

**Replacement boundary fencing with gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tonbridge - TM/09/1.**

A report by Head of Planning Applications Group to Planning Applications Committee on 26 May 2009.

Application by the Governors of Weald of Kent Grammar School for Girls and Kent County Council Children, Families and Education for replacement boundary fencing with gates along Tudeley Lane, Weald of Kent Grammar School for Girls, Tonbridge – TM/09/1.

Recommendation: Planning permission be granted subject to conditions.

**Local Members:** Dr T R Robinson and Mr G A Horne MBE      **Classification:** Unrestricted

**The Site**

1. Weald of Kent Grammar School for Girls is located on the south east edge of the built up area of Tonbridge. It is bordered by Tudeley Lane to the north, Pembury Road to the west/south west and Woodgate Way to the south east. There are residential properties to the north side of Tudeley Lane and to the west/south west side of Pembury Road. The whole school site had until recently been sited within the Metropolitan Green Belt, however following the adoption of the Tonbridge & Malling Core Strategy in 2007, the built development of the school has been removed from the Green Belt and is now included within the urban confines of Tonbridge (see Appendix 2). *A site location plan is attached.*
2. The school buildings adjoin the built up area of Tonbridge occupying a triangular area on a plateau of land above the playing fields to the east. The main school buildings, which are up to 3 storeys in height, were built in the 1960's but in the last 10 – 16 years there have been a number of extensions, detached buildings and temporary buildings added to provide for an incremental increase in the roll and changing curriculum needs. The most recent additions are a detached kitchen and dining hall building granted permission in October 2002 and a three-storey classroom block granted permission in July 2005 together with a new car park (shown on site plan on page D2.2) and an art and drama block was granted permission in July 2007. A new access onto Pembury Road also granted at that time has not yet been constructed.

