

APPLICATION NO.	<u>P19/S4319/FUL</u>
APPLICATION TYPE	FULL APPLICATION
REGISTERED	17.12.2019
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Stefan Gawrysiak Ken Arlett Kellie Hinton
APPLICANT	Ms Anna Windsor
SITE	Gillotts School Gillotts Lane Henley-on-Thames, RG9 1PS
PROPOSAL	Boundary fence to enclose school together with vehicular and pedestrian accesses. (As amended and amplified by information received 27 June 2022)
OFFICER	Caitlin Phillpotts

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application is referred to Planning Committee because the Officer's recommendation conflicts with the views of Henley Town Council.
- 1.2 Gillotts School is a state funded secondary school with grounds extending to approximately 13 hectares, located on the south western outskirts of Henley-on-Thames. The site fronts onto Gillotts Lane, beyond which lies open countryside and the Chilterns Area of Outstanding Natural Beauty (AONB). Henley-on-Thames Footpath 21 and Henley-on-Thames Bridleway 20 lie immediately north of the site. The school and grounds contain a number of mature trees and shrubs some of which are protected by way of tree preservation Orders.
- 1.3 The application seeks planning permission for the addition of a 2.4 metre high green metal perimeter fence. A copy of the plans is attached as **Appendix A** and other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.
- 1.4 This application was originally submitted at the end of 2019 when officers requested the submission of further information, including Tree Surveys and an Arboricultural Method Statement (AMS). Due to the COVID pandemic this was only submitted to the council towards the end of 2021. Following re-consultation, revised plans and additional information including an adjusted location of the fence line to the front of the site. A Preliminary Ecological Appraisal was then requested. Additional information was submitted between June and September 2022. Finally, some changes to the submitted AMS were requested to reflect the updated scheme. This was forthcoming in November of 2022.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Henley-on-Thames Town Council –

- Recommended refusal due to impact on the character of the area/AONB, the effect on local wildlife and proximity of the fence to the footpath
- Recommended refusal - original ground reiterated
- Recommended refusal - original ground reiterated

2.2 Countryside Access

- Comments with no objections on the grounds that the new fences do not encroach on the adjacent Henley Bridleway 20 and the attached informatics
- No further comments

2.3 Countryside Officer (South Oxfordshire)

- Holding objection requesting *a preliminary ecological appraisal, to determine if the proposed works would have any adverse impacts on priority habitats or protected species*
- Holding objection pending the submission of requested information
- Comments with no objections subject to the attached conditions

2.4 Forestry Officer (South Oxfordshire)

- Requests the submission of an AMS
- No objections subject to implementation in accordance with the approved details
- Requests AMS is updated to reflect the amended plans / location of the fences
- Comments with no objections subject to the attached conditions

2.5 The Henley Society (Planning)

- Objects commenting, *the fencing would have a major deleterious effect on the appearance of the landscape, in particular along the well-used Peppard Lane bridleway but also on the hillside towards Harpsden village, which is within the Chilterns AONB*
- Objections remain adding concerns over the impact of the fences on the existing treescape

2.6 Henley & Goring Ramblers

- Notes the Bridleway Henley 20 is popular and well used by a wide cross-section of the community and would like to see the semi-rural character of this footpath retained. Requests further clarification on the scheme proposed
- Considers the proposal would have a negative visual impact on the character of the footpath area, and wider landscape setting of the AONB

2.1 Neighbours

Original submission

- (1) Requests further clarification on the scheme proposed
- (1) Comments with no objection subject to the trees being retained

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- (14) Consider the proposal would have a negative visual impact on the character of the area (plus wider landscape setting) and detrimental effect on the existing trees, local wildlife. Noting the existing fences are often vandalised. Queries the legally correct boundary of the school property and notes the fences should not be erected on the adjoining bridle way

June 2022 amendment

- (1) No strong views noting existing fences are often vandalised
- (1) Considers the proposed fences do not comply with the Department for Education Site Security Guidance, in that the fence and integrity will not be able to be checked easily or seen from the school grounds
- (12) Consider the proposal would have a negative visual impact on the character of the area and detrimental effect on the existing trees, local wildlife

September 2022 amendment

- (19) Consider the proposal would have a negative visual impact on the character of the area and detrimental effect on the existing trees, local wildlife

3.0 RELEVANT PLANNING HISTORY

3.1 None

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Not applicable

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 - The Overall Strategy

HEN1 - The Strategy for Henley-on-Thames

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES8 - Promoting Sustainable Design

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

TRANS5 - Consideration of Development Proposals

5.2 Joint Henley & Harpsden Neighbourhood Plan

SCI1: Comprehensive Renewal of Gillotts School

SD3: Local Character

ENV2: Biodiversity

ENV3: Trees
ENV4: Local Green Space

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Town and Country Planning (General Permitted Development) Order 2015 (As amended).

