



**16<sup>th</sup> October 2012**

**Agenda Item: 6**

**REPORT OF GROUP MANAGER PLANNING**

**BROXTOWE DISTRICT REF. NO.: 5/12/00337/CCR**

**PROPOSAL: RE-SUBMITTED APPLICATION FOR THE ERECTION OF SECURITY FENCING AND GATES**

**LOCATION: CHILWELL COLLEGE HOUSE JUNIOR SCHOOL, CATOR LANE, CHILWELL**

**APPLICANT: NCC ENVIRONMENT & RESOURCES**

**Purpose of Report**

1. To consider a planning application for the erection of security fencing and gates at Chilwell College House Junior School, Cator Lane, Chilwell. The key issues relate to visual amenity impacts, and heritage impacts on the adjacent Chilwell Conservation Area. The recommendation is to grant planning permission subject to planning conditions, as set out in Appendix 1.

**The Site and Surroundings**

2. Chilwell College House Junior School lies between the residential areas of Beeston to the east and Chilwell to the west. The school is situated towards the southern edge of Chilwell off Gwenbrook Road, to the north-east of the junction between Cator Lane and High Road, and north-west of the junction between College Road and High Road.
3. The school site is relatively extensive, and prominently located within High Road which abuts the site's south-eastern boundary. There is a mix of commercial and residential development together with two community halls on the opposite (south-eastern) side of High Road. To the north-east of the site, situated between Lime Grove Avenue and Grove Avenue, and bounding High Road, is the Castle College complex.
4. Cator Lane abuts the south-western boundary of the site, with residential development being situated directly opposite, on the south-western side of Cator Lane. Further residential lies to the north-east of the site within College Road, together with a Vicarage and a local church (Christ Church). The school fronts Gwenbrook Road, with residential development abutting the northern

site boundary within Gwenbrook Road (No. 2b Gwenbrook Road) and College Road (College House, College Road) respectively. There is further residential development to the north-west of the site within Cator Lane and Gwenbrook Road. Along the site frontage, there is an electricity sub-station set in a recessed area, adjacent to the nearest residential property (No. 2b Gwenbrook Road) (see Plan 1).

5. The main school building occupies the north-western part of the campus, and is a mix of single and two-storey, 1920s brick-built construction, comprising an elongated main accommodation block, with a number of accommodation blocks partially extending the north-western elevation. A car park occupies the north-western corner of the site together with a hard play area broadly to the north-west of the main school building. Extensive playing fields occupy the south-eastern part of the campus. The vehicular and pedestrian entrances to the school are gained off Gwenbrook Road. There is a further pedestrian entrance off Cator Lane.
6. The existing boundary treatment comprises 1.5m high wrought iron bow top fencing, colour-coated black, with a mix of brick pillars and wall-mounted panels to the north-western site entrance off Gwenbrook Road. There is a mature, 3m high Holly hedge along a substantial part of the north-eastern boundary abutting College Road.
7. The Chilwell Conservation Area is situated directly to the south-west of the school site, on the opposite side of High Road to the south-western corner of the school playing fields.

## **Proposed Development**

### Background

8. A planning application for security fencing and gates (Plg. Ref. 5/12/00015/CCR) at Chilwell College House Junior School was originally submitted in December 2011. It was initially proposed to erect 2.4m high security fencing and gates, around the whole of the site perimeter.
9. The planning application was subsequently withdrawn in May 2012 in the light of objections from the County Council's Historic Buildings Officer, as well as a significant number of objections from local residents.
10. The heritage grounds for objection were based on the impact of the proposed fencing scheme on the setting of the adjacent Chilwell Conservation Area, which was considered contrary to Planning Policy Statement 5: 'Planning for the Historic Environment (since replaced by the National Planning Policy Framework, March 2012) (NPPF). The proposed development included extending the new boundary treatment around the school playing fields, and this element of the proposals was considered unacceptable.
11. In heritage terms, it is considered that the open playing fields fronting High Road make a significant contribution to the setting of the Conservation Area, particularly with regards to views along High Road and also from Meadow

Lane, which is situated due south-east of the site. The existing boundary treatment of low bow-top railings creates a 'park-like' character to the playing fields, which both contributes to the setting of the main school building's front elevation, and to the streetscape of High Road.

12. It was considered that the proposed installation of 2.4m high Pallas security fencing around the full extent of the school site would be detrimental to the existing character, especially to that of the 'open' playing fields. It was recommended that the fencing scheme be curtailed, to leave the playing fields as existing, with the security fencing being reserved for that part of the school campus containing the built development.
13. Letters of representation were also received from eight separate households objecting to the proposed fencing scheme, mainly on grounds of visual amenity impacts, and the costs of such an extensive scheme. It was also alleged that incidences of anti-social behaviour and crime on the school site were too insignificant to justify such an extensive and costly scheme.
14. The application was subsequently withdrawn and an amended scheme submitted in May of this year, which is the subject of this report.