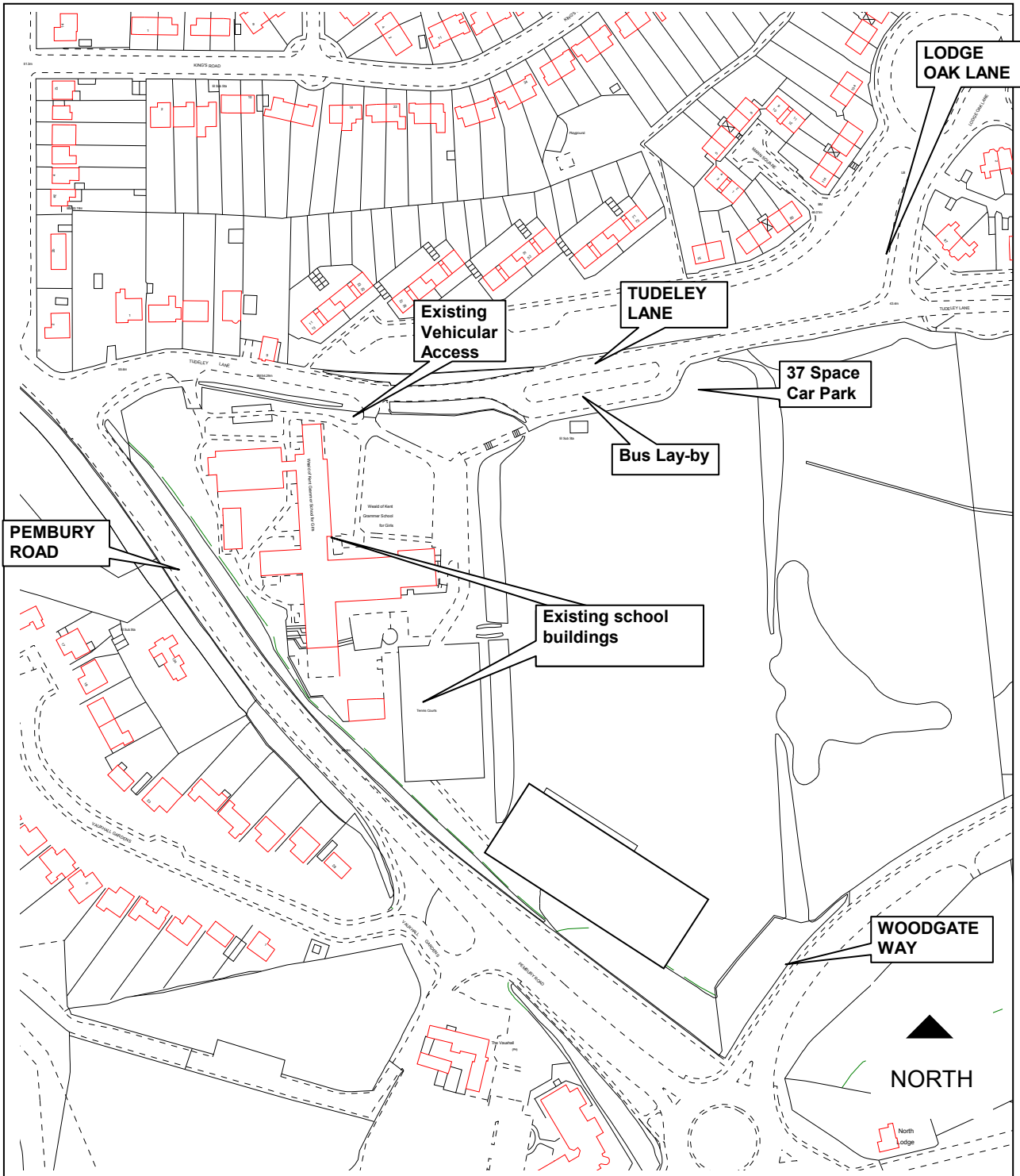
**Proposal**

3. Planning permission is sought for a length of 340metres of 2.1metre high green weld mesh fencing for the school boundary along Tudeley Lane, two pedestrian gates at 1.2metres and 3metres wide and two car park gates at 6metres and 8metres wide (see site plan on page D2.3) in the same style as the fence. The fence would replace an existing dilapidated picket style fence (approximately 1.2metres in height see photograph 1 below and Appendix 1). When the application was originally submitted the proposal contained a barrier arm instead of one of the car park gates and a different fence style, these elements have been revised to the details that are currently before Members.

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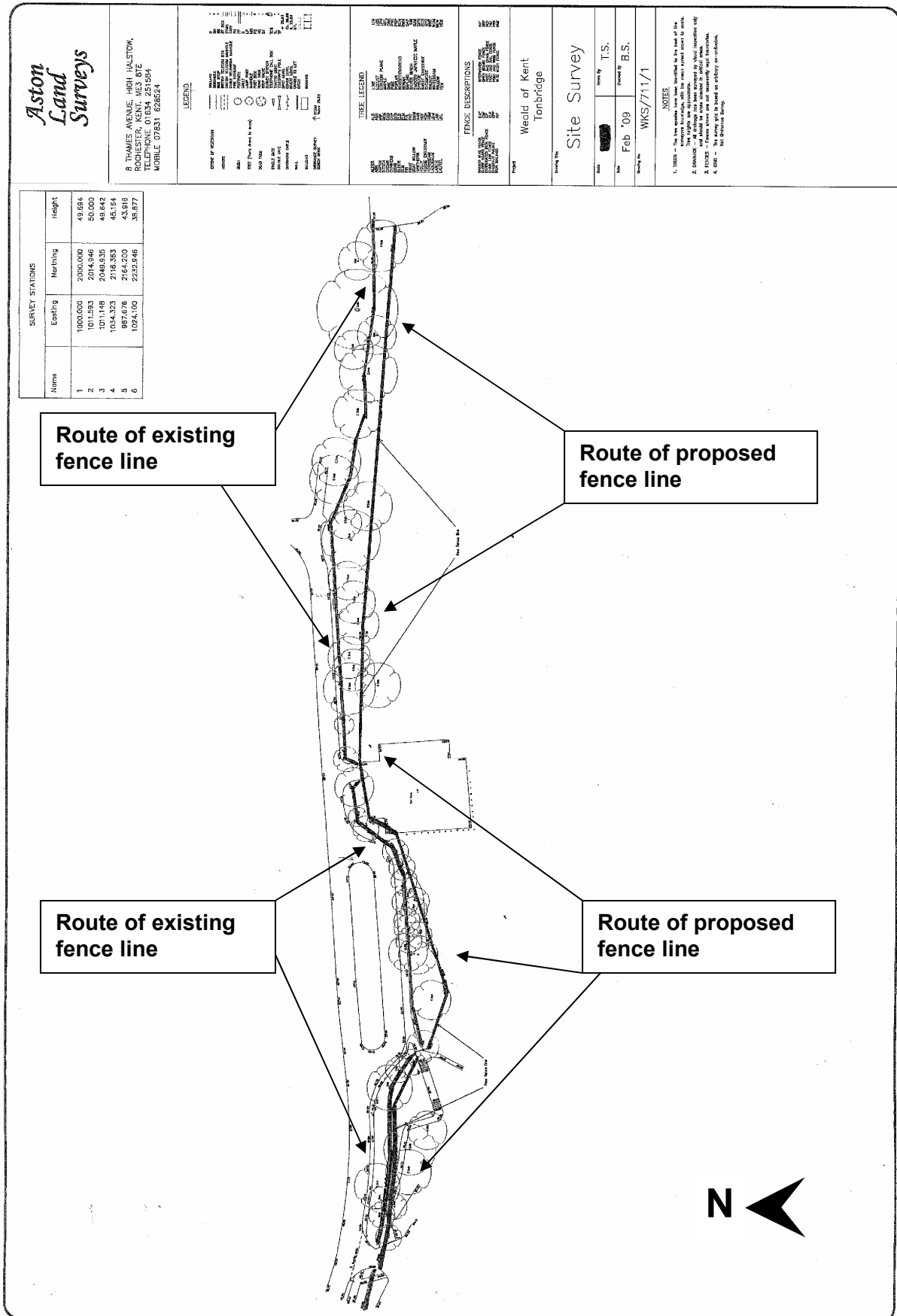
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### Site Location Plan



