

## Further details pursuant to condition 10 – details of walls, fencing, gates and other means of enclosure at Westgate Primary School, Dartford

A report by Head of Planning Applications Group to Planning Applications Committee on 24 June 2008.

Application submitted by Kent County Council Children, Families, Health & Education for further details pursuant to condition 10 – details of walls, fencing, gates and other means of enclosure at Westgate Primary School, Summerhill Road. (Ref: DA/06/868/R10)

Recommendation: The details be approved subject to conditions.

Local Member(s): Mr T. Maddison

Classification: Unrestricted

### Site

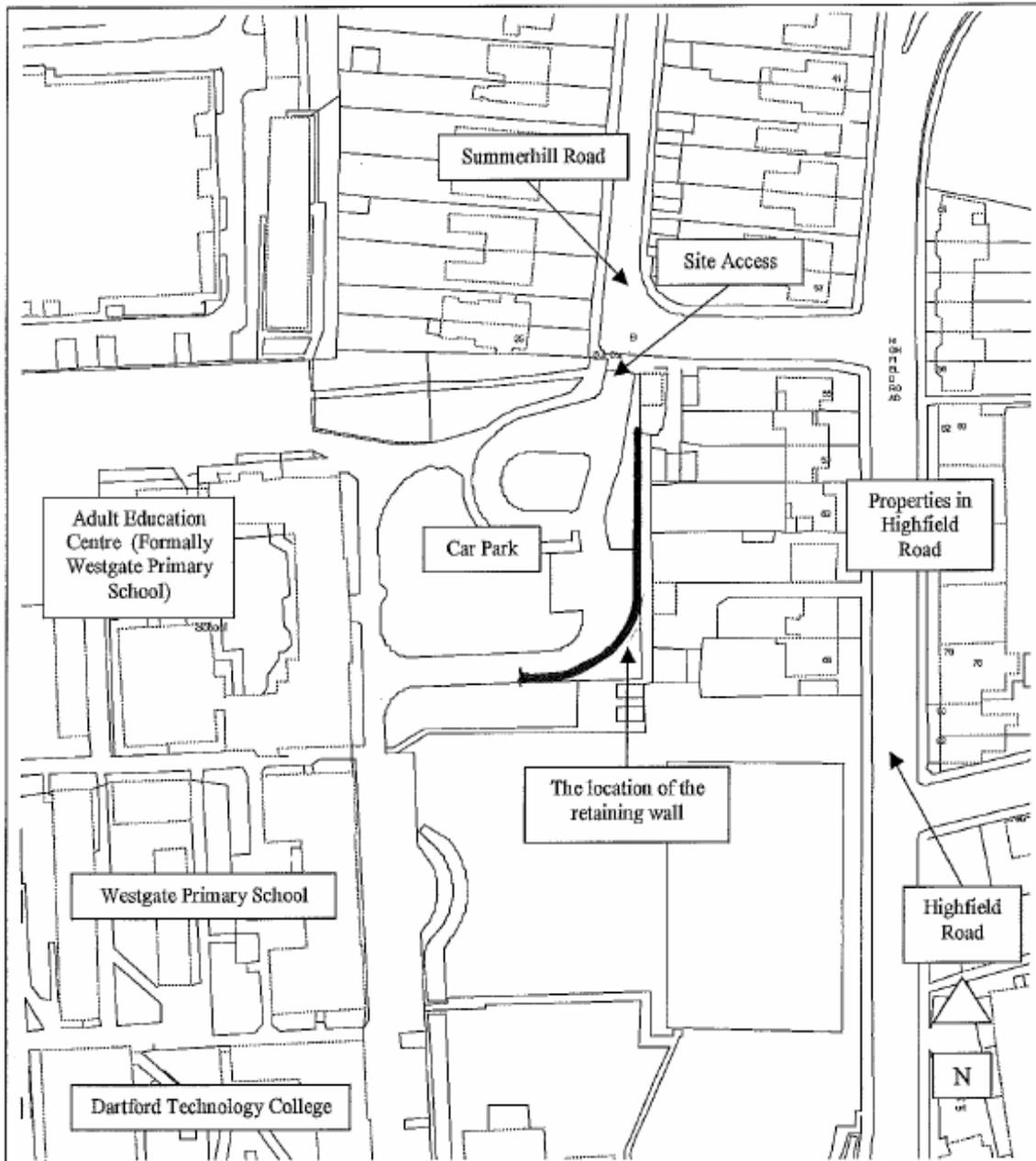
1. The Dartford Campus project is the initial phase of a much larger strategic plan to develop and regenerate the whole of the Dartford West site. Parts of the site are to be sold off for housing, with the remaining land forming the new Dartford Educational Campus. The Campus will include a new nursery school, primary school, Technology College and shared sports facilities. This will be achieved by a combination of the refurbishment and extension of existing buildings, and the demolition of some existing buildings, to be replaced with new builds. Each element of the scheme has been/will be subject to individual planning applications, which all aspire to the same masterplan for the site. Dartford Campus is located in west Dartford, and is bounded by residential properties to the north and west, and facing residential properties to the south and east. Westgate Primary School is centrally located within the campus, sited between Dartford Technology College, which is currently under construction, and the Adult Education Centre (formally Westgate Primary school). A site plan is attached.

