



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 7<sup>th</sup> December 2017

**Subject: 17/03186/FU – Proposed (part retrospective) 2.4m high perimeter fence at St Joseph’s Catholic Primary School Mount Pleasant Road, Pudsey, LS28 7AZ**

**APPLICANT**

The Bishop Wheeler  
Catholic Academy Trust

**DATE VALID**

17.05.2017

**TARGET DATE**

13.07.2017

**Electoral Wards Affected:**

Pudsey

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the conditions specified below:**

1. Approved Plans
2. Replacement planting

### 1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Councillor Coulson. The reason for referral is due to concerns regarding the impact of the fence on the amenity of neighbouring properties and an ongoing ombudsman investigation relating to an earlier planning permission (14/03116/LA).
- 1.2 It was intended that the application was to have been considered at the South and West Plans Panel held on the 7<sup>th</sup> September 2017. However owing to the applicant proposing to amend the proposed alignment and height of the fence along part of the eastern boundary, following the publication of the initial report, it was agreed by Plans Panel to defer the determination until after re-notification with any interested parties had been carried out and any subsequent representations taken into consideration.

## **2.0 PROPOSAL**

- 2.1 The original proposal sought to replace an existing palisade fence of approximately 1.8m in height with a 2.4m green weld mesh fence along part of the perimeter of the school extending along part of the eastern and western boundaries to tie into the existing fence line and running the full length of the northern boundary.
- 2.2 The latest proposal seeks to replace the palisade fence along the western and northern as described above, and it is now proposed to extend the full length of the school's eastern boundary, in part following the existing palisade fence line, but also now enclosing a narrow strip of land formed between the existing palisade fence and a 2m solid timber fence which forms the boundary shared by two residential properties. The height of the proposed fence along its entirety is 2.4m. The applicant's agent has confirmed that the appropriate notice has been served on the owner of any land outside of the ownership / control of the school.
- 2.3 The original proposal followed the alignment of the existing fence along the eastern boundary of the school and at the end of the southern corner of the gable of number 2 St Joseph's Way, it stepped down to the existing boundary fencing at this juncture.
- 2.4 It is understood that the proposal is in response to recommendations set out in a recent safeguarding report carried out directly by the school in order to make it more secure. A proposed 1.5m green powdered coated fence is also shown to the west of the site linking the perimeter fence to the existing MUGA. As this is below 2m in height planning permission is not required for this aspect of the development.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site lies within the urban area of Pudsey. Part of the school site falls within a designated conservation area which essentially wraps round the area covered by the footprint of the original school building. The western section of the proposed replacement fence would be adjacent to the conservation area boundary at this juncture. The wider conservation area extends in a westerly direction and encompasses St Joseph's Church, and to the south off Mount Pleasant Road and beyond. The school itself consists of a varying mix of buildings and styles representing their various periods of construction. These styles vary from the original stone and slated Victorian buildings to more modern additions.
- 3.2 Existing parking facilities are available to the west adjacent to St Joseph's church. The car park is accessed from the Lanes. To the north of the site are playing pitches. To the east, a new extension has been built at a two storey scale as well as a new extended hard play area. To the north of this is a MUGA with playing fields beyond. A new housing development (St Joseph's Way) has also recently been constructed to the immediate east of the site where the properties are set down at a lower level than the school and positioned close to the school boundary.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 14/03116/LA - Two storey extension and internal refurbishment work to the existing primary school; external works to improve car parking and hard play provision. Approved 30.7.14

25/333/02/FU – Single storey extension to school – approved 17<sup>th</sup> December 2002

25/256/97/FU – Laying out of new access and playground extension to form hall and kitchen to school (approved 20<sup>th</sup> November 1997)

H25/449/79/ - Alterations and extension to form 2 stores to rear of parish hall (approved 6<sup>th</sup> August 1979)