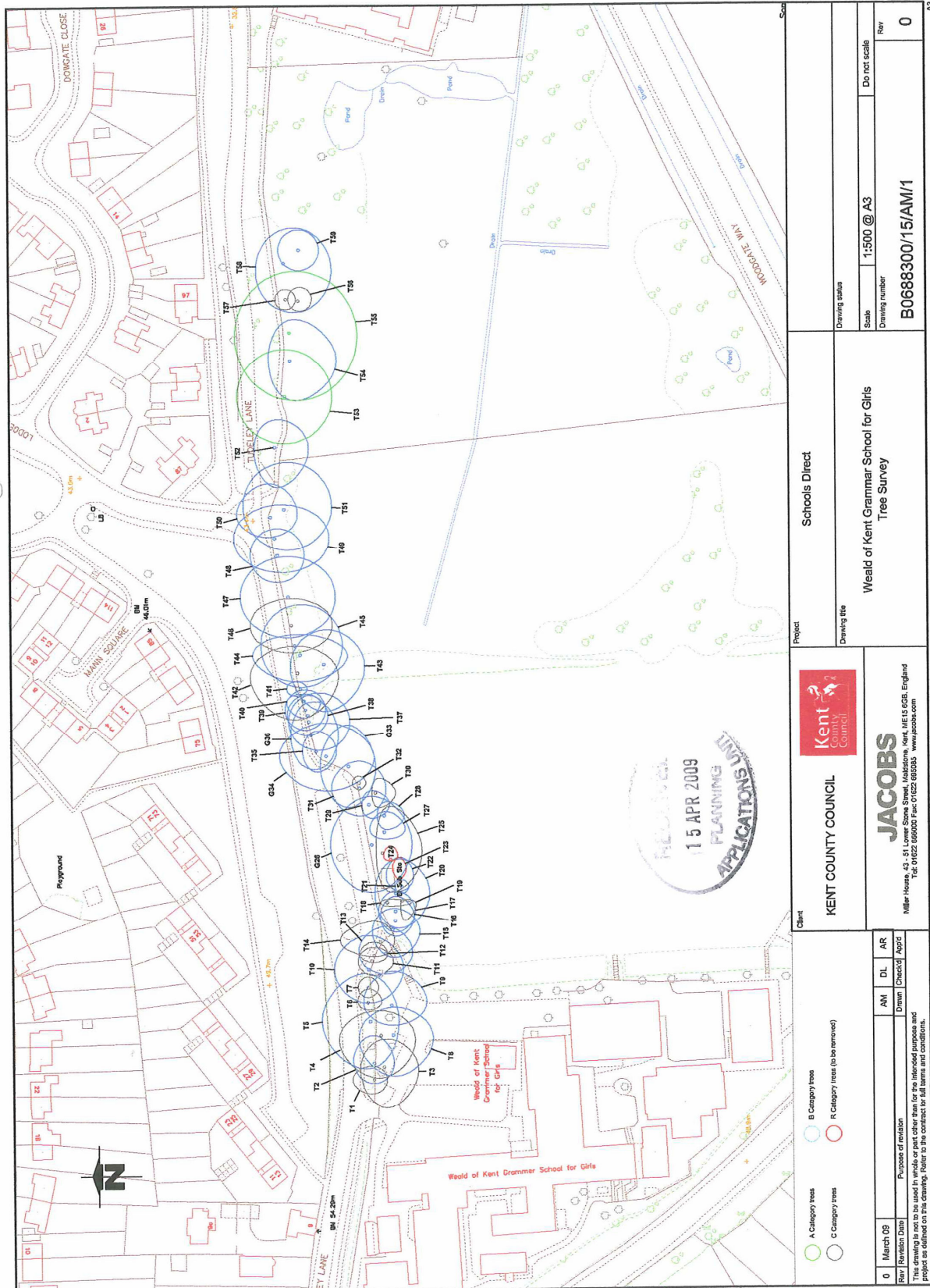
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Tree Survey

