

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>21 August 2024</b>
<b>TITLE OF REPORT:</b>	<b>233135 - PROPOSED EARLY YEARS LEARNING SHELTER (RETROSPECTIVE) AT EARDISLEY CHURCH OF ENGLAND PRIMARY SCHOOL, EARDISLEY, HEREFORD, HR3 6NS</b>  <b>For: Mrs Knight per Mr Andrew Baker, Easters Court, Leominster, Herefordshire, HR6 0DE</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233135">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233135</a>
<b>Reason Application submitted to Committee -</b>	

**Date Received: 23 October 2023**

**Ward: Castle**

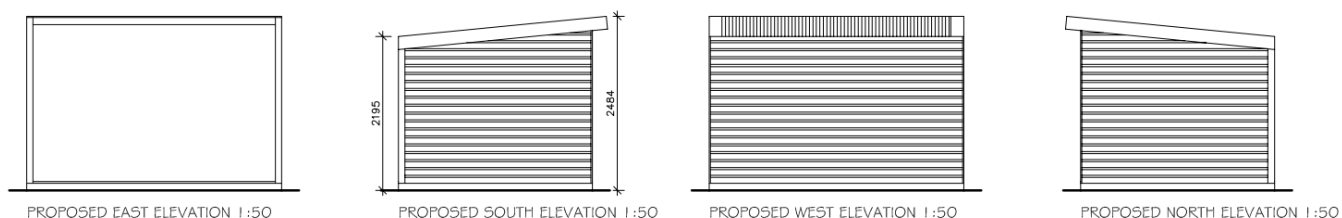
**Grid Ref: 331339,249131**

**Expiry Date: 18 December 2023**

Local Members: Cllr Robert Highfield

## 1. Site Description and Proposal

- 1.1 The proposal relates to Eardisley Church of England Primary School. The main school building is an unlisted Victorian building with later additions. It occupies a prominent location within the Eardisley Conservation Area, set back from the road running through the village (A4111), with its hard surfaced play area in the foreground. The village contains a high number of listed buildings including the Grade I Church of St Mary Magdalene opposite.
- 1.2 The application is a retrospective application for the erection of an early years learning shelter. The structure measures 3.645m (L) x 2.775m (W) x 2.195m (H to ridge) with an overall height of 2.484m. The structure is of a timber frame construction finished in timber cladding with a roof of galvanised steel profile sheet.



*Figure 1: Proposed elevations*

- 1.3 A supporting justification statement has been submitted and provides the following rationale for the development:

*This bespoke structure has been erected as a result of the requirement to fulfil our obligations under the Early Years Framework to make proper provision for effective daily and ongoing*

*outdoor learning. To achieve this, like our school counterparts, we have needed to create a covered area that suits the area and needs of our pupils.*

## **2. Policies**

2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website.

### **The Herefordshire Local Plan – Core Strategy (CS)**

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA2	-	Housing in settlements outside Hereford and the market towns
RA6	-	Rural economy
SC1	-	Social and community facilities
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD4	-	Historic environment and heritage assets
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

## **2.2 Eardisley Group Neighbourhood Development Plan:**

A referendum for voters within the Eardisley Group Neighbourhood Area was held on the 13 June 2016 and passed. The Eardisley Group Neighbourhood Development Plan is therefore part of the statutory development plan. The following policies are considered to be of relevance:

- Policy T2 - Transport Requirements related to Development
- Policy E1 - Flooding
- Policy E2 - Heritage Assets and Village Character

## **2.3 National Planning Policy Framework (NPPF) – Relevant Chapters:**

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which

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Further information on the subject of this report is available from Mr Matthew Neilson on 01432 260898

are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

### 3. Planning History

3.1	N101775/F	-	Replacement windows	Approved
	P161579/CD4	-	Replacement of existing chain-link fence	Approved
	P181289/F	-	Replacement of existing chain-link fence	Approved
	P211863/F	-	Provision of Early years building	Approved
	P241067/F	-	Proposed single storey extension	Approved

### 4. Consultation Summary

#### 4.1 Internal Council Consultations

**Trees** – No objection

**Ecology** – No objection

As agreed with Natural England where ‘educational’ applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows all nutrient pathways can be considered as accommodated with associated residential occupation of staff and pupils. No other effects are identified. This application can be considered as screened out from triggering any further Habitat Regulations Assessment process.