5.6 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning considerations are the following:

- **Principle of development**
- **Design and character**
- **Trees and protected landscape features**
- **Biodiversity and protected species**
- **Residential amenity**
- **Sustainability and carbon reduction**

6.2 Principle of development

As noted in paragraph 1.6 of the Design & Access Statement submitted as part of this application The Department for Education (DfE) recommends that schools should be fenced with a secure fence or railings such as Weldmesh fencing to BS1722 or expanded metal or railings over 2.0 m high. This requirement can be viewed on -

<https://www.gov.uk/government/publications/school-and-collegesecurity/site-security-guidance>.

6.3 In recognition of these requirements Part 2, Class A, of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (As amended) grants deemed consent for *the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, for a school up to 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons*, where it restricts fences to one

metre high, when adjacent to a highway elsewhere. A full copy of this Class is attached as Appendix B.

- 6.4 The erection of a two metre high fence along the perimeter of the site would fall within permitted development rights and would not require planning permission from the local planning authority. Due to the additional 40cm in height planning permission is required. Officers requested that the fences were moved away from the front boundary of the site along Gillotts Lane and secured a method for their implementation that would minimise the impact on the existing trees and ecological habitats on site.
- 6.5 **Design and character : fences to the north of the site**
I note the objections raised during the course of this application with regards to the visual appearance of the proposed green metal fencing, particularly to the north of the site along the boundary with the Henley-on-Thames Bridleway 20, beyond which lie the rear gardens of the dwellings fronting Makins Road. Having visited the site, I noted the rear gardens of Makins Road are lined, for the most part, with timber close board fences and this section of the bridleway is distinctly sub-urban in character. In this context and where the principle of new fencing up to two metres in height is permissible in principle, I do not find the fencing proposed would result in any significant harm to the character of the site or the adjacent public right of way.
- 6.6 **Design and character : fences to the front of the site (west)**
The school is accessible from Gillotts Lane beyond which lies the Chilterns AONB. Policy SCI1 of the Joint Henley & Harpsden Neighbourhood Plan (JH&HNP) looks to support the *Comprehensive Renewal of Gillotts School* where applications are able to *demonstrate how the proposed development has appropriately: a) Screened the visual impact of any development from the adjacent AONB and prepared a Landscape and Visual Impact Assessment as appropriate.*
- 6.7 This application is supported by a Design & Access Statement which looks at key views into and across the site. The proposed fencing would run across the front of the school buildings and then down through an existing area of woodland. Where the majority of the fencing along the frontage would be read against the built development across the school grounds, this section of fencing would be visually consistent with the existing character of the site and would not harm the existing character of the area or landscape setting of the Chilterns AONB. Where the fencing then runs through the existing area of woodland and is set back from the adjoining highway, this section would not be highly visible from the public vantage point and again I do not consider this element would harm the character of the site, street scene or wider surrounding Chilterns AONB.
- 6.8 **Design and character : fences to the south and east of the site**
The south and eastern boundaries of the site are flanked by areas of open countryside falling between Henley and Harpsden. Glimpsed views of the fences may be available from Harpsden (approximately 150 metres south of the site) and Henley-on-Thames Footpath 2 (approximately 450 metres east of the

site). However, as already stated, it is possible to install a two metre fence of an identical design without planning permission and I do not consider the additional 40cm in height would be perceivable from any public vantage point within the wider landscape. I am satisfied that compared with the fall back position provided by Part 2, Class A of the Town & Country General Permitted Development Order 2015 (as amended) these sections of fencing would not harm the character of the site or the wider landscape setting.

