



Town and Country Planning Act 1990

**COPY**

**PLANNING PERMISSION**

**Name and address of applicant**

Helmdon Primary School  
Station Road  
Helmdon  
Brackley  
NN13 5QT

**Name and address of agent (if any)**

**Part I - Particulars of application**

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**Date of Application**

**Received** – 30<sup>th</sup> June 2010  
**Valid** – 22<sup>nd</sup> July 2010

**Application No.**

**NCC** – 10/00052/CCD  
**SNC** – S/2010/0943/RG3

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**Particulars and location of development**

Proposed 1.8m high security fence including a boom barrier at Helmdon Primary School, Station Road, Helmdon, Brackley NN13 5QT

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**Part II - Particulars of decision:**

**The Northamptonshire County Council**

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

**Time Limit**

1. The development to which this relates must be begun not later than the expiration of three years beginning with the date of this permission.

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

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### Scope of Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the submitted application: i.e. Application Form, dated 22<sup>nd</sup> July 2010; Design and Access Statement; Planning Statement for security fence; Local Plan; Plan showing position of proposed fence and car park boom barrier; Hadley (tubular bow) fencing type brochure and Car park boom barrier photo mock-up.

**Reason:** To define the scope of the permission and in the interest of clarity.

### Hours of Construction Works

3. Except as may otherwise be agreed in writing by the County Planning Authority all construction works shall be confined to the hours of 7.30am to 5.30pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays, with no works on Sundays or Public Holidays.

**Reason:** To protect the amenities of nearby occupiers of property from noise and other disturbance and in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policy G3 of the South Northamptonshire Local Plan (1997).

### Construction Delivery Vehicles

4. Except as may otherwise be agreed in writing by the County Planning Authority, construction delivery vehicles shall not arrive at, enter or leave the site between the hours of 08.00 to 09.30 and 14.30 to 16.00 Mondays to Fridays during term time.

**Reason:** To safeguard the pupils and parents at Helmdon Primary School and reduce congestion in the area in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policies G3 and EV1 of the South Northamptonshire Local Plan (1997).

### Fencing and Car Park Barrier

5. The fencing and car park barrier hereby approved shall be finished in dark green unless otherwise agreed in writing by the County Planning Authority.

**Reason:** In the interests of visual amenity in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policy G3 of the South Northamptonshire Local Plan (1997).

### Protection of Existing Trees and Hedges

6. Prior to the commencement of works, a method statement for the erection of the new fencing and a risk assessment of the potential for damage to the existing trees and hedgerows in accordance with 'British Standard 5037:2005 Trees in relation to construction – Recommendations' shall be submitted to the County Planning Authority for approval in writing. The method statement shall include details of the 'by hand' excavation method to be used for post

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holes to ensure protection of the roots of the nearby trees and hedges. The submitted proposals which are approved shall thereafter be implemented. Any such method statement should identify where significant amounts of vegetation will be required to be removed in order to facilitate the fence.

**Reason:** To protect existing trees and hedges from damage in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policy G3 of the South Northamptonshire Local Plan (1997).

7. Except as may otherwise be agreed in writing by the County Planning Authority, the existing vegetation adjacent to the proposed car park boom barrier shall be maintained in situ and at a height of no less than 6 metres.

**Reason:** In the interests of visual amenity in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policy G3 of the South Northamptonshire Local Plan (1997).

### **Landscape**

8. Prior to the commencement of works, the applicant shall submit to the County Planning Authority for approval in writing a scheme for additional planting of trees and shrubs along the new fence line to enable the vegetation to grow in front to screen and permeate the new fence. The scheme shall include replacement planting where significant amounts of vegetation will be required to be removed, as identified in the method statement required by condition 6 above. The scheme as agreed shall be implemented within the first planting season following completion of the fence erection work.

**Reason:** To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policy G3 of the South Northamptonshire Local Plan (1997).

9. Any trees or shrubs which die or otherwise fail within five years of planting shall be replaced during the following planting season with trees or shrubs of a similar size or species to those originally planted.

**Reason:** To ensure the proper maintenance and aftercare of the approved landscaping scheme.

### **Protection of Breeding Birds**

10. Operations that involve the destruction and removal of trees and other vegetation shall not be undertaken during the months of March to August inclusive, unless an ecologist report is submitted to demonstrate that breeding birds will not be affected and this has been approved in writing by the County Planning Authority. Should nesting birds be found, development shall be delayed until such time as nesting has ceased.

**Reason:** To ensure that breeding birds are not adversely affected.

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## Vehicular Access

11. The car park barrier hereby approved shall be installed at least 5.0m back from the edge of the carriageway.

**Reason:** In the interests of highway safety in accordance with Policy 2 of the East Midlands Regional Plan (2009) and Saved Policy G3 of the South Northamptonshire Local Plan (1997).

## INFORMATIVE

1. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:
  - i. The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times. During the construction, ensure all works are carried out on school grounds side of the footpath and there is not obstruction or danger to the public during this time. On grounds of public health and safety it is advised to put up construction warning signs along the footpath to warn users during fencing works.
  - ii. There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office, under S131 HA 1980.
  - iii. If as a result of the development the Right of Way needs to be closed a Traffic Regulation Order will be required. An application form for such an order is available from Northamptonshire County Council website, a fee is payable for this and a period of six weeks notice is required. Please follow the link below:  
[www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx](http://www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx)
  - iv. Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer, standard examples can be provided. If a gate is put in along the adjacent footpath, which the Rights of Way Officer strongly advises the school to do, the gate needs to open inwards onto the school ground.

## REASONS FOR APPROVAL

Helmdon Primary School is seeking planning permission to replace the existing fencing around the south and west boundary of the school site with 1.8m high tubular bow top fencing. The proposal also includes a car park boom barrier at the vehicular entrance to the school off Station Road. The visual impact of the new fence and barrier on the character of the area can be mitigated by the screening effect of existing vegetation and by the imposition of a landscaping condition to require further

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planting in front of the fence. On balance, having regard to the objections raised by the Helmdon Parish Council, it is considered that the proposed fencing and barrier would not have a significant adverse impact upon residential amenity or the visual appearance of the area, and is acceptable having regard to Policy 2 of the East Midlands Regional Plan (2009) and Saved Policies G3 and EV1 of the South Northamptonshire Local Plan (1997).

Date 14<sup>th</sup> December 2010

Signed G.P. Watson

For Chief Planning Officer

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1. *If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.*
2. *If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.*
3. *In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.*
  - (a) *The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.*
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at [http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A/www.planningportal.gov.uk/uploads/pins/pcs\\_a5\\_leaflet.pdf](http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A/www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf)*

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