

Agenda Item No. 3.3

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 July 2016

Report of Strategic Director – Economy, Transport and Communities

**3 PROPOSED ERECTION OF SECURITY FENCING AND GATES AT
SWANWICK HALL SCHOOL, THE GREEN, SWANWICK, ALFRETON
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD6/0316/145**

6.1821.23

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

(2) **Information and Analysis** This application proposes the erection of 2.4 metres (m) high weldmesh security fencing, incorporating vehicle and pedestrian gates at Swanwick Hall School. The works are being undertaken as part of a wider reorganisation and improvement of the school's staff car parking and site security measures. The works associated with the car park do not require planning permission and are therefore only included as part of the current application for information purposes.

The school site is located within a residential area to the south of Swanwick village and is bounded by The Green and Derby Road to the north and west respectively. To the south and east of the school are residential areas accessed off Hayes Lane and Hickton Road. The Grade II listed St Andrews Church is located adjacent to the north-east corner of the school site. The main Swanwick Hall school building and adjacent Coach House are both Grade II listed. Access to the school is via The Green and Derby Road.

The proposed fencing would be installed internally within the school site around the perimeter of the school's north-west staff car park close to Derby Road. The proposed fencing would link in to existing boundary fencing along the western school boundary, dog leg around an existing bin storage area and then alongside the path at the side of the access drive. Gates would then be placed at the bottom of the access drive and path with a 1.2m wide pedestrian gate and 3.6m wide vehicle gates. The fencing would then be positioned along the eastern boundary of the car park up to the school's northern boundary, close to the north-eastern corner of the adjacent St Andrews Church.

The proposed fencing would be powder coated black (RAL 9005).

Consultations

Local Member

Councillors Marshall-Clarke (Alfreton and Somercotes) and Smith (Alfreton and Somercotes) have been notified.

Amber Valley Borough Council

Raised no objection.

Swanwick Parish Council

Comments were requested by 12 May 2016.

Publicity

The application has been advertised by site notice and press notice with a request for observations by 19 February 2016. A letter of representation has been received which objects to the proposed development on the grounds that the proposals would be contrary to the planning policies contained within the National Planning Policy Framework (NPPF) and the saved policies of the adopted Amber Valley Borough Local Plan by virtue of its impact on heritage assets. The representation also raises the following issues with the advertising of the application and application details.

1. The site address on the Design and Access Statement does not match that stated on the Application Form or the site and press notices.
2. The Design and Access Statement states that the school site is located within Bolsover, not Amber Valley.
3. The site address stated on the Application Form and site/press notices are incorrect.
4. The site/press notices states that two school buildings are Grade II Listed, but the Design and Access Statement has no reference to a Heritage Setting Assessment or Landscape and Visual Impact Assessment to ascertain if the proposed development would affect a listed building or its setting.
5. The site/press notice and Design and Access Statement do not mention the development would affect the setting of the adjacent to St Andrew's Parish Church which is a Grade II Listed Building.

Comment: Where relevant, the issues relating to planning policy issues will be addressed in the 'Planning Considerations' section below.

With regard to points 1 and 2, the comments are noted and the applicant has subsequently revised the text of the Design and Access Statement so that it is consistent with the information provided on the Application Form and also to make reference to the correct district council area. With regard to point 3, the applicant has also confirmed that the Application Form states a correct address for the school. Further information has been provided in the Design

and Access Statement in respect of the potential impact of the development of the nearby listed buildings.

The issue relating to publicity is noted and the application was re-advertised by site notice and press advert (Alfreton Chad) with a request for responses by 20 June 2016. At the time of writing, no further representations had been received.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted Amber Valley Borough Local Plan and the NPPF.

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

Adopted Amber Valley Borough Local Plan Policies

LS1: Sustainable Development.

LS3: Design.

EN24: Listed Buildings.

The key planning considerations for this application are:

- Need for development.
- Design and visual impact.
- Heritage assets.

