

**Retrospective application for replacement fencing, Spring Lane, Canterbury – CA/06/1187**

A report by Acting Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

Application by The Governors of Chaucer Technology and Barton Court Grammar Schools and Kent County Council Children Families and Education for the retrospective permission for the replacement of weldmesh fencing with metal palisade and railing fencing at the shared school playing field off Spring Lane, Canterbury – CA/06/1187

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. M. Northey

Classification: Unrestricted

**Background**

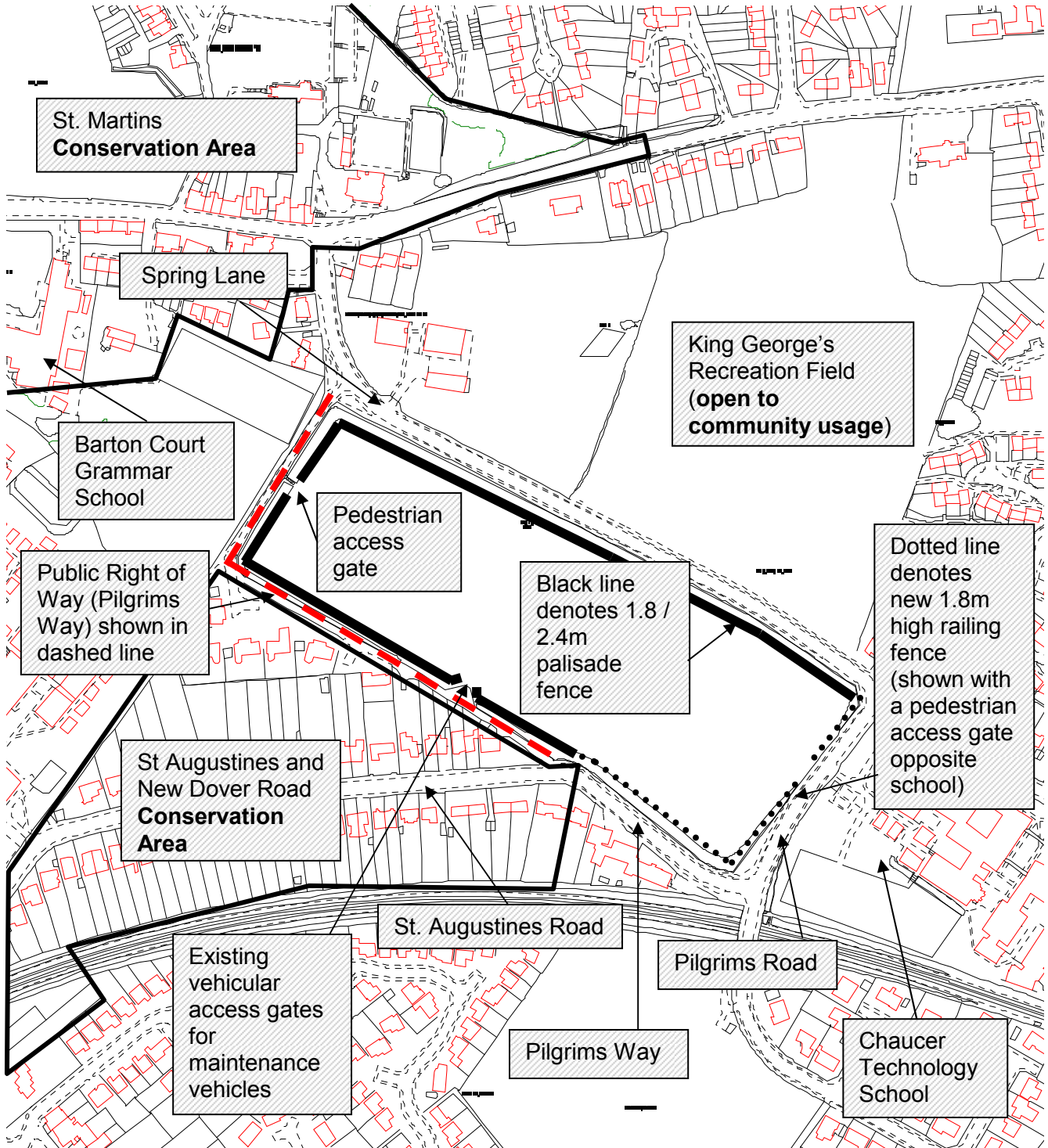
1. This application was first reported to the 7 November 2006 Meeting of the Planning Applications Committee, but was deferred pending a Members' Site Visit. At the Planning Applications Committee meeting on the 12 December 2006 Members deferred consideration of this application to enable further discussions involving the applicants, local residents, Planning Officers and the Council's Conservation Architect. That report is attached as **Appendix 1** together with the Committee Secretary's Notes from the Site Meeting held on the 1 December 2006 as **Appendix 2**, both for Members' consideration in determining this application. This report updates the position of the application since then and includes responses to the further consultation on the amended documentation received following discussions between Planning Officers, the Conservation Architect and the two Schools.

