

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	27 <sup>th</sup> May 2020
Planning Development Manager authorisation:	SCE	27.05.20
Admin checks / despatch completed	CC	28.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	28/05/2020

**Application:** 20/00469/FUL **Town / Parish:** Weeley Parish Council

**Applicant:** Diane Fawcett - Governors of St Andrews

**Address:** St Andrews C of E Primary School Clacton Road Weeley

**Development:** Proposed boundary fence replacement.

### **1. Town / Parish Council**

Mrs Nicola Baker

Weeley Parish Council takes a particular interest in this application as part of the school boundary abuts land owned by WPC, namely the Weeley Playing Field and the adjoining Spinney. We note that the replacement fence is to be increased significantly in height.

On our land there are a number of mature and semi-mature trees adjacent to the boundary which may need protection during the works. There is also a mature hedge running along the boundary with the playing field, owned and maintained by the Parish Council. We have had no communication with the school about this application so we are unclear how the fence will be installed in relation to this hedge.

Finally, it is incorrect to say that there is no watercourse within 20 metres of the site. ECC's flood and water management team identified a natural watercourse running along the back of the Spinney which recently caused flooding problems due to a damaged water main on the school site.

### **2. Consultation Responses**

Tree & Landscape Officer

In terms of the impact of the development proposal on existing trees, hedges and other vegetation it is noted that many of the school boundaries are well planted with, or adjacent to, established hedgerows some containing large trees.

As the development proposal has the potential to have an adverse impact on the preserved trees and boundary hedges special precautions should be taken to avoid or minimise potential harm to them.

In terms of the preserved trees the positions of post holes should be such that digging them out does not cause damage to the roots of protected trees. In essence this could be by 'stepping' the fence around the trees in order to avoid major roots, by digging more shallow post holes close to tree or by extending the fence panel length when near preserved trees to avoid the need to dig a post hole.

### 3. Planning History

00/01539/FUL	Relocation of classroom and addition of toilets (Renewal of planning permission TEN/95/1041)	Approved	11.10.2000
TRE/95/30	G.1 - 5 Limes - remove deadwood	Current	03.08.1995
TRE/96/19	G.1 - 5 Limes - 30% crown reduction of trees adjacent to Gutteridge Hall Lane	Current	23.05.1996
TRE/96/25	T.6 - Oak - Pollard	Current	07.08.1996
01/00180/FUL	Conservatory type extension to classbases 3 and 4	Approved	21.03.2001
01/00239/FUL	Erection of pre fabricated building for use as nursery unit in school grounds	Approved	05.04.2001
02/01517/TPO	Oak trees - To remove dead wood and overhanging branches. Lime trees - Prune back growth away from cables. Remove epicormic growth and dead wood, lift crowns.	Approved	04.09.2002
94/00626/FUL	(St Andrews C of E Primary School, Main Road, Weeley) New infant class building to rear of existing school and alteration to main hall roof	Approved	21.07.1994
95/01041/FUL	(St. Andrews Grant Maintained C of E Primary School, Main Road, Weeley) Relocation of classroom unit and addition of toilets	Approved	09.11.1995
96/00111/FUL	(Land to rear of St Andrews School, Gutteridge Hall Lane, Weeley) Change of use from agricultural land to school playing field extension	Approved	26.03.1996
02/01660/FUL	Infill extension to provide toilet accommodation for disabled person	Approved	27.09.2002
03/00524/FUL	Tarmacadam playing ground within playing field	Approved	14.05.2003
05/00855/TPO	Crown reduce 5 Tilia Cordata (Limes)	Approved	07.06.2005
06/00472/FUL	Erection of pre fabricated building for use as nursery unit in school grounds. Re-submission of	Approved	09.05.2006

	01/00239/FUL.		
06/01730/FUL	Single storey rear extension to form staff room.	Approved	05.01.2007
08/01611/FUL	Removal of temporary classroom and two storage containers and construction of new double classbase building. Fenestration changes to main school building.	Approved	09.01.2009
09/00403/FUL	Erection of four sail sun shade canopies.	Approved	19.06.2009
11/00408/TPO	Lime (T29) - pollard to a height of 3 metres to reduce load bearing stresses on the decaying area in the lower trunk	Approved	26.04.2011
14/01328/FUL	Proposed canopy and continued use as pre - school.	Approved	07.11.2014
14/01700/FUL	Proposed canopy & continued use as pre school.	Approved	05.01.2015
20/00469/FUL	Proposed boundary fence replacement.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM7a Protection of Existing Playing Fields, Including School Playing Fields

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

## **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

St Andrew's C of E Primary School is located on the corner of Clacton Road and Gutteridge Hall Lane in Weeley, Essex. The school is spread out on the site over several buildings; main school with extensions and newer buildings of varying ages constructed over the years. One of the buildings is a modern Preschool building. None of these are listed and the school is not located within a Conservation Area.

The school boundary runs around the site of Weeley Village Hall. There is a shared access route through the middle of the school site, where by both the school and the Preschool have right of access.

