

**Application Number:** 19/11160 Full Planning Permission

**Site:** ASHLEY JUNIOR SCHOOL, NORMANS WAY, ASHLEY,

**Development:** NEW MILTON BH25 5FN

**Applicant:** Installation of a security fence ( Revised Location) (Retrospective)  
Hampshire County Council

**Target Date:** 13/01/2020

**Link to case file:** [view online here](#)

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## **1 SUMMARY OF THE MAIN ISSUES**

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Sections 11 & 12 of this report, after which a conclusion on the planning balance is reached.

- 1) Design and appearance of the fence
- 2) Impact of re-located fence on the playing pitches
- 3) Impact of the new location of the fence on residential amenity
- 4) Impact of the relocation of the fence on the character and appearance of the area

This matter is before Committee at the request of Cllr Corbridge.

## **2 THE SITE**

The site forms part of the grounds of Ashley Junior School. It is located behind existing housing (High Ridge Crescent) and extends to Normans Way.

## **3 THE PROPOSED DEVELOPMENT**

Planning permission has been granted previously for fencing around the school site (19/10056). However, a section of this fencing has been erected approx 3.75m further south than the approved scheme. This application seeks planning permission for the fencing as erected. The 2.4m height, moss green colour and weldmesh type of fencing remain the same as that previously approved. Soft landscaping is proposed as part of the application to provide screening to that part of the fencing adjacent to the rear garden of 37 High Ridge Close.

## **4 PLANNING HISTORY**

Proposal	Decision Date	Decision Description	Status
19/10056 Weldmesh fencing (max 2.4m high); double gates; 1.2m high timber fence; car park alterations; relocation of cycle and scooter store	26/06/2019	Granted Subject to Conditions	Decided

## **5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

### **Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS7: Open spaces, sport and recreation  
CS7: Open spaces, sport and recreation  
CS8: Community services and infrastructure

### **Local Plan Part 2 Sites and Development Management Development Plan Document**

None

### **The Emerging Local Plan**

Policy 1 Achieving sustainable development  
Policy 13 Design quality and local distinctiveness  
Policy 15 Open spaces, sport and recreation

### **Supplementary Guidance**

SPD - New Milton Local Distinctiveness  
The Parish of New Milton Neighbourhood Plan 2016-2036 Submission Plan

### **Relevant Legislation**

Town & Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

Town & Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004

### **Relevant Advice**

NPPF Ch.2 - Achieving sustainable development  
NPPF Ch.12 - Achieving well-designed places  
NPPG - Determining a Planning Application

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council - acceptable (delegated)

## **8 COUNCILLOR COMMENTS**

Cllr Corbridge has requested that this application is brought to Planning Committee.

## **9 CONSULTEE COMMENTS**

None

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

1 letter of objection has been received regarding the visual impact. The letter also makes reference to the cost the school would face if the fence had to be moved and possible consequences for funding much needed school equipment; and there would be further noise and disturbance for residents.

## **11 OFFICER COMMENTS**

### **Introduction**

The site forms part of the grounds of Ashley Junior School. It is located behind existing housing (High Ridge Crescent) and extends to Normans Way. The proposal seeks permission for the alternative alignment of the fence 3.75m south of the previously approved position.

### **Relevant Considerations**

The following are considered to be the main issues to be taken into account when determining this application.

#### **1) Design and appearance of the fence**

The design of the fencing is no different from that previously granted planning permission and is therefore considered acceptable within the context.

#### **2) Impact of re-located fence on the playing pitches**

The submitted plans show that the position of the fence does not impinge upon the layout of the playing pitches. The fence line is approximately 10m from the back of the goal on the football pitch 14m from the rugby posts and approximately 5m from the edge of the outer line of the pitch. New Milton Rugby Club has been consulted on the planning application - no response has been received at the time of writing the report.

#### **3) Impact of the new location of the fence on residential amenity**

The approved fence (19/10056) is shown aligned with the side boundary between nos 35 and 37 High Ridge Close. In contrast, the fence under consideration is located approximately 3.75m further south and is set perpendicular to the rear boundary fence of 37 High Ridge Crescent. The closest element of the structure is the steel post, which measures 6cm x 4cm and connects to weldmesh panels (fence height 2.4m). The fence closest to High Ridge Crescent Gardens is proposed to be screened by evergreen shrubs: these would be planted either side of the weldmesh fencing growing to a maintained height of 3m. This will infill gaps in the existing vegetation at this point on the school's land, which are a result of cutting back necessary to facility the construction work. It is acknowledged that the fence post and weldmesh panels are visible above the rear boundary fence of no. 37, however, given the height of the fence and the proposed planting, this is not considered that the impact on No. 35 and 37 is unacceptable.

The fence line is positioned further away from 35 High Ridge Crescent and the impact on that property is considered acceptable.

#### 4) Impact of the relocation of the fence on the character and appearance of the area

The impact on the visual amenities of the open space/Normans Way/Rugby Club are similar to that of the approved scheme and are considered acceptable.

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## **12 OTHER CONSIDERATIONS**

### Crime and Disorder

None

### Local Finance

Local financial considerations are not material to the decision on this application.

### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **13 CONCLUSION ON THE PLANNING BALANCE**

On balance, the proposal is considered acceptable with regard to local adopted and emerging planning policy, NPPF, supplementary planning guidance and other material planning considerations.

## **14. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans: P12006-7200 Rev B Location Plan; P12006-7100 Rev P4; P12006-7201 Rev P1

Reason: To ensure satisfactory provision of the development.

2. The landscape planting shown on approved plan P12006-7100 Rev P4 and detailed in the email from the agent dated 29/11/2019 shall be undertaken during the current planting season and thereafter retained, should any planting fail within 5 year from the date of planting then it should be replaced.

Reason: To ensure the satisfactory appearance of the development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

#### **Further Information:**

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# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

January 2020

### Item No:

Ashley Junior School  
Normans Way, Ashley  
New Milton, BH25 5FN  
19/11160

Scale 1:1250

N.B. If printing this plan from  
the internet, it will not be to  
scale.