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 At the time when the application was originally submitted the proposal was for a 2.4m weld mesh fence to replace an existing palisade fence. The eastern section originally terminated at the end of the gable of number 2 St Joseph's Way and tied into the existing arrangement. The applicant chose to revise the scheme and proposed a replacement fence to terminate on the shared boundary at the end of the gable of No 2 St Joseph's Way. It was understood that without carrying out further surveys the applicant did not wish to disturb or undermine the ground conditions adjacent to a raised embankment along this section of the site which contains a geo textile membrane designed for ground stabilisation.
- 5.2 It is now understood that following further surveys, the latest amended plan received on the 6<sup>th</sup> September, seeks to alter the alignment of the proposed fence along part of eastern boundary of the site to run parallel with part of an adjacent 2m timber boundary fence shared with numbers 1 and 2 St Joseph's Way, at a height of 2.4m until terminating at the southern boundary of the site. The latest revision encloses a narrow strip of redundant land, which is controlled by the school, and has been identified as a pupil safeguarding issue.

## **6.0 PUBLIC/LOCAL RESPONSE**

- 6.1 The application was originally advertised by means of site notice dated 12<sup>th</sup> June 2017 and by a further site notice dated 13<sup>th</sup> November 2017. Two letters of objection were received following the publication of the initial notice albeit from the same local resident. Comments made at the time related to concerns that the replacement and increase in height of this boundary fence to 2.4m would create an oppressive outlook from 2 St Joseph's Way, which is only 9 feet away from the boundary and create a fortress feel. The objector also considered that this would also reduce light into their property. The objector is not aware of any unauthorised access from this area of the boundary. In preference to this the objector has suggested a suitably high solid security fence, as previously sought should be erected at playground level; this could then be tapered away at the lower end of our property. This would provide total security to the school and avoid the added loss of amenity, to that already imposed by the recent changes to the school.
- 6.2 Following the first amendment and re-consultation, further comments were received which stated that the revised plans are unclear and that the original comments apply. The objector stated 'Why is the revised change to the fence only applicable to No 1 St Joseph's Way but still leaves the 2.4m fence next to the property of 2 St Joseph's Way. The revised boundary fence now appears to be at two levels adjacent to our property. Partly the old fence and partly the 2.4m. If the original fence is now to remain adjacent to all the boundary for No 1 St Joseph's Way then why can this not be the case for the whole of No.2?' Concern was also expressed that work has commenced on site in advance of the determination of the application.

- 6.3 Following the latest revision and further re-notification further comments have been received from the same objector repeating earlier concerns and also a new representation from the occupier of number 1 St Joseph's Way objecting on the grounds that they were not advised of any changes and that the newly proposed fence will run in front of their kitchen and utility window. The objector states the existing fence already makes this part of their property quite dark, adding further height to the fence will only make this worse. The objection also states that the school extension built in 2016 significantly changed the outlook from their property / garden and feel that a 2.4m fence, which will tower above the existing fence, will be unsightly and give the feeling of looking out onto a prison.

## **7.0 CONSULTATIONS RESPONSES**

- 7.1 The following consultation responses have been received:

Sport England – No objection  
Highways – No objection  
PROW – No objection

## **8.0 PLANNING POLICIES**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013) the Aire Valley Leeds Area Action Plan (2017) and any made neighbourhood plans.

### Local Planning Policy

- 8.2 The most relevant Core Strategy policies are outlined below:

Policy P10 – Design  
Policy P11 - Seeks to ensure developments that affect designated and undesignated heritage assets conserve and enhance local character  
Policy P12 - Landscape

- 8.3 Of the UDPR the following policies re considered relevant:

GP5 - Seeks to deal with matters through the planning process  
N19 - Development within Conservation Areas should preserve or enhance the character and appearance of the area.