### Background

2. The construction of a new building to house Westgate Primary School was initially granted planning permission in 2006 (under planning consent reference DA/05/382). A second planning application for amendments to the footprint, floor plans, elevations and roof, including an increase in height to the building, was approved in October 2006. All of the conditions of the previous consent that were yet to be discharged were transferred to the new consent (reference DA/06/868).
3. The application for accommodation to house Westgate Primary School included the reorganisation of an existing car park accessed from Summerhill Road. Amendments to the car parking layout were submitted in April 2007, and approved in June 2007, and essentially turned the layout through 90 degrees to avoid car doors swinging open too fast and causing damage (due to the gradient of the car park). In addition 3 parking spaces were omitted due to a reduction in the number of staff on site.
4. Condition 10 of planning consent reference DA/06/868 required the submission and approval of details of walls, fencing, gates and other means of enclosure. These details were submitted and approved under delegated powers in June 2007.

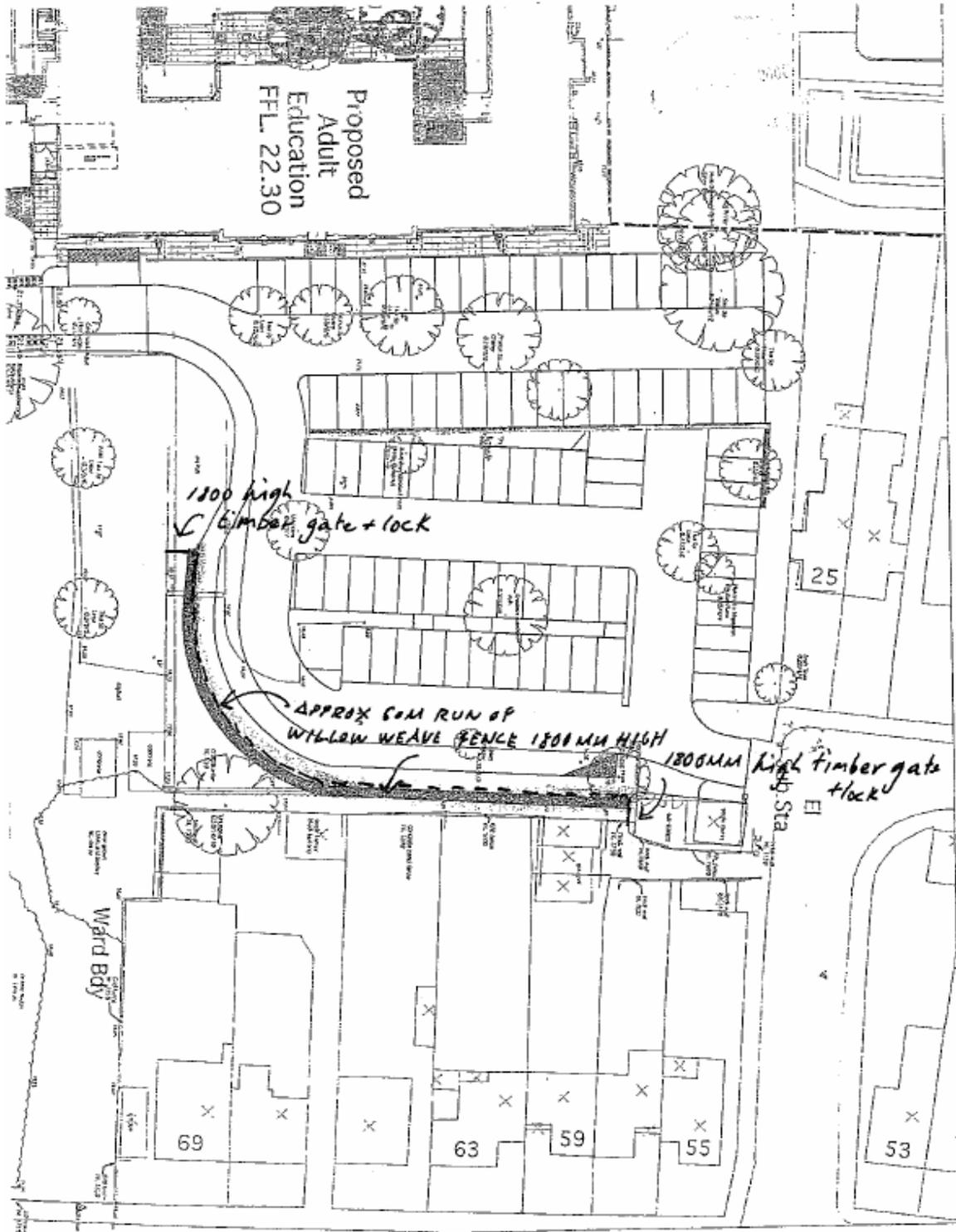
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### Site Location Plan



