

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

29 July 2013

Report of the Acting Strategic Director – Environmental Services

**1 PROPOSED INSTALLATION OF SECURITY FENCING AT
MARSTON MONTGOMERY PRIMARY SCHOOL,
THURVASTON ROAD, ASHBOURNE
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/0713/62**

3.1614.12

(1) **Purpose of the Report** To enable the Committee to determine the application described in this report, following receipt of an objection to it.

(2) **Information and Analysis** This application proposes the installation of 65 linear metres of 2.4 metres high security fencing along the rear of Marston Montgomery Primary School, Thurvaston Road, Ashbourne.

The proposal requires the removal of the existing dilapidated, low level timber fencing and an existing Wild Cherry Tree to the rear of the existing school.

The existing timber fence would be replaced with a 2.4 metres high Securicor 3D security fencing which would be coloured green (RAL 6005).

Due to an administrative error, this application has been notified twice under separate planning application code numbers.

Consultations

Local Member

Councillor Lewer has objected to the proposal with the following comments:

'I object on the basis of height of the fence in an especially quiet and rural area which would stand out, the proposed fence is less appropriate than the existing fence.'

Derbyshire Dales District Council and Marston Montgomery Parish Council

No objections.

Publicity

The application has been advertised by site notice with a request for observations by 26 July 2012.

As a result of the publicity no letters of representation have been received.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless 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 Derbyshire Dales Local Plan (2005) and the National Planning Policy Framework (March 2012).

National Planning Policy Framework (NPPF)

The NPPF states that local authorities taking decisions on planning applications should consider issues relating to good design and conserving and enhancing the natural environment. County developments should therefore have regard to policies in the NPPF so far as relevant.

Derbyshire Dales Local Plan

The adopted Derbyshire Dales Local Plan policies SF4 and SF5 ensure that proposals should adhere to principles of good design and preserving the landscape.

Having assessed the key development plan policies, I consider the central planning considerations for this application relate to:

- Need for development.
- Ecology.
- Landscape and visual impact.

Need for Development

The application form states that the proposed security fence would improve the existing security at the school.

Ecology

Fourteen existing trees are in the vicinity of the proposed security fence, one of which needs felling. I consider that the development of the proposed security fence could adversely affect the root zone of the existing trees but no method statement for root protection has been submitted as part of the application. I have therefore recommended a planning condition for a scheme requiring a tree protection plan and mitigation method statement.

Landscape and Visual Impact

I consider that the location of the proposed security fence to the rear of the school would be well screened by existing school infrastructure and could not be easily overlooked from the public realm. The proposed fence has been designed to ensure good through view, with anti-climb and anti-cut features.

The fence would be coloured Green (RAL 6005) which would reduce the visual impact on the surrounding environment.

I have considered the objections from the local Member in relation to the obtrusive height of the proposed fence in a rural area which would be less appropriate than the existing fence. Although the school is rural in location, it is not a Listed Building nor is it located within a Conservation Area. The location of the fence would be coloured Green to blend into the surroundings and its proposed location is only partially visible from the public realm. I note that there have been no objections raised from the District Council, Parish Council or any local residents.

I consider that the proposed design would not adversely affect the character and appearance of the countryside, and consequently would not be detrimental to local amenity or to the open views of the existing countryside.

No rights of way are affected and there are no highway objections.

Conclusion

I consider that there are no significant impacts on the visual amenity, the proposed development would be acceptable and I would recommend approval.

(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.

(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 No 3.1614.12

Application form and supporting documents received from the Director of Property dated 2 July 2012.

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

- 1) That the development shall be begun before the expiration of three years from the date of the decision.

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

- 2) The development shall be carried in accordance with the application details dated 10 May 2013.

Reason: To confirm the details approved.

- 3) A working method statement identifying tree and root mitigation statement shall be submitted to and approved in writing by the County Planning Authority, and implemented prior to the commencement of the development.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interest of visual amenity and local landscape character.

- 4) No tree removal shall be undertaken during the bird nesting season (March – August inclusive) unless a bird nest check of the trees to be removed has been undertaken immediately prior to the works by a suitably qualified and experienced ecologist. Any nests found during such a check shall be protected from disturbance until all young birds have fledged.

Reason: To ensure that the development does not disturb breeding birds, or, if this is likely to happen, appropriate mitigation measures are in place in the interests of nature conservation.

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.

Reasons for Approval

The planning application has been determined having regard to the development plan and other material considerations (including chapters 7 and 11 of the National Planning Policy Framework) as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The development under the planning permission with the conditions above is considered to be in accordance with the relevant policies of the development plan, which are listed below. There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

Policies

The development plan policies relevant to this grant of planning permission are:

Adopted Derbyshire Dales Local Plan

SF4: Development in the Countryside.

SF5: Design and Appearance of Development.

