



Report to the Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner

Report Summary			
Application Number	22/02255/FUL		
Proposal	Installation of new black hooped metal fencing and fence panels to school existing boundary		
Location	Halam C of E School		
Applicant	Minster Trust for Education	Agent	MAC Construction Consultants
Web Link	22/02255/FUL Installation of new black hooped metal fencing and fence panels to schools existing boundary. Halam C Of E School The Turnpike Halam Newark On Trent NG22 8AE (newark-sherwooddc.gov.uk)		
Registered	15.02.2023	Target Date	11.04.2023
		Extension of Time Sought	
Recommendation	That planning permission is APPROVED subject to the conditions detailed at Section 10.0		

As the officer recommendation differs from that of the Parish Council, the application has been subject to the 5 day member call in process with the 3 local ward members. The application has been called to the Planning Committee by Cllr Rainbow due to concerns that it would have a detrimental and negative visual impact.

1.0 The Site

The site relates to the Halam Church of England School located close to the junction of The Turnpike to the south-west and School Lane to the south-east of Halam village. Residential dwellings lie to the north and east with agricultural fields to the north-west. Listed buildings are located to the south-east, south-west and west on the opposite side of the highway.

The school site is currently bound with a modern red brick wall alongside The Turnpike and with black hooped metal railings and gates alongside School Lane.

2.0 Relevant Planning History

12/00766/FULR3N – Consultation sought 11.07.2012 in respect of the proposed erection of 1500mm high black bow top fence to include 2 vehicular access gates each measuring 2m wide, decision by NCC to approve.

3.0 The Proposal

Full planning permission is sought to erect a new boundary treatment to enclose the school grounds. The 2m high black metal hooped railings would run alongside the School Lane boundary (replacing a lower height version of a similar design) then project into the site to the building to enclose the school grounds from its immediate neighbour the 'Old School House'. Alongside The Turnpike the same style of railings would be installed on top of the existing brick boundary wall to 2m in height.

The Submission

Site Location Plan, P_00
Existing Plan, P_01 Rev A
Proposed Plan, P_02 Rev B
Heritage Statement

4.0 Departure/Public Advertisement Procedure

Occupiers of fifteen properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

5.0 Planning Policy Framework

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)

6.0 Consultations

Halam Parish Council – Do not support as felt the proposed fencing would be far too intrusive and would damage street scene. At 2m it is too tall and overbearing.

Conservation – The proposal will preserve the setting of the nearby listed buildings. No objections.

5 Interested Parties/Neighbours – Object for the following summarised reasons:

- Fence type and height is out of character and setting of the school
- Will impact upon heritage assets including non-designated ones
- Design and Access Statement is lacking in clarity regarding its need
- Would like illustrations of what this would look like in situ
- Note contents of Design Guidance for Perimetre Fencing at Schools for Nottinghamshire CC
- Ofsted have no guidelines on requirements for boundaries at this school

7.0 Comments of the Business Manager – Planning Development

Preliminary Matter

Under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is permitted development.

In accordance with A.1, for a school, the height of such a boundary can be 2 metres above ground level provided that any part of it that is more than 1m high ‘does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.’

The proposed boundary treatment is presented as being 2m in height on the drawings. As this is looped fencing that will not cause an obstruction to the view of persons using the adjacent highway, it is questionable as to whether planning permission is required at all as it would appear to meet the above mentioned permitted development rights. The applicant was therefore invited to amend the scheme to a lawful development certificate. However they have commented that due to level changes across the site in some parts of the site the fencing will be greater than 2m.

‘...On the main school frontage for example the paving dips slightly in the middle so whilst the height of the fencing doesn’t change the wall is in fact deeper and therefore the overall height greater. This applies to areas along the neighbouring

boundary as well where the level changes fluctuate along the boundary line. So from the highest point it will be 2m above ground level however on the opposite side of the fence where the ground levels are lower on the other side of the boundary the fence will be higher as it will be extended to ground level to prevent anyone digging under.'

On this basis the applicant wishes to move forward with the planning application.

The Principle

The new boundary treatment is advanced on the basis that it is required to provide better security for the school. The applicant has indicated the minimum requirement for the school is 2m high as listed in the government design guidelines for schools to meet safeguarding standards. From my perspective, given the permitted development guidelines, I do not question the need for the fencing and there is nothing in planning policy that requires a demonstration of need. The principle is accepted in Policy DM5 subject to a site specific assessment. The main considerations in this case therefore relates to its visual impact upon the character and appearance of the area and on heritage assets.

Impact on the Character and Appearance of the Area (including Heritage)

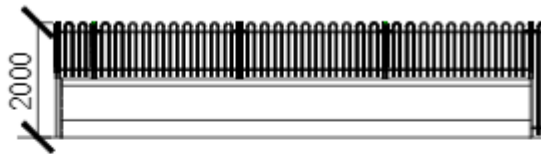
As the application concerns designated heritage assets of the setting of listed buildings and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*" Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Core Policies 9 (Sustainable Design) and 14 (Historic Environment) are relevant as well as DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) from the Development Plan. These seeks to preserve the setting of heritage assets and expect a high standard of design in development more generally.

Halam C of E School is located within the setting of a range of listed buildings to the south-east, south-west and the north-west. The listed buildings are red brick and pantile buildings, reflective of the typical vernacular of Halam. The Plough PH dates back to the 18th century and is a polite building with diaper brick pattern to the principal elevation. The site has been used as a school since the 19th century and some of the buildings are contemporary to this. The boundary wall along The Turnpike is modern.

The site is largely bound by low boundary walls which are to be adapted with the insertion of railings on top as well as the introduction of new railings along boundaries. The proposed railings are reflective of traditional black railings. The height is mainly 2m although in places this would slightly exceed this, albeit it would be imperceptible from the public realm. The Conservation Officer has advised the railings will have a neutral impact on the setting of the neighbouring listed buildings and I agree.



Proposed Elevation A
Scale 1:100 @A1



In the view of Officers, the proposed development will preserve the setting of the listed building which is consistent with s66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs. It is considered that the design of the boundary treatments is appropriate and proportionate to the school and accords with the policy expectations.

Other Issues

There would be no loss of amenity as a result of this proposal. On the contrary, it would provide for a more robust boundary between it and the Old School House. No impact on the highway has been identified.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The majority of this new boundary railings accords with the permitted development rights and only marginally exceeds the 2m height restrictions in a few places. Nevertheless even when assessed against the policies of the Development Plan, it is considered that the design and appearance would preserve the setting of nearby heritage assets and would be visually acceptable. There is no requirement for the applicant to demonstrate a need for the fence and in any case I take it on good faith that it is required for safeguarding reasons. There are no adverse impacts that have been identified and I therefore recommend approval.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in accordance with the following approved plans references as follows P_00 (Site Location Plan) and P_02 Rev B , (Proposed Plan).

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/02255/FUL