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Although the proposed fence would replace the existing picket fence it would not be sited along the same line, the proposed fence would be sited further back behind the existing mature trees and vegetation as opposed to the existing fence which is sited closer to the edge of Tudeley Lane and amongst the tree line (see photographs in Appendix 1).

**Planning Policy**

4. The Government is committed to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land has been reaffirmed. It is expected that all planning applications for development in the Green Belt be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance note 2. That is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances.
5. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The adopted 2009 **South East Plan**:

Policy SP5 The existing broad extent of Green Belts in the region is appropriate and will be retained and supported and the opportunity should be taken to improve their land-use management and access as part of initiatives to improve the rural urban fringe. However, in order to meet regional development needs in the most sustainable locations, selective reviews of Green Belt boundaries are required.

(ii) The adopted 2006 **Kent & Medway Structure Plan**:

Policy SP1 States that 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.

Policy NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

Policy QL1 Requires that 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 QL11 Existing community services (*including schools and other education provision*) and recreation facilities will be protected as long as there is a demonstrable need for them. 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,

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and the concentration of sports facilities at schools, will be encouraged.

- Policy E9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.
- Policy SS2 Sets out a general presumption against inappropriate development within the Green Belt. Further states that new building should accord with the provisions of PPG2 and Annex B of PPG3.

(iii) The adopted 2007 **Tonbridge and Malling Borough Local Development Framework: Core Strategy:**

Policy CP3 National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Watlington.

Policy CP11 Development will be concentrated within the confines of the urban areas of (amongst others):  
Tonbridge – of which the built development of the Weald of Kent School is part - see Appendix 2.

Policy CP24 All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.  
All development should accord with the detailed advice contained in the Kent Design Guide and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

The Council will seek to protect, and wherever possible, enhance, existing open spaces, including the provision of public art and ensure that new open space provision is made to meet the future needs of the Borough.

**Consultations**

6. **Tonbridge and Malling Borough Council** raise objection on the grounds of the style of fencing proposed and consider it inappropriate and detrimental to visual amenities of the locality.

Following the revisions to the application outlined in paragraph 3 no further comments have been received from Tonbridge and Malling Borough Council. Should any further

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comments be received they will be verbally reported to Members at the Committee meeting.

**Divisional Transportation Manager** raises no objection.

#### **Local Member**

7. Dr T R Robinson and Mr G A Horne MBE, the local County Members were notified of the application on the 30 December 2008.

#### **Publicity**

8. The application was publicised by the posting of two site notices on Tudeley Lane and the individual notification of 48 neighbouring properties.

