

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

A report by Head of Planning Applications Group to Planning Applications Committee on 7 November 2006.

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 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

Site

1. Chaucer Technology School is located off Spring Lane, Canterbury and Barton Court Grammar School is located at Longport, opposite Canterbury Prison and Canterbury Christ Church University. The two schools have their own independent playing fields attached to their sites, yet Barton Court has the least amount of its own independent outdoor playing field. As such, the field between both Schools is under shared ownership between both Governing bodies of the two Schools. It is this field which is the subject of the retrospective planning permission, which relates to the replacement of the previous weldmesh fencing with the newly installed metal palisade fencing. *A site location plan is attached and shows both Schools and the playing field off Spring Lane.*

Background and Proposal

2. During the school summer holiday, both schools engaged on a joint venture to replace the boundary fencing of the playing field off Spring Lane from the previous weldmesh fencing to new metal palisade fencing. Prior to the commencement of these works, Chaucer Technology School has been undergoing a 5-year repair and maintenance programme to their entire site fencing around their current premises. At the time of embarking on these works, the School claim that a courtesy call was made to the City Council asking if planning permission was required, and claim that at the time the City Council gave them the go ahead, provided no change of height was being considered. Over the last 5 years, all the fencing around Chaucer Technology School has been replaced with metal palisade fencing without the grant of any planning permission from the County Planning Authority.
3. During the 2006 School summer holiday, the County Planning Authority received complaints that the existing fencing around the shared school playing field was being removed and replaced with metal palisade fencing. At the time this caused some disquiet locally and the fencing attracted several complaints as well as featuring several times in the local newspaper, the Kent Messenger. Following these complaints, a decision was taken that the fence in question would require the benefit of planning consent. Although the applicants claim that there is no change in the height from the previous fence to the new one, the change from a visual point of view and the fact that the fence exceeds one metre in height next to a highway, triggers the need for planning consent in this particular case.
4. Both Schools were notified of the requirement for planning consent and were advised to stop works until the outcome of such application had been decided. It was advised that should the works continue, this would be entirely at the Schools' own risk as the

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

outcome of any planning application could not be guaranteed. After discussions with Chaucer Technology School, it was agreed that the fencing works would be discontinued and a full application would be submitted for determination by the County Planning Authority. However, given the time between receiving the complaints and getting the work to stop, the previous weldmesh fence was entirely removed and the posts and rails of the metal palisade fencing have been installed. To date, the posts and rails remain in situ and the field remains open, as the majority of the vertical metal palings have not been installed.

5. The applicants have stated that the need for the replacement fence has come about due to an inadequacy in the previous weldmesh fence in preventing trespassers entering the field. The applicants claim that this poses a major health and safety issues for both Schools. In the past, attempts have been made to repair sections of the weldmesh fence which had been broken into, but this proved to be unsuccessful in preventing unauthorised access to the field. The main issues which both Schools have highlighted as justifications for the development are as follows:
 - There is a serious risk of harm to students and staff, both during the day (normal school curriculum) and at the end of the day (during extra-curriculum activities) by trespassers. There has been verbal abuse and very intimidating behaviour by intruders on a number of occasions when the previous fence existed;
 - There is a serious risk of harm to students and staff through the use of needles, broken bottles and dog excrement being left on the field by trespassers;
 - The field is currently being used as a dumping ground for unwanted household items, such as refrigerators;
 - There has been extensive damage to fixed equipment such as goals being broken and fires being lit on the all-weather cricket square;
 - Members of the public are stealing the sand from the long jump pits;
 - Trespassers are driving cars and motorbikes onto the field and 'performing doughnuts' which ruts the grass and proves to be a nuisance to local residents;
 - There is unauthorised use of the school field both at evenings and weekends from activities such as dog walking, playing golf and football.
6. In addition to the above, the applicants have stated that the field is virtually useless in its current open form. Staff and students are more than wary about using it even during the school day. As a result of this, Barton Court Grammar School claim that all their football match fixtures have had to be organised as away games for this term as they cannot guarantee the safety of their students and staff as well as any visiting teams.

