

**PLANNING COMMITTEE – 7 DECEMBER 2023****DEFERRED ITEM**

Report of the Head of Planning

Reports shown in previous Minutes are being deferred from that Meeting

<b>DEF ITEM 1 REFERENCE NO – 23/502598/FULL</b>		
<b>PROPOSAL</b> Replacement of existing chain link and concrete post fencing with 2.4-metre-high palisade fence (green in colour)		
<b>SITE LOCATION</b> Chalkpit 1 Highsted Road Sittingbourne Kent ME10 4BE		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> Major		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Bonney has requested that this application be determined by the Planning Committee		
<b>CASE OFFICER:</b> Matt Duigan		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Rodmersham	<b>APPLICANT</b> Miss Julie Hadlow <b>AGENT</b> GH Dean and Co
<b>DATE REGISTERED</b> 07/06/2023	<b>TARGET DATE</b> 06/09/2023	
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="#">23/502598/FULL   Replacement of existing chainlink and concrete post fencing with 2.4 meter high palisade fence (green in colour).   Chalkpit 1 Highsted Road Sittingbourne Kent ME10 4BE (midkent.gov.uk)</a>		

**1. INTRODUCTION**

- 1.1. This application was initially reported to Planning Committee on 12 October 2023 with a recommendation for approval.
- 1.2. Key concerns raised by the Planning Committee included the appearance of the proposed fence and the fact that the existing fence is very close to the road in places, leaving little room to the side of the road for pedestrians to retreat to if vehicles are traveling along the road. The proposed fence would be more rigid and follow the same line as the existing fence, meaning that in places there would be little or no room (in

places) for pedestrians to retreat to if a vehicle is travelling along the road. As a result of these concerns, the committee resolved that the item should be deferred for consultation by officers with the Applicant, Parish Council, Ward Member, and the Active Travel Co-ordinator.

- 1.3. A copy of the 12 October Committee Minutes is attached at Appendix 1 off this report. The previous Committee report is attached at Appendix 2 for reference purposes.

## 2. POST COMMITTEE RESPONSE

- 2.1. Following the Committee, the Applicant provided a response, which in summary stated:

- The chalk pit has been the subject of unauthorised access by people which is unsafe.
- Other forms of fencing (such as park style fencing) are unsuitable from a security perspective.
- Palisade fencing is used at other similar locations, such as Tunstall School and in the Parishes on Tonge and Milstead.
- Where the fence is located immediately on the roadside, we would be able to set the new fence back 1 metre in distance from the roadside which would still enable access for any works to be carried out behind the fence line.

- 2.2. In addition, a letter from the Applicant's insurance company was provided which in summary stated:

- The existing fence has suffered damage from vehicles and vandalism. Due to the nature of the land behind the fence (which includes a chalk pit), the landowner has a responsibility to keep the public safe by preventing access.
- The repeated vandalism provides a good reason for erecting a more robust deterrent than the existing chain link fence.
- From a risk management perspective, effective fencing does need to be in place to prevent unauthorised access.

- 2.3. In response to a request from the Parrish Council to use an alternative type of fencing (Jackson Fencing) the Applicant advised:

- The Applicant contacted Jacksons Fencing who provided a quote for the supply of the fence and powder coating. Unfortunately, the quote was a lot higher than that of the palisade fencing as it does not include installation or highways provisions which would make the use of this as cost prohibitive.
- Another problem is that each panel supplied by Jacksons Fencing is fixed and cannot be manipulated to allow for ground undulations in the same way that the palisade can (each individual rung can be independently moved). The Applicant would have to have each of the Jacksons Fencing panels as an individual panel to order to fit in specific places where ground undulates which unfortunately is not feasible.
- The Applicant advised that the use of Jacksons railings is not possible.

### 3. CONSULTATION

- 3.1. Following receipt of the Applicant's post committee response, and in accordance with the 12 October 2023 resolution, the Parish Council, Ward Member and the Active Travel Co-ordinator were consulted on the additional information on 1 November 2023.

#### Rodmersham Parish Council

- 3.2. In summary, a response was received from the Parish Council which welcomed the suggestion of siting the fence 1 metre back from the road.
- 3.3. The response also requested that the Applicant consider using a different type of fencing, which was considered to be more fitting in terms of its appearance and would allow wildlife to fit through the panels. The Applicant was asked to revise the proposed fence to use a different type of fencing as suggested by the Parish Council, however, the applicant advised that were unable to accommodate this request.

#### Ward Councillor (Monique Bonney)

- 3.4. In summary, a response was received from the Ward Councillor which raised the following concerns.
- Cars crash along this area of Highsted Road. These highlights the importance of pedestrian safety especially as this stretch of road is used to access the 2 footpaths ZU 29 and ZU30.
  - The Applicant had indicated they would select a different style of fencing, they now are not doing so.
  - Palisade fencing won't encourage walking and cycling in this area, even if set back because it's so visually intrusive, it will take years for landscaping to even partially cover it and the landscaping will also take away part of the buffer for pedestrians - it will create an intimidating environment out of kilter with the importance of the landscape character and the character of a rural country lane and it is not wildlife friendly.
  - The choice of the Barbican Range (from the Jackson Fencing catalogue) was suggested as being appropriate; it is produced in Green as well, plus it's Hedgehog friendly.
  - Why palisade fencing is easier to install than Barbican? And how easily it can be repaired when damaged?
  - Concern was raised that the public would not be happy walking along this stretch of road with palisade fencing to the side of the road. This is the main route from Rodmersham into Sittingbourne and it's important to get this right. This land was also mentioned in the landscapes report for being negatively managed, and under an emerging local plan this would be designated as a landscape of high value.

