
Case Number	23/02023/FUL (Formerly PP-12231854)
Application Type	Full Planning Application
Proposal	Erection of a 2.4m high perimeter fence
Location	Nook Lane Junior School Nook Lane Sheffield S6 6BN
Date Received	22/06/2023
Team	North
Applicant/Agent	MAC Construction Consultants
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Drawing No. P-02- rev A- proposed plans published 22.06.2023
Drawing No. P_00- site location plan published 22.06.2023

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2012: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree constraints plan (TCP)
Tree protection plan (TPP)
Arboricultural impact assessment (AIA)

Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

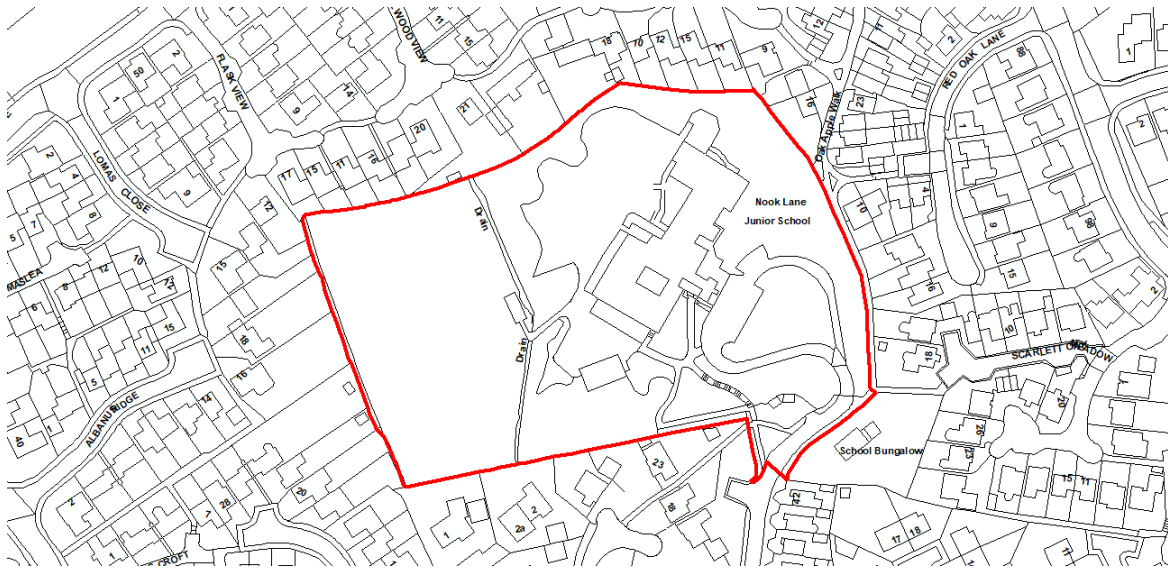
Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

Other Compliance Conditions

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The agent is advised that in order to minimise the impacts of construction generally, the following is advised to be taken into consideration upon the implementation of Arboricultural Impact Assessment:
 - Holes for fence posts and foundations should be used using hand dig construction only.
 - The existing hedge should be retained as far as possible. In the case where any section of hedge needs to be removed, proposals for replacement planting should be put forward for approval.
 - To prevent the case of a clash occurring between a tree and a fence post, a flexible fence system with varying lengths of fence panels should be used. Fence posts should be positioned as far away as possible from the base of the tree, and preferably outside of the Root Protection Area.
 - All works to be done in accordance with BS 5837 (Trees in relation to design, demolition and construction).

Site Location



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LOCATION AND PROPOSAL

The site is located within the Stannington district of North West Sheffield. Nook Lane Junior School is situated off Nook Lane and nestled within the Acorn Drive housing estate.

Planning permission is being sought for the erection of a 2.4m high perimeter fence which would enclose the perimeter of the school grounds.

The school currently has a 2.4m green weldmesh fence to the front main entrance. A timber fence and dense vegetation encloses most of the remainder of the school grounds at the present time. It is worth noting that there is also 2.4m high green weldmesh fence within the school grounds and to the north of the site, which encloses one of the junior outdoor play areas.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and an Open Space Area.

