

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
HBG Construction Midlands Ltd. 'B'	Amendment to the perimeter fence of the new schools and proposed footpath diversion at Meadows First and Parkside Middle Schools, Stourbridge Road, Bromsgrove	RES	B/2007/1032 08.11.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP) PROW	No objection - received 15.10.2007 The proposal is far from ideal, but the best we can expect as any improvement in the aspect of the route would involve a radical redesign of the layout of the pitches - received 16.10.2007
RA	No objections to perimeter fence. Object to the footpath diversion on the grounds that it would lead to the extinguishment of the PRow whilst preventing a reasonable alternative. As with the previous application (B/2005/1001), the footpath should run along the rear of Parkside Middle School and the rear of properties in Stourbridge Road coming out onto Santridge Lane, and also along the southern boundary of the Middle School coming out onto Market Street - received 01.10.2007
WMC	Fully support the application. The site has had 10 recorded crimes against the school since 2006, mainly criminal damage. The diversion would reduce the risk of further offences. Secured by design standards state that new schools should not accommodate footpaths through them for the protection of students, staff and buildings. PPS1 states that good design should "create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion" - received 24.09.2007
WMI	Consulted: 18.09.2007 - views awaited.
Local Plans - open space	Consulted: 18.09.2007 - views awaited.
HLS	Expressed community safety concerns with respect to the creation of a 3-metre wide footpath enclosed with fencing on both sides could create a crime alley leading to potential muggings, etc. The existing footpath is popular and accessible that provides a good safe access link to residents mainly of Sidemoor that visit Asda and the other town centre amenities - received 03.10.2007
Community Safety	Support the application - the existing footpath allows perpetrators access to the school for criminal or anti-social purposes. This will be reduced by the proposed fencing and diversion - received 03.10.2007
Publicity	Five neighbours consulted: 18.09.2007; expired 09.10.2007 Site notices displayed 18.09.2007; expired 09.10.2007 Press notice published: 28.09.2007; expired 18.10.2007 Eighteen letters of objection received, objecting to the proposed diversion on the following grounds: <ul style="list-style-type: none"> • The retention of the existing footpath is an important through-route for residents and children.

- The proposed fencing off of the entire school site would create a fortress mentality leading to further problems.
- The reason for the temporary closure of the footpath was for the movement by construction vehicles. The footpath should then be reopened.
- The existing footpath has existed for many years with no reportable incidents taking place.
- The threat to children is perceived, exaggerated by the media. Children are at greater risk from family members and family friends.
- The footpath is in an elevated position. Access from the new school to the sports field can be achieved with the introduction of an underpass.
- The existing footpath is used regularly to and from the town centre.
- The "monstrosity" (new school) should be demolished and rebuilt further away from residential properties + other objections relating to the new school rather than the fencing or footpath diversion.
- Had the footpath been diverted before the school was built, the school could have been built a reasonable distance away from dwellings in The Flats.
- Presumably all sporting sessions are supervised by members of staff which should protect the children.
- A local first school in Broad Street successfully managed a footpath between the nursery / playground and the main school building for more than 25 years without a single incident being recorded.
- Residential properties backing onto the diverted footpath would be vulnerable to anti-social behaviour - litter, alcohol and drug abuse, burglary and theft, vandalism.
- The diverted path would serve no purpose as a short cut, running parallel with the Stourbridge Road and Market Street.
- The diverted path should run alongside the southern edge of Parkside Middle School onto Market Street.

The site and its surroundings

The new school is positioned to the west of Stourbridge Road and to the north-east of Churchfields, and is surrounded on all boundaries by residential properties. Commercial uses on the northern side of Recreation Road about the southern boundary.

The site was bisected by the aforementioned Public Footpath, which joined the end of Churchfields with the Stourbridge Road. The existing footpath has been temporarily closed while construction traffic is on site building the new school.

The area either side of the path, which sits at a slightly lower level, was used for sports purposes associated with the two schools. The route of the old footpath has the new school to one side with playing fields to the other side.

Proposal

Members may recall that, at your meeting in September 2005, the construction of a new First / Middle School with associated sports areas, landscaping, car parking and access alterations was granted (Plan Ref. B/2005/0485). This planning permission incorporated the existing footpath through the middle of the school premises.

Members may further recall, in November 2005, resolving to grant planning permission for the construction of new First / Middle School with associated sports areas, landscaping, car parking and access alterations (revised scheme to relocate school and footpath) (Plan Ref. B/2005/1001).

The first scheme above is nearing completion. However, teachers and governors have expressed concern over pupil safety by the presence of a public footpath through the middle of the school, hence the submission of the current application.

The current application proposes enclosing the diverted footpath with 1.8 metre high black weld mesh fencing which will enable the diversion of the footpath that more-or-less bisects the site. The same type of fencing will also be used to close off the end of the existing footpath. The previous approval (B/2005/0485) had already given approval to make good the existing perimeter fence.