## DISADVANTAGES OF STEEL PALISADE FENCING

Low quality steel is often used which can lead to issues with finish and rust. The fence will then have to be replaced or otherwise pose a security concern, which increases the long term maintenance costs, negating the benefits of the initial lower cost.

The width of steel palisade pales are wider than our Barbican range and can impede surveillance tools such as CCTV which is not conducive to a security environment.

Rivets and bolts can easily be knocked out or unbolted without leaving a clear visible sign that the perimeter has been breached. Although the one off cost to replace the pales is not too expensive, with repeat break ins/vandalism this can lead to a big expense over a period of time.

Steel Palisade often has a poor, inferior appearance and can create to a fortress-like appearance which can stand out as a potential target. It is worth considering a fencing option that blends into the aesthetics of the surrounding neighbourhood.

### Active Travel Co-ordinator

3.5. The Active Travel Co-ordinator advised that wherever possible the fence line should be moved back towards the quarry edge allowing the creation of a refuge for pedestrians along the road. This will enhance the area, improving usage and security. The availability of space for pedestrians would increase safety on the bends of Highsted Road and help connect PROWs ZU30 and ZU29.

3.6. Comments were also received from the following consultees:

### Environment Agency

3.7. No comments to make.

### Mid Kent Environmental Health

3.8. No comments to make.

### Lower Medway Internal Drainage Board

3.9. No comments to make.

### Kent Police

3.10. No comments to make.

### KCC Highways

3.11. This application has no implications from a Highways perspective.

### KCC Flood and Water Management

3.12. No comments to make.

SBC Conservation and Design

3.13. No further comment to make in light of the additional information provided by the applicant.

KCC Ecological Advice Service (KCC EAS)

3.14. In summary, KCC EAS raised no objection subject to conditions to secure ecological mitigation and for a watching brief during construction.

4. ASSESSMENT

4.1. Concerns have been raised in relation to pedestrian safety along this stretch of Highsted Road. At the points closest to the road the fence will now be set back one metre thus ensuring that there are more refuge points for pedestrians. This set back from the road can be reasonably secured by way of safeguarding condition. KCC Highways and Transportation Department have not raised an objection in terms of highway safety.

4.2. Turning to the appearance of the fence, this remains as per that originally submitted (palisade style and green in colour). While concerns have been raised in consultation responses that the Applicant has not selected an alternative style of fencing, officers are mindful that from a planning perspective it is important to assess the acceptability of the proposal as submitted, which is for palisade fencing.

4.3. As set out within the committee report from October 2023, the impact of this upon the rural lane can be mitigated over time through the imposition of landscaping conditions and the requirement to paint the fence green. The full assessment of this is available at Appendix 1 of this report.

4.4. Taking this into account the proposal is considered to accord with the Local Plan 2017 and the NPPF, it is recommended that the scheme be granted permission subject to safeguarding conditions.

5. CONCLUSION

5.1. Subject to landscaping, the visual impact of the fence could be mitigated and would not be unacceptable. Subject to the replacement fence being set back from the road edge as proposed, space would be available for pedestrians to retreat when vehicles are passing. The set back would assist landscaping to be planted to the front of the fence, that over time would help to screen it.

6. RECCOMENDATION

Approval subject to conditions.

## CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved details and drawings: Planning Addendum 29/06/2023 (RAL 6005 moss green powder coating), Highsted Chalk Pit 1 Road Side Fencing Plan; Highsted Chalk Pit 1 Site Location Plan, Highsted Chalk Pits 1, 2 and 3; BBF-HR-PF 10; BBF-HR-PF 11; Site Boundary Replacement Fencing Location Plan, Highsted Chalkpit 1 Site Boundary, Post Committee Follow Up 23/502632/Full by HG Dean & Co.

Reason: For the avoidance of doubt and in the interests of proper planning

- 3 No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 4 No development beyond the construction of foundations shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 5 Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 6 Prior to the erection of the fence a precautionary mitigation strategy must be submitted to the Local Planning Authority for written approval. The strategy must include the following:

- Details of habitats to be cleared.

- Plan of the habitats.
- Details of species likely to be present.
- Overview of mitigation required.
- Detailed methodology of works to implement mitigation.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that protected species are not harmed during construction.

- 7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an Ecological Clerk of Works so that development is observed and protected species are not harmed. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that protected species are not harmed during construction.

- 8 Where the existing fence is located within 1 metre of the roadside, the position of the proposed fence shall be set back 1 metre from the roadside.

Reason: In the interest of pedestrian and highway safety.

## INFORMATIVE

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

