



meeting **PLANNING COMMITTEE**

date **15 JUNE 2004**

from: **Director of Environment**

agenda item number

**6**

**BASSETLAW DISTRICT COUNCIL APPLICATION NUMBER 1/59/04/00018/. PROPOSAL: ERECTION OF PERIMETER SECURITY FENCING AND GATES TO SCHOOL. LOCATION: KINGSTON PARK PRIMARY AND NURSERY SCHOOL, LONG LANE, CARLTON IN LINDRICK.**

**APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL RESOURCES DEPARTMENT.**

## **Purpose of Report**

1. To consider a planning application for the erection of 2.0 metre high security fencing and gates to the school. The recommendation is to grant planning permission subject to conditions.

## **The Site and Surroundings (See Location Plan)**

2. The school site is centrally located within the village and is accessed from Long Lane, the residential properties on which form the northern boundary of the site. To the south residential properties on Balmoral Close, Strathavon Road, Strathmore Drive and Kenilworth Drive are separated from the site by a footpath that runs in an east to west direction to form the southern boundary of the school. The now redundant Carlton Park Infants School forms the western site boundary of the site whilst land associated with Bramble Cottage adjoins the site to the east.
3. The school building is a CLASP construction that has recently been extended by the construction of a 60-place nursery, classrooms, community and resource rooms. School playing fields lie to the west and east of the school building.
4. In February 2003, planning permission was granted for the erection of 2.0 metre high Heras Pallas Plus fencing and a pedestrian gate along the eastern section of the southern boundary to the site (see plan). That fencing has now been erected.

## **Proposed Development**

5. The application proposes the replacement of the existing chain link fence along the remainder of the southern boundary by the erection of 2.0 metre high Heras Pallas fencing. A double gate is proposed at the end of Balmoral Close to enable ground maintenance vehicles to enter the site to mow the western playing field. A double gate is also proposed in the existing Heras fencing at the end of Kenilworth Drive, also to provide access for ground maintenance. The fencing and gates would be colour coated RAL 6005 (Moss Green) to match the existing fencing.

### **Planning Policies**

6. The Nottinghamshire Structure Plan Review 1996, the Nottinghamshire and Nottingham Joint Structure Plan Deposit Draft 2003 and the Bassetlaw Local Plan (Deposit Draft) contain no policies that are relevant to the proposal.

### **Consultations**

7. Bassetlaw District Council. Does not wish to make any observations.

Carlton in Lindrick Parish Council. No objection provided the gates are used solely to provide access for maintenance vehicles only and will not be used for any other purpose in the future

Crime Prevention and Architectural Liaison. No response.

Severn Trent Water Ltd. Has apparatus in the area. (The applicant will be advised).

Transco. Has apparatus in the area. (The applicant will be advised).

### **Publicity**

8. The application has been publicised by statutory site notices and by neighbour notification letters. These were sent to nos. 1 to 16 (inclusive) Kenilworth Drive; nos. 1 to 35 (odd) and 2 to 24 (even) Balmoral Close; and nos. 13 and 26 Strathavon Road. Five letters of representation were received from residents of Balmoral Close objecting to the erection of the gates at the end of that road on the following grounds; (1) that they could be used for other purposes in the future; (2) they would lead to congestion, traffic dangers and loss of amenity; (3) the proposed access would cross a footpath used by children and old people; and access to the western field could be achieved through the redundant Carlton Park Infants School or from the existing school drive.
9. One of the letters enclosed a petition signed by 32 residents from 25 properties on Balmoral Close, also objecting to the development and reiterating that access should be through the former Infants School site in the north west corner of the field and stating that the former access (now closed) to the Carlton Park School from Balmoral Close created congestion and disturbance, which the residents did not wish to see repeated.

10. One letter was received from a resident of Kenilworth Drive asking if parking restrictions would be imposed as a result of the development. An email from a resident of Balmoral Close was also received requesting information about the proposal.

### **Highway Observations**

11. There are no highway objections subject to the gates being used for maintenance purposes only.

### **Observations**

12. In response to the concerns raised by the objectors, the applicant was asked to consider whether access to the western field (i.e. that at the end of Balmoral Close) could be achieved from the existing school drive. In the past that has happened and the field has been mown recently using that access. However, the applicant has expressed concerns about that arrangement and has commented that access from the drive "is not considered to be a viable option on the grounds of health and safety. This section of the driveway is used by both pupils and parents to access the nursery area."
13. The playing field on the east side of the school has also been mown. Originally, it was intended that access to this field would be through the pedestrian gate at the end of Strathmore Drive but the restricted size of the entrance has meant that only a hand mower could be used, which in turn meant that grass cutting took several hours. Consequently an alternative arrangement was introduced and from correspondence from the Acting Head Teacher, it is understood that this has involved providing an access to the field through a double gate at the end of the Infants' building. However, as that has involved the movement of machinery around the school and nursery building, the arrangement is only appropriate as a temporary measure.
14. The residents of Balmoral Close have also suggested that the western field could be accessed from the former Infants School but that site is currently in the process of being sold for residential development. Negotiations are at an advanced stage and it is considered that it would not be practical at this stage to consider the formation of such an access.
15. It should also be emphasised that despite the concerns of the residents that the proposed access could be used for other purposes in the future, it is to be used solely to provide access for ground maintenance and grass cutting, involving some 40 visits during the year. A restrictive planning condition is proposed to ensure that limitation.
16. The concern of the residents about road safety issues are not borne out by the comments of the Area Highway Office and the low volume of use of the proposed new accesses will ensure that there will be no material impact upon residential amenity.