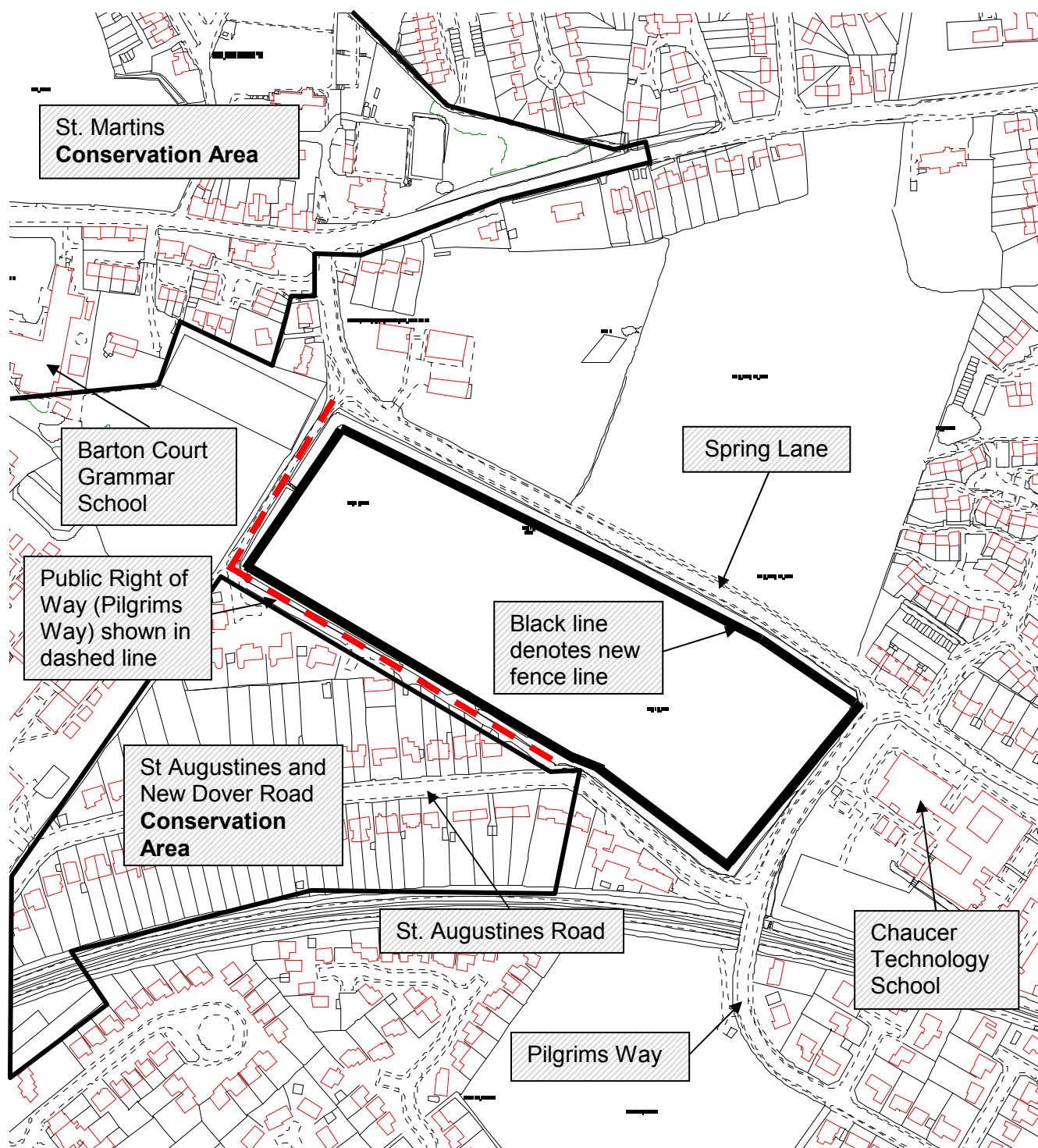
Planning History

7. In October 2006, planning permission was granted to Barton Court Grammar School for the erection of a two storey food technology block and the recladding of the existing first floor gymnasium in association with the conversion to a library under permission CA/06/1101.
8. At present, Canterbury City Council are dealing with an application for a new sports hall at Barton Court Grammar School as a joint venture with Canterbury Christ Church University. Given that the lead party with the development is Christ Church University, the application is being dealt with by the City Council under application number CA/06/01295.

Item D1

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

Site Location Plan



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Scale 1:3500

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

Following the extension to a car park under permission CA/03/1194 in 2003, no further planning applications have been received by the County Planning Authority for Chaucer Technology School Canterbury.

Planning Policy

9. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) **The Adopted 2006 Kent & Medway Structure Plan:**

Policy SP1 – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

Policy QL1 – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

Policy QL6 - The primary planning policy towards conservation areas is to preserve or enhance their special character or appearance. Development which would harm the character or appearance of a conservation area will not be permitted.

Policy QL11 – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy EN1 – Kent's countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

Policy EN9 - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

Policy CA1 - At Canterbury the location of new development will be governed by the need to conserve the built environment and setting of the historic city.

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

(ii) The Adopted Canterbury City Council Local Plan 2006

Policy BE1 – The City Council will expect proposals of high quality design which respond to the objectives of sustainable development. When considering any application for development the Council will have regard to the following consideration:

- The need for the development;
- The landscape character of the locality and the way the development is integrated into the landscape;
- The conservation and integration of natural features including trees and hedgerows to strengthen local distinctiveness, character and biodiversity;
- The visual impact and impact on local townscape character;
- The form of the development: the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural details;

Policy BE7 - 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. Particular consideration will be given to the following:

- The impact of the proposal on the townscape, roofscape, skyline and the relative scale and importance of buildings in the area;