#### **Representations**

9. I have received 3 letters of representation from nearby residents in Tudeley Lane, two of which are from the same resident. One of the letters contained points that are not material to the determination of this planning application and as a result are not detailed below. The material considerations made can be summarised as:
  - The site is in the Green Belt and the development is inappropriate. Fencing is not an appropriate development in the Green Belt and therefore very special circumstances need to be provided to outweigh the general presumption against it. No very special circumstances have been put forward.
  - The development will have an adverse impact on the openness of the Green Belt. Although it will be possible to see through the fence when directly in front of it, that ability diminishes as the structure is viewed at an angle. This is contrary to the fundamental principle of protecting the openness of the Green Belt set out in PPG2.
  - This proposal will not safeguard the Green Belt countryside from encroachment (a fundamental purpose of the Green Belt) but will introduce an alien urban form of structure that will detract from it. This is a sensitive edge of town location where the public have enjoyed uninterrupted views over open fields since the school was built. The development will result in significant harm to those public views.
  - The development will have a detrimental effect on the visual amenities in the introduction of this urban fencing into what is a countryside location. PPG2 requires protection of the visual amenities of the Green Belt.
  - This is an ill-considered and unacceptable development. The need for security is understood, although as a local resident I know that the public has accessed the land for more than 20 years without serious harm (there is probably sufficient evidence for it to be declared a village green). There are far more sensitive ways to provide a secure boundary – additional planting to make a sturdy hedge would be one.

Following the submission of an improved site plan and Tree Development Survey BS5837 the following comments were received.

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- The description is still inconsistent. It is said that the fencing is to replace existing picket fencing but the site survey shows it to be on a completely different line across the land rather than on the border.
- The line continues to indicate that there are numerous trees where the new fence is proposed and although there is now a tree survey the proposals do not demonstrate how there has been any consideration to the retention of this long standing amenity in the area. It is claimed that no trees or hedges will have to be removed but there is no indication of the extent of pruning or other work to the trees to make the development possible.
- First the applicants claim that the fence will have the lowest level of visual impact to the surroundings. This statement has no base level; lowest of what? The judgement must be made in relation to the proposals and the existing character of the area. This has not been done. 340m of 2.1m high steel fencing will have a significant and harmful visual impact as previously explained. It will not be a lower visual impact than a 1m high picket fence.
- There are some incident reports and photographs relating to some occurrences at the school. These include broken fences on the other (Somerhill Link road) side of the school where a fence on Tudeley Lane is irrelevant.
- A number of the incidents relate to graffiti. It is unacceptable that the School seeks to counter one type of vandalism with another. This proposed urban fencing will be a form of public vandalism to the character and appearance of the area that will be seen by far more people than spray painting on a small part of a building that is not visible from any public place.
- Some of the incidents relate to dog walking. I have lived here for over 20 years and people were walking their dogs across that land long before I moved here and continually since. Local people have been playing and enjoying that land for all that time without the need to erect a Stalag-like compound to tackle a few incidents of vandalism.
- The applicants have provided no justification and there is therefore no reason to override long established protection policies to allow the development.

**Discussion**Introduction

10. Given there is an existing fence, the principle behind a boundary fence in the general location of the proposed development appears well established, however there are a number of issues arising from the proposed scheme. These include the position of the fence line, design and appearance in terms of impact on the Green Belt and landscape; these have to be considered in the context of the Development Plan Policies, referred to in paragraph (5) above, and other material planning considerations arising from consultation and publicity.

Fence Line Position

11. It is noted that the built development of the school site is not within the Metropolitan Green Belt and consequently approximately 50m of the proposed fencing and one of each of the car park and pedestrian gates, are not strictly subject to Green Belt policy. However it could be argued that when looking in a south easterly direction from this area of proposed fencing in particular, that the openness of the Green Belt would be affected. In the context of the relevant National Planning Policy and Development



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Policies that apply, what is proposed could be considered as inappropriate development. It is therefore necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that would warrant setting aside the general presumption against the development.

12. The existing fence is a relatively low level wooden picket style fence which is in a dilapidated condition; this condition is primarily due to the age of the fence and as a result of vandalism. The existing fence line (see plan on page D2.3) is sited much closer to Tudeley Lane than what is proposed. At the point where Tudeley Lane meets Tudor Oak Lane, the existing fence line, whilst following the tree line, is separated from Tudeley Lane by a grassed verge area that slopes down from the playing fields beyond, see photograph 1 below. The position chosen for the proposed fence is set back from the existing line in order to reduce any potential impact on the trees and vegetation and the natural security that they provide. Although the applicant states in the Design and Access Statement that no trees or hedges would be removed as part of the proposal, a Tree Development Survey was carried out by professional arboriculturists in accordance with BS5837- Trees in Relation to Construction, to assess any potential risks to trees given that in places the proposed fence line would be in relatively close proximity to trees.



