

Item No. 11**SCHEDULE C**

APPLICATION NUMBER	CB/10/01759/REG3
LOCATION	Mill Vale Middle School, Wilbury Drive, Dunstable, LU5 4QP
PROPOSAL	Erection of 2m high mesh fence, double gates and single pedestrian gate.
PARISH	Dunstable
WARD	Icknield
WARD COUNCILLORS	Cllr John Kane & Cllr David McVicar
CASE OFFICER	Gill Claxton
DATE REGISTERED	30 June 2010
EXPIRY DATE	25 August 2010
APPLICANT	Mrs G Ellyard
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Objection from Local Resident
RECOMMENDED DECISION	Regulation 3 - Granted

Site Location:

The application site lies on the south eastern side of Wilbury Drive with a return frontage to Ridgeway Avenue. Mill Vale Middle School comprises a number of single and two storey flat-roofed teaching blocks located in the south western corner of the site, composed of brickwork, with contrasting cladding panels and large windows. The buildings are arranged around a courtyard area with hard surfaced playground areas to the north and west of the buildings, a staff car parking area fronting Ridgeway Avenue and extensive playing fields to the north east abutting the rear garden boundaries of surrounding residential properties. The school site is enclosed by a mix of 1.2m high black coloured steel paddock-style fencing with some areas of 1.2m high palisade fencing and gates and a short length of brick wall opposite No's 96-100 Ridgeway Avenue. There are a number of mature trees within the school site and on the Wilbury Drive and Ridgeway Avenue frontages.

Residential properties in Wilbury Drive, Hadrian Avenue and Poynters Road abut the school boundaries, while those at No's 62-86 Wilbury Drive and 76-106 Ridgeway Avenue are located opposite the school site.

The Application:

Planning permission is sought for the erection of a 2m high mesh fence, double gates and single pedestrian gate around the Wilbury Drive and Ridgeway Avenue frontages, between the rear of the school buildings and the playing fields and abutting the rear garden boundaries of No's 74 – 82 Hadrian Avenue.

The fencing would comprise a series of mesh panels in moss green coloured (RAL 6005), powder-coated galvanised steel. The double and single gates would match this specification.

In support of the application, it is stated that the school wishes to safeguard the pupils during the school day and deter trespassers outside school hours:

- The existing 1.2m fencing is in a poor state of repair and not high enough to keep intruders out.
- Unauthorised members of the public have entered school grounds during the teaching day which has resulted in the pupils feeling vulnerable.
- There have been a regular number of trespassers on school grounds during the evenings, weekends and school holidays which has resulted in some vandalism.
- The new single pedestrian gate would be designed to be used by pupils for access/egress during the school day while the double gates would be used infrequently for emergency vehicle access, if required.
- The mesh panel fencing was chosen as it was considered that this would blend in with the school and be less intrusive in the public domain.
- The School and the Governing Body are committed to ensuring that all children are kept safe and the proposed fencing is imperative in fulfilling this commitment.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development

South Bedfordshire Local Plan Review

BE8 - Design Considerations

Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10.

Planning History

BC/CC/2001/23 Permission for the siting of a double temporary classroom unit and additional parking spaces.

Representations:

(Parish & Neighbours)

Dunstable Town Council No objection.

Occupier of 62 Wilbury Drive Objection.

- Live opposite the site, overlooking the current fence and trees and the outlook is pleasant. The new fencing will destroy this outlook as it will not be as aesthetically pleasing.
- Current fence and gates have been in position for many years and are in good condition for their age.
- The trees which provide a pleasant outlook are very close to the existing fence and may impinge upon a 2m high fence.
- Mesh fence may attract litter and other discarded refuse, of which there is quite a lot, possibly due to the presence of the school.
- Weeds could also grow through the fencing, further detracting from the character of the area, as has happened to the fencing around the playing fields.
- The houses are subject to a covenant which only

permits front boundary walls and enclosures up to 6 inches in height, within which a hedge not exceeding four feet in height can be placed. Such a covenant may not apply to the school but this should be checked out before any decision is made on the application.

- Supporting documentation states that the application has been made as security is an issue. Such measures are unnecessary as there is a school caretaker who lives on site. Not aware of any security issues at the site.
- Proposed fence would add to the financial burdens of the Council which is facing stringent budgetary constraints.
- No objection to a replacement fence of the same height as the existing.

Consultation/Publicity responses

Tree and Landscape Officer Observed at the site visit that there will be a requirement to crown lift several trees by pruning the ends of lower branches and/or removal of some whole minor limbs, in order to accommodate the height of the new fence. If permission is granted, then a condition should be imposed to ensure both the quality of the work and minimum amount of works are undertaken.

To the side of the property at 57 Wilbury Drive is a small triangular area of trees, which appears to have been avoided through a reconfiguration of the fence line in this area on the submitted drawings. Clarification is asked for in this respect as the trees are likely to be damaged if the fence is indeed positioned on the existing fence line.

Located opposite 96 to 100 Ridgeway Avenue, it is noted that the boundary of the school is marked by a wall. It is not clear if this structure is to be demolished or if the security fence is to be set back behind the wall. Of significance here is the position of an attractive Sweet Chestnut tree, set behind the existing boundary wall, which will be damaged if the new fence line is set back. Again, clarification is sought from the applicant on this point.