- The need to protect trees and landscape;
- The removal of unsightly and negative features; and
- The need for the development.

Policy C17 – The City Council will work with the Education Authority and school Governors to ensure that the needs of primary and secondary schools are taken into account in the assessment of their development needs and proposals. Planning permission will be granted for proposals that are needed by the schools subject to design and highway safety considerations.

Policy C24 – Proposals which would result in the loss of protected existing open space as shown will only be permitted if:

- There would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area where there would be material harm, this would be balanced against demonstrable need for the development

Policy NE5 – Development should be designed to retain trees and hedgerows that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. The City Council will refuse planning permission for proposals that would threaten the future retention of trees and hedgerows or other landscape features of importance to the site's character, an area's amenity or the movement of wildlife.

Consultations

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

10. **Canterbury City Council** – raise no objections in principle to the replacement of the weldmesh fencing with metal palisade fencing, subject to the new fence being painted an appropriate dark colour.

Divisional Transport Manager: has raised no objections, given that the height of the fencing has not been increased, and as such any vision splays on the perimeter of the site will not have been further impeded.

Public Rights of Way Officer: was notified of the application on the 31 August 2006 and no comments have been expressed to date.

Jacobs (Landscaping): have made the following comments in favour of hedgerow planting around the field.

“The fencing around the playing field would benefit from an adjacent native hedgerow, planted within the Chaucer Technology School land alongside the fence. The hedgerow would provide additional security benefits as well as visually screening the site. Native species would support existing local planting surrounding the site.

Local Members

11. The local County Member, Mr M. Northey, was notified of the application on the 31 August 2006.

Publicity

12. The application was publicised by the posting of four site notices around the perimeter of the playing field, an advertisement in the Kent Messenger and the individual notification of 73 neighbouring residential properties. The site notice and advertisement indicate that the application is adjacent to both St. Martin's and New Dover Road & St. Augustine's Road Conservation Areas and is likely to affect their character and/or appearance. It is also indicated that the proposed development may affect the setting of an existing Public Right of Way.