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60M RUN OF HIGH (1800MM) FENCE (APPROX LOCATION)

SK 1632 23408/1/5

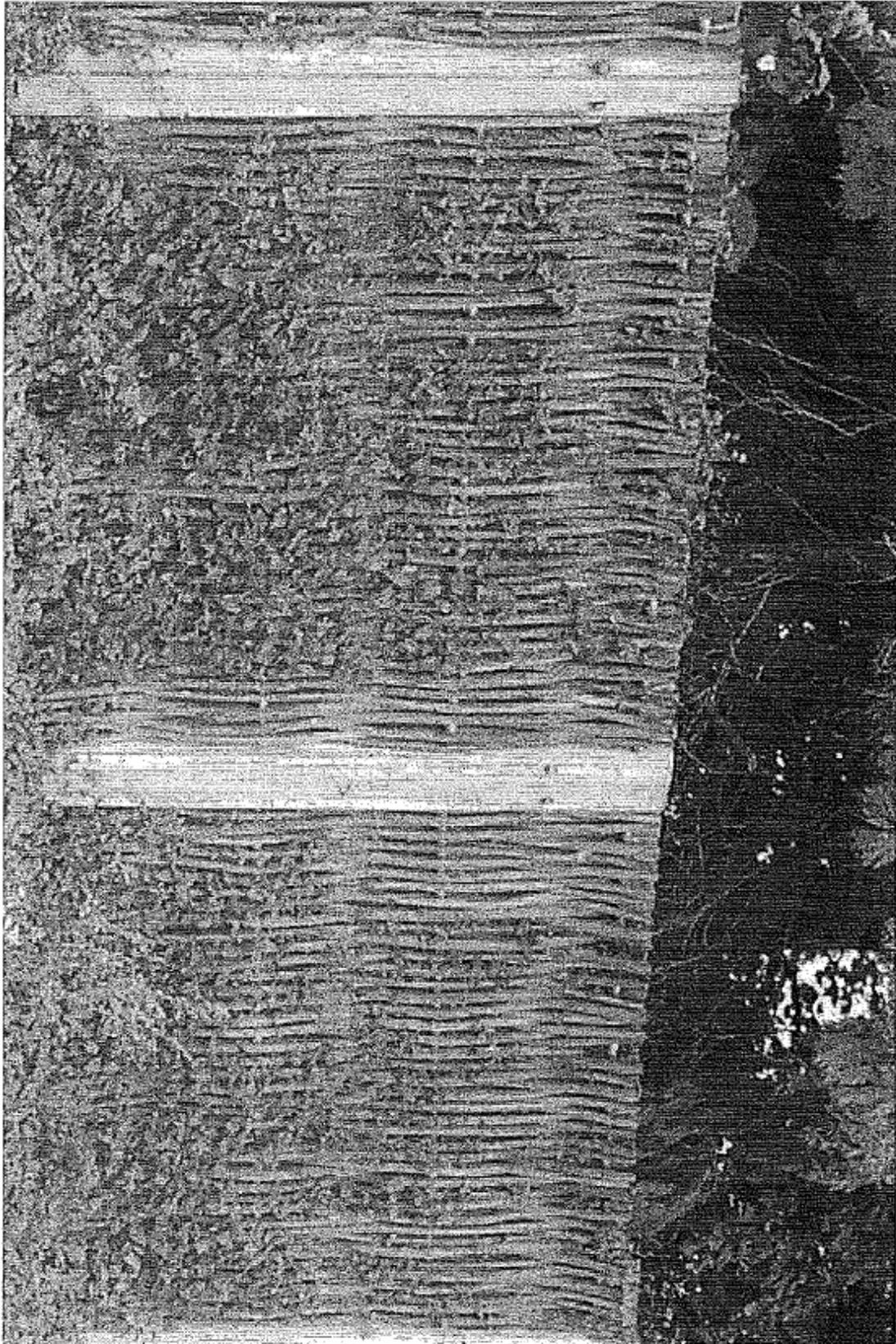
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 THIS DRAWING IS FOR DESIGN PURPOSES ONLY - DO NOT SCALE OFF THIS DRAWING.  
 All Dimensions To be Verified on Site Prior to Work Commencing. Consideration Shall be Given to the Existing Conditions of the Site and the Surroundings. All Structural Works are to be Checked or Confirmed and Approved by Structural Engineers.  
 No Dimensional Checks Have Been Made. Full Measured Survey Required.