**Amended proposal**

2. The details and background of the previously proposed development are outlined in paragraph nos. (3) to (7) in Appendix 1. However, following the deferral at the December Committee Meeting, pending further discussions between Planning Officers, the applicants, local residents, Conservation Architect and landscape specialist, an amendment to the application has been formally submitted to the County Planning Authority by the two Schools as joint applicants.
3. The amendment to the proposal has been a direct result of the advice sought from the County Council's Conservation Architect and Officers on the best ways of reducing the proposed fence's utilitarian appearance. It is now proposed that a new slender railing fence be installed for a length of 250m to the south-east corner of the playing field, adjacent to Chaucer Technology School along Pilgrims Road and Pilgrims Way prior to the turn into St. Augustine's Road. The new railing fence is proposed to be of the same height as the half-erected palisade fence (1.8m high) and would have either a black or dark green powder coated finish. The remainder of the fence, which Members will note from the Site Meeting as being half-erected, is proposed to remain in its present form as palisade fence. However, Members should note that the applicant's are proposing to remove the palings to allow them to be powder coated either black or dark green, as well as painting the existing posts the same colour with an appropriate primer / paint finish.  
*A site location plan is attached and shows the shared school playing field with the proposed palisade / metal railing fence. An elevation of a typical railing fence panel has been included to show the proposed new fence.*

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**Amended Site Location Plan**



