

Agenda Item	A7
Application Number	24/00598/FUL
Proposal	Removal of existing fencing and erection of a new boundary fence and access gates
Application site	Central Lancaster High School Crag Road Lancaster Lancashire
Applicant	Central Lancaster High School
Agent	Jon Thompson
Case Officer	Ms Sophie Taylor
Departure	
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

This application has been called in to Planning Committee by Councillor Sam Riches, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is the Central Lancaster High School, located on the south side of Crag Road in the Ridge Area of Lancaster. The land is elevated above Crag Road, which is a designated public right of way and highway, and the general sloping topography down to the River Lune approx. 700m northwest of the site. The site shares its boundaries with residential development to the north and west, and Claver Hill Community Farm to the east which is designated as an Urban Setting Landscape and Open Space, Recreation and Leisure. To the south of the site lies Lancaster Royal Grammar School Pitches. The site is designated as an Open Space, Recreation and Leisure Area.

2.0 Proposal

2.1 This application seeks planning permission for the removal of existing fencing and the erection of a new boundary fence and access gates. The fencing is to be green 2.4m high mesh fencing with associated gates, including a sliding vehicle gate.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

- 21/01174/FUL - Demolition of part of existing building and erection of 2-storey building with associated landscaping – Approved
- 23/01061/NMA - Non material amendment to planning permission 21/01174/FUL to relocate one window from the ground floor to the first floor on the North elevation - Approved
- 14/00149/CCC - Erection of a new single storey sports hall including lobby, external retaining wall and pedestrian pathways – No objection
- 13/00490/FUL - Erection of a new visitor reception area and alterations to the main school entrance - Approved
- 09/00359/CCC - Single storey extension comprising of 6 no. classrooms, plantroom, disabled WC and associated ancillary space extension to par park to replace spaces lost due to extension – No objection
- 05/00979/CPA - Construction of a fenced and floodlit synthetic turf pitch for hockey/soccer area – Approved
- 99/00519/CPA - Erection of a sports hall/fitness room/link extension and alterations to existing gymnasium – Approved

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4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Cadent Gas	No objection. Requests informative note added to decision notice.
County Highways	No objection. Requests conditions for delivery times and road sweeping.
Sport England	No objection subject to a condition requiring a construction management plan.
Ramblers Association	No response.
Public Rights of Way	No objection. The public right of way should be kept clear from obstruction. A temporary closure order will be needed if works likely to cause health and safety risk to users.
Public Realm Officer	No response.
Policy	No response.

4.2 The following responses have been received from members of the public:

36 objections have been received from members of the public raising the following material planning concerns:

- Visual impact of the fence – height, not in keeping with local environment, effecting openness.
- Used for recreation and walking, providing social and mental health benefits.

- Views over field.
- Highway visibility concerns.
- Existing fence adequate, no evidenced need.
- Doesn't comply with section 99 or section 98 of NPPF.
- Effect on house prices.
- Impact on wildlife.
- Impact on trees.
- Other applications for school fencing have been refused.

These issues are addressed in the subsequent report.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of Development
- Design and Landscape
- Residential Amenity
- Trees and Ecology
- Highways

5.2 **Principle of Development (National Planning Policy Framework Section 8 Promoting safe and healthy communities, Section 9 Promoting sustainable transport, Section 12 Achieving well-designed and beautiful places; Development Management DPD Policies DM27 Open Space, Sports and Recreation Facilities, DM29 Key Design Principles, DM43 Green Infrastructure, DM56 Protection of Local Services and Community Facilities, DM61 Walking and Cycling; Strategic Policies and Land Allocations DPD Policies SP1 Presumption in Favour of Sustainable Development, SC3 Open Space, Recreation and Leisure)**

5.2.1 Policy DM27 seeks to protect and enhance existing designated open spaces and prevent the loss of designated open space, sports and recreational facilities, whilst Policy DM43 seeks to protect and enhance green spaces including recreational areas and parks. These aims are reiterated by Policy SC3 and Section 8 of the NPPF. Paragraph 108 of the NPPF states that 'access to a network of high-quality open space and opportunities for sport and physical activity is important for the health and well-being of communities.' Policy DM56 supports enhancement of local services such as schools. Policy DM29 seeks to ensure that places are safe and secure, as do Paragraphs 96 and 135 of the NPPF.

5.2.2 The perimeter fencing will prevent unauthorised access onto the school site and create a more secure environment for the pupils and staff. This will also enable the school to work on sport facility improvements. Sport England initially objected to the application as the proposal would have resulted in the segmentation of approx. 0.52ha of playing field capable of providing pitch sports. The proposal has since been amended to prevent any segmentation and Sport England have withdrawn their objection.

5.2.3 The local community consider that the site has some social value in terms of recreational activity and as a walking area and there have been multiple representations from members of the public explaining the value that they place on the use of the site in social and well-being terms. An enquiry was raised with Lancashire County Council regarding the ownership and use of the land, and they have confirmed that the playing field is leased to the Bay Learning Trust for a term of 125 years from Lancashire County Council. They also confirmed that the use of the land is a private playing field, and as such, use by the general public is unauthorised. There are no Public Rights of Way running though the site and the Public Rights of Way Officer raises no objections to the proposal.

