

<b>Application Number:</b>	2022/0227	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 2.4m high powder-coated open mesh V Mex Fencing system & vehicle/pedestrian gates.	<b>Location:</b>	St Johns Stonefold C Of E School Rising Bridge Road Haslingden Rossendale Lancashire BB5 2SW
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	June 2022
<b>Applicant:</b>	The Governing Body St John's Stonefold CE School	<b>Determination Expiry Date:</b>	16 <sup>th</sup> June 2022
<b>Agent:</b>	Mr Oliver Godfrey, Eric Wright Group		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>No</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	Cllr Anne Kenyon Intrusion into outside living and reduction in amount of light to 3 cottages in Hollingate.
<b>3 or more objections received</b>	<b>No</b>
<b>Other (please state):</b>	<b>No</b>

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That planning permission be granted subject to the conditions set out in the report.

## APPLICATION DETAILS

### 2. SITE AND SURROUNDING AREA

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The proposal relates to a single storey school building in a prominent position fronting Rising Bridge Road. The original building is of traditional design/materials with car parking to the front. It is bounded by stone walls to the front, side and rear. To the rear, south east side of the school is the playground.

A private access runs along the south west side of the school leading to 3 cottages. There is a bungalow to the north west along Rising Bridge Road. To the rear is an open area leading to the Church of St John the Evangelist on Blackburn Road, a Grade II Listed Building which has been converted to a dwelling.

In the Local Plan the site lies within an area of Countryside designated as Green Belt. To the north west is the urban boundary and an existing employment site.

### 3. RELEVANT PLANNING HISTORY

2001/308 - Proposed single storey extension to form new headteacher/secretary's office lobby. Approved 11.09.2001.

200/0221 - Construction of two canopies and provision of one steel container, creation of new access point and resurfacing of play area. Approved 18.12.09

2010/0582 - Erection of Railing on top of low wall at front of school & 2.4 m high Fencing to the rest of the boundarys. Withdrawn

2011/0107 - Fixing of mild steel railings to the top of the existing low stone walls to the front elevation of the school and the erection of 2.4m high security fencing to part of the side boundaries, connecting to 2.4m high security fencing on the line of the existing 1500mm high timber palisade fencing at the rear which will be removed. Approved 01.08.2011

### 4. PROPOSAL

The proposal is to erect a 2.4m fence around the perimeter of the playground along the south west side of the school which serves as an access to Hollin Gate Cottages with gates onto the access and along the south east rear of the school.

The new fence will be erected

The fence and gates will be a powder-coated open mesh V Mex Fencing system complete with 60 x 60mm **SHS posts**. All will be in Green RAL 6005 colour.

### 5. POLICY CONTEXT

#### National Planning Policy Framework

Section 12 Achieving Well-Designed Places

Section 13 Protecting Green Belt Land

#### Development Plan

#### Rossendale Local Plan 2019-2036

SD2 Urban Boundary and Green Belt  
ENV1 High quality Development in the Borough  
ENV2 Historic Environment  
LT1 Protection of Playing Pitches, Existing Open Space, Sport and Recreation Facilities.

### **Other Material Considerations**

None

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 13<sup>th</sup> May 2022 and a site notice was posted next to the site on 18<sup>th</sup> March 2022.

3 representations have been received.raising the following issues:

- The fencing is not in keeping with a small traditional village school and the rural village location.
- Nearby residential properties watch over the school property out of hours and approach trespassers or call the police.
- It will create a prison like experience as the playground is quite small and will impact on the children’s mental health.
- Would be better to use the school field for the children to “express themselves”
- Although the fencing is supposed to be for “safeguarding,” the school playing fields run alongside the very busy A680 which is completely open for access. 50% of the school will therefore remain insecure.
- Has a risk assessment of the children’s mental health been undertaken?
- Have parents been consulted by the school?
- The private access road to the cottages in a poor state of repair. Neither Lancashire County Council or Rossendale Borough Council accept responsibility. The school plans to replace the access gate for pedestrians and vehicles to access their site. If neither RBC or LCC have responsibility to maintain this access road, then contractors and pedestrians should not use it as it will be unsafe for pedestrians and extra vehicles using it will damage the road further.

## **7. CONSULTATION RESPONSES**

RBC Environmental Health: No objections  
LCC Highways - No objections  
Ecology Unit – No objections  
Property Services - No objections

## **8. ASSESSMENT**

### **Principle**

The proposed development would be located within the Green Belt. The National Planning Policy Framework (NPPF) in Paragraph 138 advises that Green Belts serves 5 purposes:

(a) to check the unrestricted sprawl of large built-up areas;

- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF advises that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It is considered that the proposal to erect a fence around an existing school building will not conflict with any of the 5 purposes of including land within the Green Belt.