Photograph 1

13. The survey that was undertaken took into account 55 individual trees and 4 groups of trees totalling 69 trees. The report states that for the purposes of the proposed development no trees would need to be removed; however it does recommend that for

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sound arboricultural management two middle aged hazels should be removed (T23 and T24 on plan on page D2.4). Whilst the report states that the proposed fence would not require the removal of any trees it acknowledges that two sections of the proposed fence line would come into close proximity with trees T1 & T6 and T31 & 40 and recommends that all work within the Root Protection Area be carried out using the hand-dig methodology to minimise damage to tree roots. Furthermore it is suggested that the fencing contractors be required to provide a method statement indicating the care and consideration that would be employed when installing the fence in close proximity to these trees. Should Members be minded to permit, I would recommend that conditions be imposed on any consent to take account of these recommendations. Therefore I am of the opinion that the proposed fence line would be in accordance with Structure Plan Policies SP1, QL1 and E9. Furthermore, in my view, the proposed route would be preferable to the existing route, as the fence would be sited, in the main, behind mature trees and vegetation. With regards the eastern section of the fence it would also effectively increase the amount of open verge area to that which is currently available.

14. Members will note the objections received with regards the design chosen for the fence and the importance of appropriate design in this Green Belt location is paramount. A fence along the boundary with Tudeley Lane has been in position for many years and thus the principle for a fence in this location is long accepted, there are no Public Rights of Way through the site or public access rights to the land itself so it can be concluded that the principle of securing the boundary from intrusion is acceptable. Given the representations received regarding the walking of dogs on the school playing fields, it can be concluded that access, from the Tudeley Lane aspect at least, has been historically informal in nature, with unauthorised access being gained by going over the existing picket fence or by passing through sections that have been vandalised. Whilst the majority of people accessing the site may well be responsible, there is unfortunately a significant minority who are not and the School has provided a considerable number of Police incident reports and photographic evidence of criminal damage and other offences that have occurred on the school site over the last three years in support of this application. (14 Police incident reports and in excess of 60 photographs).
15. There have also been instances both during the week and at weekends when the school is being used, that members of the public have been found walking around the school grounds/buildings with dogs unleashed. Therefore it can be quite reasonably concluded that securing the school boundaries from intrusion is a matter of great importance in terms of both reducing crime and Health & Safety for the School's pupils, staff and visitors. Representations received from neighbouring residents, in my view, understate the degree of vandalism and antisocial behaviour that has been carried out at the school. Furthermore, I would suggest that vandalism on other fencing around the school site (see photographs in Appendix 3) and to school buildings is not irrelevant in the determination of this planning application, as it can be reasonably assumed that the primary point of access to the site is from the Tudeley Lane direction, due to the largely ineffectual existing fence and the large residential and population centre to the north.
16. Section 17 of the Crime & Disorder Act 1998 outlines the legal responsibility that Local Authorities have to consider crime and disorder which includes taking measures to reduce anti-social behaviour/disorder and assist in the prevention of crime. The proposed development would wholly accord with the requirements and responsibilities associated with Section 17 of the Crime and Disorder Act 1998.

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17. I consider that, given the reasons outlined above, there is a requirement for the fence to be of a substantial height, in this case 2.1m, in order to maintain an appropriate deterrent and level of security. Additionally, given that the proposed fence line is set back from the public highway and sited behind trees and vegetation, the applicant could have erected a fence of up to 2metres in height under permitted development rights. Given that the proposed fence is in excess of 2m in height, a planning application is required, and the County Planning Authority therefore has the opportunity to have an input/control over the design/style of fence chosen which otherwise it would not here.

