

**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>1 October 2018</b>
Subject:	<b>County Council Development - S18/1490</b>

**Summary:**

Planning permission is sought by Lincolnshire County Council (Agent: Kier Workplace Services) to vary condition 2(b) of planning permission number S35/0922/16 - To remove and replace the existing 2.5m high fencing with 3.6m high mesh paladin fencing in the same colours as the existing (green) at The Beacon Children's Centre, Sandon Close, Grantham, NG31 9AX.

This application has been made as a result of an inability to prevent toys, sports equipment and other objects being thrown into the gardens of the adjoining residential properties by children playing within the garden areas of the home.

Whilst no objections have been received from local residents it is Officer's opinion that a fence of the height and scale proposed would be inappropriate and contrary to the policies of the Development Plan. Although a fence of the same design and materials is considered acceptable at a lower height, a much taller fence would be overbearing and imposing on the residential properties which share its boundary and would also give an overly institutional appearance to the children's home

Officers therefore consider a fence of this size, scale and design to be inappropriate in such a residential setting and would have an adverse impact on the residential amenity of not only the existing occupiers but also future residents of the properties that adjoin the home.

**Recommendation:**

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that planning permission be refused.

**Background**

1. Conditional planning permission was granted in June 2016 (ref: S35/0922/16) to demolish the existing Children's Centre/Home at Sandon Close, Grantham and construct a new single storey children's home along

with additional parking. The application was determined by Officers using delegated powers as no objections were received to the proposal.

2. In December 2016 a Non Material Amendment (NMA) application was made, and approved, to undertake a minor alteration in the pitch of a section of the roof of the building.
3. Pre-application advice was later sought regarding some further changes the applicant wished to undertake. The advice given was that whilst some of the proposed changes would be so minor they could be addressed through the submission of an NMA application, a proposed change to the height of the boundary fencing would have to be addressed through the submission of a Section 73 planning application. It was the officer's opinion that the proposed increase in the fence from the approved 2.5m height to 3.6m would materially change the appearance/impact of the fence on the surrounding properties. There was also a concern that the proposed increase in the weld mesh fencing would give the impression of a secure unit rather than a home for children and young people. Given these possible increased impacts the proposal would have to be addressed through the submission of a Section 73 planning application so as to enable the necessary publicity and consultations to be undertaken. The agent indicated that the impetus for the increase in height was from local residents complaining that objects were being thrown into their garden. The agent was informed that evidence/justification/mitigation should be submitted to support the application to increase the height of the fence.
4. In January 2018 planning permission was sought to vary condition 2 of planning permission S35/0922/16 to: increase the height of green weld mesh boundary fencing from 2.5m to 3.6m; replace proposed section of close board wooden acoustic fencing with close board wooden fencing (similar to existing); undertake internal remodeling requiring the replacement of two doors with two windows; relocation of bin storage area. No supporting evidence/justification/mitigation relating to the increase in the height of the fencing was submitted.



Mock-up of new fence line on southern boundary



## Site and Surroundings

7. The Beacon Children's Home adjoins the Sandon Special School which are located off Sandon Road, to the east of Grantham Town Centre, on land which gently rises up from the River Witham. The Grantham St Anne's Conservation Area is located to the west of the site, which includes the school playing field for the Kesteven and Grantham Girls' School, which is adjacent to the access to the Home and the School, abutting the Conservation Area. The Children's Home itself is set back some distance from the Conservation Area and can only be accessed through the Sandon Special School site via a long narrow driveway along the southern boundary.
8. The Children's Home is a recently constructed, purpose built facility which accommodates children and young people with physical and Multiple Profound Learning Difficulties (MPLD) and Severe Learning Difficulties (SLD) and includes a new therapy/learning block which would be a shared facility between the Beacon Children's Home and adjoining Sandon Special School, located to the west of the site ( a mixed special school for children and young people – ages ranging from 2-19), it is also used by other schools and organisations.
9. The land and buildings of the Home are enclosed by a 2.5m metal weld mesh fencing (powder coated green) on the outside of this fence is a 1.8m high close board wooden fence. There are residential properties to the north, east and south of the home. Within and adjacent to the boundary fence there are three outside grassed gardens, to the north, south east and south of the building. To the north of the site is a small community of bungalows for elderly residents. The gardens of these properties abut the boundary fence of the home, whilst the properties themselves are 8m from the fencing. Three properties on this boundary will be directly impacted by this proposal. To the east there are the gardens of two properties; one property which fronts New Beacon Road has a substantial garden which is screened from the fencing and home beyond by mature shrubs and tree along the boundary. In the south east corner there is modern bungalow, again the garden abuts the close board wooden fencing of the home, the property itself is 10m from the boundary. To the south lies the closest property to the fence line, the nearest part of this bungalow is only 1.5m distant from the fence. Further along this southern boundary are the gardens of newly built two storey semi-detached properties.





