

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

10 March 2014

**1 PROPOSED ERECTION OF WELD MESH SECURITY
FENCING AND GATES AT HOLMESDALE INFANT
SCHOOL, THE AVENUE, DRONFIELD
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD4/1213/136**

4.2419.10

(1) **Purpose of the Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This application proposes the erection of 2.4 metres high weld mesh security fencing and gates at Holmesdale Infant School, The Avenue, Dronfield.

The proposed fencing would be installed adjacent to two sections of the school boundary; fencing would be installed along the southern boundary adjacent to The Avenue incorporating a 2 metres wide pedestrian gate and 3.6 metres wide vehicle gates, and then continuing along a short section of the western boundary. Fencing would also be installed along a short section of the northern school boundary, either side of an existing pedestrian entrance, incorporating a 2 metres wide pedestrian gate.

The proposed fencing would be powder coated dark green (RAL 6009).

Consultations

Local Member

Councillor Hill (Dronfield East) supports the proposal.

North East Derbyshire District Council and Dronfield Town Council

Were consulted on 18 December 2013 with comments requested by 16 January 2014.

Crime Prevention Officer

Was consulted on 18 December 2013 with comments requested by 16 January 2014.

Public

Publicity

The application has been advertised by site notice with a request for observations by 21 January 2014. Five letters of objection have been received as a result of the publicity, raising the following points:

- Loss of visual amenity.
- Lack of access to maintain mature boundary hedge.

Planning Consideration

Planning applications must be determined in accordance with the provisions of the development plan and other material considerations. In this case, the relevant policies of the development plan are contained in the adopted North East Derbyshire Local Plan policies which are listed at the end of the report and individually referred to where applicable.

The key planning considerations for this application are:

- Need for the development.
- Design and appearance of the development.
- Impact on the local amenity.
- Impact on the recreational facilities.

Need for the Development

The application states that the proposed fencing is required to improve site security to prevent further unauthorised access onto the school site, and to improve child protection by preventing pupils from leaving the site unattended. The application refers to recent occurrences of vandalism to school equipment. On this basis, I consider that there is a need for the development in order to improve site security and to improve child protection measures.

Design and Appearance of the Development

Policy BE1: General Design Principles of the adopted North East Derbyshire Local Plan is the relevant policy for consideration when assessing the design and appearance of the proposed fencing and gates. I consider that the proposed fencing and gates would conform to the requirements of the policy in terms of its scale, massing, height and layout with regards to the existing school building and site boundary.

I therefore consider that the design and appearance of the proposed fencing, and gates would be in accordance with the requirements of this policy.

Impact on Local Amenity

Policy GS1: Sustainable Development of the adopted North East Derbyshire Local Plan is the relevant policy for consideration when assessing the impact of the development on neighbouring amenity.

Public

The objections raised by the local residents are mainly based on the misunderstanding that the proposed security fencing would be erected around the entire school site and letters have been sent out notifying the local residents of the proposed locations of the security fencing.

The main section of fencing, to be located adjacent to The Avenue, would be in a prominent position and be clearly visible. Its impacts, however, would be minimised given the design specifications of the proposed security fence and retention of the existing hedgerow which would reduce the appearance of the fencing.

The fencing to be located along the northern boundary would replace existing palisade security fencing and extend the existing fence line. Sections of this fencing would be screened by the existing boundary hedge and, given the colour and design specification for the fencing, I do not consider it would have a significant impact on the neighbours' visual amenity.

I consider that the development, given its design, appearance and location would be in accordance with the policy and would not have an adverse impact on the general amenity.

Conclusion

I consider that the development would not have a significant impact on the visual amenity and that it accords with the policies of the adopted North East Derbyshire Local Plan. Accordingly the development is recommended for approval. For the reasons stated in the report, I consider the impact upon residents caused by the fence's design and location would not cause any unacceptable detriment to residential amenity and the concerns raised do not warrant a sustainable reason for refusal of this planning application.

No objections have been raised by the Highways Authority and no public rights of way would be affected.

(3) **Financial Considerations** The correct fee of £195 has been received.

(4) **Legal Considerations** This is an application under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

Public

(5) **Environmental and Health Considerations**

As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File 4.2419.10

Application documents from the Director of Property dated 11 December 2013. Correspondence from the Highways Area Management Division dated 19 December 2013, Councillor Hill (Dronfield East) dated 2 January 2014 and representations from a local resident dated 7 and 10 January 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **approved** subject to the following conditions:

Commencement

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details in the 1APP form dated 11 December 2013, the Design and Access Statement, Tree and Arboricultural Statement and the accompanying drawings (Drawing No's – PBS13-0359-01 and PBS13-03559-02).

Reason: To clarify details of the approved development and to enable the County Planning Authority to monitor the development in the interest of the local amenity.

Reasons for Approval

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework (NPPF) published by the Department of Communities and Local Government on 27 March 2012.

Public

There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

The development under the planning permission with the conditions above is in accordance with the relevant policies of the development plan, which are listed below:

Policies

The principal planning policies relevant to this grant of planning permission are:

Adopted North East Derbyshire Local Plan Policies:

GS1: Sustainable Development.

GS5: Settlement Development Limits.

BE1: General Design Principles.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Public

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Signed.....Date.....

Mike Ashworth
Strategic Director - Economy, Transport and Environment