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) In accordance with the requirements of Section 76 of the Town and Country Planning Act 1990, attention is drawn to:
 - i) Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970; and

- ii) Building Bulletin 91 "Access for Disabled People to School Buildings, Management and Design Guide" published in 1999 or any prescribed document replacing that code.

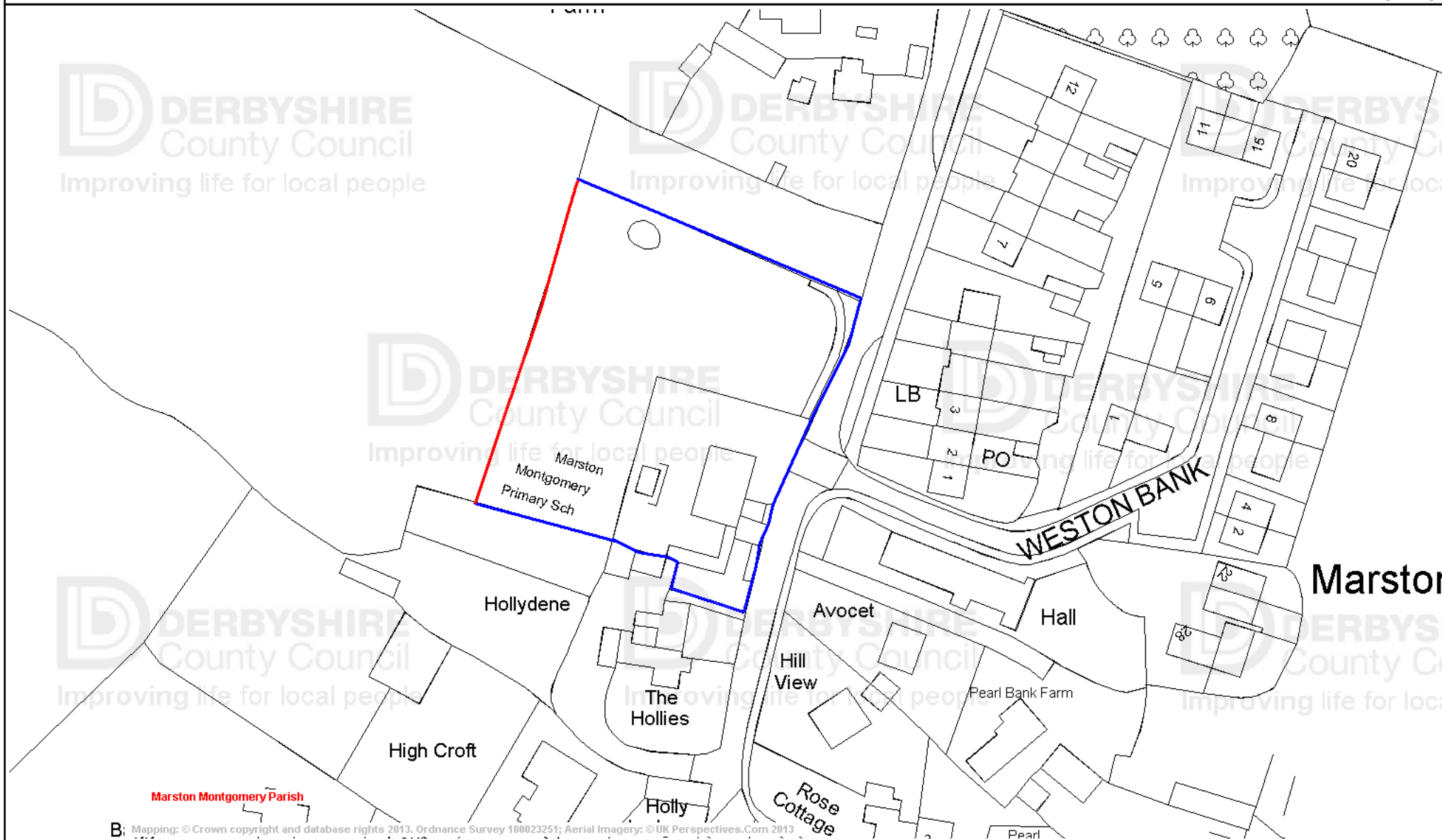
Signed.....

Dated.....

Mike Ashworth
Acting Strategic Director - Environmental Services

Title

Marston Montgomery Primary School



Marston Montgomery Parish

B: Mapping: © Crown copyright and database rights 2013. Ordnance Survey 100023251; Aerial Imagery: © UK Perspectives.Com 2013



DERBYSHIRE
County Council
Improving life for local people

© Crown copyright and database rights 2013. Ordnance Survey 100023251.
You are not permitted to copy, sub-licence, distribute or sell any of this
data to third parties in any form.

Date 21/5/2013

Scale 1/1024

at A4

RAS