Northern Boundary - as Existing



Northern Boundary - Mock-up of Proposed





Eastern Boundary



Southeast Corner



Southeast Corner / Southern Boundary





Southern Boundary



Southern Boundary

## Main Planning Considerations

### National Guidance

10. National Planning Policy Framework (NPPF) (July 2018) is a material planning consideration in the determination of planning applications and advocates a presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows:

Paragraph 7 - Sustainable development

Paragraphs 38 - Positive and proactive decision making

Paragraphs 47 & 48 - Status of adopted and emerging Local Plans

Paragraph 54 & 55 - Use of planning conditions

Paragraph 124 & 127 - Requirement for good design

### Local Plan Context

11. South Kesteven Core Strategy (2010) – the following policies are of relevance to the proposal:

Policy SP1 - Spatial Strategy

Policy EN1 - Protection and Enhancement of the Character of the District

12. South Kesteven Proposed Submissions Local Plan 2011-2036 – this plan is now at pre submission stage and as such any policies in the Plan carry limited weight in the determination of this application however, the following emerging Policies are of relevance:

Policy SP1 - Spatial Strategy

Policy DE1 - Promoting Good Quality Design

### Results of Consultation and Publicity

13. (a) Local County Council Member, Councillor Stokes – has advised that they are in full support of this application and believe that it would be extremely beneficial to neighbouring residents.
14. The application has been advertised by three site notices and letters of notification of the application have been sent to 17 properties which share a boundary with the home. Ten of these properties are located along the section of fencing that would be increased from 2.5m to 3.6m. No correspondence/comments have been received as a result of this publicity.

### District Council's Observations

15. South Kesteven District Council raised no objection to the proposal

### Conclusions

16. As noted in the background to this report Officers have previously expressed concerns about the proposed increase in the height of the fence from 2.5m to the proposed 3.6m as this would significantly change the appearance/impacts of the fence on nearby properties. Officers felt that such a substantial fence would give the impression of a secure unit rather than children's home and the impact of increasing the fence by 1.1m could be detrimental to the residential amenity of local residents whose properties abut the site given the limited size of many of the gardens.
17. Despite the reservations and views expressed by Officers, the applicant still wishes to erect a taller fence around the site and has stated that the impetus for this is in response to complaints from local residents about objects being thrown into their gardens. The applicant maintains their view that a higher



fence around the site boundary would be the only means to address this problem and so has submitted the application despite the advice received during pre-application discussions.

18. This application has given an opportunity for residents of properties who abut the site and who would be directly impacted by the increase in the height of the fence to be consulted and have an opportunity to comment upon any change. As noted in the report 3 site notices were placed close to the site and 17 properties were individually notified although no representations either for or against the proposal had been received. Despite the notification/consultation exercise undertaken no representations have been received.
19. Whilst Officers accept that no negative representations or adverse comments have been received, any planning proposal must be considered against the policies of the NPPF and the Development Plan. Paragraph 124 of the NPPF, states that good design is a key aspect of sustainable development and therefore it is incumbent on decision takers to always seek to secure high quality design and a good standard of amenity. Paragraph 127 expands on this theme and highlights that decisions taken must have regard not just to short term impacts but to impacts over the lifetime of the development, ensuring a high standard of amenity for existing and future users. In this instance consideration has to be given to the impact on all existing and future occupants of the adjoining land and buildings. A core theme of the section of the NPPF that addresses design is that good design is indivisible from good planning and should contribute positively to making places better for people. Conversely poor design that fails to improve the character and quality of an area and the way it functions should not be supported.
20. Policy EN1 of the South Kesteven Core Strategy (July 2010) states all proposals must be assessed in relation to the layout and scale of buildings and designed spaces and visual intrusion. The emerging South Kesteven Local Plan (Proposed Submissions Local Plan) develops these issues with Policy DE1 stating that all development proposals should make a positive contribution, and not result in an adverse impact on to the character of the area nor on the amenity of neighbouring users. Proposals should be appropriate in terms of scale, density, massing, height and material, having regard to the context of the area.
21. Whilst no objections have been received from local residents and the Local County Councillor has set out his support for the proposal, it remains your Officer's opinion that a fence of the height and scale proposed would be inappropriate and contrary to the policies cited and which form the Development Plan. A fence of 3.6m high would be unprecedented for this type of facility and give an overly institutional appearance to the children's home. Although a fence of the same design and materials is considered

acceptable at a lower height, a much taller fence would be overbearing and imposing on the residential properties which share its boundary. Officers therefore consider a fence of this size, scale and design to be inappropriate in this a residential setting and would have an adverse impact on the residential amenity of not only the existing occupiers but also future residents of the properties that adjoin the home. The proposed development would therefore be contrary to the aims and policies of the NPPF and the Development Plan, resulting in officers being unable to support the application.