#### Need for proposal

15. Evidence has been provided by the school of a catalogue of incidents that have occurred on the school campus, since January 2011. In nearly every instance, emails have been received by the school, from local residents, reporting details of various incidences. Details are provided as follows:

- 1) January 2011

Two emails received on 3<sup>rd</sup> and 9<sup>th</sup> of January from local residents, the first reporting on-going problems with youths on the school grounds until dusk, over the Christmas holidays. An incident was reported to the Police and a Police Community Support Officer (PCSO) attended, requesting them to leave. The second email reported problems with youths returning over the weekend to use basketball nets, allegedly climbing onto 'furniture' and swinging off the hoops. This was over a Friday evening, and all day Saturday and Sunday.

- 2) May 2011

An email received on 24<sup>th</sup> May from a local resident, reporting groups of youths on site in the evening playing basketball. Residents went over to ask them to leave and were verbally abused by the group.

An email received from a PCSO at Beeston Police Station informing the school that positive action was being taken regarding the reported incidents.

- 3) July 2011

Two emails received on 9<sup>th</sup> and 27<sup>th</sup> July from local residents, the first reporting up to eight youths on the school site, on the Saturday evening, climbing onto the porch to gain access to the school roof, as well as climbing on the boiler house roof. The incident was reported to the Police and a PCSO attended the school site. The second email reported a group of youths on site during the first week of the summer holidays.

4) October 2011

The school recorded an incident of an attempted break-in by a person using a crowbar to force open the fire door. This followed on from the installation of a CCTV system, at a cost of £4,092.

5) August 2012

An email received on 7<sup>th</sup> August from a local resident, reporting a steady flow of youths trespassing on the playground to use recently installed play equipment. The Police were informed of this incident. The holiday period saw a number of incidents occurring, in which damage was caused to the school. This involved a window being smashed (replacement cost of £200); a smashed playground sign (replacement cost of £190); and a further window being smashed in the school kitchen (replacement cost of £200).

6) Holiday/weekend problems

A catalogue of problems occur over weekend and holiday periods, and an extensive, but not exhaustive list includes benches being moved onto the playground and being used as skateboard ramps; windows being smashed; glass bottles being left on both the school playing fields and playground; alcohol, cigarettes and Cannabis stubs being left on the playground; graffiti on both walls and playground structures; and playground signs being smashed.

7) School Action

In an attempt to address such incidences of anti-social behaviour, the school has deployed a number of measures, involving liaising with the Head Teacher of a local secondary school to deter its pupils from accessing the Chilwell College House school site. It has also been involved in meetings with local PCSOs. More practical measures have involved the installation of a CCTV system together with the removal of play equipment to deter youths from accessing the site, which has inevitably meant that pupils have less play equipment.

## Proposal

16. The revised application seeks planning permission for the erection of security fencing and gates to the north-western part of the campus, in order to secure the main school buildings, and ancillary areas comprising the car park and outdoor hard play area.

17. Existing boundary bow top fencing would be replaced with open weldmesh Pallas fencing, colour-coated Black (RAL 9005), comprising a mix of wall-mounted panels and 'stand alone' fencing and gates, to a height of 2.4m. A further stretch of internal fencing, extending across the playing fields, would be colour-coated Moss Green (RAL 6005).
18. The scheme would effectively 'ring-fence' the school building together with those areas used for outdoor play, but would not extend around the school playing fields fronting High Road. To achieve this, it is proposed to erect approximately 44m of security fencing along part of the south-western site boundary adjoining Cator Lane.
19. The fencing scheme would then extend in a north-easterly direction across the school site, running parallel to the main school building, approximately 8-17m to the south-east of this building. This stretch of fencing would extend across the playing fields, for approximately 134m, before continuing in a north-westerly direction, to run parallel to College Road for a further 55m, before linking into the northern site boundary with adjoining residential property, College House.
20. Along College Road, it is proposed to install security fencing on the school side of the Holly hedge, and to plant up a 2m wide gap within it, with additional Holly planting.
21. The scheme would be extended along the site frontage abutting Gwenbrook Road, comprising wall-mounted fencing panels which would atop an existing low level perimeter brick wall to the site entrance, replacing existing bow top fencing. This would involve installing 1.0m to 1.6m high fencing panels to give an overall height of 2.4m on the Gwenbrook Road side of the wall. The proposals would also include raising the intermittent brick pillars so that the copings are one course above the height of the proposed security fencing. The pillar brickwork would be raised in a brick to match that of the existing walls.
22. Finally, fencing to the site frontage along Gwenbrook Road would be extended along its length to link into the northern site boundary abutting property No. 2b Gwenbrook Road. The only exception to this would be the electricity sub-station, which would not be fenced off from Gwenbrook Road. As part of these works, it is proposed to demolish a high brick wall which partially extends along the north-western boundary, and replace it with fencing panels.
23. At two points along the south-western boundary to Cator Lane, additional fencing in an angled 'v' configuration would be installed on the school side of the fence, to prevent scaling of the fence from existing street furniture. Elsewhere within the surrounding streetscape, it is proposed to reposition similar structures, to prevent their use as a scaling aid.
24. A mix of single and double gates would be installed at various points around the site, to allow pedestrian and vehicular access, as and when required. All pedestrian gates would have a 1.5m wide clear opening to allow access for those with impaired mobility. The proposed gates are depicted on Plan 1.

