



**TITLE: 2005/548 RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TWO METRE HIGH SECURITY FENCE AT THE PLAYING FIELDS OF HELMSHORE PRIMARY SCHOOL, HELMSHORE.**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE 10th NOVEMBER 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**DETERMINATION EXPIRY DATE: 18<sup>TH</sup> NOVEMBER 2005**

**APPLICANT: THE GOVERNING BODY, HELMSHORE PRIMARY**

**DETERMINATION EXPIRY DATE: 18<sup>TH</sup> NOVEMBER 2005**

**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.

**Site and Proposal**

The applicant seeks retrospective approval for the construction of a two metre high security fence at three locations around the playing field of Helmsshore Primary School, Helmsshore.

**Relevant Planning History**

None

**Notification Responses**

Site notices were posted.

A petition and objections from 24 addresses were received.

The following issues were raised:

- Loss of public access
- Loss of a facility for local sports/recreational groups
- Loss of visual amenity
- Loss of view

- The height of the fence exceed two metres in places.
- The extent to which the field is currently used by school children.
- The fence is not in keeping with the existing conditions in terms of the open plan aspect of the area.
- Security- the field is viewed by residents as a safe place for local children to play.
- Lack of other locations for children to play.
- Child health and obesity.
- Lack of community consultation prior to the erection of the fence.
- The playing field is designated Greenland within the Rossendale District Local Plan.

Nine letters in support of the fence were received. The following points were raised:

- Security of children attending the school in terms of preventing them leaving the school grounds un-supervised.
- The need to protect school children from potential outside hazards.
- Increased incidence of vandalism towards the school building.
- Safety of staff within the school building
- Increased incidence of littering on the school grounds.
- Precedents of other schools securing their grounds.
- Protection of neighbourhood amenity and privacy.
- Local children still being permitted by the school to use the field for organised activities.

### **Consultation Responses**

#### **County Highways**

No objections to the proposal on highway grounds.

#### **Helmshore Primary School, Governing Body**

A letter was sent to the governing body of Helmshore Primary School requesting written justification of why the fence was required. There was no reply.

#### **Helmshore Residents Association**

Objections

### **Development Plan Policies**

#### **Rossendale District Local Plan (Adopted 1995)**

Policy DS.1 (Urban Boundary)

Policy DC.1 (Development Criteria)

Policy E.1 (Greenlands)

#### **Joint Lancashire Structure Plan (Adopted 2005)**

Policy 1 (Development framework)

### **Other Material Planning Considerations**

None

## **Planning Issues**

The first issue is that of land use. Whilst the area in question is designated as Greenland by the Rossendale District Local Plan, Policy E.1 recognises that some development will be permitted where that development is ancillary to the use of the land. Whilst the open character of the area has been somewhat compromised by the erection of the security fence, the use of the land has not changed nor has it been subject to development which would be detrimental to its existing character.

A further issue which needs to be addressed is the statement by numerous objectors that the fence has blocked a public right of access and a valuable 'Greenlands' site. This claim can be partially dispelled as there are currently no definitive public footpaths across the site. In addition there is no facility which is blocked by the fence apart from the field itself. All other properties or facilities are accessible via alternative routes. In addition Policy E.1 also states that '*The greenlands will include land in private ownership and therefore not open for public access...*'

The fence in question was erected under the presumption that it was permitted development. However due to the proximity of the fence to the highway at three locations, it was subsequently deemed to require planning permission. Following consultation no objections were received from Lancashire County Council on highway safety grounds.

Issues were also raised about the visual appearance and design of the fence. Whilst it is recognised that the fence is not currently aesthetically pleasing, it is considered that the visual impacts of the fence on the surrounding area can be mitigated by the addition of adequate landscaping conditions.

The final point is that of child safety. Numerous supporters have identified the need to protect school children from outside hazards. The erection of the fence protects a facility which is first and foremost for use by the school and its children.

Whilst other points of objection have been noted they are not deemed to be material planning considerations.

## **Recommendation**

That retrospective planning permission is granted subject to conditional control.

## **Reason for Conditional Approval**

The security fence would not look out of place within the locality subject to conditional control and therefore is in accordance with Policy DC.1 of the Rossendale District Local Plan.

The erection of the fence at the above location is considered as a development which is appropriate to the functions of this particular area of designated Greenland in accordance with Policy E.1 of The Rossendale District Local Plan.

## **Conditions**

1. Notwithstanding the provisions of The Town and Country Planning General Permitted Development Order (or any order revoking or re-enacting that order) the

fence shall be painted and maintained in a dark non-reflective colour in perpetuity.  
(Reason: In the interests of visual amenity.)

2.The applicant shall submit a landscaping scheme in writing to the Local Planning Authority within three months of approval which shall be completed within a further nine months of that approval to the satisfaction of the Local Planning Authority.

(Reason: In order to limit the visual impacts of the development and to maintain visual amenity.)

3.The structure shall be maintained during its operational life to a standard which is to the satisfaction of the Local Planning Authority.(Reason: In the interests of visual amenity.)

### **Local Plan Policies**

Policy DS.1

Policy DC.1

Policy E.1

### **Structure Plan Policies**

Policy 1