Representations

13. To date, 24 letters of objection have been received along with one letter of support in relation to the retrospective fencing. The main points of the letters are summarised below:

Objections

- The fence such as the one which is partially erected would spoil the character of the Conservation Area, where certain regulations are in operation regarding the nature of boundary walls;
- How does this retrospective fencing sit with in interpretation that conservation areas are defined as “areas of special architectural or historic interest, the character of which is desirable to preserve or enhance”?
- Perhaps a lower, wooden fence with attractive gates would be more acceptable;
- The fencing is of an industrial style and is very unsympathetic to a residential suburban environment. It is a type which does not weather, so it will permanently disfigure an extensive area;

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

- The playing fields have proved to be a valuable resource for local families. It would be a shame to close the fields off to this kind of use especially in an area where there is no open green space, not even a play park for children to use. At a time where Central and Local Government, together with Schools, are emphasising the need for physical activity for youngsters, this proposed enclosure would seem to contradict this ethos;
- There is no comparable public recreation space in the area and it is sad we are losing the only amenity we have, which is such a necessity and appreciate local community resource;
- Both schools have their own fenced off playing fields and the large playing fields between the schools are seldom used by them, these should be open to the public;
- On the occasions where the schools need the fields during school hours they should of course have priority, but at other times (e.g. at weekends, evenings or in the holidays), the young should be able to, and indeed encouraged, to benefit from this wonderful facility as they do so now;
- This area has been of importance for hundreds of years, as it is part of the Pilgrim's Way from Winchester to Canterbury. Walkers have traditionally been greeted with wonderful views of St. Martin's Hill and the windmill, and we are particularly unhappy that this traditional view is now completely ruined by the ugly fencing;
- The previous fencing was of a colour and type that blended perfectly with the environment. The new fencing does the opposite;
- The planning proposal states that the field would accommodate local community groups, however many local residents are not part of any local groups and they therefore would be excluded from the use of the field on a casual basis;
- A condition could be to permit the development on condition that access is allowed to local residents up to a certain hour of the day. For example, this could be at dusk during the winter, and 9pm during the summer months;
- It is because there is a real need for recreational space in this part of Canterbury that such a wide cross-section of the community are so upset at the thought of losing access to this open area;
- The type of fencing is totally inappropriate around a field on one side by Babs Hill (memorial field) – an open country space which continues the rolling sense of country greenery through to St. Martins Hill. On the other boundary is a picturesque route out of Canterbury taken by the North Downs Way and Elham Valley. This type of fence would be commonly chosen for an industrial estate or a sewage works;
- The fence itself is incredibly unsightly and the enclosure of such a large area would make an enormous blot on the landscape. It would add to the existing, similarly designed, fencing all around the Chaucer Technology School, and also around Barton Court, and to the overall sense of ugliness;
- The height of the fence along Spring Lane is approximately 2.5m high. This is unreasonable given the length to be erected and the impact on the road which I believe to be detrimental to the visual amenity of the road for residents;
- We fully understand the need to protect schools against vandalism and theft. For this reason, one accepts fencing around schools, yet the same type around an empty green space that is not used to the same degree seems very much over the top. Whilst the field on occasions has been vandalised and that some irresponsible dog walkers allow their pets to foul the field but the fence would appear over the top and extremely ugly;