### National Planning Policy Framework

- 8.4 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.
- 8.5 In relation to heritage assets The NPPF states that the Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the

impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para's 132 and 138 of the NNPF with regards to Heritage Assets states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.*

*'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 securing its optimum viable use.'*

## **9.0 MAIN ISSUES**

9.1 The main issues relating to this proposal are:

- The principle of the development
- Design and impact on the character of the adjacent conservation area
- Impact on the living conditions of surrounding residents
- Other issues

## **10.0 APPRAISAL**

### The principle of the development

10.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

10.2 Consent is being sought to erect a 2.4 metre high green weld mesh fence around part of the perimeter of the school and its playing fields part of which, along the western boundary of the site, adjoins the designated conservation area. This type of fencing and at this height is a common feature of many schools both within urban and rural settings. It is understood the requirement for this fence has been brought about following recommendations contained in a recent safeguarding report.

10.3 Against this background the principle of development is considered to be acceptable

### Design

10.4 In assessing proposals which are in a Conservation Area it is noted that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area.

10.5 The proposed fence has a thin profile and is to be powder coated in green. This type of fencing, at this height, is a common feature of many schools and it sits comfortably in the landscape allowing good inter-visibility. The light weight

construction and thin profile makes it unobtrusive from wider views. Albeit higher than the fence it would replace and circa 400mm higher than the existing solid timber fence along part of the eastern boundary, it is considered preferable to the existing galvanised heavy looking and industrial palisade fence which is to be replaced. In visual terms this is considered to be an improvement and particularly so where part of the site adjoins the designated conservation area. Additionally this will also be a robust deterrent in seeking to prevent unauthorised access to the school and its playing fields. Against this background the style, height and finish of the fencing is acceptable and satisfies policies P10 and P11 of the Core Strategy and saved policy N19 of the UDP.

#### Impact on the living conditions of surrounding residents

- 10.6 The original planning application was amended by the applicant, to change the alignment of a section of the fencing along the eastern boundary of the site. The fence originally terminated in line with the southern end of the gable of number 2 St Joseph's Way.
- 10.7 The latest revision proposes the fence line as described, but with the full enclosure of the school's eastern boundary with a 2.4m high fence, which partly follows the alignment of the existing palisade fence, but now also partly follows the alignment of an existing 2m solid timber fence shared with the objectors properties at both numbers 1 and 2 St Joseph's Way.
- 10.8 Although there are ground floor windows along the elevations of the two adjacent properties, these were designed as secondary windows and in any event face directly onto a 2m close boarded boundary fence less than 1.5m away. It is considered that the proposed fencing at this juncture will not cause visual harm or cause any unacceptable amenity implications including outlook.
- 10.9 The introduction of weld mesh fencing at this site will not reduce light into the objector's property or cause any additional harm to the living conditions of occupants of this property or any other property. Against this background it is considered that policy GP5 is satisfied.

#### Other Issues

- 10.10 The application has been advertised in accordance with statutory procedures. The council's highway engineer has raised no objections to the erection of the fence and there are no highway safety implications. It is noted by an objector that the works have already commenced. At the time of a recent site visit, it was apparent that the proposed development has already commenced, whilst this is not condoned, it does not alter the planning merits of the application and how it is assessed. It is also noted that one of the objector's has raised a preference for a close boarded fence in a different position to that proposed under this application. This is not a proposal which is before the council for consideration.
- 10.11 It is considered that the site is already suitably landscaped and there is no planning need to provide any additional planting. It is considered that a condition should be imposed however requiring replacement planting should any existing plants and trees be damaged as part of the operational works. In this regard it is considered that planning policy P12 of the Core Strategy is satisfied.

