

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2188/0F1
2.	Proposed Development:	PROPOSED REPLACEMENT OF FENCING AND GATES TO SCHOOL SITE BOUNDARY (INCLUDING RECONFIGURATION OF ACCESS GATES TO MAIN ENTRANCE)
3.	Location:	ST BRIDGETS R C SCHOOL, ST BRIDGETS LANE, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to St Bridgets RC School, a primary school accessed from St Bridgets Lane in Egremont. The site is predominantly bound by residential properties and comprises of the main school building and various associated hardstanding/play areas. The site lies within Flood Zone 1, and partially within Flood Zone 2 and 3. PROPOSAL	

Planning Permission is sought for the replacement of the 4-metre-high boundary galvanised high chain-link fencing and gates, including reconfiguration/improvement of the access gates to the main entrance to the school building to provide a more inclusive and positive appearance whilst maintaining robust security for the school site.

The new fencing and gates would comprise 2.4m high black powder coated V Mesh security fencing and matching gates with an arched main entrance approach. The high galvanised gates at the school entrance are to be removed to allow the gate line to be moved back to allow for the entrance to become wider

RELEVANT PLANNING APPLICATION HISTORY

4/03/0018/0 NEW CLASSROOM EXTENSION - Approve

4/11/2608/0F1 EXTENSION TO EXISTING PRIMARY SCHOOL – Approve

4/15/2320/0F1 ERECTION OF 2 CANOPY COVERED RAISED PLAY AREAS – Approve

4/06/2589/0 ERECTION OF PERIMETER FENCE – Approve

4/09/2029/0 ERECTION OF 3.6M HIGH FENCE TO EXTEND SCHOOL BOUNDARY – Approve

4/12/2554/0F1 INSTALLATION OF STORAGE CONTAINER AT REAR OF SCHOOL – Approve

CONSULTATION RESPONSES

Egremont Town Council

No objections.

Highways and Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site.

Environment Agency

We have no objection to the proposed development but we wish to make the following comments:-

The red-edge boundary of the planning application includes an area that is located within Flood Zone 3, which is land defined by the planning practice guidance as having a high



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probability of flooding.

The National Planning Policy Framework (paragraph 173, footnote 59) states that an FRA must be submitted when development is proposed in such locations. While the application boundary falls within Flood Zone 3, the proposed development is wholly within Flood Zone 1, which is land defined as having a low probability of flooding. As no development is proposed within Flood Zone 3, there are no tidal or fluvial flood risks that we would expect to be considered through a FRA. The risk of flooding from other sources has not been considered. It will be for the Local Planning Authority to decide whether or not the application should be supported by a FRA to consider the risk of flooding from other sources in this instance.

Cumberland Council Property & Estates Services

No comments received.

Cumberland Council Legal Services

No comments received.

Countryside Access Footpaths Officer

No comments received.

Public Representation

The application has been advertised by way of a site notice and consultation letters issued to 3 no. neighbours and a site notice displayed.

There was one objection received as a result of this consultation which raised concerns for turning a grassed area into a surfaced car park.

The objector has been advised that the new surface area is not part of this planning application and therefore issues relating to it cannot be considered as part of the assessment.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM24 – Development Proposals and Flood Risk

Emerging Copeland Local Plan (ELP).

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023. The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.



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A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following policies are relevant to this proposal:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy R4PU: The Key Service Centres

Policy SC5PU: Community and Cultural Facilities

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

ASSESSMENT

The main issues raised by this application relate to the principle of the development, scale, design and impact on amenity, flood risk and the public right of way.

Principle of Development

Policies ST1, ST2 and ER7 of the Copeland Local Plan and Strategic Policy R4PU of the Emerging Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

The site lies within Egremont, which is identified as one of the Borough's Key Service Centres, where development will be supported that provides or contributes to the Borough's social and community infrastructure.

Policy SS4 and Policy SC5PU also allows for the expansion and/or enhancement of existing community and cultural facilities to assist continuing viability.

As such the principle of development is considered to be acceptable.