25. Existing bow top fencing around the perimeter of the playing fields would be retained.
26. A detailed planting scheme has been submitted as part of these proposals. This would involve linear hedge planting for a length of approximately 54m, on the school side of the proposed fenceline along Cator Lane. It is also proposed to plant a single standard tree (*Acer campestre*), of 10-12cm girth, together with retaining existing trees, set on the school side of the boundary abutting the corner of Cator Lane and Gwenbrook Road. Finally, the planting proposals would involve 'gapping up' the existing Holly hedge with approximately 2m of Holly (see Plan 2).

## Consultations

27. **Broxtowe Borough Council** *raises no objections to the planning application subject to the protection and retention of the Holly hedge along College Road.*
28. **Police Force Architectural Liaison Officer** *supports the proposals but strongly recommends that the fencing above the brick wall is positioned close to the front face of the wall, using cantilever fixings if necessary, to prevent the wall being used as a climbing aid. The gates should also be designed so as not to encourage climbing. An advisory note to this effect would be put on to any decision notice for the Applicant's attention.*
29. **Sport England (SE)** *originally objected to the proposals on grounds that it was not in accordance with any of the exceptions in their playing fields policy. It was noted that the revised application proposed a fencing alignment which, whilst securing the school buildings, nevertheless crossed the playing field. The proposed fence alignment splits the school playing field and renders a not insubstantial area of the playing field unable to be used for sport. SE indicated however that it would reconsider the application if it could be demonstrated that the areas affected were incapable of forming a pitch or part of a pitch in accordance with Exception 3 of the playing fields policy, or alternately, that any of the other exceptions could be met.*
30. *E3 of the Playing Field Policy states that 'the development affects only land incapable of forming, or forming part of, a playing pitch'.*
31. *Supplementary information provided by the Applicant demonstrated that the section of playing field that would be contained by the proposed fencing and gates is currently unable to support any pitches due to existing trees and a large willow structure. SE was subsequently re-consulted on this information.*
32. *In response, SE has re-considered the application in the light of its playing field policy. The aim of this policy is to ensure an adequate supply of quality pitches to satisfy current and estimated demand for pitch sports within the area. This policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. It is agreed that the additional details supplied by the Applicant confirm that the section of proposed fence, which crosses the playing field area, does not impact on the ability to mark out pitches and other sports facilities. It is considered that the*

*area of playing field severed from the main playing field area is unable to be used as a pitch or as part of a pitch and therefore meet the requirements of Exception E3 of the playing field policy. The objection is therefore lifted.*

33. **NCC (Built Heritage)** raises no objections to the proposals having considered the impacts of the fencing scheme on the setting of the Chilwell Conservation Area. The fencing would be set far enough away from the Conservation Area as to be unlikely to have any noticeable impact, and would certainly not be severely harmful, in accordance with the test under the NPPF.
34. **NCC (Landscape)** is supportive of the planning application and has confirmed that the overall direct impact on the landscape would be negligible. It is recommended that works are carried out in accordance with BS: 5837 'Trees in Relation to Construction' (2005). Attention is drawn to pruning and crown lifting works that are required in order to accommodate the new fence line. The visual impacts of the proposals would be slightly adverse to negligible when viewed from the surrounding streetscape.
35. A combination of distance and existing trees and shrubbery would help to visually break the line of fencing up when viewed from High Road. Some properties along College Road would have views of the fencing, however, partial screening would be provided by the existing boundary Holly hedge. A number of properties would have greater views where there is no hedge and where there is a small break in the Holly hedge. The overall impact to this area would be slightly adverse to negligible.
36. Along Cator Lane, the visual impacts of the security fencing would be slight adverse, with direct views from residential properties Nos. 3-11 (odds only). There would be some views from the front elevations first floor windows across to the application area, and where garden vegetation is either absent or sparse there may be views from ground floor windows. However, trees along the school's south-western boundary would help to filter views of the top of the fence during summer months. There would also be some angled views from residential properties Nos. 1 and 1a Cator Lane, although these would be longer distance views, which again would be filtered by existing trees around the site perimeter.
37. The visual impact of the proposal would be generally negligible for residential properties to the northern boundary of the site, since existing intervening hedges and trees off site would help to screen views, particularly during the summer months. The impact would be slightly adverse to properties with limited views such as from the first floor window of No. 5 Gwenbrook Road and from the windows of College House to the rear of the school.
38. It is confirmed that planting proposals would help to mitigate any adverse impacts on the surrounding area.
39. **NCC Highways (Development Control) Broxtowe** confirms that the fencing does not cause any highway visibility concerns, and as such there are no highway issues to consider.

40. **Severn Trent Water Limited** raises no objections to the proposal and has no further comments to make.
41. **Western Power Distribution (WPD)** raises no objection to the proposed development but draws attention to the fact that the Company does have Network within close proximity to the site, and therefore safe digging practices should be used at all times. WPD does require 24 hour access to this Network, as well as to the electricity substation adjacent to 2b Gwenbrook Road. Attention is drawn to the fact that if the fence is to enclose the substation then a dual access gate would be required to allow access. A copy of this information would be forwarded on to the Applicant with the issuing of any decision notice.
42. **National Grid (Gas)** and **NCC (Countryside Access)** have not responded. Any comments received will be reported verbally at committee.