- 6.9 Having regard to the need for the fencing and the fallback position, the proposals form an appropriate visual relationship with the existing school and its grounds and would not harm the character or appearance of the site or the wider surrounding countryside and setting of the Chilterns AONB. The proposal therefore complies with policies STRAT1, ENV1, DES1 and DES2 of the South Oxfordshire Local Plan (SOLP), policies SCI1, SD3 and ENV4 of the JH&HNP and technical guidance set out in the South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (SOVWHJDG).
- 6.10 **Trees and protected landscape features**
As commented by the council's forestry officer, the site contains a number of trees some of which are subject to a tree preservation order (TPO). The construction of the fences and gates will be very close to a large number of the trees growing along the boundaries of the site. Comments submitted on 20 January 2020 go on to note, '*fences and gates could be constructed but particular care will be needed in siting the positions of the fence/gate posts to avoid any major tree roots. In addition, each post whole dug must be lined with a plastic non-permeable liner to prevent chemicals from the wet concrete contaminating the soil and poisoning the tree's roots.*'
- 6.11 At the request of the forestry officer an Arboricultural Method Statement AMS was submitted in support of the application in November 2021. On review of this the forestry raised no objections to the proposed scheme, subject to the suggested tree protection (implementation) condition. Following the submission of the Preliminary Ecological Appraisal (PEA) and amendments to the line of fencing fronting Gillotts Lane, the submitted AMS was then amended to reflect the updated scheme. On review of the finally submitted document in November of 2022 the council's forestry officer raises no objection to the development proposed. In light of this I am satisfied that the fences can be erected at the site alongside the retention of the existing trees and would not result in harm to the existing landscape features across the site which collectively make a significant contribution to the character of the site and surrounding countryside.
- 6.12 **Biodiversity and protected species**
In January of 2022 the council's ecologist raised a holding objection noting '*the proposed fencing would likely require concrete foundations to be built adjacent and through areas of woodland, some of which is subject to a TPO. The proposed works have the potential to damage tree roots and impact the woodland habitat. There are records of badger in the locality too, which if present in the woodland could be adversely impacted by the works. I recommend that proposal be supported by a preliminary ecological appraisal, to*

determine if the proposed works would have any adverse impacts on priority habitats or protected species.'

- 6.13 This was submitted in September of 2022. On review of this document the council's ecologist raised no objections to the proposed scheme subject to the suggested conditions commenting '*surveys have concluded that impacts on protected species and unlikely that that impacts on the woodland habitat can be mitigated with sensitive working methods and mammal access gaps to preserve connectivity for species using areas of woodland. Small scale tree works may be required, but the removal of large trees is not proposed.*' In light of this I am satisfied that the development proposed can be implemented at the site without harm to any protected species and / or their habitats in accordance with policies ENV2 and ENV3 of the SOLP, policies ENV2, ENV3 and ENV4 of the JH&HNP and technical guidance set out in the SOVWHDG.

6.14 Residential amenity

I note the objections raised during the consultation process with regards to the impact of the fencing along the Henley-on-Thames Bridleway 20 to the north of the site, on the residential properties fronting Makins Road. Due to its height and scale glimpsed views of the fence may be available from the first floor rear facing windows and private rear gardens of these properties. However, I do not consider the fences would form an overbearing element along the shared boundary and am satisfied that the proposed development would not result in any harm to the amenity of the neighbouring properties in terms of light, outlook or privacy.

6.15 Sustainability and carbon reduction

Policy DES8 of SOLP states that all new development has to demonstrate how they are seeking to reduce greenhouse emissions through location, building orientation, design, landscape and planting. This is a modest proposal for the addition of gates and fences with no scope for reducing greenhouse emissions.

6.16 Community Infrastructure Levy

The proposed development is not liable to pay CIL.

6.17 Pre-commencement conditions

None

7.0 CONCLUSION

- 7.1 The proposal complies with the relevant Development Plan policies and, subject to the attached conditions, the proposed development would be acceptable in terms of its relationship to the character of the existing site, setting of the Chilterns AONB or the wider surrounding countryside at the edge of the settlement. It is also acceptable in terms of impact on residential amenity, the existing landscape features, protected trees, species and their habitats.

8.0 RECOMMENDATION

Planning Permission

- 1 : Commencement 3 yrs - Full Planning Permission**
- 2 : Approved plans ***
- 3 : Materials as on plan and supporting documents**
- 4 : Tree protection (implementation as approved)**
- 5 : Biodiversity Enhancement Strategy**
- 6 : Biodiversity Mitigation (Implementation)**
 - : INFORMATIVE - Joint Henley & Harpsden Neighbourhood Plan
 - : INFORMATIVE - Route diversions (Public Right of Way)
 - : INFORMATIVE - Temporary obstructions (Public Right of Way)