

Retrospective planning application for the erection of a fence along the school field boundary at Newington C of E Primary School, School Lane, Newington, Sittingbourne – SW/18/502753/CPO (KCC/SW/0077/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 11th July 2018

Retrospective application by Newington C of E Primary School for the erection of a fence along one boundary of the school field at Newington Church of England Primary School, School Lane, Newington, Sittingbourne – (SW/18/502753/CPO) (KCC/SW/0077/2018)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Mike Whiting

Classification: Unrestricted

Site

1. The application site relates to Newington C of E Primary School, which sits to the north of the village of Newington. The school site which totals 1.77ha is surrounded by agricultural fields to the south and the west.
2. The north and eastern sides of the site are bordered by School Lane, which provides access, and Church Lane, with a junction between the two roads to the north east corner of the site. The school playing field, which spans to the east of the site, is surrounded by a number of residential properties. These properties essentially sit between the school field and the surrounding roads. They back directly onto the field with little to no screening between them, other than the fences or walls at the end of residents' gardens.

Background

3. Due to the proximity of the neighbouring properties to the school playing field, and the low heights of several of the boundary fences, the School considered it prudent to install fencing to the back of the school playing field. This was to allay concerns over the safeguarding of the children on the field as well as to minimise inconvenience to the occupiers of the residential properties from balls falling into their gardens.
4. The fence was erected in February 2018. Due to several complaints to the School by neighbouring properties, advice was sought from the County Council whom advised the School that the height of the fence is over the threshold of what can be carried out under permitted development rights, and therefore express planning permission would be required.

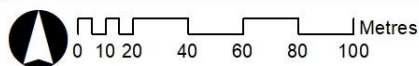
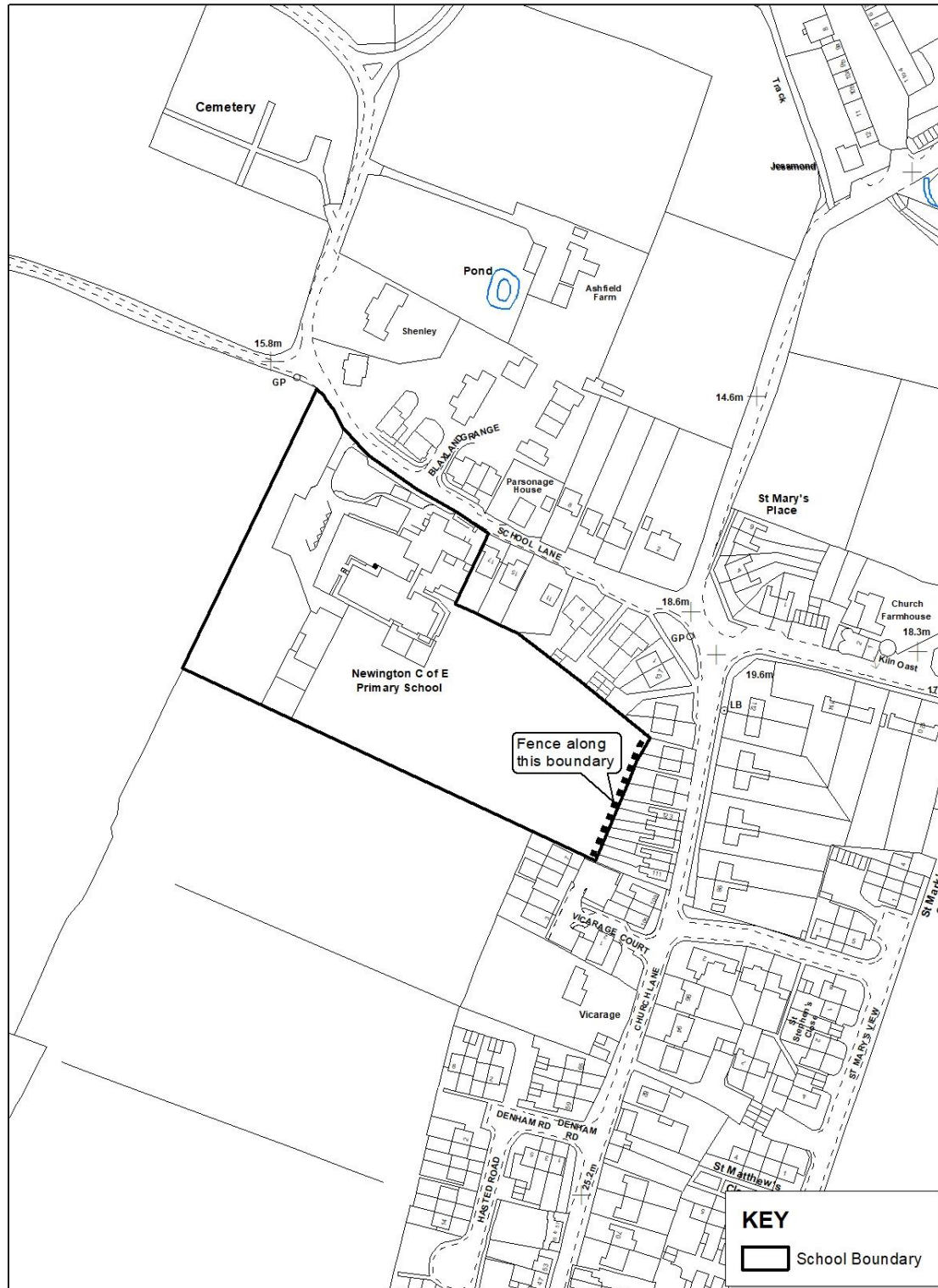
Recent Site History