There would be a marginal loss off openness resulting from the proposed fence and in particular its height and the fence would not enhance the countryside, however it is recognised that the fence would be an open structure and any harmful impact, arising from it would be exceptionally marginal.

**The Council aims** to support the provision of sports facilities and recreational open space as these play an important part in the health and well-being of the community. It is recognised that at St. John’s Stonefield, the provision of the fencing would facilitate a better use of the playground to the rear of the school. This would be of benefit to the well-being of the children. Whilst the school has access to playing fields, they are owned by Lancashire County Council and not the Trustees of the school. The school has rights of access to use them but due to poor drainage they are out of bounds for most of the year and only tend to be used for sports days and events. The school would like the playground to be a safe and suitable place for pupils to play all activities all year round.

Policy ENV1 of the Local Plan advises that all proposals for new development are expected to take into account minimising opportunity for crime and maximising natural surveillance and personal and public safety. The proposal to enclose the playground would improve the safety of the children and the school building. The existing wall is low and puts the children at risk of being lifted over the wall (which has happened on occasions by feuding parents). By adding a fence around the perimeter of the playground will create a safe space for the children whilst in the schools control and promotes Ofsted’s safeguarding policy for the welfare of vulnerable children.

The proposal would be in accordance with the objectives of Policy ENV1.

Visual Amenity

Policy ENV3 of the Local Plan advises that:

*The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.*

Whilst the proposed fencing is functional, it cannot be viewed as making a positive contribution to the street scene or the built environment. It is however a common feature of many schools in Lancashire and will not have a detrimental impact on visual amenity, given its backdrop when

viewed against existing built up features. The existing wall around the school will be retained to protect the historic character of the school and the amenity of the area.

### Impact on Listed Building

The former Church of St John the Evangelist is a Grade II listed building. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Taking into account the significance of the Listed Building and the distance from the church, it is considered that the visual impact of the fencing would not harm the setting of the listed building and would accord with the duty imposed by s.66(1) of the Planning (LBCA) Act 1990 'to preserve' and meets the objectives of Chapter 16 of the NPPF and Policy ENV2 of the Rossendale Local Plan.

### Neighbour Amenity

The Town and Country Planning (General Permitted Development) (England) Order Schedule 2, Part 2 Class A permits the school to erect a fence 2m above ground level without the need for planning permission. In this case, the application seeks to erect a fence which exceeds this by 40cm.

The fence will have an open appearance and whilst it will be approximately 3m from the rear boundaries of 3 cottages in particular No. 6 Hollingate Cottages. It is considered that the difference in height between what the applicant would be able to erect without the need for planning permission and that which is sought in this application will not result in an undue loss of outlook or light and would not appear unduly oppressive.

### Access, Parking and Highway Safety

The Highway Development Control Section of Lancashire County Council has no objections to the planning application. The proposal will not impact on highway safety and amenity or parking at the school and is therefore considered acceptable in this respect.

The maintenance of the access road to the cottages and the use by the school has been raised in a representation. This is not a planning issue. The school has been asked to comment and they have indicated that they are only renewing the boundary of an existing gate and not changing their current access. They have advised that they were stopped from using this road by residents during Covid and therefore, the residents have set a precedent and there is no legal requirement for the school to maintain this road.

## **9. CONCLUSION**

It is considered that the principle of erecting a fence around the school site, is acceptable in respect of its location within the Green Belt. It is also considered that there will be health benefits to children being able to more fully utilise the playground and also safety benefits to the children and the school which would be in line with policies contained within the Local Plan. Whilst the proposed fencing will not positively enhance the site, the fence is similar to those around other school sites in Lancashire. It is acknowledged that there will be some impact on the outlook from 3 cottages located to the rear of the school site. However, the school could erect a fence up to 2m in height without the need for planning permission. It is considered that the impact of the additional 0.4m from the fence as proposed in this application would not be such that would justify a refusal of the application.

## 10. RECOMMENDATION

That planning permission be granted subject to:

- a) The Conditions set out below.

## 11. **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following:

Planning application forms signed and dated 20.04.22

The submitted plan:

Existing and Proposed Plan No.0001A submitted 13.05.22

Reason: To define the permission and in the interests of the proper development of the site.

## 12. **INFORMATIVES**

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.