From information supplied and available to the LPA this ‘exemption’ would be applicable in respect of this current application and the River Wye SAC.

From supplied and available information there are no other ecology comments on this retrospective planning application.

**Highways** – No objection

The retrospective proposal seeks to construct an Early Years learning shelter within the school grounds.

Given the sites close proximity to the highway and height, visibility where Orchard Close meets the A4111 is paramount.

However, having carried out a site visit on November 22<sup>nd</sup> to assess the visibility of this junction, the Local Highway Authority feel that the application has demonstrated that sufficient visibility can be accommodated and will not materially impact on the operation of the junction. Additionally, as a result of there being no accident record at the junction at present, it is considered that the junction operates safely.

As such, the Local Highway Authority have no objections to the retrospective development proposal.

**Environmental Health (Contaminated Land)** – No objection

## **Historic Buildings Officer – Objection**

The rationale for the construction and placement of the early years shelter is understood from the submitted supporting documents. From a heritage perspective, however, there is a negative and intrusive impact that causes harm to the Eardisley conservation area and the nearby heritage assets, both designated and non-designated, due to the design and material choice of the structure.

The chosen materials are incongruous to this part of the Eardisley conservation area. Most outbuildings are constructed in red brick masonry with tile or slate roofs and located to side or rear elevations of the principle building. Neighbouring modern buildings to the school can be seen to have been constructed in red brick, to mirror the material precedent of the school building. Roofs in the conservation area are pitched – the proposed flat roof introduces an alien design feature which could set a precedent for future development in the immediate built environment.

### **Conclusion:**

With the above comments in mind, it is recommended that the structure is relocated away from its current prominent position at the front of the building where it detrimentally affects the special historic and architectural interest of the Eardisley conservation area and the setting of the nearby heritage assets, including the listed buildings and the School itself as a building of local historic importance.

If the planning officer is minded to approve the application, the following amendments are suggested to the design and appearance of the shelter to mitigate the harm it causes to the conservation area and the setting of the heritage assets:

- Amending the roof design to be a pitched tile roof rather than a flat roof with a corrugated metal sheeting covering. This will be more in keeping with the established character of this part of the conservation area.
- Painting the timber cladding with a dark stain so the structure is less incongruous when entering the village. It would be preferred that this was a dark brown colour to be in keeping with the surrounding area.

## **5. Representations**

### **5.1 Eardisley Group Parish Council**

This retrospective application for the erection of an Early Years learning shelter at Eardisley Church of England Primary School was considered by the Parish Council. After a full discussion, it was determined the Parish Council should object to the proposal and the shelter should be moved for the following reasons:

1. The site of the shelter in the corner of the playground is strongly believed to be a safety issue for motorists, pedestrians and school children, in particular. Visibility on the junction with the A4111 is significantly compromised on exit to the A4111 and entry to the adjacent road from the A4111. The adjacent road leads to an industrial area meaning HGV and other commercial vehicles are frequent users. Motorists approaching the road along the A4111 and turning right from the Hereford direction do not have visibility of oncoming large vehicles prior to turning in.

This leads to instances of incoming vehicles being forced to reverse back on to the busy A411 or mounting pavements to enable larger commercial vehicles to exit. Drivers of long-bonneted vehicles, such as tractors and low loaders exiting to the A4111 are unsighted causing a risk to pedestrians and traffic on the A4111. This is particularly significant during school collection and drop off times when small children, pushchairs, scooters, etc. are using the pavements.

2. Local knowledge informs the Parish Council that some years ago, the wall enclosing the school playground was deemed to reduce motorists' visibility on this same junction after damage the wall was damaged by road users in accidents. Remedial works were, therefore, carried out to lower the height of the wall at this point. The benefits of taking this action have now been removed by the siting of the shelter in this corner of the playground.

3. Whilst the Parish Council fully supports the school in its wish to provide an Early Years learning shelter facility, it believes the road safety risks of the shelter being located in this (its current) position are too great and that, therefore, it must be moved to an alternative position at the earliest opportunity.