The application is accompanied by a Design and Access Statement which explains that the proposal is intended to increase the safeguarding provision for the pupils at the school site that in recent years has been breached by members of the public using it for dog walking, fly tipping and recreational activities both during and after school hours. Dog walking brings increased issues around health and safety as often dogs are often let off the lead and left to roam around the school grounds and leave behind foul waste which is a significant public health hazard.

RELEVANT PLANNING HISTORY

08/02224/RG3 - Erection of an extension to form a classroom - full planning application- Granted 18.06.2008.

06/01420/FUL - Erection of 2.4 metre high fencing- Granted 14.06.2006.

04/00028/RG3 - Siting of a temporary building for use as a double classroom unit (Application under Reg 3 1992) – Granted 24.02.2004.

03/03006/RG3 - Single-storey extension and construction of access ramp to the integrated resources section, Nook Lane Junior School (Application under Reg. 3 1992) – Granted 10.10.2003.

SUMMARY OF REPRESENTATIONS

1 letter in support and 15 letters of objections raised. These objections have been summarised below:-

- Loss of view
- Overbearing and prominent feature
- Impact upon the wildlife
- Existing hawthorn hedge will be impacted which provides good habitation for wildlife
- It is requested that the fence is erected further away from the existing hawthorn hedge
- Loss of privacy
- Maintenance issues of existing residents' boundaries

- Existing access to culvert when flooded would be removed
- The cost of the fence for the school would be better spent elsewhere

Consultees

Highways – No objections.

Trees and Landscaping – Consider that the position of the fencing is justified given the nature of the proposal being about the health and safety of children. However, conditions and directives are recommended in order to limit the impact on the existing trees (particularly those on the western and southern boundaries).

South Yorkshire Police - Fully support the scheme for child safeguarding reasons.

PLANNING ASSESSMENT

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised most recently on 19th December 2023 is a material consideration (paras 2 and 224 of the NPPF).

The documents comprising the Council's development plan date back some time and obviously pre-date the NPPF, but paragraph 225 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Guidance in the National Planning Practice Guidance (the NPPG) further provides that "policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years", and that "due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies".

However, in all cases, the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or

assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

ASSESSMENT

Principle of development

The existing main school buildings are located in an allocated Housing Area as defined in the adopted Unitary Development Plan (UDP). The remainder of the site and associated hard and soft play areas fall within an Open Space Area.

Policy H10 identifies that D1 uses (which includes schools) - (now use class F1 (a) Provision of education - Local Community and Learning under the up-to-date Use Classes Order) shall be an acceptable form of development within designated UDP Housing Areas. The proposed development is considered ancillary to the main school building and therefore acceptable in principle.

Open Space Policy

Paragraph 98 of the NPPF recognises that access to a network of high quality open spaces and opportunities for sport and physical activity are important for the health and well-being of communities.

Paragraph 99 of the NPPF states that existing open space should not be built on unless the open space is surplus; the loss would be replaced by equivalent or better provision; or the development is for alternative provision and the benefits of that provision clearly outweigh the loss.

Core Strategy Policy CS47 (Safeguarding of Open Space) states that development of open space will not be permitted if it would result in a quantitative shortage in the local area, it would result in loss of high quality space, it would deny people easy access to open space or would result in a break in the Green Network. Development which results in a loss of open space will be permitted where better or equivalent open space is provided in the local area, or the site is surplus for its current open space function.

The proposed fence although within the open space areas is replacing the existing fencing and would not cause any loss of open space.

Design and Amenity Issues

Paragraph 135 of The National Planning Policy Framework (NPPF) states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. Innovation should not be prevented, but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users.

Core Strategy Policy CS74 ('Design Principles') states that "High quality development will be expected..."

UDP Policy BE5 ('Building Design and Siting') states that 'Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions'.

Within Policy H14: Conditions on Development in Housing Areas within the UDP part a) states that new development should be well designed and be of a scale and nature appropriate to the site. Part c) states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The proposed fence is to replace the existing dilapidated timber fence and enclose the school grounds, providing a safe outdoor environment to the children of the school and to separate the school ground with the adjoining residential dwellings the abut the school curtilage.