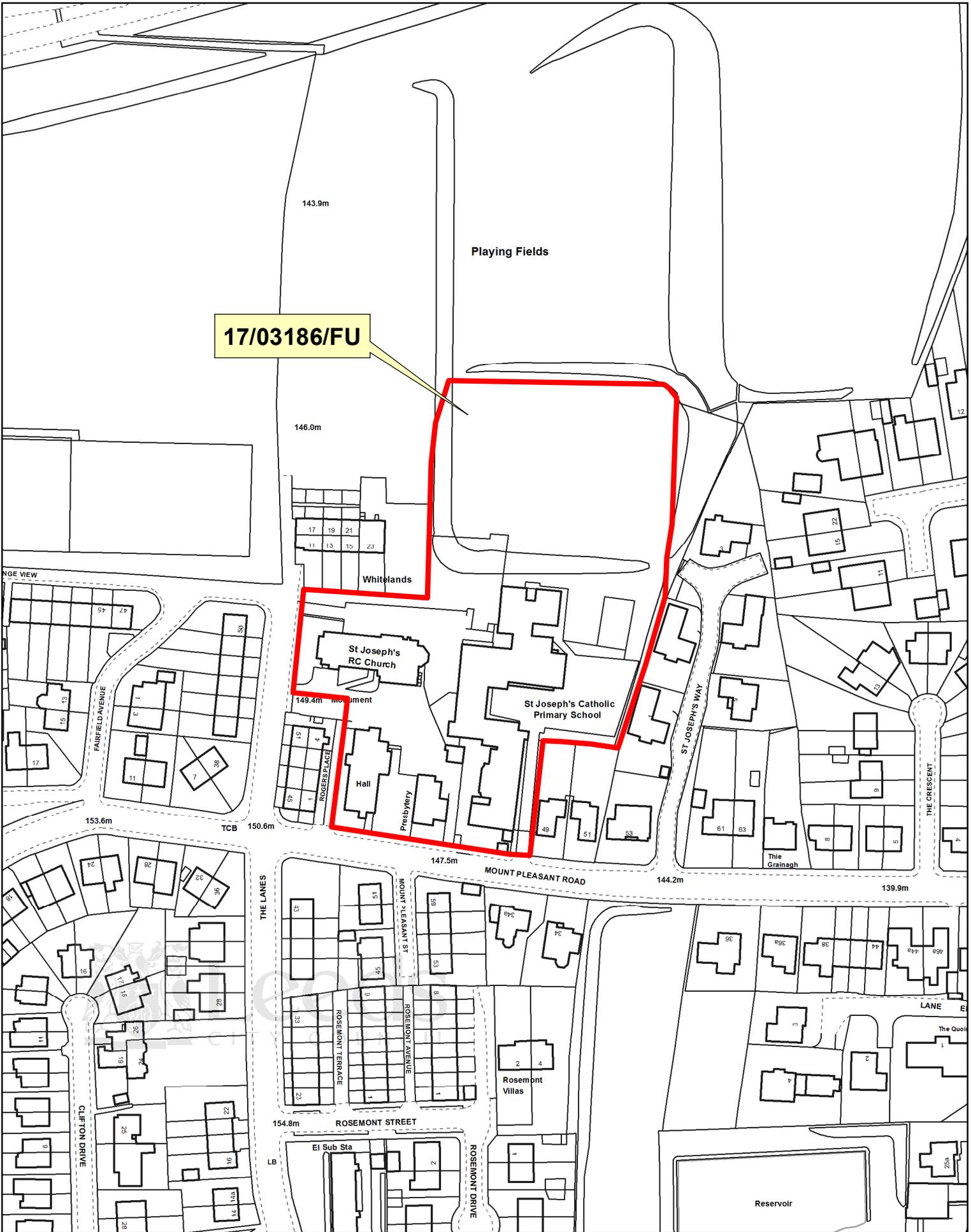
#### **11.0 CONCLUSION**

11.1 The proposed development complies with local and national planning policies. The scheme is considered to be acceptable in planning terms and will address the safeguarding and security concerns of the school. The application is recommended for approval subject to the conditions outlined above.

