

Contact: Sarah Nicholson DDI No. 01494 421514
App No : 19/07600/FUL App Type : FUL
Application for : Erection of bin store and 1.6m fence (Retrospective)
At Sir William Borlases Grammar School, West Street, Marlow,
Buckinghamshire, SL7 2BR
Date Received : 18/12/19 Applicant : Mr John Clegg
Target date for decision: 12/02/20

1. **Summary**

- 1.1. Retrospective permission is sought for the erection of a bin store and 1.6m fence at Sir William Borlases Grammar School. The fence which is a replacement for a previously removed fence around the bin enclosure is situated to the East of the school's West Street access. It comprises panels of vertical hit and miss boarding with black painted metal posts in an L- shape, the other sides of the enclosure being formed by the brick walls which mark the school's boundary to West Street.
- 1.2. The application site is situated in the Marlow Conservation Area and a number of the school buildings and the properties opposite are listed buildings.
- 1.3. The fence is considered to be of an acceptable design and size and will not be visible in the street scene. Consequently it will have no impact on the setting of neighbouring Listed Buildings or impact the historic assets of the Conservation Area. The proposal raises no issues of highway safety or capacity. The proposed fence is too far from neighbouring properties to have any direct impact on amenity. While some properties across the street will have view of the stored bins these will be seen in the context of the existing school buildings and the sites established walled boundary to West Street. As there is no right to a view in planning terms an objection on loss of amenity could not reasonably be sustained.
- 1.4. The application is recommended for approval.

2. **The Application**

- 2.1. Retrospective planning permission is sought for the erection of a 1.6m high fence to enclose an area of the school grounds used as a bin store. The fence comprises panels of vertical hit and miss boarding with black painted metal posts. It is L shaped with the other two sides of the enclosed area being formed by the walls which mark the school's boundary to West Street and the school entrance situated immediately to the west of the application site. The fence extends 9.65m by 7.26m and has a 1.2m gate at the end adjacent to the access.
- 2.2. It is understood that the schools bins have been stored in this location for a number of years. The new fence replaces a dilapidated fence which had a number of struts which extended over the bins in a sort of pergola arrangement. This was removed for health and safety reasons and the compound enclosure enlarged to take account of the increased demand for bins resulting from the increases in the school's roll and the range of materials which are recycled.
- 2.3. The application is accompanied by:
 - a) Design and Access Statement
- 2.4. The application site is situated in the Marlow Conservation Area and a number of the school buildings and the properties opposite are listed buildings.

- 2.5. An amendment to the description was agreed to reflect the retrospective nature of the fence.

3. Working with the applicant/agent

- 3.1. In accordance with paragraph 38 of the NPPF (2019) Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the 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. In this instance an amendment to the description was agreed to reflect the retrospective nature of the fence.

4. Relevant Planning History

- 4.1. 17/05784/FUL - Erection of new sports hall building including changing rooms, lockers, toilets and 2 classrooms/studios with teachers offices, removal of three tennis courts to enable relocation of grass pitch, new multi-use games area and re-arrangement. Permitted.
- 4.2. 19/07863/VCDN - Removal of condition 15 (playing field loss) attached to PP 17/05784/FUL (Erection of new sports hall building including changing rooms, lockers, toilets and 2 classrooms/studios with teachers offices, removal of three tennis courts to enable relocation of grass pitch, new multi-use games area and re-arrangement of parking spaces adjacent to the Chapel). Permitted.

5. Issues and Policy considerations

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

- 5.1. It is understood that the school's bin store has been situated in its current location for a number of years. In any event as the bin store is ancillary to the main use of the site as an educational establishment no change of use of the land is considered to have occurred. Therefore the only thing that requires planning permission is the fence.
- 5.2. There is no objection in principle to the erection of a fence in an established urban area subject to the proposal meeting relevant development plan policies.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 5.3. The bin store is in a convenient location to the school's vehicular access on West Street. Bins have to be wheeled only a short distance to the collection lorry with the access gate located immediately adjacent to the access so that collection time is minimalised. Consequently, the County Highway Authority has raised no objection to the application in terms of access, highway safety or capacity.
- 5.4. The fence is in a location whereby it does not interfere with existing school access or parking arrangements on the wider school site.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), CP11 (Historic Environment), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the Historic Environment), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

- 5.5. The location and height of the fence in relation to the higher brick wall that marks the boundary between the school and West Street, means that the fence is not visible in the wider street scene. Thus this maintains the setting of listed buildings within the school grounds as well as those located across the street in West Street.
- 5.6. The Council's Conservation Officer has been consulted on the application and notes that the bin store is located beyond the modern extension to the school and does not directly relate to the historic core of the school. Consequently, the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of the surrounding listed buildings.
- 5.7. The fence and bins are visible from the upper floor front facing windows of properties located across the street above the school's boundary wall. There has been a suggestion from third parties that the storage area could be fully enclosed. In order to do this and provide sufficient headroom for accessing the bins any structure would need to extend some distance above the boundary wall of the site. This would have an associated impact on the street scene and on the historic assets of the Conservation Area including the setting of the listed buildings on the opposite side of West Street.
- 5.8. As the fence replaces a previous structure it has had no impact on the health and well-being of nearby trees.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)
Housing intensification SPD

- 5.9. The fence is too far from any neighbouring property to have any direct impact in terms of privacy or loss light, nor will it have any overbearing impact.
- 5.10. Residential properties on the south side of West Street which are 2/3 stories in height will have a view of the fence and the associated bin store from front facing windows at 1st floor and above. The view experienced is seen within the context of the established boundary of the site, vegetation and the backdrop of the existing school buildings. While it is fully appreciated that no-one would want to have a view of bins from their windows, in planning terms there is no right to a view. Given the fence and bin store is across a busy road and is not having any direct impact on neighbouring amenity a reason for refusal on this account could not reasonably be substantiated.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.11. As a non-residential institution it is up to the school to make arrangements for waste and recycling products to be collected from the site. It is noted that the Council's Environmental Health Control of Pollution section has raised no objection to the development or suggested any conditions.
- 5.12. There have clearly been issues with the management of refuse storage which has impacted the amenity of neighbours. This is a management matter for the school to resolve with their waste collection contractor if necessary and is not a planning matter. The Council would only become involved if an issue were to arise which was covered by Environmental Legislation.
- 5.13. This part of West Street is within Marlow's Air Quality Management Area and third party comments include concerns that the development will increase pollution levels. Planning has no control over how that bin store is serviced. Whether or not the bin store is retained in this position, the waste will be collected, and that is completely outside the planning remit. Any air quality impacts from that are therefore completely outside the control of planning. In any event as the waste bins have been stored in this

location for a number of years, collections from a slight increase in the number of bins is not going to make a significant difference to air quality.

Weighing and balancing of issues – overall assessment

- 5.14. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.15. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material
 - b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - c) Any other material considerations
- 5.16. As set out above it is considered that the proposed development would accord with development plan policies.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers WDC1 and WDC2 unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

INFORMATIVE(S)

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