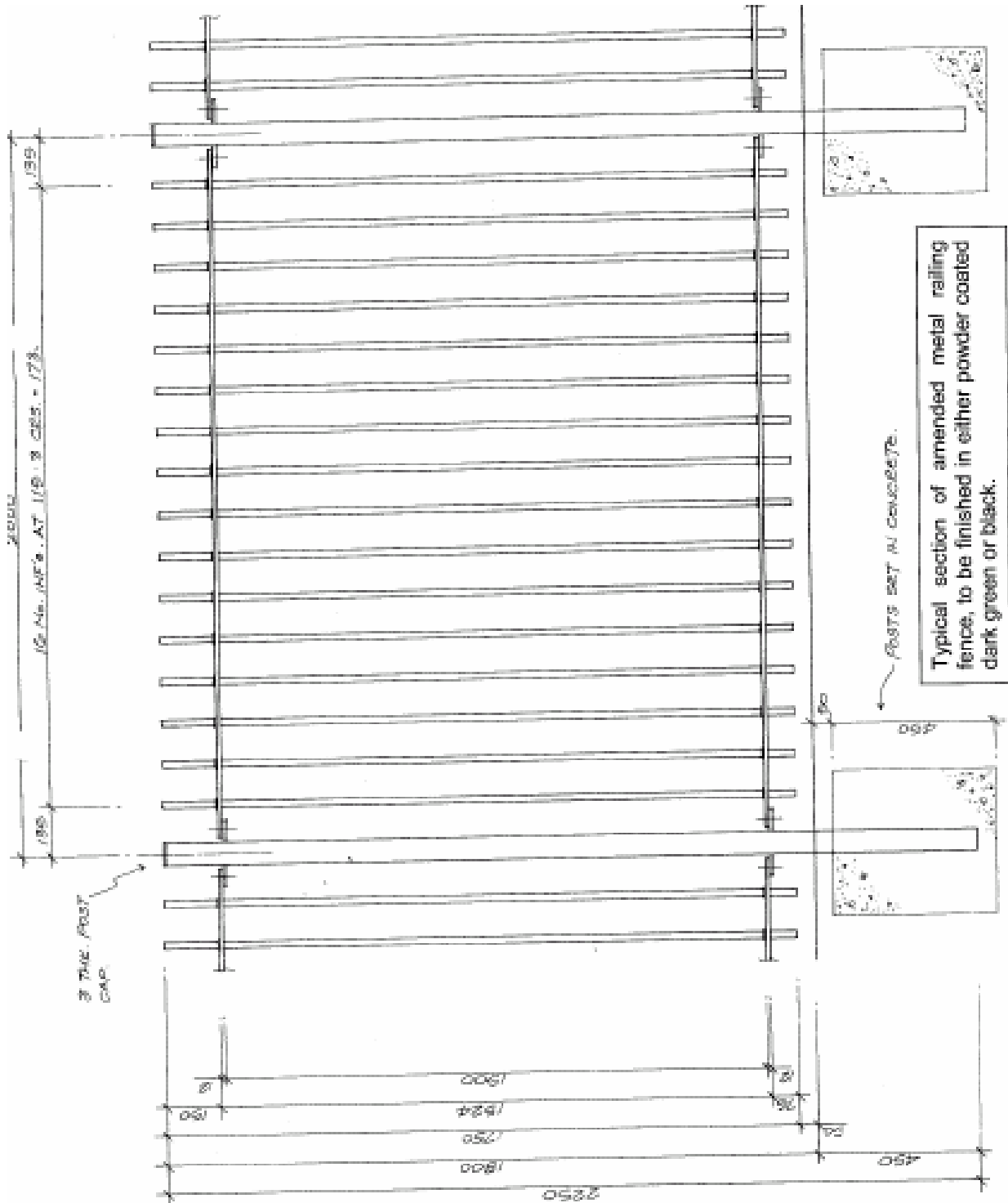
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# Item D3

