

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

Retrospective removal of fencing and replacement with timber palisade fencing, Tunstall Primary School, Sittingbourne – SW/12/92 (KCC/SW/0009/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 March 2012

KCC/SW/0009/2012 – Retrospective application by Tunstall CE (Aided) School for the removal of low level fencing and replacement with wooden palisade fencing at Tunstall CE (Aided) School, Tunstall Road, Tunstall, Sittingbourne

Recommendation: Permission be granted subject to conditions

Local Member(s): Mr M.Whiting, Mr A.Willicombe

Classification: Unrestricted

Site

1. Tunstall Church of England Primary School is located within the village of Tunstall, on the edge of Sittingbourne, along the main road from the town which leads southwards towards Bredgar. The site lies wholly within the Tunstall Conservation Area, and is bounded by the main road to the south east, residences to the south west, and agricultural fields and the grounds of the village hall to the north east and west. The main building to the School is Grade II listed, dating from the 19th Century. The adjacent residence 'The Oast', to the south and west, is also Grade II listed.
2. The fencing area lies to the south of the main building and creates the border between the front garden and the main road, and is therefore within the curtilage of the Listed Building. The street scene of the main road through Tunstall boasts a variety of building styles, and this is reflected by the different boundary treatments throughout the village. The houses immediately opposite the school have large mature hedgerows, interspersed with chestnut lattice fencing similar to that removed from the application site. The residential property to the east side of the school has white low level picket fencing, and the properties to the west low pruned hedges (which have mainly grown through/over chestnut lattice fencing) punctuated with white low picket fencing and gates. Further along the main road, there is also black metal railing fencing, brick walls, panel fencing and a variety of hedgerow styles.

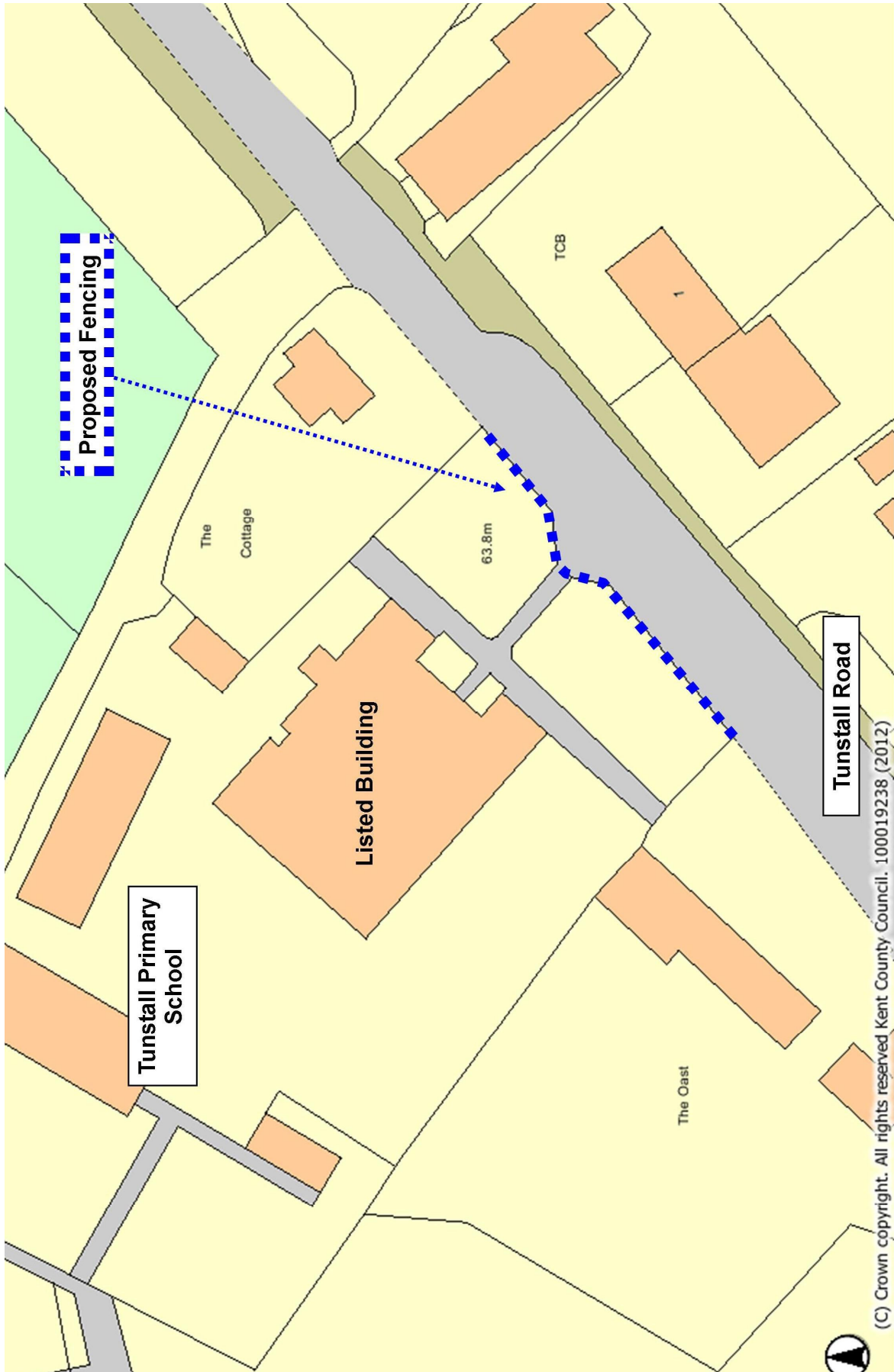
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Site Location Plan