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

- It will add significantly to the negative environmental impact, and will contrast hugely with Kent Partnership's *Vision for Kent* for the next 20 years, which includes aspirations to be a place:
 - *"where a high quality environment and countryside are protected and enhanced for current and future generations..."*
 - *where residents and visitors enjoy life through an enhanced and accessible range of recreational, sporting, artistic, and cultural opportunities"...*
 - *and where creating "...attractive, safe and friendly communities" is a priority.*
 - *None of these will be achieved by fencing off with huge and unsightly materials.*
- The fence is intrusive and offensive in appearance and more resembles a detention centre than recreational space;
- The sharp, pointed nature of the top of the fence, though intended as a deterrent, could result in a serious accident to any young person to whom it represents a challenge;
- A muted toned and less oppressive style of fence would be more in keeping with the surroundings;
- There has been no consideration given to the positioning of the fencing here. For example, Canterbury College has at least placed their fence behind the line of trees, which serve to soften its visual aspect from the roadway;
- When replacing the weldmesh fencing a number of mature trees have been chopped down to the visual detriment of those who live by or use Pilgrims Way;
- Object to the procedure as the fence was erected without consulting the local residents and has, as a result, disfigured the area;
- Retrospective applications for fencing should not be accepted;
- Were the fence to be wooden, or failing that painted green or brown, it would be much more in keeping with the area;
- We feel that references to the abuse of the playing field space by "dog owners, golfers and drug users" is exaggerated;
- We strongly urge the Council and Schools to have a radical re-think about the misguided decision to construct this monstrous fence and consider the idea of opening up the field to the wider community;
- I hope the County Council will refuse planning permission in the pursuit of a sympathetic and practical fencing solution taking into account, and possibly influencing, the discussions the schools are having with the local Councillors and residents for the responsible usage of the field;

Support

- I have no objection at all – I hope this will stop the weldmesh fence being cut and wire sticking out to cut clothes or poke eyes out. Maybe this will help to bring it back to the pleasant area it once was.

Discussion

14. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (9) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from

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

consultation and publicity. Issues of particular relevance in this case include the impact upon residential and local amenity and the impact of the development of the two adjacent Conservation Areas and historic Public Right of Way.

Need for development

15. As stated in paragraph (5) above, the applicants have provided a strong case of need to increase the specification for the fencing surrounding the shared playing field. However, in my opinion this is not an overriding factor against the design and style of the fencing chosen and I consider that the most important factor here is the design of the fence in relation to its setting and local context. These issues are set out in the following paragraphs as detailed below.

Design

16. The replacement of the existing shared school playing field fence has, as shown in paragraph (13) above, caused a considerable amount of disquiet from the local community. At present, the palisade fence that the applicants are applying for planning permission to retain is half installed (see figures 1 & 2 in Appendix) in the majority of places, yet fully installed along other sections (see figure 3 in Appendix). The perimeter has been marked out by the installation of the galvanised steel posts and horizontal beams, yet the majority of the sections do not have their metal palings installed. This is because the County Planning Authority has intervened as a direct result from local concern, and has requested that all works on site be stopped until the outcome of this application.
17. The proposed fencing is steel galvanised palisade fencing, which varies in height from 2.4m high along Spring Lane and 1.8m high around the remaining three sides of the playing field. I am informed by the applicants that the heights of the new fencing mirrors the heights of the previous fencing prior to it being removed to commence works over the recent school summer holidays.
18. The issue here is whether or not the fencing which is currently half installed, is suitable for use adjacent to two Conservation Areas and alongside a historic Public Right of Way (The Pilgrims Way from Winchester to Canterbury). In my opinion, given that the fencing here is steel palisade, and is not finished in a powder coated dark colour (for example black or dark green), the visual impact from the fencing is detrimental to the environment in which it sits. As outlined in paragraph (10) above, Canterbury City Council share the same view.
19. The applicants have asked that they be allowed to paint only the metal palings of the palisade fencing, given that the posts and rails are already in situ. Whilst I sympathise with the current situation, I do not believe that this would be appropriate as it would result a mis-match of colours of the fencing, with galvanised posts and either green or black palings.

Impact on adjacent Conservation Areas

20. As outlined above, the playing field 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 (3).
21. Development Plan policies state that proposals within or adjacent to Conservation Areas should *'preserve or enhance their special character or appearance'* and *'development*

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

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 City Council 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’*.