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5. Westgate Primary School is now completed and fully operational, and the associated car park is nearing completion. In March 2008 the County Planning Authority received complaints from residents of Highfield Road, Dartford, with regards to a retaining wall which had been constructed to the rear of their properties, to the eastern boundary of the car park, upon which were the access road and footpath. Concern was expressed over the appearance of the wall itself, but also the implications of the structure, such as overlooking, noise, air and light pollution from cars using the access road, and a loss of privacy. These concerns were immediately raised with the applicant, who following subsequent site visits, confirmed that the development had been built in strict accordance with the submitted drawings. The retaining wall is constructed using gabion baskets, containing stone not concrete. However, in the interest of good neighbourly relations, and following discussions with neighbouring residents, the applicant has submitted details of a fence to be erected at the top of the retaining wall to mitigate the impact and address local concerns. The proposal is discussed in detail below.

## Proposal

6. This application proposes further details pursuant to condition 10 – details of walls, fencing, gates and other means of enclosure at Westgate Primary School, Dartford. Details pursuant to this condition have already been approved, and this is not a proposal to amend the fencing details that have planning approval. Moreover, the applicant is seeking to provide additional fencing which was not proposed within the original details and, therefore, all other walls, gates, fencing and means of enclosure, would remain as approved.
7. In an effort to address the concerns raised by local residents and to mitigate the impact of the retaining wall, and the associated access road and footpath, the applicant is proposing to erect a 60m run of 1.8m high willow weave fencing to the top of the retaining wall. The willow weave fencing can be provided 'living' or 'dry'. For the 'living' fence a trench with topsoil would be required, which would be unsuitable given the fencing's footings within the gabion baskets. However, the 'dry' screen would be landscaped with climbing plants, such as clematis. The applicant is proposing to plant a climbing plant every 2 metres along the gabion wall, which is expected to cover the gabions and the willow weave fence in time, providing a 'green screen'.
8. The applicant initially considered the use of a close boarded fence, but was advised against this by structural engineers. That is because a close boarded fence would not work structurally – the overturning force which would be exerted in strong winds could cause the fence to fall, and could result in instability of the gabion walling itself. Therefore, a fence which would have less resistance to strong winds, allowing air under pressure to pass through, has been carefully selected by the applicant.
9. The applicant considers that the woven weave fence would have the following advantages:
- Screen to 1.8m high to provide privacy from overlooking and vehicle lights;
  - Can be landscaped to enhance aesthetic appeal and absorb fumes;
  - Climbing plants already specified for the gabion wall are suitable for the screen;
  - Planted screens are less attractive to vandalism;
  - Rapid construction and low installation costs;
  - Minimal maintenance;
  - Green credentials include absorption of CO<sub>2</sub>, use of wood from sustainable managed forests, and all materials being fully recyclable;

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10. At either end of the fencing, between the gabion wall and the boundary of the site, the applicant is proposing to install a 1.8m high close-boarded lockable gate. This is to secure the area between the wall and the boundary which, with the introduction of a fence, would be well screened from the school site. The applicant advises that close boarded gates could be used as the siting of the gates would not be in areas exposed to high winds, and the post fixings would be into the ground, not the gabion walling.