Need for Development

The application states that the proposed security fencing would improve site security and deal with potential pupil safe guarding issues by securing the schools north-east car park, with the school identifying the car park as an area of the school site with potential security and safe guarding issues.

On the basis of the above, I consider that there is a clear need for the proposed development which would provide the school with appropriate security measures to address site security and safe guarding concerns. It is further noted that much of the existing school boundary has already been made secure through the use of 2.4m high security fencing of the type proposed and the current proposals would further secure the north-west car park area.

Design and Visual Impact

The proposed fencing would be set back from the main frontage of the school and set against the back drop of existing hedges, trees and modern school buildings, with design and materials of the proposed fencing matching the existing boundary fencing. The fencing would not be in a prominent position and would be screened from view by existing boundary hedges, trees and fencing, with the dark recessive colour and design specification of the fencing, which allows through views, minimising its visual impact. The type and style of fencing proposed would also match other 2.4m high fencing present at the site in terms of height, style and colour, and provide a coherent appearance to the school site boundary.

I consider that the fencing would respect the character of the locality in terms of its scale, layout, height and materials, and would comply with the requirements of Policy LS3: Design, of the Amber Valley Borough Local Plan.

I am therefore satisfied that the proposed fencing is of an appropriate designed and located to minimise the development's impact on the character of the school site or have any adverse impact on visual amenity.

Heritage Assets

The main school building at Swanwick Hall School, as well as the former coach house associated with it, is Grade II listed. A further early 20th century school building, located within the school grounds, is considered a "curtilage listed" structure. The adjacent St Andrew's Church is also Grade II listed.

The proposed fencing would be located some distance from the Grade II listed Swanwick Hall school building and Coach House, and would be well screened by intervening existing school buildings and trees. The fencing would also be positioned adjacent to the boundary with the Grade II listed St Andrews Church. In considering the urban context of the school site, as well as the local topography, where the fencing would be positioned below the ground level of the Church and screened from view by existing boundary vegetation of approximately the same height as the fencing proposed, any impacts on the setting of the Church would be minimal. As noted above, the dark colour of the fencing that has been specified would ensure that it is as visually recessive as possible.

It is further worth noting that fencing of the same type and style is already located close to St Andrews Church and that any potential impacts on the setting of the Church would not significantly increase as a result of its installation.

Overall, I consider that the fencing would be subordinate to and blend in with the adjoining school buildings and vegetation, and would not have a detrimental impact on the setting of the listed buildings. I therefore consider

that the proposed development would not have an adverse impact on the setting of the listed buildings and, as such, would be in accordance with Paragraph 132 of the NPPF and Local Plan Policy EN24.

Conclusion

The proposed security fencing and gates are of an appropriate design and scale, and would be positioned so as not to adversely affect the setting of the two listed school buildings or the adjacent listed Church.

The development would improve security at the school and alleviate safe guarding concerns which have been raised in relation to the car park's security. I consider the design of the fencing is appropriate for the location and I do not consider that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms.

I am satisfied that the benefits of the development would outweigh the minor impacts and the development, which would therefore comply with the NPPF's presumption in favour of sustainable development, and would accord with the saved policies of the adopted Amber Valley Borough Local Plan. I consider this development to be acceptable and would recommend approval.

No objections have been raised by the Highway Authority and no public rights of way are 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 below.

(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, social value and transport considerations.

(6) **Background Papers** File 6.1821.23

Application documents from the Director of Property dated 23 March 2016. Correspondence from Highways Area Management Division dated 5 April 2016 and 21 April 2016. Letter of Representation dated 18 April 2016 and Amber Valley Borough Council dated 26 April 2016.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** 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 Country 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 23 March 2016, Design and Access Statement and the accompanying drawings (1499-01-ICM-050, 1499-01-ICM-051 Revision A).

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

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

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.

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

Mike Ashworth
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CD6/0316/145 Swanwick Hall School