Design & Appearance

18. The design of fence that has been proposed is weldmesh and would be finished in Green RAL 6005 colour treatment. Given that most of the fence would be located within the Green Belt, consideration of the impact that the development would have on the openness of the Green Belt and as to what very special circumstance apply to the development that would justify overriding development plan policy is a key determining factor. A fence of 2.1m is going to have a degree of impact due to its height, however through careful consideration of the design and style the potential impacts can be substantially mitigated. The weldmesh fencing proposed would have apertures of 200mm x 50mm (see photograph 2 below). When viewing the proposed fence from directly in front of it, it would be possible to see directly through it retaining the openness and enabling views across the Green Belt. Members will note the point raised in the letters of representation with regards viewing the proposed fencing from an angle and the potential for the openness of the Green Belt to be diminished by the intrusion of the proposed fence. It is noted that when viewing the proposed fence line in a diagonal direction from the junction of Lodge Oak Lane looking west, it could be argued that views through the proposed fence could be diminished but given that when looking in this direction views beyond would not be of the Green Belt directly but rather the school buildings (which are no longer within the Green Belt) I am not of the opinion that the openness of the Green Belt would be affected to any significant degree. Furthermore, during the summer months views of the fence would be minimal due to the large number of trees/hedging in this locality. When viewing the easterly end of the fence line at an angle the openness of the Green Belt could again be diminished, but given that the playing fields are at a higher level, and the Abbeyfield Woodgate Residential Care Home beyond, views across the openness of the Green Belt would not be unduly affected.
19. I am of the opinion that the fence design chosen is suitable for this location and that the impact on the openness of the Green Belt would be minimal. As stated above, the impact when viewing the fence from an angle would be mitigated by the existing vegetation and existing buildings, and when viewed from in front, it would be possible to see directly through the fence arguably not impinging on the openness of the Green Belt. It is worth noting that should the existing style of fence be increased in height to 2.1m the overall impact on the street scene and on the Green Belt would be significant. The bulk of such a palisade fence, be it wooden or metal in construction, would be substantial and extremely detrimental to the locality. The notion of planting a sturdy hedge in place of a fence is worthwhile in principle, but would take time to establish and not provide the immediate solution required.

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Photograph 2 (image of proposed fencing type)

20. Therefore, given the justification outlined in paragraph(s) 13, 14 & 15 and due to the design of the fence, I consider that there is sufficient evidence to demonstrate there are very special circumstances for overriding Green Belt policy constraints in this particular case. I would not therefore raise an objection on the basis of the effects of the proposed development on the openness of the Green Belt and consider the proposal to be in accordance with South East Plan Policy SP5, Structure Plan Policy SS2 and Core Strategy CP3.

### Conclusion

21. This proposal has given rise to a number of issues including the route of the proposed fence line and the impact on the openness of the Green Belt, as discussed above. First, I am of the opinion that the route for the proposed fence would be acceptable in planning terms and would not have a detrimental impact on the existing mature tree and vegetation cover, and consider the route to be more acceptable and have less impact on the locality than the existing fence line. Furthermore the openness of the grass verge area along the eastern end of the fence line would be increased. In my view the proposed fence is in accordance with Structure Plan Policies NR5 and E9 in terms of the quality of the development, impact on the natural environment and protection of existing trees and hedgerows.
22. Secondly, I consider that there are very special circumstances for overriding Green Belt policy constraints, in this particular case on the grounds of the vandalism, the insignificant visual impact of the proposed fence and that the proposal would not set a precedent for further Green Belt development at this site. There has been a long



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history of significant, substantial and costly vandalism to the school grounds and facilities which has been made all the more possible by the lack of a secure boundary adjacent to Tudeley Lane. Therefore, in my view, given the design, style and colour chosen for the proposed fence, I consider that very special circumstances apply and I do not consider the application to depart from South East Plan Policy SP5, Kent & Medway Structure Plan Policy SS2 and Core Strategy Policy CP3 on the grounds of protection and enhancement of the openness of the Green Belt.

#### **Recommendation**

23. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO CONDITIONS, including conditions to cover the following aspects:

- the standard time limit,
- the development to be carried out in accordance with the permitted details,
- tree protection and methodology for working in close proximity to trees.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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**Appendix 1**



**View looking west at bus lay-by**



**Section of the eastern part of the existing fence**



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**Appendix 2**

Annex C1 Weald of Kent School, Tonbridge -  
Policy CP11(a) & Policy CP3



Scale 1: 5000

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#### Appendix 3

#### Examples of vandalism of school fencing along Somerhill Link Road