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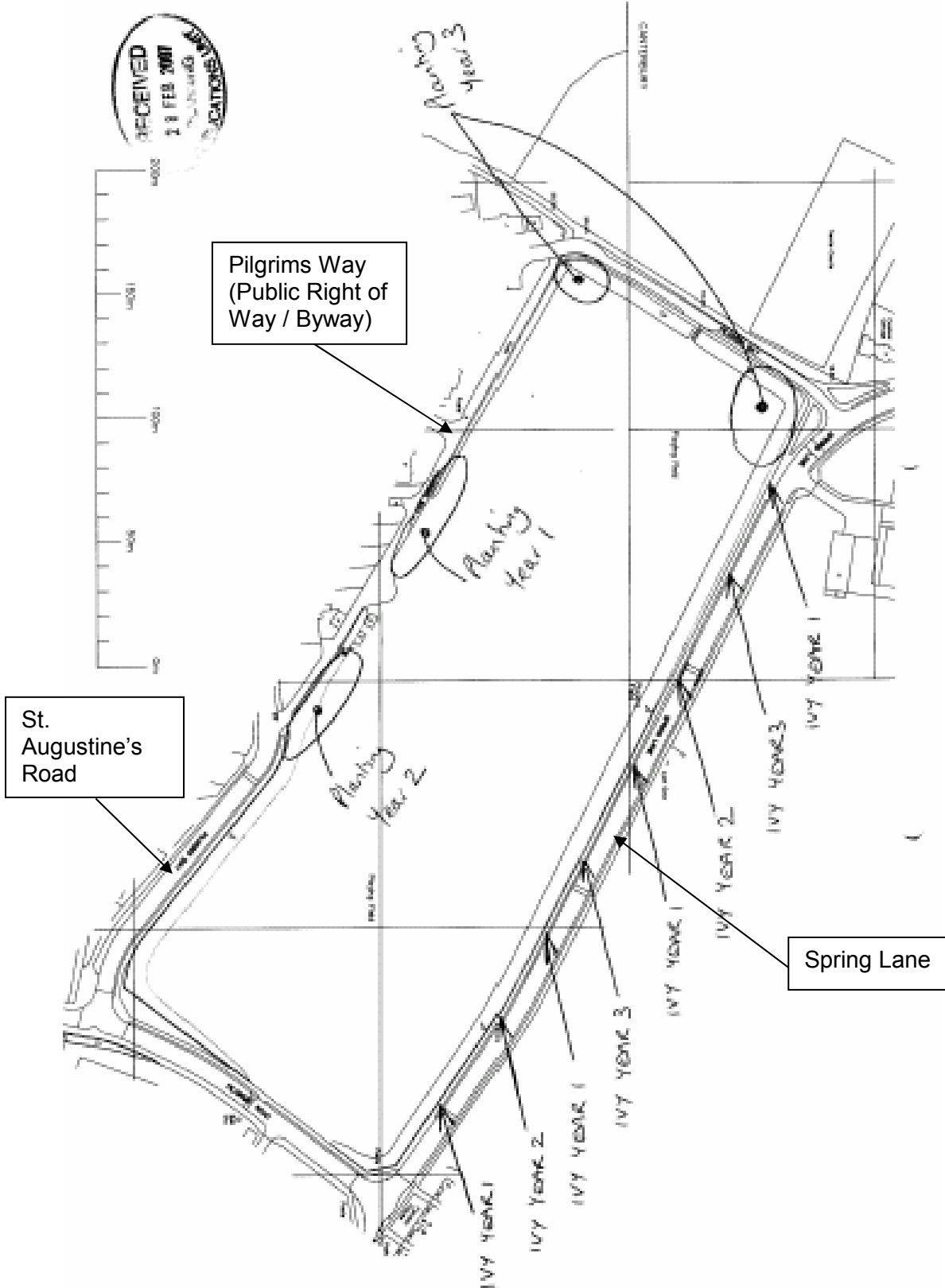
### Typical elevation showing a section of the proposed railing fence



Not to scale

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**Proposed landscaping scheme**



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4. In addition to the amended fence type for a 250m stretched of the south-east corner of the field, the applicants have submitted a landscaping scheme to be considered in relation to this proposal as a result of consultation between the applicants, Planning Officers and the landscape specialist. Members should note that the landscaping scheme proposed would be a phased scheme, over a three year period, given the scale and cost implications of the project, and comprises the following species which have been recommended by the landscape specialist:

Planting Year 1 – Pilgrims Way – *fagus sylvatica* (common beech) planting  
Spring Lane – *Hedra helix* (Ivy) planting

Planting Year 2 – Pilgrims Way - *fagus sylvatica* (common beech) planting  
Spring Lane – *Hedra helix* (Ivy) planting

Planting Year 3 – Pilgrims Way – Mixed species planting comprised of: -  
*Crataegus mongyna* (hawthorn)  
*Acer campestre* (field maple)  
*Corylus avellana* (hazel)  
*Prunum spinosa* (blackthorn)  
Spring Lane - *Hedra helix* (Ivy) planting

*Please note that planting years 1, 2 & 3 relate to the proposed landscape planting scheme shown on page (4).*

5. Members will also note that there has been considerable disquiet raised from the local community with regard to community access of the shared school playing field. In relation to that, I have received confirmation from Barton Court Grammar School that they will ensure that there is a formal lettings procedure available for local community groups who may wish to hire out both indoor and outdoor facilities within the school grounds, including the shared school playing field off Spring Lane. It should be noted that any application to hire out the field should be made to the Site Manager at Barton Court Grammar School to discuss this matter further.

