

Delegated Report

Planning Ref: 25/00587/FUL
Applicant: Mr Peter Merry
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Newlands Primary School Belle Vue Road Earl Shilton

Proposal: Erection 2.4 metre perimeter fence and replacement gates. Additional 1.8 metre fence to the pond area.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for the erection of a 2.40 metre perimeter fence and replacement gates with an additional 1.80 metre fence to the pond area at Newlands Primary School, Belle Vue Road, Earl Shilton.
- 2.2. The existing 1.40 metre high black metal railings placed to the western (front) boundary are to be replaced with weldmesh fencing 2.40 metres in height.
- 2.3. The existing 0.90 metre high timber picket fencing surrounding the pond is to be replaced with weldmesh fencing 1.80 metres in height.
- 2.4. The existing and proposed 2.40 metre high weldmesh fencing to the northern (side) boundary is to be lined by a fabric privacy screening.
- 2.5. The proposed fencing/gates are to be dark green in colour (PAL 6005).
- 2.6. Since the submission of the scheme amendments have been sought to raise the height of the existing pillars to 2.40 metres along with a soft landscaping plan being submitted.

3. Description of the site and surrounding area

- 3.1. The application site comprises a primary school and SEND school situated within the settlement boundary of Earl Shilton. The building itself comprises a single/two-storey flat roof form with a parapet, and is finished in cream painted render, and white uPVC openings. The site's frontage is enclosed by a dwarf blue brick wall with black metal railings above and blue brick/stone pillars to the side of.
- 3.2. The site can be accessed from Belle Vue Road, Earl Shilton which along with the school is characterised by two-storey residential properties. The site previously housed secondary school, Heathfield High School which has since relocated to Health Lane, Earl Shilton under the new name of Health Lane Academy. Since the relocation a section of the land to the north of the site has become derelict with ownership being transferred to another party.

4. Relevant planning history

77/00615/4

- Proposed erection of temporary mobiles 5 double classrooms 1 administration block and 1 laboratory

- Planning Permission
- 12.07.1977

77/01372/4M

- Erection of changing rooms for existing swimming pool
- Planning Permission
- 25.10.1977

84/01092/4

- Retention of temporary mobile double classroom without toilets and laboratory
- Planning Permission
- 12.02.1985

83/01070/4

- Residential development of land fronting
- Planning Permission
- 02.04.1984

88/01441/4C

- Retention of Elliott temporary mobile classrooms double and laboratory
- Country Recommendation
- 20.12.1988

98/00605/C

- Erection of 2.4m high steel palisade fence and gates
- Country Recommendation
- 19.08.1998

98/00918/C

- 2.4 metre high steel palisade security fencing
- Country Recommendation
- 09.12.1998

99/00605/C

- Erection of security fencing, alterations to two vehicular accesses and formation of pedestrian access
- Country Recommendation
- 18.08.1999

04/00798/C

- Replace existing chain link fence with steel palisade security fence
- Country Recommendation
- 02.07.2004

13/00035/ADV

- Erection of signage
- Advertisement Consent
- 04.06.2013

17/00837/C

- Conversion of the former Heathfield Academy secondary accommodation to primary school accommodation. Demolition of existing school buildings. Proposed extension to north side of existing 1930s building. Proposed new rendered & timber cladding facade treatments, proposed window treatments. Proposed new hard and soft landscaping proposals. COUNTY COUNCIL IDENTITY NUMBER: 2017/Reg3Ma/0224/LCC
- Country Recommendation
- 04.09.2017

18/00884/C

- Submission of details pursuant to condition no. 13 of Planning Permission 2017/0837/04/CS/13 (submission of a landscaping scheme)
- Country Recommendation
- 25.09.2018

18/01065/C

- Reconsultation - Submission of details pursuant to condition no. 13 of Planning Permission 2017/0837/04/CS/13 (submission of a landscaping scheme)
- Country Recommendation
- 29.10.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publication four letters of objection and one letter of support has been received;