The new diverted footpath will be 3 metres wide, fenced on either side, and will have a tarmac surface. The proposed route of the diverted footpath will run from Churchfields down the side of the Intermediate Treatment Centre, along the rear of Padstone Adult Training Centre, along the rear of the existing Parkside Middle School and then between that school and no. 9 Stourbridge Road onto the Stourbridge Road. However, it should be noted that the precise route of the new footpath is not part of this application, the merits or otherwise of the route will be subject to the making of a Footpath Diversion Order in the future.

Relevant Policies

WMSS	QE4, T1, T3, T4
WCSP	SD.4, SD.5, CTC.5, D.43, T.10, RST.3, RST.4
BDLP	S31, RAT12, RAT13
Others	SPG1, PPS1, PPG13, PPG17

Relevant Planning History

The application site supports a significant number of historical applications including applications for mobiles; however, the singular most relevant application relates to:-

B/2004/0311 New main school access to public highway WCC application.

Members originally objected to this scheme on 29th March 2004 on the basis that access to these schools should be from Stourbridge Road in the interests of highway safety.

Following discussions and amendments to the scheme, and on the understanding that the access from Churchfields would be for construction purposes only, and that the pedestrian access shall be

reinstated on the conclusion of the development, and that a mini-roundabout be provided on the Stourbridge Road, and Santridge Lane be realigned following the demolition of the Meadows school, the authority withdrew its objection (07.06.2004)

B/2005/0485 Construction of First / Middle School with associated sports areas, landscaping, car parking and access alterations at Meadows - granted September 2005 (this scheme is nearing completion).

B/2005/1001 Construction of new First / Middle School with associated sports areas, landscaping, car parking and access alterations (revised scheme to relocate school and footpath) - granted November 2005

Notes

In identifying the main issues associated with this application, I am aware that the location of the site within the residential area and in a location close to the urban area in terms of the aims of locational policies and the opportunity to access sites using mixed methods.

1. The impact of the development on residential amenity.
2. The impact of the development on the users of the footpath.
3. The impact of the development on safety issues.

The impact of the development on residential amenity

The existing (albeit temporarily closed) public footpath commences at a point in Churchfields and terminates at a point in Stourbridge Road. The diverted footpath will commence at a different point in Churchfields (approximately 55 metres further south) and will terminate, again, at a different point along the Stourbridge Road (approximately 215 metres further south).

Given the location of the diverted footpath, the occupiers of no. 9 Stourbridge Road and the commercial properties on the southern boundary of the school premises may be affected.

It is considered the fencing-in of the footpath by a 1.8 metre high fence should minimise any adverse impact upon the amenity of those properties by way of disturbance or overlooking by footpath users. Regarding the impact of the fencing on visual amenity, I consider weld mesh fencing that can be seen through, rather than close boarded fencing, would have minimal impact on visual amenity.

The impact of the development on the users of the footpath

Policies in the WCSP and the BDLP as well as advice in PPG13 set out that the impact of development upon the amenity of footpath users is a material consideration.

Members will be aware that Plan Ref. B/2005/1001 effectively approved the siting of the new school and associated facilities in a position which obstructed the existing footpath and required that path to be diverted. Whilst it is unlikely that that consent will be implemented (as the developers are implementing B/2005/0485) that earlier decision

represents a material consideration that must be taken into account when considering this application.

Given that previous decision, and the ability to control the provision of an alternative route of the footpath through the Footpath Diversion Order, I do not consider that the impact of the proposal on footpath users is sufficient to warrant refusing this application.

Interested parties will be able to comment on the Footpath Diversion Order when that application is submitted. Those comments will be taken into account in determining the suitability of any proposed alternative route.

The impact of the development on safety issues

The proposed diversion has been requested by teachers / governors purely with childrens' safety in mind.

The concern expressed by Leisure Services is noted. However, the existing footpath was similarly enclosed before its temporary closure, and I am not aware of any incidents involving any personal danger.

The application is supported by the Police and Community Safety and reflects both Development Plan policies and PPS1 requiring a safe environment.

Conclusions

I do not consider the proposed development will adversely affect residential amenity, visual amenity, personal safety and will not affect users of the footpath sufficiently to warrant refusing the application.

RECOMMENDATION: that Planning Permission be **GRANTED**.

1. C099
2. Prior to the commencement of development, the existing public footpath which crosses the site from Churchfields to the Stourbridge Road (albeit temporarily closed) shall be diverted to a suitable alternative route.

Reason:

2. In order to ensure that the public right of way network is maintained in accordance with policies RAT12 and RAT13 of the Bromsgrove District Local Plan 2004 and RST3 of the Worcestershire County Structure Plan 2001.

Notes

This decision does not grant permission for lighting anywhere within the blue edge shown on drawing No. LA/PM/WS/L/90/06.

This decision has been taken having regard to the policies within the West Midlands Regional Spatial Strategy (WMRSS) June 2004, Worcestershire County Structure Plan

(WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMRSS	QE4, T1, T3, T4
WCSP	SD.4, SD.5, CTC.5, D.43, T.10, RST.3, RST.4
BDLP	S31, RAT12, RAT13
Others	SPG1, PPS1, PPG13, PPG17

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.