

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

9 February 2015

Report of the Strategic Director – Economy, Transport and Environment

- 3 PROPOSED INSTALLATION OF A 2.4 METRES HIGH WELDMESH FENCE, AUTOMATED SLIDING VEHICULAR ACCESS GATE, CCTV CAMERA POLE AND THE REBUILDING OF SITE BOUNDARY BRICK WALLS AT SWANWICK HALL SCHOOL, DERBY ROAD, SWANWICK**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD6/1014/89

6.1821.14

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

(2) **Information and Analysis** The application proposes to improve the site security at Swanwick Hall School, Derby Road, Swanwick. The school site incorporates two grade II listed buildings which would not be affected by the development. The proposed development comprises:

- Approximately 530 linear metres of 2.4 metres high weldmesh fencing to the school's western boundary, along Derby Road, and part of the southern boundary (marked A on the attached plan). The fencing would be coloured black (RAL 9005), to match the existing fencing, and would incorporate a single pedestrian gate along the southern boundary.
- A single 6 metres high galvanised steel pole for mounting new CCTV camera equipment at the vehicular entrance to the north-west corner of the site (marked B on the attached plan).
- Rebuilding the existing boundary wall adjacent to the vehicular entrance off The Green (marked C on the attached plan). The wall would be of brick construction to a height of 1.6 metres.
- Construction of a 0.6 metre high brick retaining wall along the pavement edge adjacent to the vehicular entrance off The Green (marked D on the attached plan).
- Replacement of the existing double swing vehicular gates with an automated sliding gate (marked E on the attached plan). The replacement gate would be 2.4 metres high and coloured black (RAL 9005) to match the existing security fencing. The replacement would include the

installation of a sliding gate main tower, catch post and rear roller mounted on concrete plinths.

- Upgrading the existing vehicular double gates adjacent to The Green (marked F on the attached plan) to incorporate an automated system controlled by a visual and audio entry system.

Consultations

Local Member

Councillor Marshall-Clarke has been consulted with a request for comments by 19 November 2014.

Amber Valley Borough Council

No objections.

Swanwick Parish Council

Although the Parish Council acknowledge the importance of site security and health and safety, it objects on the following points:

- Lack of need for the fence.
- Visual impact along Derby Road.
- The fencing would be contrary to Amber Valley Borough Local Plan policy LC3 by preventing access to the site to the public.

Crime Prevention Design Adviser

Raised no objections with the following comment: the proposal would tackle existing problems with crime and trespass on site.

Publicity

The application was advertised by site notice with a request for observations by 20 November 2014. As a result of the publicity, five letters objecting to the application have been received raising the following points:

- Conflict with Amber Valley Borough Local Plan Policy LC3: Playing Fields, Parks and Informal Open Spaces by restricting access to the site.
- Impact on the street scene along Derby Road and the individual character of the village.
- Lack of identified need.
- Impact on the public footpath.
- Removal of trees along Derby Road.
-

The planning points raised are considered in the 'Planning Considerations' section below.

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.

The principal planning policies relevant to this application are:

National Planning Policy Framework (NPPF)

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 58: Requiring good design.

Adopted Amber Valley Borough Council Local Plan Policies

LS1: Sustainable Development.

LS3: Design.

LC3: Playing Fields, Parks and Informal Open Spaces.

Amber Valley Borough Council Pre-submission Core Strategy

SS13: Presumption in Favour of Sustainable Development.

E2: Quality and Design of Development.

The key planning considerations for this development are:

- Need for the development.
- Design and visual impact.
- Community access.

Need for the Development

The application states that the development is required in order to improve security on the site as a result of a number of instances of trespass and vandalism. The site is open in nature and is particularly popular with dog walkers. In recent years, a number of schools in Derbyshire suffering similar problems have received similar security improvements.

I accept that the school has a duty to ensure the safety and well-being of its students, and that previous attempts to secure the site have been unsuccessful. I am therefore satisfied that there is a need for this development.

Design and Visual Impact

The main impact of this development would be the erection of fencing on Derby Road. To facilitate the installation of the security fencing along Derby Road, 13 trees would require removal and crown lifting would be required to 2 others. The existing hedgerow would also be cut back to centre to allow the installation of the fencing panels. Although this would lead to an opening up of the western boundary, which would have an adverse visual impact in the short term, I consider that the impact would lessen over time as the retained vegetation recovers. I am therefore satisfied that the visual impact of the

proposed fencing would diminish over time and, on balance, the need to increase the security on the school site to protect the safety and well-being of the students outweighs the visual impact of the development.

I have also recommended planning conditions to control the detail of the brick walls to the north of the site and that the proposed CCTV pole is coloured black to minimise its impact.

Community Access

A number of the objections relate to the proposed fencing being contrary to Amber Valley Borough Local Plan Policy LC3 by restricting access to the site by the community. The school site is shown on the Amber Valley Borough Local Plan Proposals Map as being covered by Policy LC3. However, the objective of this Policy is to protect existing playing fields from built development and does not provide for the school grounds to have open access by the public.

I am satisfied that the school grounds do not have open public access and that the applicant has justified the need for the security fencing. The proposed development would not result on a loss of playing field and, as such, I am satisfied that it would not be contrary Policy LC3.

Highways and Rights of Way

There are no highway objections.

Swanwick Public Footpath No.14 abuts part of the southern boundary of the site. I am satisfied that the proposed development would not impact on the public footpath.

(3) **Financial Considerations** The correct fee of £385 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.