### **Late views/representations to the proposal as originally submitted**

6. A number of views were received following the December Committee Meeting and prior to the amendment to the scheme.

#### Local Residents

I have received 4 further letters of representation from local residents and their views are set out as follows:

- Barton Court has the poorest outdoor facilities of any school in the area and has no ability to sequester adjoining vacant land being sited in the centre of Canterbury. It must be granted the right to use its own property and land for the exclusive use of its students to attain quality physical as well as academic education and skills;
- Students are currently put at risk each time they play sport on the field from dog excrement, risk of cuts from broken glass and infection from discarded needles. It is an outrage that such planning permission should be required for the Schools to seek to prevent trespass by erecting a fence;
- The lack of a fence could leave pupils tempted to depart school early without the knowledge or authorisation of either Schools or parents;

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- If the local residents want to use open ground, there is a large open area right next to the school field to which there is free access. Why do people expect to have access to ground that is not theirs?

**Further Consultations**

7. *Consultations have been carried out on the new documents with the appropriate consultees. Any views not received at the time of writing will be reported verbally if received by the Committee meeting.*
8. **Canterbury City Council:** further views are awaited.

**KCC Conservation Architect:** makes the following observation:

“Work has already started on the installation of a standard galvanised 1.8 / 2.4m high palisade fence. If completed in its current state the fence would detract from the area and the setting of the adjacent Conservation Area. Proposals to mitigate have been discussed at a site visit and it is now considered acceptable if the following provisions are implemented.

The installed palisade fence along Spring Lane and Pilgrims Way should be painted dark green. It should be supplemented with beech hedgerow to the section of fence adjacent to residential properties along Pilgrims Way. The section of palisade fencing along the remainder of Pilgrims Way and Spring Lane should be planted with climbing ivy to eventually cover the fencing.

The remaining fencing along Pilgrims Road and the remainder of Pilgrims Way that connects with St. Augustine’s Road will be carried out in vertical round bar railing sections as per the drawing submitted, and painted / powder coated dark green. This will be a more appropriate railing type adjacent to the residential dwellings in the section of Pilgrims Way that connects with St. Augustine’s Road and will avoid compounding the negative impact of the palisade fence that exists in Pilgrims Road on the site of the Chaucer Technology site.

Subject to the above provisions I raise no further objections”.

**Jacobs (Landscaping):** have made the following comments in relation to further consultation.

“I would suggest that the hedgerow species as set out below at double staggered rows at 30cm intervals should be used in areas that do not currently support vegetation.

- 25% *Crataegus monogyna* (hawthorn)
- 25% *Acer campestre* (field maple)
- 20% *Corylus avellana* (hazel)
- 15% *Cornus sanguinea* (dogwood)
- 15% *Prunus spinosa* (blackthorn)

Existing scrubby vegetation lessens the visual impact of the implemented fence and should therefore be retained where it is healthy. In more open areas, where space

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permits or existing scrub vegetation is of poor quality or density, the proposed native hedgerow species would be proposed to support existing mature trees.

Along Spring Lane, visual impacts caused by the fence are from the roadside. I suggest plating ivy (*Hedra helix*) at the base of the palisade fence on the side currently supporting vegetation. This would then grow up the fence, lessening the adverse visual impact and is suitable for shady locations. However, the fence would still appear visually obtrusive and we recommend painting the entire fence a dark colour to give it a more subtle appearance”.

**Local Members**

9. The local County Member, Mr M. Northey, was notified and sent copies of the new documents on the 21 February 2007 and 1 March 2007.