## Publicity

43. The application has been publicised by means of three site notices, a press notice and neighbour notification letters have been sent to the nearest occupiers in Cator Lane, College Road and Gwenbrook Road, in accordance with the County Council's adopted Statement of Community Involvement. Five letters of representation have been received from five separate households on Cator Lane, College Road, and Gwenbrook Road. One letter is broadly in support of the proposed development, with four of the received letters raising objections on the following grounds:
  - (a) Visual amenity impacts, including inappropriate design, and unacceptable height;
  - (b) Installation of security fencing would be detrimental to the 'feel' of the area, given that it is a suburban area and not an inner city area, with the position of the south facing fence making the school more like a prison or a 'secure unit', spoiling the open aspect of the school;
  - (c) Security fencing would not be a deterrent to anti-social behaviour, it would merely move the problem elsewhere, including to adjacent gardens;
  - (d) Other more suitable options are preferable, including random visits by a community police officer to discourage vandalism/unacceptable use of the school yard; and installation of CCTV;
  - (e) Cost implications at a time of austerity.
44. A single letter of support is supportive of improving security, and looks forward to 'more peaceful evenings and weekends, particularly in the summer'. However, the occupier states a preference for colour-coated Green fencing along Gwenbrook Road rather than Black, together with some planting to soften the fenceline.
45. Councillors John Doddy and Richard Jackson have been notified of the application.



46. The issues raised are considered in the Observations Section of this report.

## Observations

### Introduction

47. The application seeks to enhance the level of security at Chilwell College House Junior School, and in particular to combat unauthorised access to the site, and associated anti-social activity, as evidenced under paragraph 15 of this report. In general terms, this has tended to involve youths congregating on the school campus, in the evenings, at weekends, and during the school holidays, on the northern side of the buildings where there are more secluded covered areas. Identified problems have included drinking and smoking; detritus being deposited on the site including smashed bottles; and low-level criminal damage being caused to the buildings involving the smashing of windows and other acts of general vandalism, including the cycle display boards being damaged. The school has identified a further more generalised problem of young people using the site as a short cut to and from Castle College.
48. The proposal aims to meet a dual purpose, in terms of both adequately securing the main school buildings, as well as safeguarding the children during school hours. There are other benefits to be gained by the school, for instance, the school is seeking to develop a new play area on the northern part of the hard play area, and the enhanced security delivered by this scheme would make this feasible. The school has been reluctant to invest in new play equipment to date, given that any new equipment would be open to vandalism. Furthermore, the school is seeking to develop an outdoor classroom on that part of the playing field that would be both contained and secured under this fencing scheme. The proposal would therefore have direct benefits for the school, in terms of providing a more secure site, in which to develop these new facilities. It would enable the school to develop and enhance its range of outdoor activities, as well as securing the main school buildings.

### Policy implications

49. The Broxtowe Local Plan (Adopted September 2004) (BLP) contains a number of policies that are relevant to this proposal. Saved Policy E1 (Good Design) of the BLP supports development provided that it does not adversely affect the amenity of the surrounding area significantly. It seeks to ensure that proposals, in terms of their scale, height, mass, design and materials are sympathetic to the character of the surrounding area, and respects the overall setting. Under criteria (d) it promotes a safe and secure environment, including crime prevention features. Saved Policy E3 (Development within Conservation Areas) of the BLP is supportive of development within or in the vicinity of a Conservation Area, which preserves or enhances the character and appearance of the area having regard to its location, scale, design and materials.

50. Saved Policy RC5 (Protection of Open Spaces) of the BLP is also of relevance, with development on playing fields and open spaces only being permitted where it meets one of a number of criterion, including:
- a) where no local deficiency of open space will result; or
  - b) where such a deficiency will result, either an equivalent and equally accessible area is laid out and made available for the same open space purpose; or
  - c) the development relates to the improvement of the recreational potential of the land or provides ancillary facilities; and
  - d) In all of the above cases, provided that the development will not detract from the open character, environmental and landscape value of the land.

#### Landscape and visual impacts

51. In terms of the landscape impacts, the more open aspect from residential properties opposite the site along Cator Lane would not be diminished to an unacceptable degree. The County Council's Landscape Officer has confirmed that supplementary planting along the north-eastern and south-western site boundaries, to College Road and Cator Lane respectively, is capable of mitigating the visual impacts of the security fencing. Existing Holly hedging along College Road obscures views into the site, so that occupiers along College Road would not have open views across the playing fields, towards the internal element of the fencing scheme, extending across the width of the playing fields. The existing hedging would provide partial screening of the proposed boundary fencing, except where there are gaps in the perimeter Holly hedge. A proposed planting scheme would address this deficiency, and the 'gapping' up of the Holly hedge opposite Nos. 14 and 16 College Road would ensure that views of the security fence are adequately screened. The new development is capable of being screened from surrounding residential properties.
52. Along Cator Lane, occupiers benefit from extensive open views across the school playing fields. The revised fencing scheme has been designed so as to leave the playing field intact and the retention of the existing boundary treatment (bow top fencing) would ensure that any detrimental visual amenity impacts associated with the proposed Pallas fencing are minimised to acceptable levels. The planting of a short stretch of hedge along the north-western part of the site boundary adjoining Cator Lane, together with a single tree (see Plan 2) would filter views of the security fencing from those nearest properties within Cator Lane (Nos. 5 -13, odd numbers only). Therefore, in terms of Saved Policy E1 of the BLP, subject to an approved planting scheme, it is considered that the development would not unacceptably detract from the environmental and landscape value of the school site within the context of its wider urban setting, and in particular, for those residential properties within the immediate vicinity of the school site.

