

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	17 September 2014
Title:	Erection of 1400mm High Fencing and Change of Use of Church Grounds to Play Area for School and Public Use at St Lawrence Church, Church Street, Alton GU34 2 BW. (Planning Application No 29870/009)
Reference:	6107
Report From:	Head of County Planning

Contact name: Judith Smallman

Tel: 01962 845938

Email: judith.smallman@hants.gov.uk

1. Executive Summary

- 1.1. Planning permission is sought for the erection of 1400mm high fencing and change of use of church grounds to play area for St Lawrence CE Primary School and public use at St Lawrence Church, Church Street, Alton.
- 1.2. The main areas for consideration should be the appropriateness of the change of use and the social and visual impact of the development.
- 1.3. It is considered that the proposal is in accordance with the development plan and therefore accords with Policy NPPF1 and should be approved as there are no overriding material considerations that indicate otherwise.

2. Site and proposal

- 2.1. St Lawrence Church of England Primary School is located in the centre of Alton, within a Conservation area, adjacent to St Lawrence Church, a Grade 1 Listed Building (see attached plan) and with road frontage onto Amery Hill. Amery Hill School is immediately opposite, and to the south-west of the primary school buildings is School Cottage, now in private ownership.
- 2.2. The School which has 167 pupils has in the past suffered from limited outdoor play space. It now benefits from the exclusive use, granted by the Diocese, of one small area which has been fenced. In addition the school has been using for many years a further grassed area of churchyard under an informal arrangement with the Diocese for some P.E. sessions and break times. This is greatly valued by the School. However, this has required the school to supervise this area by senior staff at a higher ratio to ensure the

safety of the children as the area is unfenced. For reasons of both security in providing a safe environment for the children to play and to overcome the need to clear the area of dog mess, the School would now like to enclose this area with a fence running from the existing fence to the existing stone and flint wall on the western boundary. A larger area of churchyard will still remain open for public use for families and individuals for open play and relaxation. The proposals have been drawn up in close consultation with the Church and the application has been submitted with their approval.

- 2.3. The proposed fenced area for use by the School would also allow for the public use of the area at certain times. The public access gate would remain locked and secure between 8am on Monday and 4pm on Friday, giving public access during the weekends and school holidays through an openable single gate (with spring closer). This would be a dog free area with the School providing the necessary signage. The School will arrange unlocking and locking of this gate.
- 2.4. Metal railings to match the existing fencing would be used with a double gate provided in the southwest corner for maintenance access. The stone and flint wall with a line of gravestones which is to remain as it is. The northern boundary consists of old iron fencing with pointed spindles and it is proposed to plant a buffer strip of landscaping in front of this to keep children away from the fence, whilst retaining a good aesthetic appearance.
- 2.5. The work is entirely within the churchyard and is sufficiently remote from the church so as not to affect its external appearance. The works are reversible and can be removed in the future should needs change, without detriment to the historic structure. The School is aware of the need to respect the table tombs and gravestones and people visiting the church, especially during funerals which take place in school hours.
- 2.6. The School is proposing to plan for planting to adjoining neighbour's boundary to be cleared by ground maintenance before planting.

3. Development plan

- 3.1. The appropriate development plan documents that should be considered are the East Hampshire District Local Plan Second Review (2006). Relevant policies in relation to this development are: Policy HE5 (Alterations to a Building in a Conservation Area) and Policy HE12 (Development affecting the setting of a Listed Building) and in the East Hampshire District Local Plan: Joint Core Strategy (June 2014) relevant policies are Policy CP2 (Spatial Strategy); CP27 (Pollution); CP29 (Design) and CP30 (Historic Environment).

4. Consultations

- 4.1 **Councillor Joy** has been consulted and raises concerns on the following issues:

- i) Change of Use – the loss of the open appearance of this space and its amenity would be lost and whether this proposal constitutes a change which alters public perception of this space to an extent that for practical purposes it would no longer be open.
- ii) Setting within Conservation Area – the visual and practical impact of fencing off this area will have an effect on the setting of St Lawrence Church within the Alton Town Centre Conservation Area making it inaccessible to visitors.
- iii) Impact on neighbours – there are two immediate neighbours for whom this development would create a permanent change of outlook and amenity both of whom have objected to the proposals.
- iv) Need for change – to what extent is the need for enclosure necessary, given the historical effectiveness and statutory requirement for teacher supervision at all times. What evidence has been provided by dog fouling and litter in support of the application.

4.2. **East Hampshire District Council** objects to the application but have advised that if an amended plan is submitted which excludes the table top tomb, the objection will be addressed.

4.3. **East Hampshire Conservation Officer** accepts the principal that using the site as an extended play area to St Lawrence School could potentially be feasible without causing harm to the setting of the listed church and the character of the conservation area. However, the boundary should be amended so that the table top tomb is located outside the site as it should clearly remain within the churchyard. If this is undertaken no objection to the continuation of the galvanized steel fence to enclose this area will be raised.

4.4. **East Hampshire Environmental Health Officer** has no adverse comments.

