



Appeal Decision

Site visit made on 23 January 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/R0335/W/23/3325451

Crown Wood Primary School, Opladen Way, Bracknell RG12 0PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Strudley against the decision of Bracknell Forest Borough Council.
 - The application Ref is 21/00978/FUL.
 - The development proposed is described as a change of use from amenity land for educational use with the erection of 2m high boundary fence.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from amenity land for educational use with the erection of 2m high boundary fence at Crown Wood Primary School, Opladen Way, Bracknell RG12 0PE in accordance with the terms of the application, Ref 21/00978/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect the proposed development would have upon the living conditions of neighbouring residential occupants with particular reference to noise, activity and smoke / fumes.

Reasons

3. The appeal site features an existing woodland adjacent to the existing school and next to an area already used for educational purposes. The proposed development would be used in conjunction with the existing educational uses for children's activities including use of fires.
4. The proposed development would increase the number of children on site by 60 which in combination with the existing use would total 90 children on site at any time. The appeal is supported by a Noise Impact Assessment ("the Assessment") which has assessed the likely noise emissions from the proposed development against residual noise levels which include road traffic and the existing educational use.
5. Potential sources of noise would include children playing, singing or shouting and the Assessment has explored a worst-case scenario where all additional children would be concentrated around the northern half of the appeal site. The Assessment states that a 2-metre close boarded fence along the school's existing boundary, near to the dwellings in Queens Pine, would provide acceptable low noise impact from the proposals.

6. Fires would only take place in a designated steel pit, the size and siting of which can be agreed via a management plan. Fires would also be subject to risk assessment to manage any associated hazards. As children naturally gather around the fire, the management plan would ensure they would be sited away from sensitive boundaries with residential neighbours.
7. The Council is concerned about the effectiveness of the management plan. Breaches of planning conditions would be a matter for the Council's Planning Enforcement Service. I have not been provided with robust evidence to suggest the appellant routinely disregards conditions or there is an existing noise problem on site. Even if this was the case, the Council has powers to investigate and secure such breaches. This therefore has limited bearing on my overall decision.
8. Based on the evidence before me, the proposed development would not have an unacceptable effect on the living conditions of neighbouring residential occupants with particular reference to noise, activity and smoke / fumes. As such, it would not conflict with the relevant provisions of Policies EN20 and EN25 of the Bracknell Forest Borough Local Plan (2002) and the National Planning Policy Framework. Which, amongst other things, seek to ensure a satisfactory level of amenity for occupiers of neighbouring properties.

Other Matters

9. Works to trees would be limited and no permanent structures are proposed within the appeal site. The proposed green mesh fence facing Opladen Way is also set back some distance from the site boundary within the woodland. The boundary with Queens Pine would be of close boarded design and reflects the existing character of that area. The Council did not object to the proposed development based on any harm to the character and appearance of the area and given my reasoning above, I agree with the Council.
10. Local residents and the Parish Council have expressed a wide range of concerns including, safeguarding and biodiversity. However, having considered the evidence before me and that of the Council, I consider that these matters can be controlled and maintained either by appropriately worded conditions or other statutory regimes. Matters of boundary ownership, and the responsibility for the fence line are also private / civil matters.
11. Given the existing vegetative screening and boundary fence treatments, the proposed development would not give rise to any unacceptable loss of privacy to neighbouring residential occupants. I also note that any possible influence upon nearby house prices is not a material factor in the determination of this appeal¹.
12. Interested parties are also concerned about future development of the site. Any future planning applications or breaches of planning control would need to be considered on their own merits at that point in time. I have considered this appeal based on its own specific circumstances as set out above.

¹ Planning Practice Guidance Paragraph: 008 Reference ID: 21b-008-20140306

Conditions

13. I have had regard to the conditions suggested by the Council and, where appropriate, amended the recommended wording in accordance with national Planning Practice Guidance².
14. I have imposed the standard commencement condition and one specifying the approved plans for the sake of certainty. Conditions to protect trees and the erection of the fence are appropriate in the interests of the character and appearance of the area. Conditions are also necessary to safeguard and enhance biodiversity.
15. Conditions to protect neighbouring living conditions are necessary through the limitation of operating hours and the agreement of a management plan to manage noise and fires within the proposed development.

Conclusion

16. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed.

N Praine

INSPECTOR

² Paragraph: 003 Reference ID: 21a-003-20190723

Appeal Ref: APP/R0335/W/23/3325451
Crown Wood Primary School, Opladen Way, Bracknell RG12 0PE

Schedule of Conditions (11 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan PL-01-E, received by the Local Planning Authority 23 November 2022.
- 3) The Arboricultural Method Statement produced by SMW (Tree) Consultancy Ltd shall be complied with in respect to page 9 and the fencing method of construction statement, when the approved fencing is constructed in accordance with approved drawing PL-01-E Site Location Plan.
- 4) The recommendations contained within the Arbtech Badger Survey dated March 2022 on page 11, shall be complied with in full, with a pre-commencement badger walkover survey to be undertaken. The results of this survey shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development work on site. In the event that a new badger sett is identified, or the disused sett becomes active is identified, works must cease and advice sought from a suitably qualified ecologist.
- 5) The method statements contained in the Ecological Mitigation and Enhancement Plan produced by Arbtech dated 22 February 2022 regarding a fingertip search for hedgehogs on page 10, pre-commencement for nesting bird checks on page 13 and precautionary methods of vegetation removal to prevent injury to reptiles on page 15 shall be complied with in full prior to the commencement of any development works on the site or the clearance of vegetation.
- 6) The development hereby permitted shall not come into use until a woodland/biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the proposed enhancements in the Ecological Mitigation and Enhancement Plan dated 22 February 2022. The plan is to run for a period of five years and is to comprise as a minimum the following:
 1. Detailed description and maps of habitats on the site,
 2. Clear long and short term aims and objectives for the site, to include measures to restore and enhance the woodland and habitats,
 3. Prescriptions to achieve the aims and objectives of the plan, and
 4. Details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative (ensuring its aims and objectives are met and that management is adjusted to ensure that this is the case).

Once agreed, the plan shall be implemented in complete accordance with the agreed details.

- 7) Prior to the erection of the fencing, a plan shall be submitted to and agreed in writing by the Local Planning Authority, based on the approved plan PL-01-E, to show where the gaps and sizes of the holes are proposed under the fencing to allow for the free movements of wildlife. Once agreed, the details shall be implemented under the fencing at its time of construction with the holes being retained as open whilst the fencing is in place.
- 8) Prior to the implementation of the use or the erection of the fences, a plan shall be submitted to and agreed in writing with the Local Planning Authority showing which trees are proposed to be removed or require crown lifting. The trees shall thereafter be removed only in accordance with the approved plan.
- 9) The use of the land outlined and identified in red on the approved plans shall only be used during school/holiday club hours and for after school clubs and not outside the hours of 08:30-17:00. The land shall not be used during weekends or on public or bank holidays.
- 10) Prior to the implementation of the use hereby permitted, the fences shall be erected in accordance with the approved details and shall thereafter be retained and maintained.
- 11) Prior to the implementation of the use hereby permitted, a management plan to control the level of noise and fires within the approved development, shall be submitted to and agreed in writing by the Local Planning Authority. The submitted management plan should have regard to the submitted Noise Impact Assessment by Parker Jones Acoustics Limited dated 29th June 2023. Once agreed, the management plan shall be always implemented whilst the approved development is operating.

End of Schedule of Conditions