Objections

- A new higher fence to the front of the building along Belle Vue is unnecessary;
- The proposals design would not be in keeping with the charm and theme of the site;
- A new 2.40 metre angled top fence would look more like a prison than the currently welcoming school;
- The proposal would be an eyesore;
- Based on the report submitted by the School's representatives, 4 incidents have occurred which is the basis of applying for the changes to the existing fencing and gates. All of these incidents have occurred where children have tried to breach the current security provisions but have tried to breach from the inside breaking out. Not trying to get into the premises from the street or adjoining properties;
- Security is about the 4 D's - Deter, Detect, Delay & Defend. The current proposals seem to want to spend money on Defending externally, rather than Detering, Detecting and Delaying the issues at hand internally. This money can be better spent on the adequate alterations to the reception area and the full-time management thereof;
- Public funds should not be used to alter the fencing to the property, when the extent of the work required is beyond what is required to address the incidents
Planning Officer Comment – Due to the type of development funding of the development is not a planning matter;
- The existing fence is currently a 1,8m fence, comprising a brick dwarf wall and steel palisade fence. It blends into the surroundings and has been in-situ for decades. Along with its gates it is not unsightly and serves its purpose. No one will climb this wall with the spikes on top. This fence needs some maintenance to ensure stability and is painted properly;
- The existing gates are robust in design and construction and don't need replacement;
- Privacy screening is not necessary if the adjoining premise is empty;
- The proposal would affect the existing trees and hedges;
- The proposals would significantly exacerbate the current traffic and parking problems on Belle Vue Road. Parents would not be able to drive onto the

property to drop off and collect pupils. The gates need to remain open to achieve this;

- The proposal would cause further vehicle congestion and stop any emergency vehicles using the road and affect bus services when they are re-routed too;
- The proposal would majorly impact our visibility at all times of the day which will greatly impede our ability to drive off of our property safely. The effect will be felt even worse at school pick up and drop off times where the road is double parked across both sides of the road.

Support

- In theory I have no objection to the proposed plans and having worked in the education sector fully understand the requirements for security when considering safeguarding;
- As for the works being carried out, I would ask for a schedule of works to be uploaded to the documents library with duration of works and planned working pattern. I can only assume that there would be a considerate working pattern due to the location of the school next to residential property. No more than Mon - Fri 0800hrs - 1700hrs. I would also ask that generators and vehicles with running engines are not placed against the fence line on the very south of the site as proposed in the plans and maybe placed further away as we already have issues with local elections and generators creating unpleasant noise pollution from 0700hrs - 2200hrs at the top of the garden

Planning Officer Comment - Whilst the above comment has been noted due to the type of development and method of construction it is not considered to cause long term noise and disturbance to neighbours.

6. Consultation

6.1. Earl Shilton Town Council;

- No response has been received.

6.2. LCC Highways;

'The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011.

The Applicant should be mindful of Public Right of Way (PRoW) U74 which runs adjacent to the application site.

The LHA is satisfied that the use and enjoyment of the PRoW will not be significantly affected by the proposed development. The following notes should however be drawn to the applicant's attention:

Informatives

- a) Prior to construction, measures should be taken to ensure that users of the public Right(s) of way are not exposed to any elements of danger associated with construction works.*
- b) The public right(s) of way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.*
- c) The public right(s) of way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.*

- d) *If the developer requires a public right of way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.*
- e) *Any damage caused to the surface of a public right of way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.*
- f) *No new gates, stiles, fences, or other structures affecting a public right of way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a public right of way and the County Council may be obliged to require its immediate removal.'*

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (EABAAP) (2014)

- Policy 22: Development and Design
- Policy 24: Safeguarding Community Facilities
- Policy 25: Safeguarding Open Space, Sport and Recreational Facilities