5.2.4 The site is designated as open space, recreation and leisure area. It is important to note that open space designations can include land in private ownership, access to which is only possible with the agreement of the owner. Further comments were received stating that the proposal is contrary to Section 103 of the NPPF. This section states that, 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:' and then lists a number

of criteria the application must meet. As the proposal is for a boundary fence, this will not result in a loss of open space and the field will still be in use for sports and recreation. It is therefore considered that the proposal is not contrary to section 8 of the NPPF. Additionally, there are various public green spaces within the area, such as Williamson Park and Highfield Recreation Ground as well as Claver Hill and Ridge Community Woodland. Given the above, the proposal will therefore enhance the local secondary school site and provide security benefits and as such can be supported in principle.

5.3 **Design and Landscape** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM27 Open Space, Sports and Recreation Facilities, DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations DPD Policies SC3 Open Space, Recreation and Leisure, EN5 Local Landscape Designations)

5.3.1 Policy DM29 requires development to 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.' Policy DM47 further details this, stating that 'Outside of protected and designated landscapes the Council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscaping.' Policy EN5 requires development within the identified areas to 'preserve the open nature of the area and the character and appearance of its surroundings' and Policy SC3 states that identified sites will be 'protected from inappropriate development'.

5.3.2 The fence will be green mesh which is typical of fencing to schools and sport sites, and is already used in some areas within the curtilage of the site and at other schools within the wider area. A number of public comments refer to the fence as 3m in height, however the proposal is for a fence that will be approx. 2.4m in height and has an open mesh design. Therefore, the proposal is considered to have a minimal scale and massing when considered in the context of the school site. Therefore, the design is considered acceptable and does not have a significant impact upon the character and appearance on the school site and wider streetscene.

5.3.3 Claver Hill Community Farm runs adjacent to the eastern boundary of the site and is designated as an Urban Setting Landscape and as an Open Space, Recreation and Leisure area. The fencing will be partially screened from Claver Hill by the existing planting along the boundary and the use of dark green coloured open mesh fencing as described in the Design and Access Statement submitted with the application will also serve to minimise the apparent visibility of the structure and mitigate its impact on the openness of the landscape. Therefore, the proposal is not considered to have an adverse impact upon the landscape.

5.4 **Residential Amenity** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places; Development Management DPD Policy DM29 Key Design Principles.)

5.4.1 Policy DM29 states that development should 'ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution'.

5.4.2 Given the open mesh design and height of approx. 2.4m, the fence will not present adverse overbearing or overshadowing impacts on nearby residential properties. A number of representations have been received detailing that the fencing will prevent views over the playing fields, however, obstruction of personal views is not a material planning consideration that can be given significant weight.

5.5 **Trees and Ecology** (National Planning Policy Framework Section 12 Achieving well designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM29 Key Design Principles, DM44 The Protection and Enhancement of Biodiversity, DM45 Protection of Trees, Hedgerows and Woodland)

5.5.1 Policy DM45 states that the protection of trees and hedgerows that positively contribute, either as individual specimens or as part of a wider group, to the visual amenity, landscape character and/or environmental value of the location.

5.5.2 Due to the nature of the development which has a relatively low intrusive impact, the proposal does not require any removal of trees to facilitate the development. The fencing is located within the root protection areas (RPA) of various trees and as such a condition requiring the submission of arboricultural details is recommended to ensure the development does not damage the trees/hedges during site works.

5.5.3 The fencing will not directly affect the surrounding trees and woodland which may offer habitat to protected species, however an advice note is recommended to ensure the protection of any protected species during the installation of the fencing should permission be granted.

5.6 **Highways (National Planning Policy Framework Section 9 Promoting Sustainable Transport; Development Management DPD Policies DM60 Enhancing Accessibility and Transport Linkages)**

5.6.1 Policy DM60 states that development proposals should be supported where they 'include measures that address matters of highway safety to the satisfaction of the local highway authority'. County Highways have raised no objections to the proposal but requested conditions to control the delivery times and highway sweeping. The access retains safe access and egress for vehicles and subject to conditions, it is considered that the development is acceptable in terms of highway safety.

5.7 **Other matters**

5.7.1 A number of comments have been received in relation to lowering the property value of the neighbouring properties. As there are various different factors which affect house values, such issues are not material considerations that can be taken into account in the planning assessment.

5.7.2 Comments have also brought up previous applications for school fencing in the Lancaster District which have been refused. This is noted, however, each application must be assessed on its own merits and for the above reasons, the height, design and siting of the fencing is considered to be acceptable overall, and on balance.

6.0 Conclusion and Planning Balance

6.1 The proposed fencing and associated access gates are required in order to create a more secure environment for the pupils and staff. The proposal does not impact upon the quality or quantity of playing pitches or other adversely affect their use. The proposal is acceptable with respect to the sites Open Space, Leisure and Recreation Designation and with respect to the matters of design and landscape and trees.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Submission of Arboricultural Details	Pre-commencement
4	Restriction to delivery times	Control
5	Highway sweeping provision	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure

development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None