

Regulatory Committee - 11 July 2017

Erection of 2.4 m high D section palisade fencing with rounded tops colour coated dark green (RAL 6005) to rear site boundary, linking with existing security fencing, Whitnash Nursery School, Nursery Lane, Leamington Spa, CV31 2PW.

WDC/17CC007

Application No.: WDC/17CC007

Advertised date: 03 May 2017

Applicant Warwickshire County Council
Resources
Shire Hall
Warwick
Warwickshire
CV34 4RP

Agent Mr Chris Quinn
Warwickshire County Council
Resources
Shire Hall
Warwick
Warwickshire
CV34 4RP

Registered by: The Joint Managing Director (Communities) on 26 April 2017

Proposal: Erection of 2.4m high D section Palisade fencing with rounded tops colour coated dark green (RAL 6005) to rear site boundary, linking with existing security fencing.

Site & location: Whitnash Nursery School, Nursery Lane, Leamington Spa, CV31 2PW. [Grid ref: 432537.264170].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the erection of 2.4m high D section palisade fencing with rounded tops colour coated dark green (RAL 6005) to rear site boundary, linking with existing security fencing subject to the conditions and for the reasons contained within Appendix B of the report of the Joint Managing Director (Communities).

1. Application details

- 1.1 The planning application seeks consent for the erection of a section of 2.4 m high palisade fencing along the south-eastern boundary of the school premises.
- 1.2 The boundary is currently secured by the rear wall of the Warwick District Council garage block located to the rear of the three storey flats and shops on St Margaret's Road. The garage block is scheduled to be demolished in July 2017 with the result that the school premises would be unsecured.

2. Consultation

- 2.1 **Warwick District Council Planning:** No comments.
- 2.2 **Royal Leamington Spa Town Council:** No comments.
- 2.3 **Warwickshire County Council Ecology:** If the uprights are put in sensitively (preferably by hand digging to minimise root impact) this would be good. No major concerns as the trees themselves are not being affected above ground.
- 2.4 **Councillor Jonathan Chilvers:** No comments received as of 27 June 2017.
- 2.5 Site notices posted – 3 May 2017.
- 2.6 4 nearest residential properties individually notified on 3 May 2017.

3. Representations

- 3.1 No comments received.

4. Previous Planning History

- 4.1 The school premises have been the subject of a number of planning applications including single storey extensions and the formation of the Children's Centre on the site in 2006 (W/06/0075).

- 4.2 The most recent application was for the erection of a perimeter beam shade sail (W/15/0252) approved on April 2015.

5. Assessment and Observations

Location

- 5.1 The application site is situated within a predominantly residential area surrounded by dwellings. The school is positioned at the head of the cul-de-sac, Nursery Lane. The Whitnash Sure Start Children's Centre also occupies the school site, the two premises being separated by fencing within the site. To the rear/south-east of the school premises is a garage block within the ownership of Warwick District Council.
- 5.2 A public footpath runs around the western boundary of the school premises, linking Nursery Lane with the garage block to the south of the school and the service road to the rear of the flats and shops on St Margaret's Road.
- 5.3 The rear elevation of the garages facing onto the school premises are currently screened by timber fence panels attached to the garage building.
- 5.4 Six willow trees are positioned along the rear boundary of both the nursery and the adjacent Children's Centre.

Amenity Issues

- 5.5 The rear boundary of the school may be seen from the first floor windows on the rear elevation of houses in Southway and St Margaret's Road. In addition the site is viewed from the north-west facing windows of the first and second floor flats above the retail units in St Margaret's Road. The derelict Council garages adjacent to the application site are scheduled to be demolished. Removal of these derelict buildings will improve the appearance of the area but will also result in the school site being rendered unsecure with no boundary fencing.

Environmental Issues

- 5.6 Within the school site six mature willow trees are within one metre of the boundary with the rear wall of the garages. The trees are to be retained. Erection of the fence is not anticipated to result in damage to the trees provided that there is no impact above ground and on the condition that the supporting uprights are put in sensitively (preferably by hand digging to minimise root impact).

Planning Policy

- 5.7 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan 'unless material considerations indicate otherwise'.
- 5.8 The Development Plan relevant to the proposal is Warwick District Council Local Plan adopted in 2007 (saved policies).

National Planning Policy

- 5.9 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The Framework states that local planning authorities should look for solutions rather than problems and decision makers at every level should seek to approve applications for sustainable development where possible.
- 5.10 Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments reflect the identity of local surroundings and materials and create safe and accessible environments where crime and the fear of crime do not undermine the quality of life or community cohesion.

Local Plan Policies (Warwick District Local Plan Adopted 2007)

- 5.11 **Policy DP1 – Layout and Design:** states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they: adopt appropriate materials and details.
- 5.12 **Policy DP2 – Amenity:** Development will not be permitted which has an unacceptable adverse impact on the amenity of nearby users and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Analysis

- 5.13 The height and design of the proposed fence matches that of the remainder of the school boundary treatment which has been previously regarded as appropriate and is therefore considered to be acceptable in relation to Policy DP1.