## 5.2 Public comments:

Three representations have been received from members of the public. They are summarised below:

- Impact upon highway safety with particular reference to the visibility at the junction of Orchard Close and the A4111.

## 5.3 The consultation responses can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=233135](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233135)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

### *Policy context and Principle of Development*

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Eardisley Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 13<sup>th</sup> June 2016.

### *Heritage:*

6.3 In this case, the site of the structure lies within the Earsidley Conservation Area and as such any impact the development may have upon the character or integrity of the designated area must be assessed, along with nearby listed buildings that include the Grade I listed Church of St Mary Magdalene opposite. This is in accordance with paragraph 208 of the NPPF which states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

6.4 The introduction of the shelter in the foreground of the school does have an impact upon its setting and, in turn, an impact upon the setting of the conservation area and the church, as the photograph below shows:



- 6.5 The harm is deemed to be less than substantial to the significance of the heritage assets and therefore, in accordance with paragraph 208 of the NPPF, the the impacts of the development can be balanced against the public benefits of improving the educational facilities at Eardisley Church of England Primary School.
- 6.6 In this location the setting of the conservation area and the Grade I listed church are also impacted by the fact that the A4111 runs through / immediately adjacent to them and, in the particular context of the school, the consented dark green security fence that surrounds the school grounds.
- 6.7 In light of these matters, whilst the shelter does, as the Historic Buildings Officer notes, have a degree of incongruity, the harm to the significance of the heritage assets is judged to be towards the lower end of the scale of the less than substantial threshold set by the NPPF.
- 6.8 The shelter is of simple design. The justification statement that accompanies the application advises that, for critical safeguarding purposes, it is important that this structure is in sight line of the pre-school classroom, (which is at the front of the building with direct access onto the playground) classroom, with no 'hidden corners' where children cannot be observed at all times. The statement goes on to advise that alternative locations were considered, but due to these observation requirements, none were deemed to be suitable.
- 6.9 In light of all of the above officers take the view that the harm identified does not outweigh the benefits of the structure in terms of its use as an educational tool nor does the harm outweigh the need to ensure adequate safeguarding for the pupils. It is therefore considered that refusal of permission on the grounds of harm to the conservation area or nearby heritage assets would be disproportionate. Therefore the proposal is considered to accord with Policy LD4 of the HCS and the NPPF.

#### *Highways:*

- 6.10 It is noted the Council has received several comments from the public in regard to the impact the development has upon the local highway network, and particularly that the proposal impedes visibility at the junction of the unclassified road along the northern boundary of the school site and the A4111. The Council's Highways Officer has visited the site and has concluded that sufficient visibility can be achieved.
- 6.11 A site visit by the case officer has also provided the opportunity to assess the visibility from the point of view of a driver (figure 2) and it is clear that the building in question does not interrupt the visibility at the junction as it is sufficiently set back from the highway. The proposal therefore complies with policy MT1 of the HCS.





*Figure 2: view to the south along the A4111*

*Ecology:*

- 6.12 As noted by the Council's Ecologist and as agreed with Natural England where 'educational' applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows all nutrient pathways can be considered as accommodated with associated residential occupation of staff and pupils. No other effects are identified. This application can be considered as screened out from triggering any further Habitat Regulations Assessment process. As such the development is considered to comply with policy SD4 of the HCS.

*Amenity:*

- 6.13 The scale, massing and use of the proposed structure would not result in any demonstrable harm to the amenity or privacy of neighbouring properties as it continues an educational use within the grounds of the school. Furthermore, the proposed use of the structure will aid in improving the facilities at Eardisley Primary School providing an overall improvement to benefit the wider settlement as a whole. The proposal therefore complies with policy SD1 of the HCS.

*Conclusion:*

- 6.14 The proposal complies with planning policy notably SD1, LD1, LD4, MT1 and SC1 of the HCS. The limited harms to the significance of the setting of heritage assets are outweighed by the benefits of approving the scheme and therefore the application is therefore recommended for approval.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

That planning permission be granted subject to the following conditions:

- 1. The development shall be carried out strictly in accordance with the approved plans drawing nos. 412-01, 412-02, except where otherwise stipulated by conditions attached to this permission.