Removal and replacement of fencing, Tunstall Primary, Sittingbourne – SW/12/92 (KCC/SW/0009/2012)



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Background

3. The original fencing was chestnut lattice, and approximately 1m high. The Design and Access Statement explains that it had become overgrown with weeds and ivy and was generally of an untidy appearance. The lack of maintenance was stated to have led to the fence falling into disrepair and therefore requiring its removal and replacement. The Planning Applications Group received a phone call on 7 December 2011 providing information that the chestnut fencing was being removed, and new timber palisade fencing of a greater height was being installed in its place. An officer went out on site to confirm the works, and the School was contacted to inform that as the works were to the boundary of a listed building, and that the fence was greater than 1m and adjacent to a public highway used by vehicles, then planning permission was required. The School commented that they were not aware permission or advice should be sought despite the Listed Building status and position within the Conservation Area.
4. The School were advised to cease works and seek permission. The School elected to finish the fencing - as the contractors were on site and had nearly completed - and submit a retrospective planning application, aware of the risk that they would have to remove the fencing if permission were refused.

Proposal

5. Tunstall CE School is applying for retrospective planning permission for the removal of chestnut lattice fencing and the replacement with 1.2 metre high timber palisade fencing, to the front boundary. The School has stated that the new fencing is required as the previous fencing had become overgrown and dilapidated. The new fencing is stated as being required to improve site security, appearance, and access for maintenance.
6. The fencing materials are stated to be softwood timber treated with 'tanalith E' (known as tanalised timber), which is to be left to weather naturally. The fencing slats are 75mm rounded top design, fixed to 100mm square posts installed 2.7 metres apart.

Planning Policy

7. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) **Planning Policy Statement 5** – Planning for the historic environment
 - (ii) Draft **National Planning Policy Framework** 2011
 - Presumption in favour of sustainable development.
 - (iii) **Policy Statement on Planning for Schools Development** August 2011
 - There should be a presumption in favour of the development of state-funded schools, as expressed in the (Draft) National Planning Policy Framework.
 - (iv) The adopted (2009) **South East Plan**
Regional policy is contained within the South East Plan 2009.

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Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

- Policy CC1** Seeks to achieve and maintain sustainable development within the region.
- Policy CC4** Expects that all development will adopt and incorporate sustainable construction standards and techniques.
- Policy CC6** Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S6** States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.
- Policy BE1** In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.

(v) The adopted **Swale Borough Local Plan (Saved Policies) 2008**

Policy SP7 – Community services and facilities:

- To satisfy the social needs of the Borough's communities, planning policies and development proposals will promote safe environments and a sense of community by:
 - Increasing social networks by providing new services and facilities
 - Safeguarding essential and viable services and facilities from harmful changes of use and development proposals

Policy C1 – Existing and new community services and facilities

- The Borough Council will not permit proposals that involve the loss, or change of use, of a local community facility, where this would be detrimental to the social wellbeing.
- The Borough Council will grant planning permission for new or improved community services and facilities.

Policy E1 – General development criteria, proposals should:

- Accord with the development plan unless material considerations indicate otherwise.
- Reflect positively characteristics and features of the site and surroundings.
- Protect and enhance the natural and built environments.

Policy E6 – The countryside – Development proposals will only be permitted when:

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- Providing a service that enables rural communities to meet their needs locally, or
- It provides for essential community infrastructure.

Policy RC2 – Retaining and enhancing rural services and facilities

Policy E14 – Development involving listed buildings:

- Proposals will only be permitted if the building's special architectural or historic interest, and its setting, is preserved.

Policy E15 – Development affecting a Conservation Area:

- Development will preserve or enhance the conservation area.

Policy E19 – Design Criteria:

- Development proposals should be of high quality design and respond positively to design criteria.

Consultations

8. **Swale Borough Council:** No objections.

