

**Development Control Committee**  
Meeting to be held on 13<sup>th</sup> December 2017

Electoral Division affected:  
Skelmersdale West

**West Lancashire Borough: Application Number. LCC/2017/0078**  
**Retrospective planning application for the erection of two sections of fencing and gate. West Lancashire Community High School, School Lane, Skelmersdale.**

Contact for further information:  
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**Executive Summary**

Retrospective planning application for the erection of two sections of fencing and gate. West Lancashire Community High School, School Lane, Skelmersdale.

**Recommendation - Summary**

That planning permission be **granted** subject to a condition controlling working programme.

**Applicant's Proposal**

The application seeks retrospective planning permission for the erection of two sections of fencing at West Lancashire Community High School, School Lane, Skelmersdale. The fencing consists of black mesh fencing set in posts, coloured black (RAL9005) and are set at a maximum height of 2.4m to match the existing internal fencing at the school.

One section of the fencing covers a linear distance of approximately 20m to the front of the school site. The other section of fencing is located to the rear of the school buildings covering a linear distance of approximately 33m. This section also includes a 3m wide gate.

**Description and Location of Site**

West Lancashire Community High School is located off School Lane, approximately 2.3km north west of Skelmersdale town centre. The school is located in a primary residential area, with the nearest house being located approximately 30m to the east on School Lane. One section of fencing is located on the northern boundary of the school with Neverstitch Lane with the other length of fencing adjacent to main school access off School Lane.

## **Background**

The site is an established educational facility.

Planning permission was granted in November 2011 for a single storey classroom and greenhouse and erection of 2.4m mesh security fencing around new buildings (08/11/1084)

Planning permission was granted in March 2011 for the construction of a detached classroom block, adjoining greenhouse and adaption of the car park and play areas to provide additional off peak parking. (08/11/0123)

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 - 14, 17 and 56 - 66 are relevant with regard to the requirement for sustainable development, core planning principles and the requirement for good design.

West Lancashire Local Plan

Policy GN3 - Criteria for Sustainable Development

Policy EN3 - Provision of Green Infrastructure and Open Recreation Space

## **Consultations**

West Lancashire Borough Council - No objection.

LCC Highways Development Control - No objection.

Representations - The application has been advertised by site notice and neighbouring residents have been notified by letter. One objection has been received stating that as the fence was erected without planning permission it should be taken down.

## **Advice**

West Lancashire High School is for children with special educational needs who have different ranges of autism. The school has erected the fencing to help prevent unauthorised access which is a persistent problem for the school. There has been an increase in anti-social behaviour and dog walkers leaving mess behind on the school site. The new fencing would link with other existing fence lines and the enclosed area that would be created would be designated as an outdoor play area which would have to be kept clean at all times if used.

As the two sections of fencing have already been erected without planning permission, the school has submitted a planning application to regularise the development. One objection has been received by a local resident stating that as the fence was put up without planning permission it should be taken down. However Section 73A of the

Town and Country Planning Act 1990 makes specific provision to allow an application to be made to regularise a development that has already been carried out. Therefore the objection from the local resident is not supported.

The proposed development would be located within designated Green Infrastructure and Open Recreation Space identified in the West Lancashire Local Plan. Policy EN3 states *that development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:*

- *The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;*
- *The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or*
- *Successful mitigation take place and alternative, improved provision is provided in the same locality.*

The fencing would not result in the loss of any playing field space and therefore it is considered that the development complies with Policy EN3 of the West Lancashire Local Plan. The lengths of fencing are relatively short and are acceptable in terms of visual amenity complying with policies of the NPPF and West Lancashire Local Plan.

The school field had previously been used by local residents as a shortcut onto School Lane from residential properties located immediately east of the school. However as there is no formal public right of way through the school grounds there is no requirement to consider impacts in this respect or the need for any form of footpath diversion.

In view of the scale, location and purpose of the development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:-

## **Working Programme**

1. The development shall be carried out in accordance with the following documents:
  - a) The Planning Application received by the County Planning Authority on 6th October 2017.
  - b) Submitted Plans and documents:

Drawing No - A01 / Location Plan Indicating New Fence Positions

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy GN3 of the West Lancashire Local Plan.*

**Local Government (Access to Information) Act 1985**  
**List of Background Papers**

Paper	Date	Contact/Ext
LCC/2017/0078	November 2017	Faiyaz Laly / Planning and Environment / 01772 538810

Reason for Inclusion in Part II, if appropriate

N/A