5. The most recent planning history at the site was in 2009 for a conservatory entrance porch.

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Site Location Plan



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Ordnance Survey 100019238

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Proposal

6. The proposal seeks to obtain retrospective planning permission for a 2.43m mesh wire fence which is 57m long and sits at the end of the school playing field on the western boundary of the school site. When the application was first submitted, a height of 2.3m was indicated, however through the progression of the application it became apparent that the actual height is 2.43m.
7. The fence is at variable distances from the neighbouring residential properties; 2.8m at most with the closest point being 0.7m.
8. The fence is dark green in colour and can be seen in the figures below.

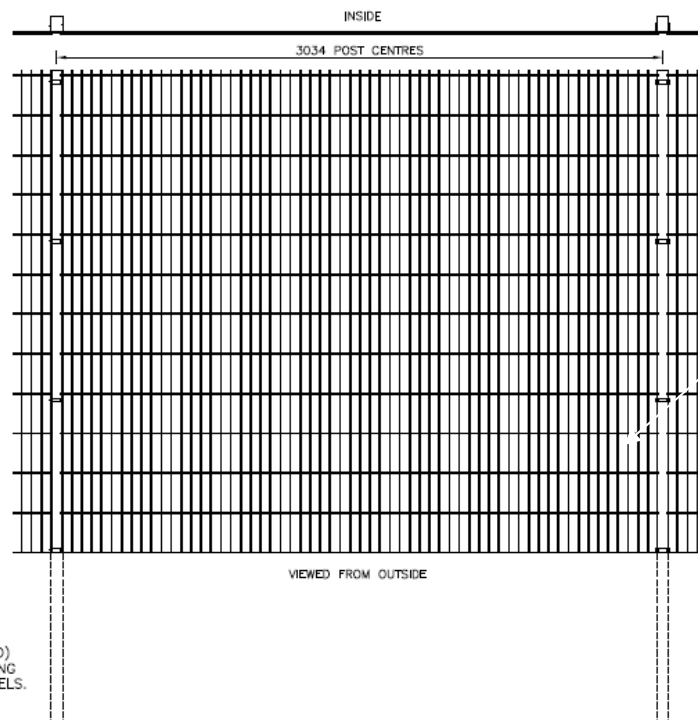


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9. The design of the mesh and fixing posts are illustrated in the elevations plan, however it essentially comprises 5mm thick wires which are 5cm apart from one another. The fence posts sit at 3m intervals.



NOTES.

ALL DIMENSIONS ARE IN mm (U.N.O)
GAPS UNDERNEATH GATES & FENCING
ARE NOMINAL DUE TO GROUND LEVELS.

Materials.

FENCE POSTS – 80 x 80 x 3 RHS
HORIZONTAL WIRES – ϕ 6mm
VERTICAL WIRES – ϕ 5mm

Finish.

GALVANISED TO BS EN ISO 1461:1999
POWDER COATED: IF REQUIRED

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Planning Policy

10. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to policies in the NPPF, the greater weight that they may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision makers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this proposal, the following NPPF guidance and objectives are of particular relevance:

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- That great weight should be given to the need to create, expand or alter schools.