**Background Papers:**

Planning application file:

Certificate of ownership:



17/03186/FU

# SOUTH AND WEST PLANS PANEL

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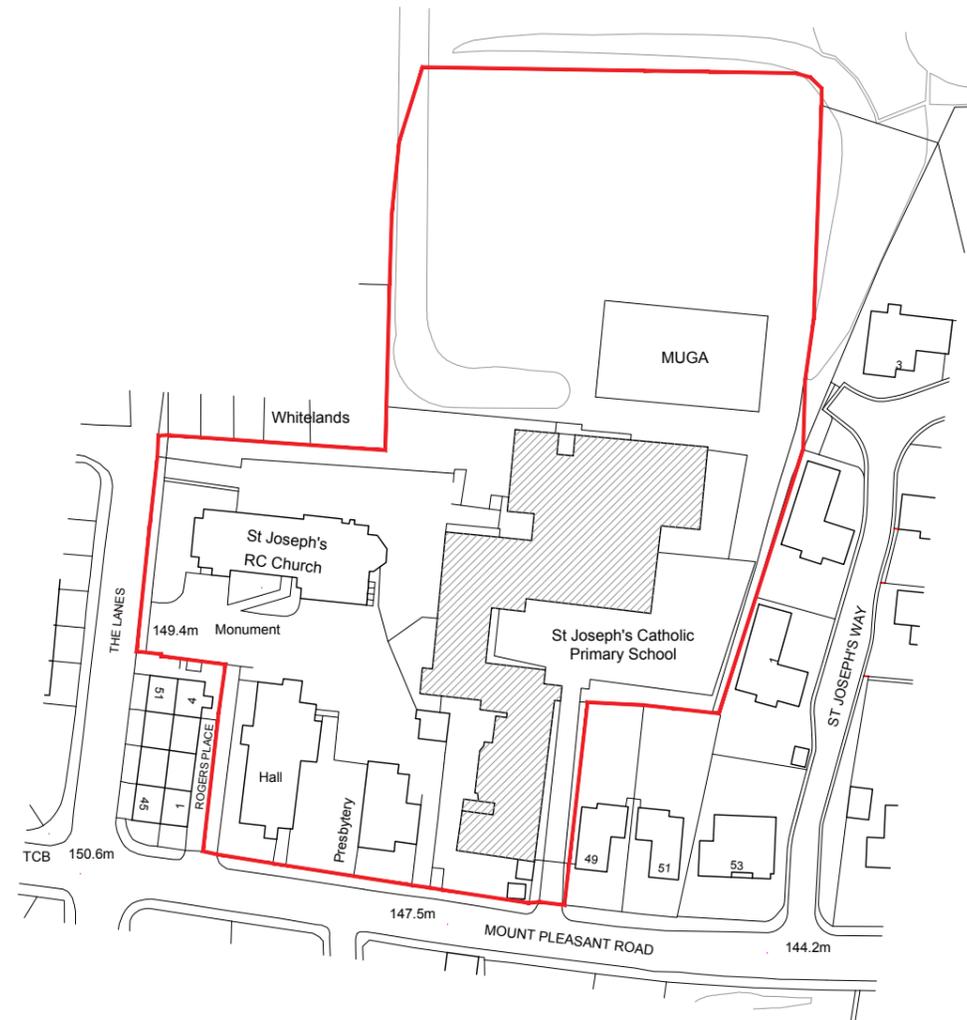
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SCALE : 1/1500



# Legend

 Boundary of Works



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## Site Location Plan

Scale 1:1250 @ A3

Rev	Description	Date	Dr by	App by
original by		date created		approved by
MG		04.04.17		

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 ST JOSEPHS CPS, PUDSEY**

project  
**SAFEGUARDING WORKS  
 FENCING**

drawing  
**SITE LOCATION PLAN**

project number	scale	
<b>2017.00293.004</b>	<b>1:1250 @A3</b>	
drawing number	rev	issue status
<b>PL01</b>	<b>A</b>	<b>PLANNING</b>

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