22. Consequently, despite the lack of negative comments or objections received from local residents and consultees, it is recommended that planning permission be refused
23. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

<b>RECOMMENDATIONS</b>
------------------------

That planning permission be refused for the following reason:

A 3.6m high fence would be unprecedented for this type of facility and result in an overly institutional appearance to the children's home. A fence of this size, scale and design would be inappropriate in such a residential setting and would be overbearing and imposing on the residential properties which share its boundary and have a negative visual impact. The proposed development would therefore be contrary to Policy EN1 of the South Kesteven Core Strategy 2010 and DE1 of the emerging South Kesteven Proposed Submissions Local Plan 2011-2036

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

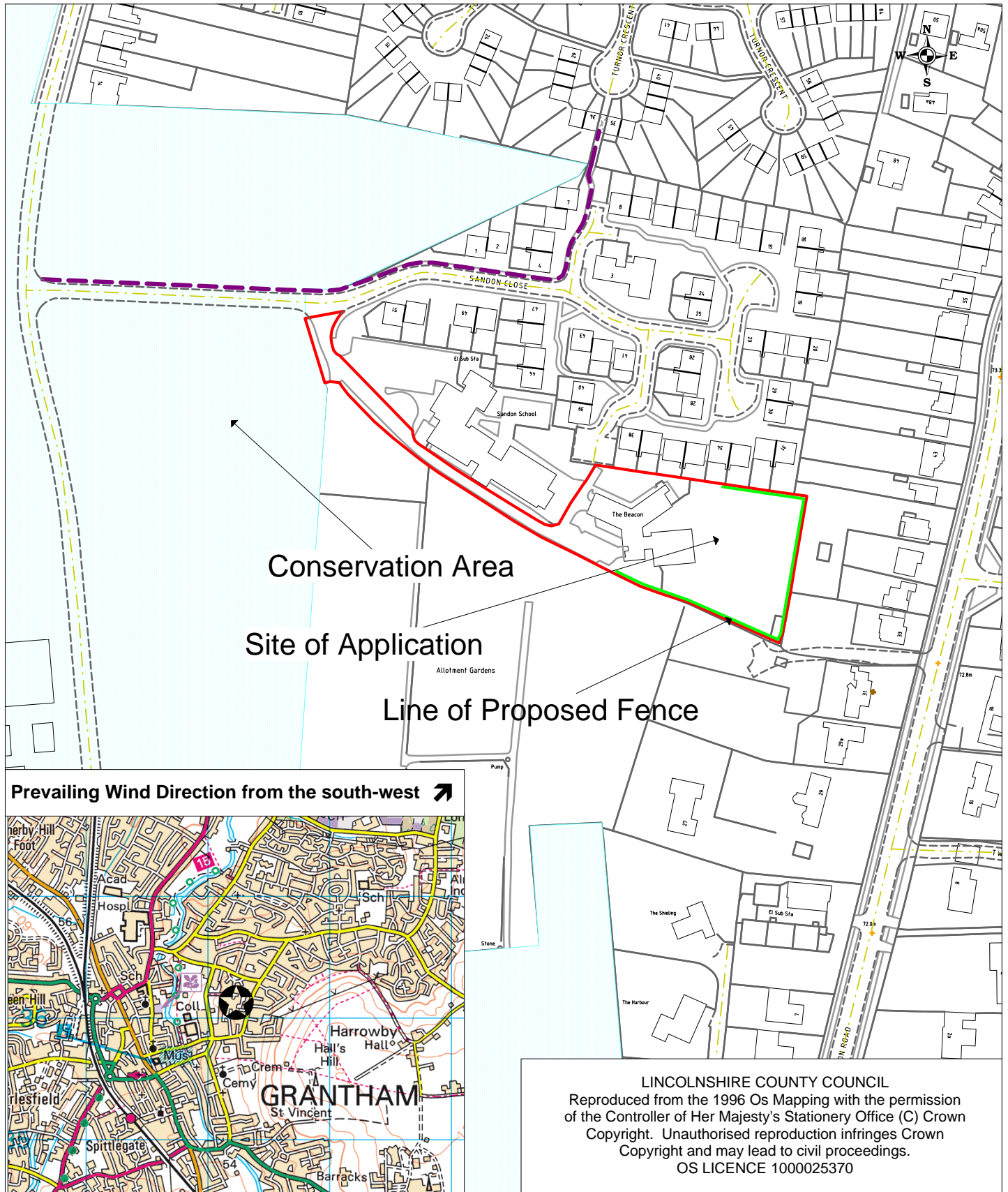
## Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S18/1490	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Local Plan South Kesteven Core Strategy (2010) South Kesteven Proposed Submissions Local Plan 2011-2036	South kesteven District Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

This report was written by Anne Cant, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)





**Location:**

The Beacon Children's Centre  
Sandon Close  
Grantham

**Application No:** S18/1490

**Scale:** 1:2000

**Description:**

To vary condition 2(b) of planning permission number S35/0922/16 - To remove and replace the existing 2.5m high fencing with 3.6m high mesh palladin fencing in the same colours as the existing (green)