The school is set in quite a rural area with surrounding fields and is located directly adjacent to the local Village Hall. The school is located on the B1441 Clacton Road. Situated in a rural area, the school backs onto Weeley Village Hall to the north, residential properties to the south, and a settled travellers' encampment site to the west.

There is a public highway along Gutteridge Hall Lane, the rear and side perimeter of the school, where the existing external fences consist of low level chain link fencing (ranging in height from 1.40m to 1.8m high), with a set of metal vehicular gates to the rear, and another set to the staff car park also.

### Description of Proposal

The existing site has a mix of chain-link fencing and some more modern powder coated metal mesh security fencing varying in heights. The school colour is a dark green which most of the fencing matches but varying in shades. The chain link fencing around the perimeter of the site is in

a very poor state and in need of repair or replacement. On the roadside boundary of Gutteridge Hall Lane where the school, there is some temporary Heras fencing used to close the gap where the chain-link fencing has been broken and fallen down.

The biggest issue the school site encounters is security and safeguarding. None of the fencing provides any form of security as the fencing can easily be scaled or overcome. This leaves concerns for the welfare of the young children who study at the school. The fencing is also only 1.8m high at the highest points and cannot be considered as a security fence leaving the school site and occupants vulnerable.

All existing gate openings and fencing around the site will be replaced in the same locations.

### Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Representations; and,
- Other Considerations.

### Principle of Development;

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The site is located outside the settlement boundary and proposals for development outside the defined development boundaries of settlements will be permitted provided that the development satisfies the general design criteria set out in Policies QL9 and QL10.

### Layout, Scale and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

Within the grounds of the school there 6 Oak trees and 5 Lime trees that are afforded formal legal protection by Tendring District Council Tree Preservation Order 93/37/TPO. The eastern boundary of the land forming part of the school grounds, and currently being used for the grazing of horses, abuts the small Spinney in the adjacent recreation ground which is also afforded formal legal protection by Tendring District Council Tree Preservation Order 97/34. It is considered necessary to attach a planning condition to any forthcoming permission requiring evidence that preserved trees will not be harmed by the development proposal. This can be in the form of a simple statement, but this information should be in accordance with BS5837 2012: Trees in Relation to Design, Demolition and Construction: Recommendations. Further, it is considered essential that a high-degree of softening of the development is required; it is again necessary to attach a planning condition to any forthcoming permission requiring that all boundary hedges are to be retained and, if it becomes necessary for any to be removed to facilitate the erection of the fence, then replacement planting in the same location and with the same height is imperative.

In regards to the boundary treatment; it is acknowledged that the height and extent of fencing proposed could, under any other circumstances, result in an urbanising form of development. Notwithstanding this the fencing is of an open lattice form, powder-coated in a dark-green colour and, in conjunction with a requirement that the safety of children is of the utmost importance as well as a planning condition being attached to any forthcoming permission requiring the retention of existing boundary hedges, the proposal is considered to make a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.

### Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In regards to neighbouring properties; these are all sited on the opposite side of the road with deep front gardens. Having an open appearance the fence is unlikely to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

### Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

In regards to the siting of the fence at the front of the application site. There are no vehicular movements permitted in to and out of the site which may have been affected by the erection of a 2.4m boundary treatment. Overall the development will not have a highway safety impact.

### Representations

Weeley Parish Council have made the following observations on the application:-

Part of the school boundary abuts land owned by WPC, namely the Weeley Playing Field and the adjoining Spinney. We note that the replacement face is to be increased significantly in height.	Noted
On our land there are a number of mature and semi-mature trees adjacent to the boundary which may need protection during the works.	Tree protection measures are required by way of a suitably-worded condition to be attached to any forthcoming permission.
We have had no communication with the school about this application so we are unclear how the fence will be installed in relation to this hedge.	Any such communications would be a civil matter between the adjoining properties. The protection of the hedge will be required by way of a suitably-worded condition to be attached to any forthcoming permission.
It is incorrect to say that there is no watercourse within 20 metres of the site. ECC's flood and water management team identified a natural watercourse running along the back of the Spinney which recently caused flooding problems due to a damaged water main on the school site.	Noted.

## Other Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 2, Class A permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The criteria which needs to be met is that the means of enclosure is no greater than 2m high and does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons. As such, a reduction in height of 0.4m would result in a development which would not require an express grant of planning permission.

## **6. Recommendation**

Approval – Full

## **7. Conditions / Reasons for Refusal**

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: SD1 and SD2, received 2nd April 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the Local Planning Authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority. The information submitted should be in accordance with BS5837 2012: Trees in Relation to Design, Demolition and Construction.

Reason - To ensure the protection and retention of existing trees which are the subject of Tree Preservation Orders.

- 4 If, during the erection of the fence, it becomes necessary for any of the boundary hedges to be removed to facilitate the works then replacement planting at the same place, of such size and species and shall be planted, in accordance with details which shall be agreed in writing by the local planning authority. If any part of the hedge subsequently dies or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason - To ensure the presence of boundary hedges are retained as they are considered essential to enhance the character of the development.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO