

**ITEM 2****Installation of new security fencing and gates to the existing school grounds (Revised plans received 28.07.2021 and 20.09.2021, revised with plans of the 21.09.2021 showing a railing at 1.5m height) at Hasland Hall Community School, Broomfield Avenue, Hasland for Mrs C Foley-Palmer**

Local Plan: No allocation

Ward: Hasland

Plot No: 2/

Committee Date: 15.11.2021

**1.0 CONSULTATIONS**

Ward Members	No comments received
Local Highway Authority	No highway objections in principle, the Highway Authority recommends that the proposed gate fronting onto Broomfield Ave – opens into the site only and not over the existing footway area. Condition and footnote recommended.
CBC Conservation	Initial concern raised, no objection to amended scheme.
CBC Tree Officer	Initially objected due to proximity to protected tree.
Representations	6 representations received from 4 parties – see report

**2.0 THE SITE**

2.1 The application site is the grounds of Hasland Hall Community School accessed from Broomfield Avenue at Hasland. The site links into the site of Hasland Hall Junior School which is located to the west. The centre of the site is relatively flat with large specimen trees and grassed areas. To the frontage of the site onto Broomfield Avenue the school building is elevated above the road by a ramp with railing. Much of the school site is already fenced from the public realm.

2.2 The main school building is a Grade II listed building described in the listing as: Circa 1800. Ashlar with band between storeys. Cornice and blocking course. Hipped slate roof. 2 storeys. 5 windows, sashes 1st floor with glazing bars, ground floor unbarred. Central semi-circular Doric columned porch with panelled frieze, cornice with mitules and blocking course. Round arched door with ornamental fanlight and 6 panelled door with enriched panels, side lights and steps. Central 1st floor window with ornamental surround and cornice on brackets. Plain side facades in similar style. Interior, some alterations and modern staircase but retains elliptical arches over staircase and over hall, the latter with moulded pilasters and reeded, panelled reveals. Hall and 2 ground floor rooms with moulded plaster ceilings. Oval dome over staircase. Fireplace with Lucas arms above. Rear extensions to building

2.3 Images:

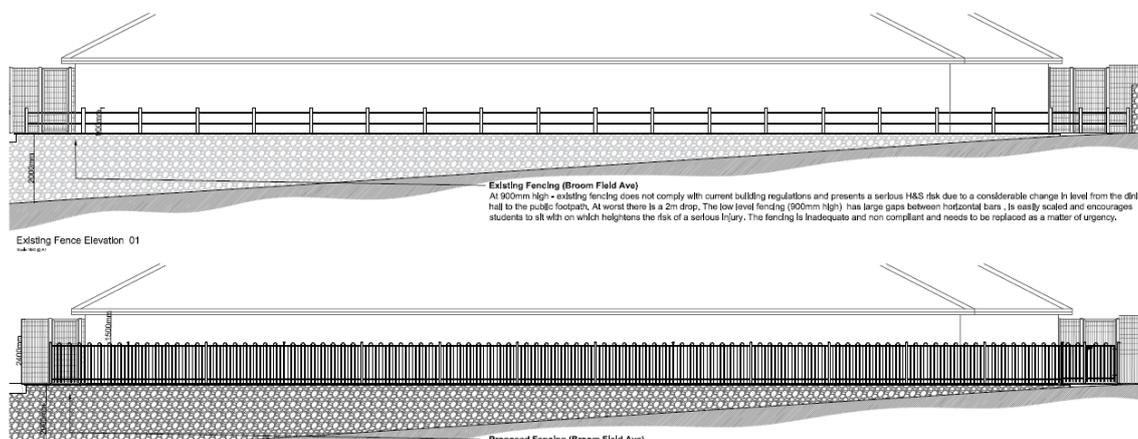


### 3.0 SITE HISTORY

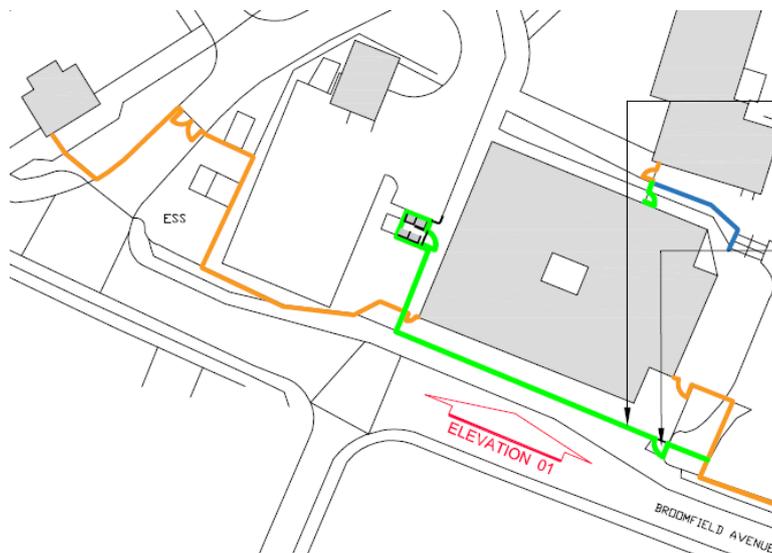
- 3.1 CHE/18/00299/FUL New / replacement perimeter fencing to part of school boundary - Conditional Permission 22.06.2018
- 3.2 CHE/17/00314/CPO Erection of a 2.4m fence to front elevation with double gate and pedestrian gates - No obj to DCC application & no comments 23.05.2017
- 3.3 CHE/17/00176/CPO The erection of fencing to the perimeter of the site and provide access for pedestrians 1000mm and field mowing via a double gate 4000mm wide, the fencing is to be 2400mm high with post set at 2520mm post width and to follow the existing topography of the site on behalf of Hasland Hall Community and Junior School - No obj to DCC application & no comments 23.03.2017
- 3.4 Numerous other applications relating to modular buildings, refurbishment and extensions to the school site.

**4.0 THE PROPOSAL**

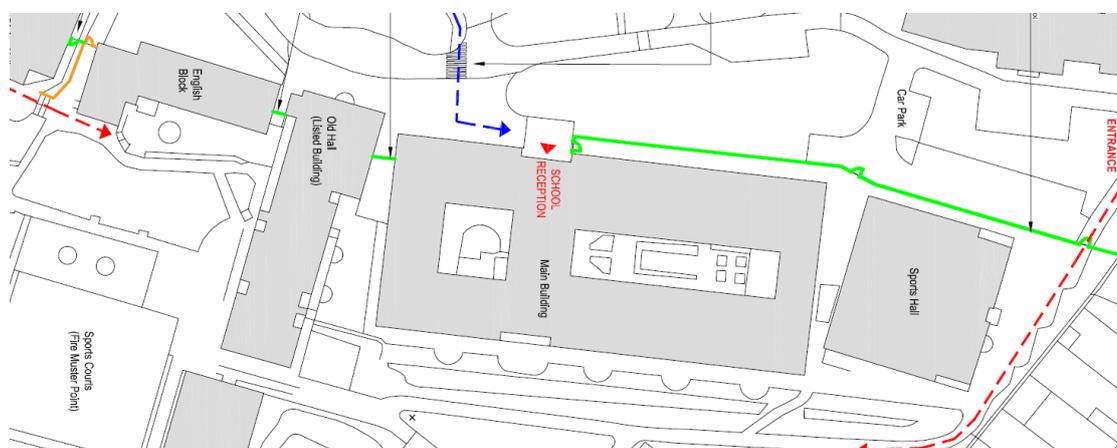
- 4.1 Planning permission is sought to erect new fencing to address perceived safeguarding issues at the site. This would effectively fence the buildings at the site from the neighbouring Junior School within the site and provide additional fencing along the front of the dining hall building which fronts onto Broomfield Avenue.
- 4.2 The proposal has been amended a number of times to address concerns raised and now is for a 1.5m high metal railing along the frontage of the dining hall replacing the existing horizontal 0.9m high railing.



- 4.3 The green line represents the line of the proposed fencing to the dining hall building.



- 4.4 The remainder of the proposed fencing is to be to a height of 1.8m and of weld mesh security type fencing which is used elsewhere on the site. The scheme has been amended to be set back from the frontage of the listed building and will be free standing not fixed to the building itself, again identified by the green line.



- 4.5 To support the application the applicant has provided a statement to justify the need for the development. This document advises that: Through a recent health and safety audit of the site concern was raised as to the current position of a fence barrier in that it did not meet with current DfE requirements as a suitable fall arrest control. The wall is approximately 2m high and the top railing as existing is less than 1m in height. The report advises that a suitable enclosed fencing structure is required to make this safe. Overall, the fencing to the site is needed to

prevent falls, prevent pupils from wandering off and for preventing unwanted persons from accessing the site.

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **5.2 Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment

### **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

### **5.4 Key Issues**

- Principle of development
- Heritage impacts
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Biodiversity and impact on trees

### **5.5 Principle of Development**

5.5.1 As a proposed addition to an existing development which is sustainably located the principle of development is established by policies CLP1 and 2 which seek sustainable development with walkable neighbourhoods.

## **5.6 Heritage Impacts**

5.6.1 As set out above Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.6.2 This legislative requirement is then supported by planning policy. The National Planning Policy Framework 2021 sets out in para 189 that; Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Para 197 then advises; In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.6.3 In considering any proposals para 199 advises that; When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 202 advises that; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.6.4 These national policy requirements are further supported by policy CLP21 of the Adopted Local Plan which states; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.

5.6.5 Consideration of the case in terms of the impact of the development upon the heritage asset is in line with these policy provisions.

5.6.6 Initially the Conservation Officer raised concern at the impact of the scheme on the setting of the listed building and the appearance of the internal area of the courtyard to the site. Following the amended scheme the following comments were received:

*The amended proposed fencing to the front boundary is far more appropriate than the original submission. Whilst the frontage remains a high fence (1.5m tall) in addition to the retaining wall and elevated position, the material, style and height are an improvement on the first submission. Although this is not necessarily read in conjunction with the Listed building, I still think that the overall appearance and character of the curtilage remains part of the setting and character of Listing. I make no further objection to the boundary alteration. With regards to fencing and gates within the complex, the amended design has scaled back the requirements for segregation, and puts forward an alternative way to secure the site. This is an improvement on the original submission, and maintains views to the Listed building without additional clutter. I note that the additional gate will not to be attached to the Listed building. I make no further observation or comment.*

5.6.7 It is therefore considered that where the proposed fencing meets the listed building the as the fence will now be set back behind the façade of the building and will not be physically attached to it, the proposal will not adversely affect the listed fabric of the building. In terms of the setting given the other school buildings surrounding the listed building and the amendments to the scheme it is considered that any harm is very minimal and outweighed by the benefits to the safeguarding of the children of the school. On this basis in terms of the listed building setting the proposal is considered to be acceptable.

## 5.7 **Design and Appearance**

- 5.7.1 Policy CLP20 requires that; All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.
- 5.7.2 The originally submitted scheme intended to have weld mesh security type fencing to match the existing along the front of the dining hall which currently provides an attract street frontage to Broomfield Avenue. Given the harsh appearance of this within the street scene concerns regarding the design were raised by local residents. Following discussion the scheme has been amended to now be for a 1.5m high bow top railing. Whilst this is higher than the visual ideal for this frontage the lower height than originally proposed and the change in fence type to a more appropriate and traditional railing strikes an appropriate balance between the need to ensure the safety of the school grounds and the visual impact of the fencing.
- 5.7.3 The amended scheme is considered to result in a form of development that is appropriate to the existing building and wider street scene in accordance with policy CLP20.

## **5.8 Impact on Neighbouring Residential Amenity**

- 5.8.1 Policy CLP14 requires that; All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.
- 5.8.2 the proposed fencing is not considered to have any adverse impacts on the amenity of neighbouring residents. Whilst concerns have been raised regarding the visual impact these concerns are addressed above.

## **5.9 Highways Safety and Parking Provision**

- 5.9.1 Policy CLP22 advises that; Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9.2 In this case the fencing is proposed to be within the site confines away from vehicle routes or adjacent to the highway such as along Broomfield Avenue where the railing will be located at a higher level than the highway and will not have any impact upon it.

5.9.3 The Highway Authority has considered the proposal and has raised no objection subject to a condition regarding the opening of gates over the highway. On this basis the proposal is considered to accord with policy CLP22.

## **5.10 Biodiversity and Impact on trees**

5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.10.2 The proposed development will have limited impact on any biodiversity at the site. However, it is possible to enhance biodiversity at the site in line with policy CLP16 and therefore a condition will be added to require this whether in the form of additional planting, bird boxes or log piles.

5.10.3 Policy CLP16 also notes that; Development proposals resulting in the loss or deterioration (including fragmentation) of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and the need for, and public benefits of, the development in that location demonstrably outweigh the loss or harm, and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations.

5.10.4 The Tree Officer has made comment on the application, initially noting; *The neighbouring site at Hasland Junior School is a Tree Preservation Order reference 4901.248 Hasland Junior School (2004). These trees will be unaffected by the proposed development. However, it is noted that the proposed route of the security fencing at Hasland Hall Community School will be installed next to established trees and shrubbery located off Broomfield Avenue to the west of the Dining Hall and the next building to the north further into the site. There are also trees to the frontage of the main building. Objection on the grounds of limited information being submitted in terms of the impact on trees.*

5.10.5 In response to the revised scheme the Tree Officer has commented that;

*The proposed route of the fencing has now been reduced and avoids trees to the west of the English Block. Details of the fencing route have been provided on drawing PL03 in the location of the kitchen area and bin store, however no specific details have been provided where the fencing is proposed from the school reception at the main building to the sports hall.*

*No tree protection measures have been provided but it is now stated on drawing PL03 that 'all existing trees and shrubs are to be retained and protected for the duration of the works. The required root protection will be put in place when working in areas of close proximity'.*

*It is therefore now clear that no trees will be removed for the proposal and I therefore remove my object to the application, however because there are no details of any tree protection measures, a condition should be attached to protect the trees during any installation works if consent is granted to the application.*

- 5.10.5 On the basis of the amended scheme and a condition to ensure the appropriate protection of trees during the construction works it is considered that subject to condition the scheme is acceptable in terms of impacts on trees in accordance with policy CLP16.

## **6.0 REPRESENTATIONS**

- 6.1 6 comments have been received from 4 residents of Broomfield Avenue in relation to the original and amended schemes. the comments raised are summarised below:

Ugly and unnecessary fencing

Concerned about the fencing to the front of this building which will give the school the appearance of a prison. Understand the need for security, the rest of the building has high fencing which is softened by planting. How must it feel for the children to eat their lunch with security fencing outside the windows. For the children to feel imprisoned is counterproductive. With high mental ill health surely we should be encouraging children to feel safe and free to given a false sense of security with fencing which gives the impression of imprisonment. I cannot think of anything worse than to look at high security fencing from my windows. The school would be better installing more secure doors. Do not like the feeling of our children being incarcerated after all the school has been named an academy surely, we not want it perceived as 'Guantanamo High'.

This will look like a young offender's institute not a school.

The reason for the fencing outside the dining hall is now about health and safety with risk of falls from height. If this is the case then why have the children been using this area for the past 16 years when the working at height regulations came out in 2005.

My objection is not about a fence or barrier it is the type of barrier. Since the academy has taken over they have erected large signs, have children hanging about outside the dinner hall near the road at 08.00am instead of getting them into school. Exit children at the dinner hall, have coaches parking in the layby all day.

Litter is strewn all over the road, cigarette butts from parents picking up the children the list could go on.

If this weld mesh fence outside the dinner hall gets accepted then this will show the utter contempt of this academy towards their neighbours.

There are other solutions that could be taken into consideration, move the fire exit from the dinner hall to a more suitable location. Install a proper fence, move the exits to the bottom drive and top gate like before.

The need for security at schools such as Hasland Hall is fully recognised and, as a neighbour, I had no objection to the original security fencing.

However, I would endorse other neighbour criticism that, with dining area fencing, we are moving from the sensible to the ridiculous.

Fencing that is shielded by trees and hedges is acceptable, but the visual impact of dining area fencing will create the feeling of a penal institution, not only for pupils and staff, but also for residents and users of Broomfield Avenue. It is a step too far, and I would like to register my objection to it.

The original submission of the new fencing was 1300mm which I would reluctantly

accept as the height for handrailing could be 1100mm to conform with working at height regs. Therefore, I reject the new height at 1500mm as this is becoming more about a security fence and not a handrailing.

The school already has security fencing up to the walls of the dining hall making the school secure.

The concerns raised are addressed through the amended scheme as set out in section 5.7 of the report above.

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

## **9.0 CONCLUSION**

9.1 The amended scheme is considered to address the concerns raised in terms of heritage assets, trees and visual amenity. Subject to conditions the amended proposal is considered to accord with the policies of the Adopted Local Plan as set out above.

## **10.0 RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

### **Conditions**

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

**Reason** - *The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004*

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed plan PL02 Rev C received 21.09.2021

Proposed site plan PL01 Rev A received 28.07.2021

Proposed fencing bin store area PL03 received 28.07.2021

**Reason** - *In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

3. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be installed and/or planted on site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

**Reason** - *In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan*

4. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees in close proximity to the proposed fence line, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

a) Details of the Root Protection areas (RPA) of trees on a TPP adjacent to the school Kitchen/bin store area and from the school reception at the main building to the sports hall as defined in BS 5837: 2012.

b) Details of construction within the RPA or that may impact on the retained trees.

**Reason** - *Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990*

5. Notwithstanding the submitted details the proposed gate fronting onto Broomfield Avenue shall open into the site only and not over the existing footway area.

**Reason** - *In the interest of highway safety in accordance with policy CLP22 of the Adopted Local Plan.*

### **Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
  - bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed, and a timescale for implementation
  - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance

- wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
- holes in fences and boundary treatment to allow species to move across the site
- bee brick

4. The applicant is advised to contact DCC (Highways.hub@derbyshire.gov.uk) prior to commencing any roadside works, to agree any safety measures for highway users whilst the works are undertaken.