*Reduced copies of the submitted drawings showing the site layout and proposed fencing are attached.*

### Planning Policy

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

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

**Policy SP1** - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

**Policy QL1** – Seeks to conserve and enhance the environment through the quality of development and design.

**Policy QL12** -Community Services, including schools, will be provided as long as there is a demonstrable need for them.

**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.

(ii) The adopted (1995) **Borough of Dartford Local Plan:**

**Policy S2** - Encouragement will be given to the provision of community facilities.

**Policy B1** - The following factors will be taken into account in considering development proposals:

a) Proposed Use, which should be appropriate for its location and should not have a detrimental effect on the local area through visual impact, traffic generation, noise or other factors.

b) Design, which should be of a high standard and respect and integrate with the surroundings. Particular attention should be paid to the mass, form and scale of the proposed development and its impact on the environment and neighbouring uses.

c) Materials, which should be of good quality, pleasing in appearance and durable.

d) Amenity of adjoining properties, particularly in the case of residential properties, should not be materially detracted from by development proposals. This includes the loss of daylight or sunlight, and overlooking from habitable rooms.

e/f) Access and parking.

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[.....]

**Policy CF3** - The Council will encourage and support the provision of social, community, educational and cultural facilities and infrastructure to meet the current and future needs of the Borough.

(iii) Second Deposit Draft (2002) **Dartford Borough Local Plan Review:**

**Policy DD11** – A high standard of design will be sought in all proposals. Planning permission will be granted if the proposed development :

1) Is compatible with neighbouring buildings and spaces or improves their surroundings in terms of scale, height, massing, materials and site coverage.

2) Incorporates a layout that respects the original topography of the site and retains trees, hedgerows and shrubs which are important landscape features.

3) Retains or enhances the privacy and amenity of the local area by reason of form, scale, height, outlook, noise and light intrusion or activity levels including vehicular or pedestrian movements.

4) Retains important buildings.

[.....]

9) Incorporates appropriate provision for the role of the car.

[.....]

**Policy CF2** – New, additional, or replacement utilities infrastructure shall be sited and designed so as not to harm the environment or appearance of existing developed areas, new developments, the Green Belt and other open land.

## Consultations

**12. Dartford Borough Council** comments as follows:

“Given that the fencing is proposed to overcome privacy and nuisance issues to neighbouring residential properties, this Council would not wish to raise objections to the proposed fencing.”

## Publicity

13. The application was publicised by the individual notification of 8 nearby properties.

## Representations

14. 1 letter of representation, signed by 10 residents of Highfield Road, has been received to date. The main comments/points of concern and objection can be summarised as follows:

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- Residents were not informed of the development;
- As a result of the development residents have found rubbish in their gardens;
- The view that residents now have at the end of their gardens is piles of rubble in wire baskets which is not acceptable;
- The footpath at the top of the retaining wall intrudes into the privacy of neighbouring properties;
- Residents cannot see that the willow fence would provide privacy as there are gaps that would enable people to see through it. Neither can it be seen that the fence would stop car emissions or headlights;
- What are the proposals for the gap between the retaining wall and the end of neighbouring properties gardens? Residents are concerned that this will become a hiding place for youths and a dumping ground for rubbish;
- Are the trees that were taken away going to be replaced?
- What sort of lighting would be used along this ramp as due to the height light pollution could become a problem;
- The ramp is far too high and residents feel misled and uninformed;

### Discussion

15. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (11) 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 consultation and publicity. The issues of particular relevance in this instance are whether or not the proposed fence is acceptable in terms of mitigating the impact of the retaining wall upon neighbouring residential amenity.
16. It must be noted that the car park and the retaining wall have been built in accordance with the submitted drawings and plans. Therefore, the applicant is not in breach of planning consent, and is not in any way required to provide mitigation for the retaining wall. Although neighbouring residents are clearly unhappy about the development as built, they were notified of the original planning application for Westgate Primary School, and the subsequent amended application. No comments or objections were received at that time. The application was considered fully in accordance with Development Plan Policy and was granted planning permission subject to conditions. The development as built is, therefore, not a matter for discussion within this report. Moreover, the provision of the fence, which the applicant has proposed out of good will, is the matter that will be discussed below.