**Representations**

10. Third parties that made representations to the application as originally submitted have been notified and sent copies of the amendment to the current application, together with immediate neighbours that have not made any representations. The main points of the representations received to date are similar to those made by other residents as set out in paragraph (13) of Appendix 1. In brief, they cover the following:

- Amazed that the new fencing is to be powder-coated in either dark green or black: dark green would blend in with the trees and bushes surrounding the playing field, black would not;
- The amendment takes no account of the objections and concerns previously made as follows:
  - The scale, extent and type of the palisade fence proposed form most of the site remains quite unsuitable for a residential area;
  - The applicants are proposing a 2.4m high stretch of palisade fence alongside Spring Lane. This is highly visible and un-necessarily high compared to the rest of the site which only have 1.8m high fence;
  - Note the applicants are proposing a slightly less visually obtrusive fence for part of the site, but cannot see why that cannot be extended to the whole site, thus lessening the visual impact
- The Planning Committee last December requested that the Schools consult with residents through the offices of Councillor Northey. Despite numerous attempts on our part, the Schools have completely ignored us and submitted this amendment without any form of consultation;
- In terms of the proposal to paint the fence, we have had an expert opinion which says that painting the fence in situ will not provide a solid and permanent surface;
- Owing to the lack of consultation, the issue of access to the field is still unresolved;
- The applicants have not taken into account the alignment of the fence, which, if proceeds, will impact on the rear vehicular access to our property;
- We suggest that the issue of the cost of removal/re-alignment should not be a consideration in deciding this application;
- The issue of planting is still unresolved. With the fence line presently proposed, there is no prospect of any planting being done in front of the fence to ‘soften its effect’ which is one of the conditions recommended by the County’s Officers;

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- As a result of the on going intransigence of the Schools in this matter, further research has been carried out into the ownership of the field. It transpires that the field is not wholly owned by the two Schools. The title deeds show that there is a 'border' around the circumference of the field approximately 2-3 metres in depth, which was not transferred to the Schools by the Kent County Council when ownership of this field was vested in them;
- A fence should only be erected along Spring Lane, Pilgrims Road and Pilgrims Way to prevent balls going on busy roads; a fence is not necessary elsewhere;
- The proposed shorter stretch of fence does not even go the entire length of the Conservation Area. The two different heights of the fencing will make the site look messy;
- No consideration has been given to the fear of graffiti that palisade fencing allows to be daubed across its broad face;
- Consideration should be given the littering around the field site, given that palisade fence would allow for rubbish to accumulate in between the gaps in the vertical bars;
- The fencing of the ground is an absolute necessity, and is within the rights of the school to do so;
- Sports activities are an important part of any attempt to contain the obesity problems of young people and is an essential part of a properly-rounded education;
- I do believe that the council should support the school in its attempt to protect its sports fields and to allow the children attending the school to make proper use of the facility.

**Discussion**

11. The introduction to the discussion in my previous report is set out in paragraph (14), in Appendix 1, refers to the need for the proposal to have regard to the Development Plan Policies and sets out the main issues of particular relevance in this case as being the impact on residential and local amenity and the impact of the development on the two adjacent Conservation Areas and historic Public Right of Way.

Impact on adjacent Conservation Areas

12. As outlined in my previous report under paragraphs (15) to (21) the site sits between two Conservation Areas. These are the St. Martin's Conservation Area and New Dover Road and St. Augustine's Road Conservation Area, both of which can be seen on the site location plan on page (2). It is therefore, as also previously stated, under paragraphs (15) to (21) of Appendix 1, necessary to consider the impact of the development on the adjacent Conservation Areas.
13. Following this application being deferred at the December 2006 Planning Applications Committee Meeting, further negotiations relating to the design and appearance of the fence have taken place between Officers, the County Council's Conservation Architect and a landscape specialist. The main aim of these discussions was in an attempt to improve the fence's external appearance and impact on the surrounding amenity of the area, by way of a revised proposal and a formal landscaping scheme.
14. The applicants have since submitted an amendment to the proposal (as set out in paragraphs (3) and (4) above). This comprises a new 250-metre section of 1.8m high round-bar railing fence, a landscape planting scheme, and the colour treatment of the entire playing field fence.



