roosts are protected under the Wildlife and Countryside Act 1981; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and by the Conservation of Habitats and Species Regulations (2010).
3. The applicants are advised that they will have to ensure that the legitimate use of the public rights of way network in the area are available to the general public at all times and there are no risks whilst exercising this right. The public rights of way should not be disturbed, diverted or excavated prior, during and following completion of the proposed works. It should be noted that it is an offence to obstruct a public right of way. The applicant is advised to contact the Council's public rights of way officer for further guidance.
4. If the applicants needs to temporarily close any part of the adopted highway or public right of way network during the construction period these closures must be in place prior to the commencement of the required works. Additionally, if temporary traffic/pedestrian management arrangements are required, please liaise with the Council's Highway Department before undertaking such work.