53. In terms of the landscape character of the area, the physical impact of the development would be negligible, with the school playing fields retaining their open aspect. The retention of the original boundary treatment, of open bow-top fencing would ensure that the open vistas across the playing fields, particularly from High Road and Cator Lane would be preserved and its contribution to the local amenity would be maintained in accordance with Saved Policies E1 and E3 of the BLP.
54. The proposal has sought to minimise the scale of the fencing scheme, and retain as much of the original bow top fencing as is feasible. The proposed Pallas fencing is of an acceptable functional design, with its open-mesh style ensuring that it remains a relatively 'open' structure. It offers an alternative robust fencing scheme, but one that is still visually acceptable within its urban setting. These aspects of the development together with a suitable planting scheme would ensure that the proposal is capable of being visually well integrated into its setting in line with Saved Policies E1 and E3 of the BLP.
55. The existing brickwork to the school frontage along Gwenbrook Road would be retained, and would ensure that the new and existing elements are visually well integrated; and that the school retains a visually cohesive boundary to the local streetscape. The visual impact of the proposed fence would be negligible for residential development to the north-west of the site, as the only property directly opposite the proposal, No. 5 Gwenbrook Road, would benefit from existing intervening hedges and trees, providing screening of the new development, particularly during the summer months. In addition, the orientation of this particular property means that views from the first floor window would be limited. Views of the fence line would be obscured from the adjacent property (No. 2b Gwenbrook Road) as the fence line curves away from this property, and there are no direct views of the site frontage. Both the orientation of the site frontage, and the positioning of the fencing, part of which would be to the brick piers and wall, would minimise any associated visual impacts.
56. Whilst the proposal has the potential to introduce slightly adverse effects on the visual amenity of the nearest adjacent residential properties, particularly in Cator Lane, given that occupiers currently benefit from open views across the school site, this has been mitigated to some degree through the provision of a well designed scheme, which has sought to minimise the extent of the fencing provision, together with retention of brick piers and walls to the site frontage and part of the boundary to Cator Lane. The proposed increase in height of the brick piers by approximately one course would enable suitable clearance of the proposed wall mounted fencing panels and have a negligible impact.
57. Further mitigation is proposed in the form of a supplementary planting scheme, along the proposed stretch of 'stand-alone' security fencing to Cator Lane. It is considered that this would provide a significant element of screening and help to 'soften' the overall visual impacts associated with the new security fencing and gates. Retention of mature Holly hedging along College Road, supplemented by additional Holly planting, would provide screening of the fencing scheme along the north-eastern boundary. The proposals are therefore in accordance with Saved Policies E1 and E3 of the BLP.

58. It is considered that the fencing scheme would be visually well integrated into the school site. Planning conditions could ensure that the proposed fencing and gates are colour-coated Black (RAL 9005), which would enable the proposed scheme to visually blend into its setting. The proposed black colouration would ensure that the proposal complements the brick fabric of the existing brick piers and retained wall structure to the site frontage, along Gwenbrook Road and is visually well-integrated with the existing black bow top fencing that would be retained around much of the site perimeter. Planning conditions would also ensure that the stretch of fencing crossing the school site, would be colour-coated Moss Green (RAL 6005) to visually integrate it with the playing field, and existing soft landscaping.
59. Overall, it is considered that the proposal does accord with Saved Policies E1 and E3 of the BLP, given that the proposed scheme is of an acceptable design, in terms of the style and scale of the fencing being proposed together with its location, and would not be out of keeping with the urban character of the surroundings, nor on the adjacent Chilwell Conservation Area. Also in line with Saved Policy E1 of the BLP, criteria (d), the proposal has been designed to minimise opportunities for criminal activity and on balance, whilst there would be a slightly adverse effect upon the amenity of the surrounding area, this is not considered unacceptable. It is considered that the benefits to be gained by the school, from the fencing scheme, in terms of reducing levels of anti-social activity and protecting existing and future school assets, on balance outweighs the slightly adverse impacts arising from the potential loss of amenity within this part of Chilwell.