17. With regard to the query about possible parking restrictions on Kenilworth Drive, given the low frequency of visits, it is unlikely they would be introduced. The resident has been informed.
18. When the previous section of security fence was approved along the eastern section of the boundary, landscaping conditions were imposed to soften the visual impact of the new fencing. That same consideration is relevant to the present submission and those landscaping conditions are proposed for this application.

### **Conclusions**

19. The proposed new access is intended to be used solely to provide access for ground maintenance and grass cutting on a limited number of occasions during the year. It is considered that this limited use will not create any unacceptable levels of noise, disturbance, congestion or traffic danger and it will have no material effect upon residential amenity. The imposition of a condition restricting the use of the access would control it from the outset but it would also ensure that should any change to the use be proposed in the future, planning permission would have to be sought for that change. On that basis, the application is supported.

### **Statutory and Policy Implications**

20. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been brought to out in the text of the report. Attention is, however, drawn to specifics as follows:-

### **Human Rights Act Implications**

21. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposals would have some limited impact upon the amenities of nearby residential property. Members will need to consider whether the benefits, which the proposal would bring, outweighs any impact upon individuals.

### **Summary of Reasons for Granting Permission.**

22. The County Council is of the opinion that the proposed development gives rise to no material harm and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

### **RECOMMENDATION**

23. It is RECOMMENDED that planning permission be granted for the above development, subject to the conditions set out in Appendix 1. Members are requested to consider the issues and resolve accordingly.

PETER WEBSTER  
Director of Environment

#### **Director of Resources' Financial Comments**

This report considers the planning application and there are no direct financial implications arising. [DJK 2.6.04]

#### **Head of Democratic and Legal Services' Comments**

Committee have power to decide the Recommendation. [SHB 28.5.04]

#### **Background Papers Available for Inspection**

1. Letter from Bassetlaw District Council dated 08/04/2004.
2. Letter from Carlton in Lindrick Parish Council dated 14/04/2004.
3. Letters and petition from local residents dated between 08/03/2004 and 29/03/2004.
4. Letter from B Higgins dated 13/03/2004 and reply of 30/03/2004.
5. Email from P Marriott dated 10/03/2004 and reply.
6. Letter and enclosures dated 30/03/2004 from Severn Trent Water Ltd.
7. Letter and enclosures from Transco dated 18/03/2004.
8. Email from Kingston Park Junior School dated 10/05 2004.

#### **Electoral Division(s) Affected**

Worksop North and Carlton.

EPD.MD/EP4534  
27 May 2004

**Please note.** Copies of the plan referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email [john.sheffield@nottsc.gov.uk](mailto:john.sheffield@nottsc.gov.uk) or from Peter Barker at the same address, tel 0115 977 4416, email [peter.barker@nottsc.gov.uk](mailto:peter.barker@nottsc.gov.uk).

## **APPENDIX 1**

### **PROPOSED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
2. The date of commencement of the development hereby approved shall be notified in writing to the County Planning Authority (CPA) at least 7 days prior to this permission being implemented.
3. The development shall be carried out in accordance with the details shown on the submitted drawing titled "Security Fencing Layout" received on 10 March 2004.
4. The proposed security gates adjacent to Balmoral Close and Kenilworth Road shall be used to provide access for ground maintenance and grass cutting only and for no other use. They shall be kept securely fastened at all times unless opened in connection with the use hereby approved.
5. Prior to the commencement of the development hereby approved, a scheme for the landscaping of the area immediately adjacent to the Heras Pallas fencing along the southern boundary of the school site shall be submitted to the CPA for its written approval. The development shall thereafter be carried out in accordance with the approved details.
6. All landscaping works approved under Condition 5 above shall be carried out in accordance with the approved details. The works shall be carried out prior the occupation of the development or within the first planting and seeding seasons following the occupation of the development, as agreed in writing with the CPA. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, die, are removed or - in the opinion of the CPA - become seriously damaged or diseased, shall be replaced as soon as is reasonably practicable with others of size, species and number as originally approved, unless the CPA gives written consent to any variation.
7. The Heras Pallas Plus fencing and gates shall be colour coated green (RAL 6005).

### **Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in full accordance with the approved details.

3. For the avoidance of doubt.
- 4,5,6,7. In the interests of the amenity of the area.

#### Notes to Applicant

Under the provisions of Section 76 of the Town and Country Act 1990, the attention of the applicant is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State or any prescribed document replacing that note.

The attention of the applicant is drawn to the comments of Severn Trent Water Ltd. and Transco which are attached to the Decision Notice

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