### Fencing

17. The applicant is proposing to construct a 60 metre stretch of 1.8m high willow weave fencing to the top of the gabion basket retaining wall. Local residents have expressed concern over the proposed fencing, and suggest that a close-boarded fence would be more suitable, providing better screening from air, light and noise pollution. As outlined in paragraph 8 of this report, the applicant did initially consider the use of close boarded fencing. However, as the footings of the fence would be within the gabion baskets, the applicant was advised against the use of a close-boarded fence on the basis that the fence would act as a wind break, and due to the less secure footings, would result in overturning of the fence and a weakening of the gabion basket retaining wall.

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18. The applicant is therefore proposing a significantly more elaborate type of fencing. The willow weave fencing would allow air under pressure to pass through the fence, reducing the potential of overturning and weakening of the gabion wall. I consider that the proposed fencing is more aesthetically pleasing, especially when planting has established and, therefore, visually is much more acceptable. Although the fence would allow air under pressure to pass through the weave, the weave is still tight enough to mitigate against overlooking, loss of privacy and the nuisance and pollution caused by car headlights and emissions. Additionally, once climbing plants have established upon the fencing, the screening value of the fence would increase.
19. Whilst it is again important to note that the applicant does not have to provide any fencing at the top of the retaining wall, I consider that the proposal made by the applicant should be welcomed in the interests of improved amenity. The applicant has met with neighbouring residents in an effort to overcome their concerns and, as a result, has submitted these additional fencing details. Although some residents may prefer a close-boarded fence, the applicant cannot provide that. Therefore, I consider the proposed fencing to be acceptable and see no reason why the additional details submitted pursuant to condition 10 should not be approved.

Rubbish & security

20. Local residents have also expressed concern over litter being dropped into their gardens, and are concerned that the screened area between property boundaries and the retaining wall could become a hiding place for youths. First, the dropping of rubbish is a school management issue that neighbouring residents should take up directly with the school. However, the provision of a fence to the top of the retaining wall would act as a barrier to rubbish, and should contain any rubbish deposited by pupils within the school grounds. With regards to the area between property boundaries and the retaining wall, the applicant is proposing to erect a lockable close boarded gate at either end of the fence, between the retaining wall and the site boundary. This gate would allow access for maintenance, but would preclude unauthorised access. Therefore, I consider that these matters would be mitigated by the applicant's proposal, and see no reason to refuse the details submitted on these grounds.

Trees

21. All trees that have been removed were included within the submitted landscaping scheme, and the applicant states that appropriate tree protection measures and ecological mitigation procedures were followed. A landscaping scheme for the whole of the Dartford Campus has been submitted, but is yet to be approved. The scheme does, however, propose replacement tree planting, and a substantial amount of soft landscaping, including climbing plants at 2 metre centres to be planted at the base of the gabion wall. It is expected that these would cover not only the wall, but the proposed fencing. The removal of trees, and subsequent landscaping, was considered at the time the application for Westgate Primary School was determined, and does not impact upon the determination of the additional fencing details pursuant to condition 10. However, the provision of climbing plants is welcomed.

Lighting

22. Residents have also expressed concern over lighting of the car park, and the subsequent impact that this could have. Details of all external lighting were required to be submitted for approval pursuant to condition 5 of planning consent reference DA/06/868. These details were submitted in June 2007, and approved in September 2007. The County Council's Lighting Advisor and Dartford Borough Council were both

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consulted on the proposed lighting scheme, and following amplification and amendments to the submitted details, neither party raised concern or objection. Therefore, it is considered that the lighting proposed is appropriate for the site and would not have an adverse impact upon the amenity of neighbouring properties.

### Conclusion

23. The proposal seeks to provide additional mitigation fencing to minimise the impact of the previously erected gabion walling. This walling has been built implemented in accordance with the planning permission and there is no obligation on the applicant to provide any further mitigation. However, in light of local concern about the scheme as built, the applicant has sought to mitigate the impact.
24. Overall, I consider that this proposal would aid in mitigating the impact of the development as built. The proposed fencing would provide local residents with a sense of privacy, whilst mitigating noise, light and air pollution. In my view it would not give rise to any significant material harm and is in accordance with the general thrust of relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

### Recommendation

25. I RECOMMEND that the additional details submitted pursuant to condition 10 of planning consent reference DA/06/868/R10 be APPROVED SUBJECT TO further conditions, including conditions covering:
- The fencing to be installed within 2 months of the date of the decision;
  - The development to be carried out in strict accordance with the submitted plans;
  - Controls over the hours of working during construction,

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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