

<b>Application Number:</b>	WD/D/20/002427
<b>Site address:</b>	ST OSMUNDS CHURCH OF ENGLAND MIDDLE SCHOOL, BARNES WAY, DORCHESTER, DT1 2DZ
<b>Proposal:</b>	Replace existing boundary in wire with associated access gates and widening of footpaths.
<b>Applicant name:</b>	Mrs Golledge
<b>Case Officer:</b>	Annabel Cox
<b>Ward Member(s):</b>	Cllr Jones and Cllr Rennie

**1.0** Application to be determined at committee due to parts of the land being Dorset Council owned land.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:**

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.
- The proposed development is not considered to have a detrimental impact to wildlife.
- There is not considered to be any significant harm to existing trees within the site.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of erecting a new fence is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have a significant adverse impact on the visual amenities of the site or locality when considering the existing visual impact of the site.
Impact on amenity	The proposed development would not have a detrimental impact on the living conditions of occupiers of residential properties.

Highways Safety	It is considered that the proposal will not compromise road safety.
Trees	All trees are to be retained on site. The proposed development would not result in the loss of trees.
Biodiversity	Mitigation measure are included as part of the proposal ensuring the protection and movement of wildlife within and around the site.

## 5.0 Description of Site

St Osmund's CE Middle School is located to the north and east of Barnes Way, in the south east part of Dorchester. The grounds comprise of a cluster of buildings to the south west corner of the site, tennis courts to the north of the main buildings and a sports field to the east part of the site.

Currently, the site is mainly enclosed by chain-link fencing or hedging. However, in some parts the site lacks any form of adequate enclosure. Residential dwellings closely border the site along the eastern side of Barnes Way (northern section), Standfast Walk and along the site's eastern boundary (dwellings accessed from Garland Crescent).

A significant number of trees and hedges exist along all boundaries, but particularly the south and east boundaries.

## 6.0 Description of Development

The proposal seeks to replace the existing chain-link fencing and gates and replace with a 2400mm high fence. Fence description as follows: 'fully welded metal mesh panel with horizontal 'V' profiles and metal posts with plastic coating and caps, green in colour.

The original proposal has been amended and changes now include:

- Provision for wildlife passage: 150mm by 150mm openings or 150mm raised sections along base of fence placed around the parameter of the site.
- Fence height reduction to 1800mm along Standfast Walk, to be set back  $\geq$  500mm from boundary. A secondary fence is proposed to be adjoined to the existing tennis court fence at the bottom of the bank to ensure security is maintained.
- Fence to be set back by  $\geq$  500mm from the boundaries adjacent to highways were applicable.
- Minor amendments to gates.

## 7.0 Relevant Planning History

No relevant planning history.

## 8.0 List of Constraints

Poole Harbour Catchment Area  
Wessex Water - Supply  
Groundwater Source Prot. Zones  
Area Inside DDB

Wessex Water - Waste  
Surface water flooding

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

1. DORCHESTER TOWN COUNCIL- Objection
2. W- Dorchester East Ward- Objection
3. Technical Services- No objection
4. Highways Department- No objection
5. Natural Environment Team- Comment
6. RECONSULTATION- Highways Department- No objection
7. RECONSULTATION- DORCHESTER TOWN COUNCIL- No response
8. RECONSULTATION W - Dorchester East Ward- No objection

### Representations received

Five letters of representation were received objecting, one supporting and two neither objecting nor supporting the proposed development.  
The concerns raised by the five letters of representation objecting to the proposed development can be summarised below:

- Height of the fence and its proximity to dwellings along Standfast Walk.
- Overbearing impact and loss of light.
- Appearance being 'prison-like' and the mesh too dense.
- Potential impact to wildlife.

The one letter of support can be summarised below:

- Improved security for the children attending the school.

Additional comments:

- Comments were made with regards to the impact of the proposal to wildlife, particularly hedgehogs.

Total - Objections	Total - No Objections	Total - Comments
5	1	2

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

## 10.0 Relevant Policies

### Adopted West Dorset and Weymouth & Portland Local Plan (2015)

As far as this application is concerned the following policies are considered to be relevant.

- INT1- Presumption in favour of Sustainable Development
- ENV1 – Landscape, seascape & sites of other geological interest
- ENV2 – Wildlife & Habitats
- ENV 9- Pollution and Contaminated Land

- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS 2- Distribution of development
- COM 7- Creating a safe and efficient transport network

### **National Planning Policy Framework**

The relevant chapters of the NPPF include:

Part 2- Achieving sustainable development.

Part 4- Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Part 12- Achieving well-designed places.