#### Heritage impacts

60. The proposed fencing scheme has been designed to reflect the heritage value of the Chilwell Conservation Area, and to ensure that the proposed fencing is capable of being visually well integrated into its setting, without impacting detrimentally on the setting of a Conservation Area, whilst at the same time enhancing site security, and delivering a safer, yet inclusive environment.
61. Section 12 of the NPPF '*Conserving and enhancing the historic environment*' indicates that proposals that preserve those elements of the setting of a Conservation Area that make a positive contribution to, or better reveal the significance of the asset, should be treated favourably (Paragraph 137). Paragraph 132 attaches great importance to conserving designated heritage assets, and states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great importance should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*'. In line with this, the revised fencing scheme is judged as now being set far enough away from the Conservation Area so as to be unlikely to have any appreciable impact, and as such, would not be significantly harmful.
62. In heritage terms, the open playing fields fronting High Road, make a considerable contribution to the setting of the Chilwell Conservation Area, particularly in terms of views from High Road, and Meadow Lane. There is

intrinsic value in the existing low-level bow-top railings, in terms of its contribution to creating a 'park-like' character to the playing fields. This 'open' green space, with its 'park-like' feel sets off the front elevation of the main 1920s school building together with the setting of the streetscape of High Road, making a valuable contribution to the setting of the adjoining Conservation Area. The proposed development is in accordance with Saved Policy E3 of the BLP, and the NPPF, having been designed, in terms of its location, scale and style of fencing and gates, so as to preserve the character and appearance of the area. Critically, the fencing scheme would ensure that the 'park-like' character of the school playing fields is retained, and that the school continues to make its invaluable contribution to the setting of the Chilwell Conservation Area.

#### Impacts on playing fields

63. Sport England has acknowledged the constraints on the section of the school's playing field that would be separated from the rest of the playing fields by the proposed fencing and gates. This area of the playing fields is already planted with trees and contains a large planted willow structure, which prevent it from being used for formal sport or recreational activity by the school.
64. The planning application has been considered by Sport England in the light of their playing fields policy, the aim of which is to ensure an adequate supply of quality pitches to satisfy both the current and estimated future demand for pitch sports, in this case within the Chilwell area, and to protect playing fields from development. The proposed development complies with policy exemption E3, given that this area of playing field, is incapable of forming a pitch or part of a pitch, due to existing tree planting and the willow structure. Therefore, the section of proposed fence, which crosses the playing field, would not impact on the school's ability to mark out and retain existing pitches and other sports facilities.
65. The proposal ensures that the integrity of the wider school playing fields, as a place for outdoor sports and other physical activities, is maintained. The remaining playing fields retain sufficient space for the adequate provision of a number of sports pitches. Indeed, the playing field is of sufficient size to accommodate a football pitch with a footprint of 1800 sq.m, four rounders pitches, a cricket strip, and a running track comprising 220m of oval track. The development would not impact on any of the existing area marked out as pitches or other sports facilities, or the run-off for these facilities.
66. The proposals accords with a number of criteria listed under Saved Policy RC5 of the BLP. In terms of criteria (a) of Policy RC5, the proposed development would not result in any additional loss of open space. Whilst criteria (b) does not apply directly to this proposal, given that the development would not result in any further deficiency in terms of useable space, it complies with the more general context of this policy, in that the rest of the playing field contains fully accessible, laid out pitches and sports facilities, of sufficient quality, to deliver the school's sports curriculum.

67. The relatively open structure of the proposed fence and gates, together with its location towards the north-western edge of the playing fields, as it extends across the site, would ensure that the development does not detract from either the open character of the playing fields, or on the integrity of its environmental and landscape value, in accordance with criteria (d) of Policy RC5 of the BLP.

#### Other issues

68. In terms of the cost implications, it is understood that capital funding for improvements to the security of school sites, is seen as being cost effective compared to the on-going costs of having to repair damage to school property and equipment. It is also seen as a preventative measure, to stop buildings being open to fire damage, and the high cost of replacing school buildings when damaged by fire, as has happened at a number of schools across the County. Also capital funding for security fencing schemes is 'ring-fenced' for these types of projects, and if it is not used at Chilwell College House Junior School, it will simply be allocated to another school with identifiable needs, for a similar sort of security fencing project.
69. Security fencing is seen as the most effective form of deterrence, and the preferred option for securing the school site. Other measures including the use of CCTV and random visits by a community police officer to discourage anti-social behaviour, are considered as supplementary measures, as they have more limited success compared to physically securing the school site. This is evidenced by the fact that the school installed a CCTV system on 24<sup>th</sup> October 2011, at some considerable cost to themselves (£4,092), but has still been subjected to an attempted break-in, in which a crowbar was used (late October 2011). Nor has the presence of a CCTV system deterred unauthorised users from accessing the site, or limited the frequency of anti-social incidences occurring on the school site.
70. There is no apparent evidence to suggest that if unauthorised users cannot access the school site, and congregate here, they simply move on to neighbouring residential properties. The Pallas security fencing system has been used extensively at schools across the County, both in rural and urban settings, and there is nothing to indicate that this has happened at other school sites.

#### Other Options Considered

71. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. An option to erect security fencing and gates around the whole of the school site, including to the perimeter of the school playing fields has been submitted previously, but was considered to be unacceptable on grounds of heritage impacts on the Chilwell Conservation Area, and visual amenity impacts for surrounding residential properties. The proposals were duly amended in the light of these objections, and the resulting scheme forms the option being considered in this report.