- 5.14 While the proposed fence would be seen from the rear of the residential dwellings in Southway and the houses and flats in St Margaret's Road, there is considered to be no adverse impact on the amenities of these dwellings in terms of loss of light or overlooking.
- 5.15 Demolition of the derelict garages and the erection of the proposed fence is considered to result in the visual improvement of this area to the south of the nursery school

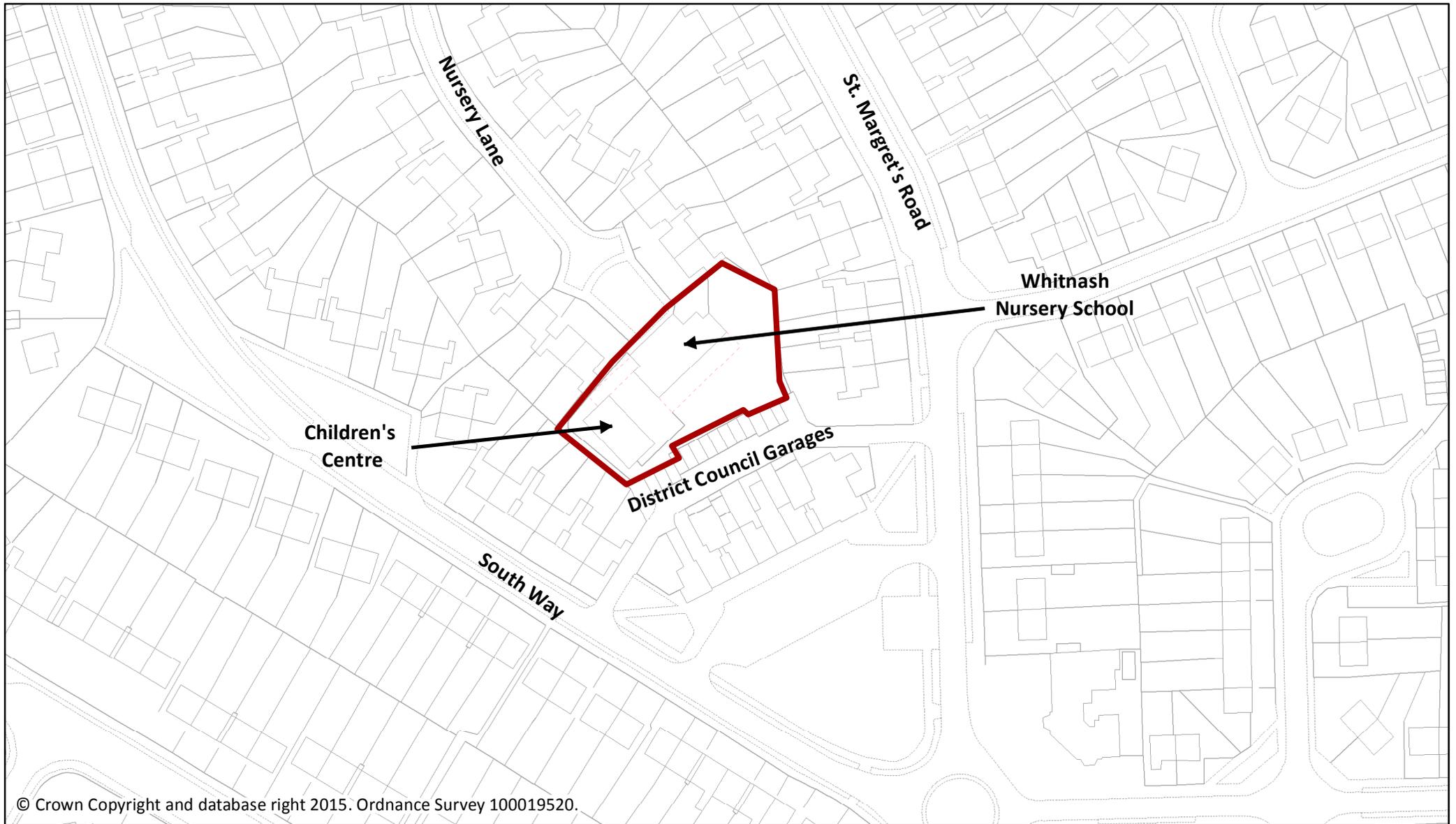
6. Conclusions

- 6.1 The proposed fencing on the south-eastern boundary of the school site would be of a similar appearance to the remainder of the school fencing and is required in order to secure the school premises when the neighbouring District Council garages are demolished. The visual impact of the proposed fence is considered to be limited and acceptable and to accord with the provisions of the development plan and the NPPF. This application is therefore recommended for approval.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/17CC007
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

	Name	Contact Information
Report Author	Sally Panayi	sallypanayi@warwickshire.gov.uk 01926 41 2692
Head of Service	Mark Ryder	markryder@warwickshire.gov.uk
Joint Managing Director (Communities)	Monica Fogarty	monicafogarty@warwickshire.gov.uk
Portfolio Holder	Cllr Jeff Clarke	jeffclarke@warwickshire.gov.uk



Application No.: WDC/17CC007

Erection of 2.4m fencing to rear boundary, Whitnash Nursery School, Nursery Lane, Leamington Spa

Regulatory Committee:

Scale: 1:1250

Drawn by: Bee Yew-Booth

Dept.:Communities



Warwickshire County Council
Shire Hall
Warwick, CV34 4SA
Telephone: (01926) 410410
www.warwickshire.gov.uk

Appendix B.

Erection of 2.4 m high D section palisade fencing with rounded tops colour coated dark green (RAL 6005) to rear site boundary, linking with existing security fencing, Whitnash Nursery School, Nursery Lane, Leamington Spa, CV31 2PW.

WDC/17CC007

Planning Conditions.

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the planning application forms, Design and Access Statement and drawings numbered 5092_01A and 5092_02A submitted to the County Planning Authority on 26 April 2017 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: To define the permission and ensure the permission is retained in all respects in accordance with the submitted details.

3. The supporting upright posts for the fence shall be installed by hand digging.

Reason: To ensure no damage occurs to the trees during the installation period which are to be retained on the site, in the interests of amenity.

Development Plan Policies Relevant to the Decision.

Warwick District Council Local Plan.

Policy DP1 Layout and Design

Policy DP2 Amenity

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.