Part 15- Conserving and enhancing the natural environment

## **11.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **12.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

## **13.0 Planning Assessment**

### **Principle of development**

The proposed development seeks to erect a 2400mm fence (1800mm along Standfast Walk) around the parameter of the existing school grounds to provide increased security. The proposed fence shall replace the existing fencing (primarily

chain-link). The principle of development is acceptable and complies with the relevant policies of the Local Plan, Neighbourhood plan and NPPF.

### **Design**

The proposed fence is described as fully welded metal mesh panel with metal posts and green in colour. The fence will be made up of a denser mesh than the existing chain-link fence and shall be 2400mm in height. Although more visually intrusive than the existing fencing, the proposed fence provides a uniform boundary and is not considered to have a detrimental visual impact. Concerns have been raised with regards to the high density of the mesh and height of the fencing, suggesting it is overbearing and overly dominating. The fence is considered to alter the visual appearance of the site as it is more prominent. However, the visual impact of the fence is in keeping with the overall appearance of the site and as a school, serving a large number of pupils within the catchment, the visual impact is to a large extent already there. The addition of the fence is read as part of the school and meets the security needs of school.

The proposed development would not have a significant adverse impact on the visual amenities of the site or locality.

### **Amenity**

Amended plans are submitted to show a reduction in height to the fence along Standfast Walk. This section of fence has been reduced to 1800mm and will be set back from the boundary edge by a minimum of 500mm. These changes reduce the overbearing impact of the fence to the dwellings along Standfast Walk. The density of the fence remains the same, however it is considered the fence allows adequate light through the mesh and when combined with the reduction in height, the impact of the fence is not considered to be detrimental. The proposed fence would also form a barrier to the rear of several number properties along Barnes Way. Currently, high timber fences exist along these residential boundaries. The proposed fence would extend above the existing timber fences. Although there is a degree of impact caused by the proposed fence, light will penetrate the proposed school fence and the overall impact is not considered to be significantly greater than the existing impact of the timber fence and general view of the school directly adjacent. A trellis is proposed along part of this boundary to 1 no. residential dwelling which was requested by a resident and agreed by the applicant.

Elsewhere, the proposed fence is set back a reasonable distance from residential dwellings and its impact is not considered to be significant.

### **Highways**

In an initial consultation with the Highways Department, the officer objected to the proposed development. It was stated that the fence must be set back a minimum of 0.5m from the edge of the carriageway to avoid conflict with highway users (especially cyclists).

The Highway Officer also stated that Point 6 on the site plan appeared to show the fence extend out into the public highway, it was unclear what exactly this represented. The Highway Officer required that the plan should be altered to remove any aspect of the proposal away from the public highway and required that any associated gates must open clear of the public highway.

Revised drawings have since been submitted and the Highways Department confirmed that proposed fence would be set back a minimum of 0.5m from the carriageway on Barnes Way. All gates would open clear of the public highway. With this in mind, the Highway Department had no objection to the application. Amendments were made to point '6' (as shown on Drawing No. 191077 0506 P2) and the fence position to the edge of the carriageway on the northside of Barnes Way (southern boundary of the school) was set back by a minimum of 500mm, as per Highways Department recommendations. The proposed development would not therefore conflict with highway users, nor would it impact adversely on highway safety.

### **Trees**

As per the submitted Arboricultural Method Statement (dated 25<sup>th</sup> September 2020), all trees are intended to be retained and no harm is likely to occur to existing trees on site, providing all measures outlined within the submitted AMS are adhered to.

### **Biodiversity**

Several letters of representation were received raising concern about wildlife passage through and around the site. The Natural Environment Team were consulted and advised that provisions for wildlife should be considered, in line with the Natural Environment and Rural Communities Act (2006) and National Planning Policy Framework (NPPF) '*opportunities to incorporate biodiversity in and around development should be encouraged*'. Incorporated within the amended plans, which are conditioned, 150mm by 150mm openings are proposed in multiple locations or 150mm raised sections along the base of the fence. This alteration ensures that wildlife (in particular hedgehogs) can continue to co-exist in and around the site and therefore the proposed development complies with the relevant policies, as already listed.

## **16.0 Conclusion**

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed

### **Recommendation:**

Grant, subject to the following conditions.

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

191077 0503 P2 Location Plan (received 16/11/2020)  
191077 0505 P1 Proposed Gate Details (received 10/02/2021)  
191077 0504 P2 Proposed fencing details (received 10/02/2021)  
191077 6003 P2 Proposed Site Plan (Extract 3) (received 15/03/2021)  
191077 0506 P2 Proposed Site Plan (received 15/02/2021)  
191077 6001 P2 Proposed Site Plan (Extract 1) (received 15/02/2021)  
191077 6002 P2 Proposed Site Plan (Extract 2) (received 15/02/2021)  
191077 0507 P2 Proposed Fencing (2 of 2) (received 02/03/2021)

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

3. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 25th September 2020 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

**Informative Notes:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

The application was acceptable as submitted and no further assistance was required