7.2. Core Strategy (2009)

- Policy 2: Development in Earl Shilton

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM25: Community Facilities

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 7.6. The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Earl Shilton and Barwell Area Action Plan (EABAAP) (2014). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy.
- 8.5 The Core Strategy, the SADMP and the EABAAP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.6 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Policy DM8 of the SADMP and Policy 24 of the EABAAP states that the Borough will resist the loss of land or buildings in recreational or sporting use and areas of open space, as identified in the most recent Open Space, Sport and Recreational Facilities Study and will only be acceptable where a replacement of an equivalent typology is provided, if it is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community or the development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the community, remainder of the site, or on a nearby site serving the same community.
- 8.8 Policy DM25 of the SADMP and Policy 25 of the EABAAP states that the Borough will resist the loss of community facilities and will only be acceptable where it can be demonstrated that an equivalent range of replacement facilities can be provided in an appropriate location.
- 8.9 This proposal whilst relating to the school which hosts open space, does not impact any of the existing facilities on the site. The proposal can therefore be considered to be in accordance with Policies DM8 and DM25 of the SADMP and Policies 24 and 25 of the EABAAP.
- 8.10 As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP and the wider policies of the NPPF. Therefore, the development is considered to be acceptable in principle, subject to all other material planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.11 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 Policy 22 of the EABAAP seeks to ensure that developments do not have a detrimental impact upon the character or appearance of the host building or the surrounding area and respect the scale, proportions, height and materials of the existing building, neighbouring structures and overall street scene.
- 8.13 Objections have been received that the proposal is unnecessary, would not be in keeping with the charm and theme of the site, would be an eyesore and would impact the existing landscaping.
- 8.14 The proposal seeks to replace existing fencing/gates at the site ranging from 1.80 – 2.40 metres in height. The positioning of the fencing/gates would remain unchanged with the alterations being limited specifically to their materials and scale. The proposals would be visible from public vantage points and would have a notably dissimilar appearance to that of the existing 1.40 metre high black metal railings placed to the sites frontage. That being said, weldmesh fencing is present to the application site and nearby school Fusion Academy (albeit at smaller in height), so the introduction would not be an unfamiliar or unsympathetic addition to the area.
- 8.15 Key features such as the dwarf wall and pillars to the western (front) boundary are to be retained which would retain a certain level of sites existing character and the choice of the dark green colourway would soften the proposals appearance. The overall height of the proposals is notably larger than that of a standard school, nevertheless as Newlands Primary School shares a boundary with Oaklands South Short Stay School which is a designated Special Educational Needs and Disabilities (SEND) school requiring a minimum perimeter fence height of 2.40 metres with an anti-climb construction as specified in the 2021 memorandum by the Department for Education (DfE) the increase is considered to be justified.
- 8.16 In addition to the fencing/gates a fabric privacy screening is also proposed to the northern (side) boundary which is situated adjacent to derelict land. Whilst not the most sympathetic form of boundary screening given the condition of the adjacent site, its positioning and minor nature it is not considered to bear any detrimental impacts upon the area.
- 8.17 It is noted that within the neighbour objections, concerns were raised to the potential visual harm caused if any hedgerow or trees were to be removed or damaged as part of the proposal, the trees/hedgerows are not protected by virtue of a TPO or being located within a Conservation Area therefore could be removed without further consent. However, the shrubs, hedgerows and trees do offer amenity value. A Soft Landscaping Plan has been submitted indicating the retention of the existing hedgerows/trees and a condition has been implemented to confirm that should any trees or hedges indicated to be retained be removed or damaged during the construction period that they would be replaced appropriately to ensure that such planting continues to screen the fencing and soften its appearance.
- 8.18 As such it is considered that the proposals are in accordance with Policy DM10 of the SADMP and Policy 22 of the EABAAP.

Impact upon neighbouring residential amenity

- 8.19 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.20 Policy 22 of the EABAAP seeks to ensure that developments do not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.21 The proposal seeks the replacement of the 1.40 metre high black metal railings with a 2.40 metre high weldmesh fence, owing to the existing fencing on site, and the similar nature of the proposed fencing, it is considered that the proposal would cause no detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overbearing impacts or overshadowing.
- 8.22 In light of the above, it is considered that the development would not result in any detrimental impact to neighbouring residential amenity in terms of loss of light, loss of privacy, overbearing impacts or overshadowing. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP and Policy 22 of the EABAAP.

Impact upon highway safety

- 8.23 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.24 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.25 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.26 Objections have been received that the proposal would exacerbate the current traffic and parking problems on Belle Vue Road and would affect the visibility for neighbouring properties when reversing off their drives.
- 8.27 The proposal does not have any material impact on highway safety, by the nature and location of the development. The Local Highways Authority have raised no objections, subject to informatives being added in regard to the public Right(s) of way. A condition restricting the gates to inward opening only has also been implemented.
- 8.28 As such it is considered that the proposal is in general accordance with Policies DM17 of the SADMP.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The application is considered to be acceptable in terms of its impacts on the character of the area and have no detrimental impact on neighbouring amenity or highway safety. As a result the proposal is considered to be in accordance with Policies DM10 and DM17 of the SAMDP and Policy 22 of the EABAAP, the scheme is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Contractor's Parking Arrangements, Drg No. P03
- Site Location Plan, Drg No. P04
As received by the Local Planning Authority on the 18th June 2025.
- Gate Elevations, Drg No. P05
- Fence Elevations, Drg No. P06
As received by the Local Planning Authority on the 23rd June 2025.

- Soft Landscaping Layout, Drg No. P07 as received by the Local Planning Authority on the 30th July 2025.
- Proposed Site Plan, Drg No. P02 Rev A as received by the Local Planning Authority on the 21st August 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the Earl Shilton and Barwell Area Action Plan (2011).

3. The gates hereby approved shall be inward opening only and shall be retained as such for the lifetime of the development.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened in the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

4. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 (e) of the National Planning Policy Framework (2024).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) Prior to construction, measures should be taken to ensure that users of the public Right(s) of way are not exposed to any elements of danger associated with construction works.
- c) The public right(s) of way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- d) The public right(s) of way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- e) If the developer requires a public right of way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- f) Any damage caused to the surface of a public right of way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

- g) No new gates, stiles, fences, or other structures affecting a public right of way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a public right of way and the County Council may be obliged to require its immediate removal.