4.5. **Alton Town Council** raises no objection.

4.6. **English Heritage** views are awaited.

5. Representations

5.1. Twenty letters of support have been received.

5.2. East Hampshire District Councillor Branch is very concerned that the interests of local residents, many of whom are elderly in the area, are not being taken into account. A site inspection is requested so that all concerned are able to visualise and understand more clearly the impact of the unnecessary and ugly fencing. The planning application should also be determined by East Hampshire District Council not the County Council.

5.3. Four letters of concern have been received in relation to the planning application and raise the following issues:-

- The original use of the playground is not appropriate let alone the extension of the area to be fenced off.
- Public open space is being enclosed and will deny those who enjoy the churchyard as a place of quiet reflection
- The flint wall is not a safe barrier, it would make a great climbing frame and there is a 5ft drop the other side.
- The privacy and peaceful enjoyment of adjoining residential property will be diminished.
- Hampshire County Council does not have the legal right to remove public open space.

6. Commentary

- 6.1. The principle of the development is in accordance with the main purpose of saved Policy HE5 and Policy CP30 which seek to preserve the character and appearance of the area. The proposed fencing, which will be similar to existing fencing that adjoins the application site, is appropriate in scale, design and its proportions are sympathetic to the characteristic form in the area and compatible with adjacent buildings and spaces. In acknowledgement of the concern raised by East Hampshire's Conservation Officer, that the Table Top Tomb within the site should be protected, it is proposed that any consent is subject to a planning condition that the boundary be amended to reflect this. This has been accepted by the applicant and a revised plan has been received and sent to consultees for their response.
- 6.2. The main concerns outlined within the five letters of objection received are loss of public open space, amenity, safety, privacy and legality.
- 6.3. Whilst it is recognised that the retention of open spaces are important to the character or historic value of the area the proposed fence still ensures that important views within, into and out of the area are protected. The open area will still be able to be used by the public albeit within restricted times. A much larger of open space closer to St Lawrence Church will remain unfenced and allow unrestricted access.
- 6.4. In terms of use of the application site, the Church has permitted its use as a playground in an unfenced informal capacity for some time and no significant objections appear to have been received to this. There will be no increase in noise generated from the children over and above what currently occurs. East Hampshire District Council's Environmental Health Officer has raised no objection to the application and the proposal meets the requirements of Policy CP27. The proposed metal fencing reflects existing fencing in type and colour to preserve the appearance of the Conservation Area in accordance with Policy CP29.

- 6.5. By omitting the fencing the school will continue to have issues which will impact on the children's health and safety. If the school, were unable to use this area it would result in a severe loss of play space which would be detrimental to the school community.
- 6.6. The proposed development would not impact on the privacy of adjoining residents any more than it does already with the informal use of the area by the school.
- 6.7. The County Council is able to determine the application as it is a Regulation 3 development as it is a County Council development for County Council purposes. The landowner, the Church has been served the required notice and has been closely involved and supportive of the development.

7. Recommendation

- 7.1. That planning permission in respect of the erection of 1400mm high fencing and change of use of church grounds to play area for St Lawrence CE Primary School and public use at St Lawrence Church, Church Street, Alton GU34 2 BW. (Planning Application No 29870/009) be granted subject to the conditions listed in integral Appendix B.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Erection of 1400mm High Fencing and Change of Use of Church Grounds to Play Area for School and Public Use at St Lawrence Church, Church Street, Alton GU34 2 BW. (Planning Application No 29870/009)	County Planning ETE Dept. E II West The Castle Winchester

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

3. Prior to the commencement of development a revised Churchyard Site Location Plan (Drawing No P10403 A100) shall be submitted to and approved by the Local Planning Authority which indicates an amendment to the alignment of proposed fencing along the boundary to exclude from the school play area the Table Top Tomb.

Reason: To secure the protection of historic features and ensures a satisfactory development.

Materials

4. The external materials to be used shall match as closely as possible in type, colour and texture to those on the existing building.

Reason: To secure a satisfactory development.

No Development in Area of Archaeological Interest

5. No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: In the interests of archaeology.

*Annexe to Reasons for Conditions/Refusal
(as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order
2010)*

East: Hampshire District Local Plan: Joint Core Strategy (2014)

Policy CP2 – Spatial Strategy:

New development growth in the period up to 2028 will be directed to the most sustainable and accessible locations in the District in accordance with the Spatial Strategy shown on the Key Diagram.

The Council and National Park Authority will promote and secure sustainable development to maintain the vitality and viability of existing communities, to meet the need for new resource efficient housing and economic growth that is supported by necessary infrastructure and to ensure the protection and the enhancement of the built and natural environment in particular the protection of the special qualities of the South Downs National Park which is fundamental to the Local Plan: Joint Core Strategy.

New development must fully acknowledge the constraints and opportunities of the South Downs National Park and the form, scale and location of development must ensure that the duty and purposes of the National Park are delivered. In particular, major new development will only be considered if it supports National Park purposes.