(6) **Background Papers** File No. 6.1821.14.

Application documents received from the Director of Property dated 22 October 2014, additional and revised information dated 10 December 2014. Consultation responses received from Amber Valley Borough Council dated 12 November 2014, Swanwick Parish Council dated 26 November 2014, Crime Prevention Design Adviser dated 6 November 2014, Highways Area Management Division dated 30 October 2014 and the Rights of Way Section dated 30 October 2014.

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

- 1) The development 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) The development shall be carried out in accordance with the application documents dated 22 October 2014, and additional and revised information dated 10 December 2014, or as otherwise amended by conditions of this planning permission.

Reason: To clarify the details approved.

- 3) The CCTV pole shall be coloured black (RAL9005).

Reason: In the interests of visual amenity.

- 4) Before the construction of the two walls adjacent to the site entrance on The Green, details of the design and materials to be used shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of visual amenity.

Statement of Compliance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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) 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.
- 3) 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

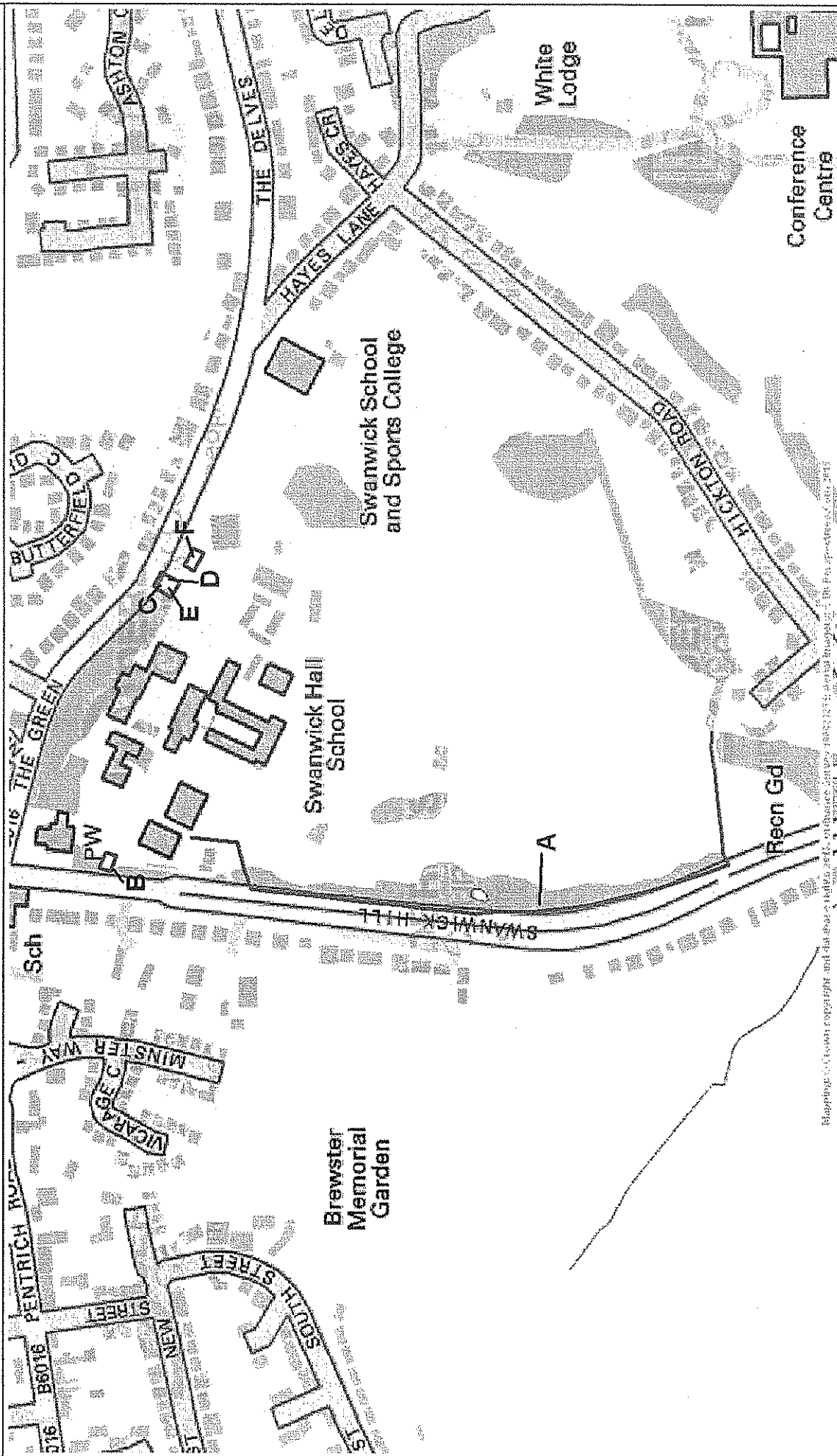
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

- 4) Swanwick Public Footpath No.14 abuts part of the southern boundary of the area outlined on the Location Plan provided. Please note:
- The route must remain open, unobstructed and on its legal alignment at all times.
 - There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area.
 - Consideration should be given to members of the public using the route at all times.
 - A temporary closure of the route may be granted to facilitate public safety, subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section.
 - If a structure is to be erected adjacent to the Right of Way, it should be installed within the site boundary so that the width of the Right of Way is not encroached upon.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

CD6/1014/89 Swanwick Hall School, Derby Road, Swanwick



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Date 15/1/2015
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