## **Human Rights Act Implications**

72. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. The proposals have the potential to introduce some limited visual amenity impacts upon surrounding residential properties. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of enhanced security for the school, and the fact that the development is capable being mitigated to an acceptable level subject to suitable planting. Members will need to consider whether these benefits would outweigh the potential impacts.

## **Statutory and Policy Implications**

73. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Crime and Disorder Implications**

74. The development would be located within an established school site which does not presently benefit from any effective security fencing. The security fencing and gates, to a height of 2.4m which would be provided under this planning application would improve site security and combat anti-social activity, which the school is currently subjected to. The scheme is supported by the Police Force Architectural Liaison Officer.

## **Conclusions**

75. In conclusion, the proposal represents an appropriate outcome in terms of delivering a development that meets the security needs of the school, whilst at the same time addressing the various design issues associated with the site's proximity to the Chilwell Conservation Area, in line with the Historic Building Officer's recommendations; and in terms of minimising visual amenity impacts for local residential properties to an acceptable degree.
76. It is considered that sufficient evidence has been provided by the applicant to provide a reasoned justification for the need for the proposed development. A catalogue of documented incidences that have taken place on the school site, adds weight to the need for an effective security fencing scheme, particularly in the light of other measures, such as the installation of a CCTV system, proving relatively ineffective in terms of combating anti-social activity on the school site.
77. The proposal would deliver benefits in terms of delivering enhanced security for the school, as well as ensuring that an acceptable standard of visual appearance for the development is achieved. It is considered that the location, scale and design of the proposal would be in sympathy with the character of

the surroundings and respect the overall setting. In keeping with Saved Policies E1 and E3 of the BLP, the new fencing scheme would be well integrated into its setting and would not impact detrimentally on the Chilwell Conservation Area. As such, the proposals are considered capable of being supported.

### **Statement of reasons for the decision**

78. In assessing the acceptability of the proposal, consideration has been given to Saved Policy E1 (Good Design) of the Broxtowe Local Plan (BLP) (Adopted September 2004), which refers to design and amenity criteria; Saved Policy E3 (Development within Conservation Areas) which seeks to preserve or enhance the character and appearance of the Conservation Area; and Saved Policy RC5 (Protection of open spaces) of the BLP, which seeks to protect open spaces within Broxtowe, including the school playing fields at Chilwell College House Junior School, and the development is considered to be in accordance with these policies.
79. The development is of an acceptable standard in terms of its design, given that it comprises a practical and functional structure, relating well to the site, and the local urban streetscape, in accordance with Saved Policy E1 of the BLP.
80. Whilst the scheme would introduce fencing elements of a significant height, such impacts need to be weighed against the benefits of achieving greater security for the school.
81. The proposal has been designed to minimise opportunities for anti-social activities and on balance, whilst there would potentially be a slightly adverse effect upon the visual amenity of the surrounding area, this is not considered unacceptable subject to supplementary planting. It is considered that the benefits to be gained by the school, from the fencing scheme, in terms of reducing levels of anti-social activity and protecting school property, on balance outweighs the slightly adverse impacts arising from the potential loss of amenity within this part of Chilwell.
82. Overall, the development is of an acceptable standard in terms of its design and would not be out of keeping with the historic character of the surroundings. In heritage terms, the fencing scheme has been designed so as to minimise any impacts on the setting of the Chilwell Conservation Area. It gives rise to no policy objections under Section 12 '*Conserving and enhancing the historic environment*' of the National Planning Policy Framework (NPPF) (March, 2012), and as such accords with Saved Policy E3 of the BLP.
83. The integrity of the school playing fields is maintained, with the proposed fence line crossing the playing fields, and separating off part of the playing fields, which is unsuitable for sports provision as confirmed by Sport England. The proposal does not encroach on the extensive, useable part of the playing fields, nor on any of the existing pitches and sports facilities. As such, the proposal does not conflict with Saved Policy RC5 of the BLP.



84. The County Council is of the opinion that the proposed development whilst giving rise to some limited material impact, this is outweighed by the wider benefits of the scheme. Overall the proposal is considered to be in accordance with the relevant Development Plan policies and there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

## **RECOMMENDATIONS**

85. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

### **SALLY GILL**

**Group Manager (Planning)**

#### **Constitutional Comments (NAB 28.09.12)**

Planning and Licensing Committee has authority to approve the recommendation set out in this report

#### **Finance Comments (DJK 28.09.12)**

The contents of this report are duly noted; there are no financial implications.

#### **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

#### **Electoral Divisions and Members Affected**

Chilwell & Toton 1	Councillor John Doddy
Chilwell & Toton 2	Councillor Richard Jackson

Report Author / Case Officer  
Deborah Wragg  
0115 9696510

For any enquiries about this report, please contact the report author.

W000331 – DLGS REFERENCE  
PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE  
22 June 2009 – Date Report Completed by WP Operators

## APPENDIX 1

### RECOMMENDED PLANNING CONDITIONS

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

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The County Planning Authority (CPA) shall be notified in writing at least 7 days, but no more than 14 days, prior to the commencement of the development.