A draft review of the NPPF was published on 5th March 2018 but the section relating to the delivery of school facilities remains largely unchanged with similarly worded text regarding the need to attach great weight to the need to create, alter or expand schools.

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. In particular, the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt to improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

- (iii) **Swale Borough Council Bearing Fruits 2031: The Local Plan for Swale** (July 2017)

Policy CP4 All development proposals should be of high quality design and be appropriate to their surroundings.

Policy DM14 All proposals will, as appropriate meet a set of general development criteria, including to accord with the proposals of the adopted Development Plan, be well sited in terms of scale, design, appearance and details that is sympathetic and appropriate to the location and cause no significant harm to the amenity and sensitivity of other users.

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Consultations

11. **Swale Borough Council** raise no objection

Newington Parish Council support the application

Local Member

12. The local County Member, Mr Mike Whiting, was notified of the application on 21 May 2018.

Publicity

13. The application was publicised by the posting of a site notice at the front of the school and the individual notification of 13 residential properties.

Representations

14. At the time of writing this report, 5 letters of representation have been received. All are from the occupants of the properties which back onto the boundary where the fence has been built. The key points raised can be summarised as follows:

- Neighbours weren't consulted prior to the construction of the fence;
- The fence is too high, a revised height of 4ft (1.2m) was suggested instead;
- The space in between the fence and the residential properties is not being maintained and as such is becoming overgrown;
- Views of the school playing field which were previously enjoyed have now been disrupted;
- There has never been any incident concerning child safeguarding or nuisance to neighbouring properties, therefore the construction of the fence is not justified;
- The fence gives a sense of imprisonment to the residents' gardens; and
- The fence is too close to the neighbouring gardens.

Discussion

15. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 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 the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case comprise of the need for the development, visual amenity and the ongoing maintenance of the vegetation.

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Need for the development

16. As summarised above, the applicant's have stated that the fence was constructed to allay child safeguarding concerns and prevent annoyance to neighbouring properties. The fences and walls which align the neighbouring properties are generally of a lower height. This height is not considered to be sufficient to ensure that children are appropriately safeguarded during playtimes and other times in the school day where they may use the field. Furthermore, it also enables easy access into the school grounds from the neighbouring properties and so represents a security concern. Another justification given was to prevent incidents such as balls falling into the residents' gardens which may cause annoyance over time.
17. The point was argued in the representations received that the above incidents have never occurred in the past and so the construction of the fence cannot be justified. However, whilst incidents have not occurred in the past that is no guarantee that they will not occur in the future. Furthermore, I consider matters of child safeguarding to be of paramount importance in any case, and clearly it is a matter that the School has responsibility for and considered needed to be addressed. Therefore, I do not consider it appropriate to dispute the need for some boundary fencing.

Visual amenity

18. A common theme within the representations is complaints about the height of the fence, which is 2.43m. It was pointed out in one representor that the fence is twice as high as their boundary wall.
19. Whilst the height of the fence does present the neighbouring properties with scenery they are not used to, it is important to remember that if the fence was not of a sufficient height, it would not be able to carry out its purpose.
20. Whilst I understand that the previous more open view across the playing field would have been preferable there is no right to a view. Moreover, the style of fence is typical of the fencing commonly used around school playing fields and sports pitches. The open mesh allows views through fence and as it is finished in a dark green colour to some extent it would be seen against the backdrop of the school playing field. Furthermore, I do not consider it to be overly high for its purpose. In any case, the School would be allowed to erect a fence of up to 2 metres high under permitted development and, in my view, the additional 43 cm does not make a significant difference to the visual perception of it. Overall, I do not consider that it poses unacceptable impacts on residential or visual amenity.

Ongoing maintenance of vegetation

21. Complaints were made within the representations that the area between residents' gardens and the new fence is not being maintained so the vegetation is becoming overgrown and unsightly. This claim was substantiated by observations made on the site visits to the school and can be seen from the photographs above. We have taken this up with the School and they have undertaken to cutback the vegetation and have given assurances that the school's landscape services will maintain the area during the

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summer months on a fortnightly basis, and the Site Manager will undertake the task as and when the need arises outside of this time-period.

Conclusion

22. As discussed above, I accept that there is a justified need for the boundary fencing and consider that it would not have an unacceptable impact on residential or visually amenity. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore my recommendation is that planning permission be granted.

Recommendation

23. I RECOMMEND that PERMISSION BE GRANTED.

Case Officer: Alice Short	Tel. no: 03000 413328
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Background Documents: see section heading