The design of the fence provides good visibility due to its mesh construction and will be coated in green adding to the unobtrusive design. Although the height of the fence is 2.4m it is considered that this would be acceptable as the fence does not densely block outlook and is somewhat permeable. Furthermore, the school grounds already use such a fence to its main entrance and within the school grounds and as such the proposed fence would integrate well with the existing and not detract from the school or the surrounding area. Although visible from adjoining neighbouring properties and the street scene it is considered it will not over-dominate the street scene or the outlook of the neighbouring residents, due to its unobtrusive style of the green painted mesh fencing. It is also worth noting that permitted development rights would allow the installation of a slightly lower 2m high fence without the need for planning permission.

It is considered that the proposed fence would not have an adverse impact upon the character and appearance of the area and would comply with local plan policies and the NPPF.

Landscape Issues

UDP Policy H14 Part (g) states that development should comply with policies for the Built and Green Environment as appropriate. In Policy GE15 (Trees and Woodland) it states that Trees and Woodland will be encouraged and protected by part (b) requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost; and part (c) not permitting development which would damage existing mature and ancient woodlands.

Concerns were initially raised with the agent with regards to the potential impact that the proposed fence would have upon the existing trees and hedgerows on site. As such further plans have been submitted showing the relationship of the proposed fence with the existing hedge and the potential impact on the roots. It is shown that although the proposed fence would have little impact upon the existing hedgerow, there is a level of concern with the proximity of the fence to the existing trees on site (particularly on the western and southern site boundary) and the potential impact that construction works may have upon them.

To fully understand the implications of the proposed works on the existing trees a

condition is proposed to require the submission of additional information prior to any works being carried out. This shall include an arboricultural impact assessment, a tree protection plan and a method statement which shall need to be carried out by a reputable arborist and to the correct British Standard (BS5837). Subject to that condition being in place and the recommendations being implemented thereafter the City Council's Landscape Officer is content not to object to the proposals.

The City Council's Landscape Officer has also advised the following construction methodology in order to minimise the impacts of construction generally:

- Holes for fence posts and foundations should be used using hand dig construction only.
- The existing hedge should be retained as far as possible. In the case where any section of hedge needs to be removed, proposals for replacement planting should be put forward for approval.
- To prevent the case of a clash occurring between a tree and a fence post, a flexible fence system with varying lengths of fence panels should be used. Fence posts should be positioned as far away as possible from the base of the tree, and preferably outside of the Root Protection Area.
- All works to be done in accordance with BS 5837 (Trees in relation to design, demolition and construction).

The above would be outlined as an advisory note on the decision notice.

Effect on the Amenities of Residents and the Locality

UDP Policy H14: Conditions on Development in Housing Areas includes matters of design and amenity. UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high-quality development respecting distinctive features and heritage including townscape and landscape character.

There would be sufficient separation between the proposed fence and nearby residential properties ensure that there would be no significant harm to the living conditions of nearby residents.

Furthermore, it is also considered that the height of the proposed fence is a good compromise between providing security, but minimising its presence within the street scene. As this type of fencing is of relatively permeable construction, it would not cause any additional overshadowing to the public footpaths adjoining or to the neighbouring properties.

Highways Issues

Part d) of Policy H14: Conditions on Development in Housing Areas within the UDP states that new development or change of use applications should be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There are no highway implications arising from the development. The development would not alter existing parking arrangements and so raises no highway safety concerns. No highway objections have been received.

Summary and Recommendation

The proposal seeks to erect a 2.4m high perimeter fence to enclose the school grounds.

The design of the proposed development is considered acceptable and is similar in appearance to the existing fencing within the school grounds.

There are no highway or amenity implications arising from the proposed development.

It is considered that there are no negative impacts which significantly and demonstrably outweigh the important benefits of providing an increased amount of health, safety and security for the Junior School site, and as such, the proposed development is considered acceptable in terms of paragraph 11 d ii) of the NPPF. On the basis that the proposed development will meet the requirements of UDP and Core Strategy Policies and the National Planning Policy Framework (NPPF) the application is therefore recommended for approval.

Recommendation: Grant Conditionally

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