Scale, Design and Impact on Amenity

Policy ST1, DM10 of the Adopted Local Plan, Policy DS6PU of the Emerging Local Plan and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The proposal will replace the 4-metre-high boundary galvanised high chain-link fencing and gates, including reconfiguration/improvement of access gates to the main entrance to the school building to provide a more inclusive and positive appearance whilst maintaining robust security for the school site.

The proposal is considered to be modest in scale as the new fencing and gates would comprise 2.4m high black powder coated V Mesh security fencing and matching gates with an arched main entrance approach, which is a reduction in height from the 4-metre fencing that currently exists on site.

The high galvanised gates at the school entrance are to be removed to allow the current gate line to be moved back to allow for the main entrance to become wider. Whilst the site lies in close proximity to existing residential properties on St Bridgets Lane, the new entrance will allow for a larger area to be adopted to allow parents to congregate off the pavement.

Furthermore, the proposal will also provide a safe separation between the school grounds and the carpark to improve safe site vehicle manoeuvres, particularly around school drop off and pick up in this busy residential area.

As the proposal is replacing the existing boundary treatments, and aims to improve the overall site accessibility, it is therefore not considered to have an adverse impact on the surrounding residential amenity.

The proposed materials will be more modern in design and will enhance the external appearance of the school building.

On the basis of the above it is considered that the proposal complies with ST1 and DM12 of the Local Plan, Policy DS6PU of the Emerging Local Plan and section 12 of the NPPF.

Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design.

Policy ENV1 and DM24 of the Copeland Local Plan and Strategic Policy DS8PU of the Emerging Local Plan reinforces the focus of protecting development against flood risk.

The red-edge boundary of the planning application includes an area that is located partially within Flood Zone 2 and 3, which is land defined by the planning practice guidance as having a high probability of flooding. The proposed development is wholly within Flood Zone 1, which is land defined as having a low probability of flooding.



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	<p>As the development only seeks to replace already existing boundary treatments/gates and the widening of the current access, it is not considered that a Flood Risk Assessment is necessary to support this application and the development is not considered to increase the impermeable surface at this site.</p> <p>The Local Lead Flood Authority and The Environment Agency offered no objections to the proposal in principle.</p> <p>The proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan, Strategic Policy DS8PU of the Emerging Local Plan and provision of the NPPF.</p> <p><u>Public Right of Way</u></p> <p>Although the application site lies within the 50-metre buffer of the Public Right of Way 406013 and the proposal might be visible from a small section of the public footpath, it will be modest in scale and design. The proposal will also be seen in the context of the existing school site.</p> <p>This will minimise the impact of the development and therefore the proposal will not harm the physical footpath or the amenity of the footpath user.</p> <p>No comments were received from the Countryside Access Footpath Officer.</p> <p>On this basis, the proposal is considered to satisfy Policy DM10 and the NPPF guidance.</p> <p><u>Planning Balance & Conclusion</u></p> <p>Planning permission is sought for the replacement of the 4-metre-high boundary galvanised high chain-link fencing and gates, including reconfiguration/improvement of access gates to the main entrance to an existing school within one of the Borough's Key Service Centres.</p> <p>The proposal is considered to be modest in scale and reflect the character of the existing school site and will not have a detrimental impact on residential amenity.</p> <p>The materials proposed are considered acceptable and suitable for their use in this context.</p> <p>The development is not considered to increase flood risk on site.</p> <p>the proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan, The Emerging Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

	<p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <ul style="list-style-type: none">- Application Form (amended), received 16th July 2024;- Site location Plan, scale 1:1250, received 23rd May 2024;- Existing Boundary Fence Plan, scale 1:500, received 23rd May 2024;- Proposed boundary fencing Replacement Plan (amended), scale 1:500, received 16th July 2024;- Proposed Boundary Fencing supporting document, received 23rd May 2024; <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: Demi Crawford	
Date : 08/08/2024	
Authorising Officer: N.J. Hayhurst	
Date : 12/08/2024	
Dedicated responses to:- N/A	