The Spatial Strategy identifies four distinct areas of the District:

- South Downs National Park
- Whitehill & Bordon
- North of the South Downs National Park
- Southern Parishes

New development will make the best use of previously developed land and buildings within existing built-up areas. Provision is made for a minimum increase of 10,060 new dwellings in the period 2011-2028. 2,725 of these new dwellings are part of the development of a new Eco town at Whitehill & Bordon over the Plan period with the remainder for up to 4,000 in total to be planned beyond the Plan period. The detailed distribution of housing numbers is set out in Policies CP10 and CSWB4.

Provision is made for about 21.5ha of additional employment land which includes about 9.5ha (gross) as part of the development of a new Eco-town at Whitehill & Bordon which will provide approximately 3,700 new jobs within the Plan period.

Policy CP27 - Pollution:

Development must not result in pollution which prejudices the health and safety of communities and their environments. Developments that may cause pollution, and developments sensitive to pollution,

will only be permitted if they are appropriately separated and designed to remove the risk of unacceptable impacts. Engineering or administrative controls may be required to provide sufficient protection to focus on reducing pollution at source. Development which includes a lighting scheme will not be permitted unless the minimum amount of lighting necessary to achieve its purpose is proposed. Glare and light spillage from the site must be minimised. In determining an application, consideration will be given to the aesthetic effect of the light produced and to its effect on local residents, vehicle users, pedestrians and the visibility and appreciation of the night sky. Development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing.

Any development which is likely to lead to a significant effect on an internationally designated site is required to undertake an appropriate assessment under the Habitats Regulations. As part of any mitigation/avoidance package any impacts on air quality will require a regime for continued air quality monitoring to be set up before the introduction of any mitigation measures, and thereafter maintained.

Policy CP29 - Design:

The District's built environment must be of an exemplary standard and highly appealing in terms of visual appearance. All new development will be required to respect the character, identity and context of the district's towns, villages and countryside and must help to create places where people want to live, work and visit.

New development will be required to:

- a) seek exemplary standards of design and architecture with a high quality external appearance that respect the area's particular characteristics;
- b) take particular account of the setting and context of the South Downs National Park where relevant, be in accordance with the National Park purposes and duty if in the National Park and take account of these purposes and duty where the National Park's setting is affected;
- c) reflect national policies in respect of design, landscape, townscape and historic heritage;
- d) ensure that the layout and design of development contributes to local distinctiveness and sense of place, and is appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features;
- e) ensure that development makes a positive contribution to the overall appearance of the area by the use of good quality materials of appropriate scale, profile, finish, colour and proven weathering ability;
- f) make provision for waste and recycling bin storage and collection within the site;
- g) be designed to the Lifetime Homes Standard as appropriate;
- h) take account of local town and village design statements, neighbourhood plans that identify local character and distinctiveness and the design elements of parish and town plans and conservation area appraisals;
- i) be accessible to all and designed to minimise opportunities for crime and antisocial behaviour without diminishing the high quality of the overall appearance;
- j) embrace new technologies as a considered part of the design and in a way which takes account of the broader impact on the locality;
- k) provide car parking in a way that secures a high quality environment and is

conveniently located, within curtilage wherever possible, taking account of relatively high levels of car ownership where necessary.

Policy CP30 – Historic Environment:

Development proposals must conserve and, where possible, enhance the District's historic environment.

All new development will be required to:

- a) conserve and enhance the cultural heritage of the South Downs National Park if in the National Park and take account of this cultural heritage where the National Park's setting is affected;
- b) reflect national policies in respect of design, landscape, townscape and historic heritage;
- c) conserve, enhance, maintain and manage the district's heritage assets and their setting including listed buildings, conservation areas, Scheduled Ancient Monuments, archaeological sites and Historic Parks and Gardens;
- d) ensure that the development makes a positive contribution to the overall appearance of the local area including the use of good quality materials of appropriate scale, profile, finish, colour and proven weathering ability;
- e) take account of local conservation area appraisals and town and village design statements where they exist.

East Hampshire District Local Plan: Second Review (2006):

HE5: Alterations to a Building in a Conservation area

An alteration or extension of an unlisted building in a Conservation Area will not be permitted unless it would preserve or enhance the character and appearance of the building and the Conservation Area by:

reflecting the scale, design, finishes and landscaping of the building;
retaining and, where necessary, restoring traditional features such as shop fronts, boundary walls, paved surfaces and street furniture;
where appropriate, using materials traditionally characteristic of the area; and
improving the condition of the building and ensuring its continued use.

HE12: Development affecting the setting of a Listed Building

Proposals for development will not be permitted if they would harm the setting of a Listed Building. In particular, proposals for development within the curtilage or grounds of a listed building will only be permitted if :

the Listed Building is secured for future viable use;
it can be demonstrated that the Listed Building's viability and future use has been respected in the proposals;
access to the Listed Building is not adversely compromised;
the future extension of the Listed Building and its maintenance are not compromised; and
the proposed use is sensitive to the historic interest and setting of the Listed Building.