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15. Members will note the comments received from the County's Conservation Architect in relation to the amended proposal as set out in paragraph (8) above. It should be noted that he considers that the fence, in its current galvanised state would *'detract from the area and the setting of the adjacent Conservation Area'*. However, he raises no objection to the amended proposal with a new 250m stretch of fence, subject to the entire fence being finished in dark green as well as additional landscaping planting to soften the fence's visual impact on the adjacent Conservation Areas.
16. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development which would harm the character or appearance of a Conservation Area will not be permitted'* (Policy QL6 from the Adopted Kent and Medway Structure Plan 2006). Similarly, the Adopted Canterbury Local Plan states that, under Policy BE7 that, *'development within, affecting the setting, or views into and out of conservation areas, should preserve or enhance all features that contribute positively to the area's character or appearance'*.
17. Whilst I acknowledged the fact that the previous metal palisade fence did not reflect the special characteristics of both adjoining Conservation Areas, I consider that given approximately a quarter of the fence has been changed to a round-bar railing fence, this allows for wider views across the field towards Canterbury City Centre. Given that the fencing has been amended in the most open part of the site, currently where little vegetation exists, I feel that this area should be left as open as possible without any additional landscape planting. Whilst I recognise that the palisade fence has not been changed in its entirety, I consider that since most of the remainder of the boundary comprises relatively mature shrubs and trees, with the addition of more landscaping treatment and a colour finish, this development would not give rise to undue visual intrusion on the local environment.

#### Landscaping

18. Policy EN9 of the Adopted Structure Plan states that *'tree cover and the hedgerow network should be maintained. Additionally this should be enhanced where this would improve the landscape [...]*. Similarly, Policy NE5 of the Adopted Local Plan states that *'development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area [...]*. Therefore, I am of the opinion that the implementation of additional landscape to replace any vegetation lost, and to strengthen the existing vegetation boundary, would help reduce the visual impact of the fence.
19. Members will note the consultee views sought from the landscape specialists, as detailed in paragraph (8) above, in which they consider that several areas of the site would benefit from strengthening existing boundary treatment through native hedgerow planting. In my opinion the amendment takes into account these suggestions and proposes a phased landscaping scheme over a three-year period to try and address the issue of softening the visual impact of the development in the local and wider landscape. Accordingly, I do not raise any objection to the landscaping scheme as proposed.

#### Colour treatment

20. With regard to the painting of the fence in an appropriate dark colour, Members will note the advice contained in paragraph (8) above in relation to painting the fence in an appropriate dark colour. Members will also note the views expressed by the City Council in paragraph (10) of my previous report in Appendix 1, whereby the Council raised no

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objections, subject to the fence being finished in an appropriate dark colour. In my opinion, I would propose that the fence be finished entirely in dark green in order to blend in as near as possible with existing trees and vegetation around the perimeter of the site.

21. Some concern has been raised over the ability to paint the posts of the fence in situ rather than have them removed and painted off site. I have taken advice on this matter from the fencing contractor and am led to believe that painting of the existing galvanised posts can be achieved in situ through the use of an acid primer followed by a specialist paint finish. I therefore raise no further objection to the entire duration of the perimeter fence being finished in dark green.

Access to and use of playing field

22. Members will note the disquiet relating to community use of the field, as set out in paragraph (10) above and paragraph (13) of my previous report as set out in Appendix 1. I would reiterate the fact that the alleged informal community use of the field referred to in objection letters is not a material consideration in the determination of this application. Given that the field is privately owned, jointly between Barton Court Grammar School and Chaucer Technology School, there is no right of public access onto the field without the prior permission of either, and/or both of the landowners. The applicants have stated that since the schools were built in the late 1960s, the field has been fenced and gated and has never been an authorised open space for access for the community. It has been the case that, over the years, the constant damage to the previous weldmesh fence has allowed unauthorised access onto the field through broken sections of fencing, although that in no way has legitimised its informal use by trespass.
23. However, it should be noted that I have recently received confirmation that formal bookings of the school facilities are available and should be directed to the School Manager of Barton Court Grammar School for further consideration. In addition to this, I would remind Members that community open recreation space currently exists on the other side of Spring Lane on King George's Field (see site location plan on page (2)), which whilst is less suited for formal sports use, is entirely suitable for informal recreation use, such as walking, dog exercising, kite flying, etc.