Tunstall Parish Council: Objects on the following grounds:

- The new fence does not match the visual style of the neighbouring properties nor is it in keeping with the appearance of the school's windows and architecture. It has a modern and utilitarian style aimed at inexpensive mass production and is not in keeping with the rest of the beautiful village.
- It is higher than the neighbouring fences and significantly blocks the visual amenity of the school building.
- The reasons given in the application are simpler maintenance but this is not an acceptable reason in the environment of a Conservation Area. The cost of such gardening maintenance would be very little and certainly insufficient to justify this replacement style and cannot be an argument in a Conservation Area.
- The application is inaccurate as follows:
 - There is no mini-roundabout as claimed in the application
 - There are not 12 parking spaces as claimed in the application
 - There are trees to the front of the school.
 - There is no cricket pitch.
- The fence was installed in a very careless and dangerous manner
 - The workmen were dangerously using chainsaws in the presence of young children entering the school.
 - There were no road works or pedestrian barriers used.
 - The workmen carelessly broke a main water pipe causing Tunstall Road to be flooded for hours.

KCC Conservation Architect: No comments received.

Kent Highways & Transportation: No objections.

Local Member

9. The local County Members for Swale Central, Mr M.Whiting and Mr A.Willicombe, were notified of the application on 23 January 2012.

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Publicity

10. The application was advertised by the posting of a site notice, the notification of 14 neighbours, and an advert was placed in the Kent on Sunday on 5 February 2012.

Representations

11. Two letters of objection have been received from local residents, their concerns can be summarised as:

- The application contains a number of inaccuracies
- The new fence is not in keeping with the Grade II Listed Building and does nothing to enhance its character, nor that of the Conservation Area.
- The new fence is of inferior quality to the previous chestnut lattice.
- The new fence is much higher than the original, and that of neighbouring properties.
- The original chestnut lattice enhanced the school's building by replicating the diamond shaped window lattice patterns – a feature of the building.
- The original fencing was more subtle than the stark palisade fencing.
- Many surrounding properties have chestnut lattice fencing.
- Concerns over the way in which the works were carried out:

Discussion

12. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) 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 Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.
13. This application has been reported for determination by the Planning Applications Committee following the receipt of objections from Tunstall Parish Council and local residents. The main issues relating to this application are the impact that the design and materials has on the setting of the Listed Building, and the character and appearance of the Conservation Area. Comments received regarding the reasons given for replacement fencing, and the conduct of the contractors, are not material considerations for the consideration of this planning application.
14. There were a number of inaccuracies within the application documents, as referred to by neighbours and the Parish Council. These inaccuracies have since been corrected and related to details within the documents that are not directly relevant to the development as proposed and have not been considered as part of the planning application process. Therefore, these will not be discussed further.
15. The application has been submitted as retrospective, as the works have already been completed. This is at the risk of the applicant. Members will be aware that the determination of retrospective applications needs to be considered on the basis that development has not taken place, and solely on the planning merits.

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Heritage Impact

16. The Tunstall Conservation Area, in particular the Tunstall Road street scene, has a variety of building styles and fencing designs and materials. The adjacent residence has white picket-style fencing, and the houses opposite have chestnut lattice fencing and hedgerows. Other buildings have red brick walls, panel fencing or other planting. Therefore, in my view, the proposed timber palisade fencing is not out of place, is an acceptable height and is of materials and design appropriate to the setting. Furthermore, its appearance is a considerable improvement over the previous dilapidated and overgrown fencing and arguably would result in an enhancement to the character and appearance of the Conservation Area – a view shared by Swale Borough Council's officer report to their planning committee recommending no objections.
17. The application states that the timber is tanalised (i.e. impregnated with a preservative), and will be left to weather naturally without any additional treatment. However, I would recommend that appropriate maintenance work is undertaken to keep it in good repair and the general appearance of the fencing tidy. I would therefore suggest an informative be added recommending that the School keep the fence in a good state of repair in order to avoid risk of damaging the setting of the Listed Building and Conservation Area.

Other complaints

18. Comments were received objecting to the manner in which the contractors completed the works and in particular the lack of health and safety considerations. Whilst this is obviously concerning, this is not a material consideration for the planning process. The conduct and manner in which contractors complete the works is a matter for the School management and their own health and safety procedures.

Conclusion

19. The design and the materials of the timber palisade fencing is appropriate within the setting of the Listed Building and does not harm the Conservation Area, therefore I do not see any planning grounds why permission should be refused.

Recommendation

20. I RECOMMEND that PERMISSION BE GRANTED subject to conditions:
- The standard time limit for implementation condition;
 - The development to be completed in accordance with the approved plans;
21. I FURTHER RECOMMEND THAT the applicant BE ADVISED by informatives that:
- 1) Maintenance of the fencing should take place in order to keep the fencing tidy and in good repair in order to avoid it damaging the setting of the Listed Building and character and appearance of the Conservation Area; and
 - 2) Be reminded of the additional planning controls that apply to developments affecting Listed Buildings and Conservation Areas.

Case officer – Jeff Dummett	01622 221058
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Background documents - See section heading