*Reason: To enable the CPA to monitor compliance with the conditions of the planning application.*

3. The development hereby permitted shall only be carried out and maintained in accordance with the following documents, unless otherwise agreed in writing with the CPA or where amendments are made pursuant to the other conditions below:

- a. Planning application form, as received by the CPA on 25<sup>th</sup> May 2012;
- b. Design and Access Statement, as received by the CPA on 25<sup>th</sup> May 2012;
- c. Details of 'Pallas Mesh Panel Fencing' as received by the CPA on the 25<sup>th</sup> May 2012;
- d. Site Location Plan titled 'Site Boundary Plan', Drawing No. G391-1311-388, as received by the CPA on the 25<sup>th</sup> May 2012;
- e. Plan titled 'Security Fencing Layout – RMG Option Sheet 1 of 2' Drawing No. G391-1311-369, as received by the CPA on the 25<sup>th</sup> May 2012;
- f. Plan titled 'Security Fencing Layout – RMG Option Sheet 2 of 2' Drawing No. G391-1311-370, as received by the CPA on the 25<sup>th</sup> May 2012;

- g. Plan titled 'College House Junior School – Planting Proposals Sheet 1 of 1' Drawing No. G391-1311-407, as received by the CPA on the 3<sup>rd</sup> October 2012.
- h. Supplementary Information for planning application at College House Junior School, as received by the CPA on the 17<sup>th</sup> July 2012.

*Reason: For the avoidance of doubt and to accord with Policy E1 and Policy E3 of the Broxtowe Local Plan (Adopted September 2004).*

- 4. Except in the event of an emergency or with the prior written agreement of the CPA, no construction work, including deliveries, shall be carried out or plant operated other than between the following hours: 0730hrs to 1800hrs Mondays to Fridays, 0800hrs to 1330hrs on Saturdays and at no times on Sundays, Bank or Public Holidays.

*Reason: In the interests of residential amenity and to accord with Policy E1 of the Broxtowe Local Plan (Adopted September 2004).*

- 5. No vehicles involved in the construction work shall leave the school site in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

*Reason: In the interests of highway safety.*

- 6. Prior to the commencement of the development hereby permitted, details shall be submitted to the CPA for its written approval of the measures to be taken to protect all retained trees, shrubs and hedges from damage during the course of the development. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended) and shall include:

- i) A plan to define the trees, shrubs and hedges to be protected including means of protection;
- ii) Measures to prevent the disturbance, raising or reduction in soil levels within the area of the root spread of trees, shrubs and hedges;
- iii) Measures to prevent the storage and placement of materials or the movement of plant or machinery in the protected area (s).

The means of protection shall be implemented in accordance with the approved details prior to any equipment, machinery or materials being brought onto the site for the purpose of the development and shall be retained on site until all plant, machinery equipment and surplus materials have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the CPA.

*Reason: In the interests of visual amenity and to accord with Policy E1 and Policy E3 of the Broxtowe Local Plan (Adopted September 2004).*

7. Prior to the commencement of the development hereby permitted, details shall be submitted to the CPA for its written approval of any pruning works, including the crown lifting of two trees to the south-western corner of the site which may be required, in order to facilitate operations. Any pruning work shall thereafter be carried out in accordance with the provisions set out in British Standard BS 3998 entitled 'Guide to Tree Works'.

*Reason: In the interests of visual amenity and to accord with Policy E1 and Policy E3 of the Broxtowe Local Plan (Adopted September 2004).*

8. In the first planting season following the completion of the development or as agreed in writing by the CPA, a landscaping scheme shall be carried out in accordance with details shown on Drawing No. G391-1311-407, as received by the CPA on the 19<sup>th</sup> June 2012.

*Reason: In the interests of visual amenity and to accord with Policy E1 and Policy E3 of the Broxtowe Local Plan (Adopted September 2004).*

9. Within three months of the date of commencement of the development, as notified to the CPA under Condition 2, maintenance details for the landscaping scheme approved under Condition 8 shall be submitted to the CPA for its written approval. The landscaping scheme shall be maintained in accordance with the approved maintenance schedule and good arboricultural practice for a period of five years following its implementation and any shrubs which die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with similar species to those originally planted.

*Reason: In the interests of visual amenity and to accord with Policy E1 and Policy E3 of the Broxtowe Local Plan (Adopted September 2004).*

10. The fencing and gates hereby permitted shall be colour-coated Black (RAL 9005), except for that stretch of fencing and gates that extends across the playing field, parallel to the main school building, which shall be colour-coated Moss Green (RAL 6005).

*Reason: In the interests of visual amenity and to accord with Policy E1 and Policy E3 of the Broxtowe Local Plan (Adopted September 2004).*

### **Informatives/Note to Applicant**

1. The attention of the Applicant is drawn to the comments of the Police Force Architectural Liaison Officer. It is recommended that the fencing above the brick wall is positioned close to the front face of the wall, using cantilever fixings if necessary, to prevent the wall being used as a climbing aid. The gates should also be designed so as not to encourage climbing.
2. The attention of the Applicant is drawn to the comments of Western Power Distribution dated 6<sup>th</sup> June 2012 that are enclosed with this decision notice.