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

- 1. IP1 Application Approved Without Amendment

Decision: .....

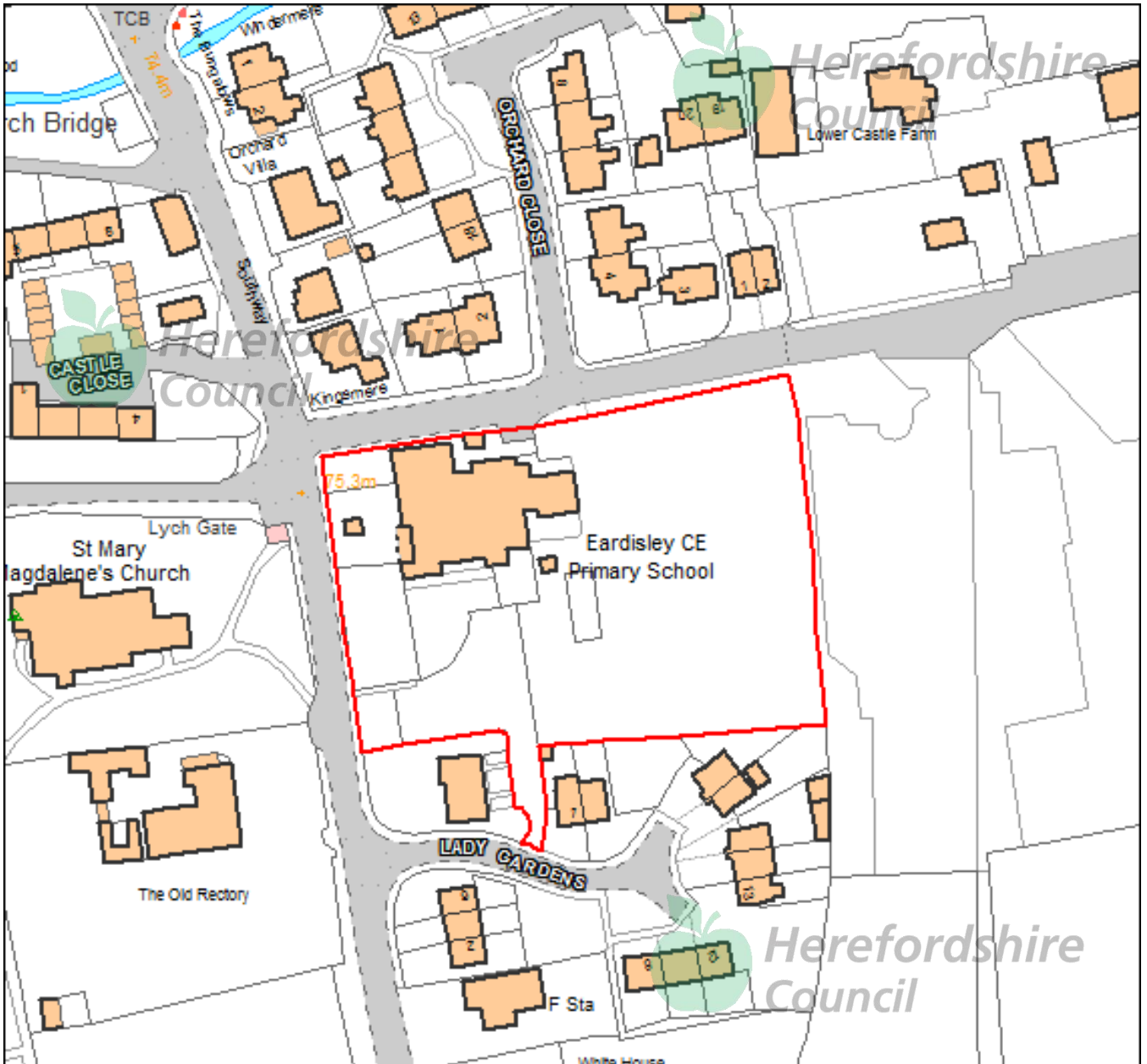
Notes: .....

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**Background Papers**

None identified.





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**APPLICATION NO:** 233135

**SITE ADDRESS :** EARDISLEY CHURCH OF ENGLAND PRIMARY SCHOOL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NS

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