22. In my opinion, the fencing currently installed does not reflect the special characteristics of both adjoining Conservation Areas. Whilst I acknowledge the need for the fence, I feel that more consideration should be given to the aesthetic appearance of the fence in order to mitigate its visual impact upon the local landscape. It is my opinion that, in order to soften the visual impact of the retrospective development, it should be finished in either black or dark green and softened through the planting of a substantial landscaping scheme in areas where the fence is particularly prominent (see figures 2 & 3 attached)
23. It has been highlighted by local residents that there has been some tree / shrub removal undertaken during the clearance works for the new fence. I am of the opinion therefore that in order to mitigate the loss of existing vegetation, and to soften the visual impact of the development, a landscaping scheme should be approved and implemented where the existing boundary treatment to the field is particularly weak. The areas which I have identified that could be strengthened are the end of St. Augustines Road, along the boundary of the field with the existing public right of way (Pilgrims Way) and opposite the Chaucer Technology School buildings on Spring Lane.
24. 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.
25. Similarly, the advice given by Jacobs (landscaping), shown in paragraph (10) above suggests that the fence would benefit from landscaping planting, in particular native hedgerow planting along the boundary of the fence. It is suggested that this would not only have a visual benefit in screening the site, but would also provide additional security to the applicants as well.

Access to and use of playing field

26. The informal community use of the field hitherto 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 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.
27. Under the circumstances, Chaucer Technology School has, for the last 5 years, been embarking on a repair and maintenance program to all of their fencing, culminating in

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

the combined venture to maintain the fencing on the shared school playing field. At the time of the commencement of the works, Chaucer Technology School were not aware of the need for planning consent to install new fencing around the shared playing field.

28. Many concerns have been raised about the erection of this fence preventing public access onto the school field due to the loss of a much needed and extremely valuable recreational space. In my opinion however, this is not a material consideration to the determination of this application, given that the field is privately owned and there is no rights of access onto or over the land.

Residential and local amenity

29. As discussed in paragraphs (26-28) above, I am of the opinion that the residential amenity through the fencing off of the school playing field would not be detrimental to local residents over and above what should be the case, given that there is no public right of access to the field for community usage. However, I do acknowledge the objections lodged regarding the design of the fencing chosen. I consider that the installation of the metal palisade fence, as it currently stands, is unsightly in an attractive residential area with views stretching from St. Augustines Road to the Cathedral. In my opinion, the addition of such a utilitarian fence gives rise to a detrimental impact on the St. Augustine's / New Dover Road Conservation Area. In order to make the fence acceptable in visual terms, I would recommend that, should be Members be minded to grant planning permission, a condition should be attached which requires the applicant to paint the fence in an appropriate dark colour, as well as the implementation and future maintenance of a substantial landscaping scheme.

Conclusion

30. In conclusion, it is unfortunate that the application which is to be determined is retrospective and was largely erected before the applicants realised the need for planning consent. I understand the urgent need for both Schools to secure their private property in order to bring the field back into use as sports facility for both schools. However, in balancing up the fact that this application is retrospective and the urgency of the Schools to erect their fence, I have to consider its visual impact on the wider environment. I consider that the fence should be finished in an appropriate dark colour with the planting and future maintenance of a substantial landscaping scheme 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, this is out of the control of the Planning Authority, and in this case is not material to the determination of this application. Accordingly, I recommend that planning permission be granted, subject to the conditions outlined in paragraph (31) below.

Recommendation

31. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO
- details of the colour treatment for the entire fence be submitted to and approved by the County Planning Authority within one month of the date of any permission, and thereafter implemented as approved within four months of the date of any permission;
 - a detailed landscaping scheme to include tree, shrub and vegetation planting to be submitted to and approved by the County Planning Authority, and thereafter implemented as approved within the next available planting season; and
 - the rest of the development being carried out in accordance with the approved plans.

Item D1

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

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