If the above matters can be clarified and the affected trees retained, then I have no objection subject to conditions being imposed in relation to a pre-commencement site visit to discuss the arrangements for required pruning of the adjacent trees and when erecting the fencing to ensure that only the minimum amount of pruning is carried out.

Determining Issues

The main considerations in the determination of the application are:

1. Principle of development;
2. Design & external appearance considerations, including implications for trees;
3. Impact on amenity of neighbouring properties;
4. Other matters.

Considerations

1. Principle of development

The principle of the development is acceptable. No specific Local Plan land use allocations are applicable to this location. The site does not lie within a designated Green Belt, Conservation Area or Area of Special Character. The school building is not Statutorily Listed.

2. Design and External Appearance considerations

The proposed new 2m high fencing would comprise a series of mesh panels in moss green coloured, powder-coated galvanised steel supported on posts of the same materials and colour. The double and single gates would match this specification.

Although the new fencing would be visible from public vantage points in Wilbury Drive, Ridgeway and Hadrian Avenues it is not considered that it would appear visually intrusive in the street scene or locality generally by reason of its mesh-like appearance and colour. The fencing would still afford views through to the existing trees, landscape features and school buildings.

Since the application was submitted, the School has provided the relevant extract of their recent Arboricultural Report to the Council's Tree and Landscape Officer. There has also been confirmation that in regard to the trees adjacent to No. 57 Wilbury Drive, the new fencing will follow the line of the existing. The trees in this area will be addressed as part of the works identified in the Arboricultural Report. In addition, it has also been confirmed that the wall opposite No's 96-100 Ridgeway Avenue will be retained and the fencing will be installed immediately behind it.

It is considered that the design and external appearance of the fencing would be in keeping with the external appearance of the existing school building. There would be no adverse visual impact on the character and appearance of the school site and locality generally.

It is recommended that conditions be imposed as recommended by the Tree and Landscape Officer in relation to a pre-commencement site visit to discuss the arrangements for required pruning of the adjacent trees and when erecting the fencing, only the minimum amount of pruning is carried out.

3. Impact on amenity of neighbouring properties

It is noted that the occupier of No. 62 Wilbury Drive has objected to the scheme on the basis that the fence would result in a reduction in the level of visual amenity currently enjoyed.

However for the reasons stated previously, it is not considered that the new fencing would be visually injurious to the amenity of the locality or occupiers if neighbouring and nearby residential properties.

In addition, the fencing by reason of its height, materials of construction and colour would not give rise to any loss of residential amenity in terms of loss of sunlight, daylight or overbearing effect.

4. **Other matters**

The safety of the school pupils and the desire to minimise opportunities for crime is a material planning consideration. It is considered that the proposed scheme would enable the school to improve upon the existing arrangements and as such the proposal accords Policy BE8 subsection (vi) of the South Bedfordshire Local Plan Review.

Whether there is a covenant affecting the height of boundary treatments at the school site is not a matter for planning control. Any grant of planning permission would not override any covenants or statutory requirements under any other legislation.

Reason for Granting

The proposed development complies with national guidance and Policy BE8 of the South Bedfordshire Local Plan Review in respect of the visual impact of the siting, design and external appearance of the development on the character and appearance of the School site and locality generally and the amenity of occupiers of neighbouring residential properties.

Recommendation

That planning permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The materials of construction and colour of the fencing and gates hereby approved shall be in accordance with the details as set out in the Specification entitled 'Top Playground Boundary Fencing and Gates, Ref. C' received on 14/05/10, unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON: To control the appearance of the development in the interests of the visual amenity of the development and locality.
(Policy BE8, S.B.L.P.R).
- 3 **Before any construction works and/or access facilitation pruning begins, a pre-commencement meeting must be held on site and attended by the site manager, the appointed tree contractor and a Council arboricultural officer to discuss the arrangements for required pruning of the adjacent trees.**
REASON: To check all aspects of tree pruning arrangements to ensure satisfactory compliance with access facilitation pruning requirements and adherence and recognition of quality working practices.

- 4 When erecting the fence, the minimum required pruning shall be undertaken on the adjacent trees, pruning only those branches which will unavoidably be in conflict with the erection of the fence. Pruning work shall be carried out to a high standard, referring to the requirements of BS 3998:1989 "Recommendations for Tree Work", in particular the Section 13.5 "Crown lifting". The work shall be carried out by a suitably qualified and competent tree surgeon, who understands the need for target pruning, and where pruning shall on no account leave stubs or disfigured branches.
REASON: To ensure that pruning work is carried out to a quality standard and that the amenity value of the trees be maintained.

- 5 This permission relates only to the details shown on the Site Location Plan and Elevation Drawing received 30/06/10, Specification entitled 'Top Playground Boundary Fence and Gates: Ref. C' received 14/05/10 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and specifications in order to avoid doubt.

Notes to Applicant

- 1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

South Bedfordshire Local Plan Review
BE8 - Design Considerations

- 2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

- 3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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