Residential and local amenity

24. As discussed in paragraphs (22-23) above, I am of the opinion that fencing the school playing field would not be detrimental to local residents, given that there is no public right of access to the field for community use. However, I do acknowledge the objections lodged regarding the design of the fencing chosen. Since the original proposal, the fence has been significantly amended which, in my opinion, makes it much more acceptable in terms of its visual appearance. I consider that through the control of the colour of the fence and the addition of native hedgerow and ivy planting, the fence would blend in relatively well with its surroundings and provide the security measures that the School are seeking to achieve.

Alignment of fence along Pilgrims Way

25. As previously discussed in paragraphs (26) and (27) of my previous report shown in Appendix 1, I acknowledge the claim by a local resident that the fence line has been moved outwards by approximately 0.5m and that this makes existing vehicular access along Pilgrims Way difficult. However, I note that maintenance vehicles are able to use this stretch of byway to gain access to the playing field and that the palisade fence which

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is currently installed runs along the perimeter of the site which is effectively the boundary of the field with the byway (i.e. area which is within the applicant's control). It should also be noted that the fence which is currently installed would be difficult to set back due to existing trees directly behind the inside line of the palisade fence.

Land Registry

26. Some concern has been raised relating to land ownership of the shared school playing field off Spring Lane. The concern has arisen due to differences between Land Registry Title Deeds for Barton Court Grammar School and Chaucer Technology School and the records held corporately by Kent County Council relating to the amount of playing field transferred to both Schools. I have appended the corporate record held by KCC to this report in **Appendix 3**.
27. It would appear from looking at Land Registry Title Deeds for the two Schools that there is a strip of land which would appear to be un-registered in between the land owned by the Governors of both schools. After seeking further advice on this matter, I understand that this is an inaccuracy with the plans held by the Land Registry following the 1995 transfer of playing fields from Kent County Council to the Governors of both Schools as part of the two Schools becoming Foundation Schools. In any case, the land seen in the Land Registry Title Deeds as being 'un-claimed' would have been under the ownership of Kent County Council prior to the 1995 transfer. Therefore, it would appear to be a technicality with Land Registry, which in any case would be either land owned by the Governors of the two schools or Kent County Council. As such, I see no reason why this would present any problems for determining this planning application.

**Conclusion**

28. This proposal has given rise to a variety of issues including the impact of the proposed development on the adjacent Conservation Areas as well as the impact on residential and local amenity as discussed above. I recognise that it is unfortunate that the application which is to be determined is retrospective and was partly erected before the applicants realised the need to seek planning consent. However, I consider that the development as amended to include a new section of railing fence, additional landscape and hedgerow strengthening, and the entire perimeter fencing being colour treated in dark green, has demonstrated that the impact on the adjacent Conservation Areas and residential and local amenity would be significantly reduced. Therefore, I am satisfied that the development would not give rise to any material harm and is in accordance with the relevant Development Plan Policies.
29. I consider that the fence should be finished in a dark green colour in its entirety along with the implementation and future maintenance of the landscaping scheme as proposed in order to soften the development into the wider environment. Whilst I acknowledge the widespread concern from the local community relating to the field being fenced off by the applicants, the cessation of unauthorised access to the field is a site management issue rather than an planning issue, and is therefore not material to the determination of this application. Accordingly, I recommend that planning permission be granted, subject to the conditions outlined in paragraph (30) below.

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**Recommendation**

30.1 RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- the fence be finished in dark green in its entirety, including all posts and fencing components;
- the implementation and future maintenance of the landscaping scheme as proposed over a three year period;
- the rest of the development being carried out in accordance with the approved plans.

I FURTHER RECOMMEND that the applicants be advised by informative that:

- both Schools are requested to adopt formal letting procedures which allow for formal community use of the application site; and
- both Schools ensure that the fence alignment along Pilgrims Way does not encroach beyond its previous alignment.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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