

**4/01413/16/FUL - FENCE SCREENING TO THE FRONT AND SIDE OF THE SITE USING 2.4 M PLYWOOD SHEETS. FENCING USING PRO-MESH PERMANENT FENCING ALONG THE REAR AND SIDE OF THE SITE 2.4 M IN HEIGHT.
NASH MILLS METHODIST CHURCH, BARNACRES ROAD, HEMEL HEMPSTEAD, HP3 8JS.**

APPLICANT: Mr J Hussain.

[Case Officer - Jason Seed]

Summary

The application is recommended for approval as it is considered to comply with Policies CS11, CS12 and CS13 of the Core Strategy and the relevant paragraphs contained within the NPPF.

Site Description

The site comprises the vacant Nash Mills Methodist Church and accompanying land which is situated on the western side of Barnacres Road, Hemel Hempstead. It is understood that the site has been vacant for some time and the church is falling into a state of disrepair.

The surrounding area comprises a mix of uses including The Denes shopping parade to the immediate south and residential properties heavily present within the remaining surrounding area, most notably Fairway to the west and north-west and those present within Barnacres Road.

The site is not subject to any relevant planning designations, although it is situated within CIL Charging Zone 3 and is also located within close proximity to the High Barns Outer Area which is identified on the Proposals Map as being positioned to the east and south of the site.

Proposal

The application seeks full planning permission for the erection of hoarding and security fencing along the south-eastern, south / south-western and north-western boundaries. The application has been submitted to provide a solution in response to the concerns which were raised with the applicant by the Council's Anti-Social Behaviour Team, Council's Planning Enforcement Team and Herts Design-Out Crime advisor.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Nash Mills Parish Council.

Relevant Planning History

None

Considerations

Policy and Principle

Policy CS11 of the Core Strategy states that development should incorporate natural surveillance to deter crime and the fear of crime. Policy CS12 of the Core Strategy further states that development should respect adjoining properties in terms of security.

Policy CS13 states that new development will be expected to contribute to the quality of the public realm by providing active frontages and natural surveillance.

Paragraph 58 of the National Planning Policy Framework (NPPF) states that decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and this is repeated again within Paragraph 69 of the NPPF in respect of promoting healthy communities.

It is therefore considered that the principle of the development is acceptable, subject to other planning considerations.

Impact on Street Scene

The proposed fencing will be most visible when viewed from Barnacres Lane to the immediate south-east of the proposal site. From this vantage point, a 2.4m high plywood fence will be visible, with a gate positioned within it towards the southernmost corner of the site. The same fence arrangement will be evident when viewed from the footpath located to the south / south-west of the site, although the proposed 2.4m high security mesh fencing will also be partially visible from this receptor. The mesh fencing will be visible from the area / properties located to the west, north-west and north of the proposal site.

Whilst it is accepted that the plywood hoarding will have a limited visual impact upon the street scene, this impact will only be temporary and a condition requiring this section of the fence to be removed after a period of 18 months will ensure that this is the case. It is considered that the limited and temporary visual harm which would result from approval of the application is significantly outweighed by the benefit of the securing the site against further trespass. It is further considered that very similar erections are evident at most construction sites and as such, will be not creating a feature which is so alien as to warrant a refusal of planning permission.

The security mesh fencing is not temporary and will be retained following the removal of the plywood fencing. It is considered that this fencing has a high degree of visual permanence which minimises its impacts and these will be further mitigated through the introduction of site landscaping which, once established, will provide a green backdrop.

Impact on Trees and Landscaping

It is noted that during the determination of the planning application, matters in respect of existing and potential hedge / planting removal have been raised by local residents. However, whilst the loss of trees and hedges is not encouraged by the Planning Department, the site is not covered by any Tree Preservation Orders or other limitations or restrictions which would prevent such removal.

However, the proposal plans illustrate that screen planting is to be provided to the rear of the site and following discussions with the applicant, it was agreed that a landscaping condition could be attached to any forthcoming planning permission which would secure a landscaping scheme to provide further details on this respect and which would mitigate against the loss of existing vegetation and would also reduce the visual impact of the fencing which is to be permanently retained. This approach agrees with the comments provided by the Council's Trees and Woodlands Officer.

As such, it is considered that the proposal is acceptable in respects of matters pertaining to trees and landscaping.

Impact on Highway Safety

It is considered that any potential impact on highway safety is limited to those parts of the fencing which front Barnacres Road and more particularly, the northward visibility of vehicles

accessing The Denes. Whilst the proposed fencing is 2.4 high along the adjacent boundary, this is to be set in 1m from the site's boundary wall. Furthermore, the boundary wall is set back a significant distance from the road's edge due to the pavement which is immediately adjacent. The junction of The Denes / Barnacres Lane is set well forward of the proposal site's boundary wall and as such; the introduction of the fencing will not obscure views northwards of the site, where vehicles would be travelling south-north in any case.

The residential property which is situated directly north-east of the proposal site will be equally unaffected due to the separation distance between the drive, the pavement and Barnacres Road which ensures that driver visibility is not compromised.

Impact on Neighbours

A number of representations have been received from local residents expressing concerns pertaining to the visual impact of the proposals, the adequacy of the proposed security measures, loss of vegetation, and the creation of a new access.

Each of these matters is addressed within this report, except the creation of a new access. The applicant has confirmed that no new access is proposed under this application.

Suitability of the Proposed Measures

Concerns have been raised by both the Parish Council and local residents regarding the adequacy of the proposed measures with regards to securing the site against trespass.

Prior to submission of the application, the applicant sought advice from the Design-Out Crime Officer at Herts Constabulary at an on-site meeting. The advisor confirmed that the proposed measures would be sufficient to reasonably secure the site and advised that mesh fencing, when comparable with alternatives (such as palisade fencing) provided a much more secure option as it is more robust and provides visual permeability and therefore natural surveillance. It is considered that, even once the landscaping on the site has matured, the fencing will still provide a far greater level of ongoing security than the alternatives and will provide visual permanence and thus natural surveillance in the interim.

The original application proposed plywood fencing which would have been situated on Highways land (Barnacres Road) which, whilst not a matter of planning consideration, the applicant may have encountered difficulties securing the appropriate licences from the Highway Authority and as such, the application, if approved, may not have been implementable. A solution was sought which saw the fence moved inside of the wall and within the red line boundary, but concerns were expressed that the wall may have been used to assist mounting the fencing and facilitating entry to the site.

Finally, the fence was moved approx. 1m inside of the boundary wall to reduce the potential for such a situation to arise and it is considered that the applicant has gone to reasonable effort in ensuring that the proposed measures are fit for purpose. A gate is provided within the plywood fencing for maintenance purposes and to allow the exit in the unlikely event that a trespass occurs and a member of the public cannot get back over the plywood fencing.

It should be noted that in response to the planning application the Design-Out Crime Officer has been consulted and has stated that they fully support the proposals to secure the site to prevent it being used for Crime and Anti-Social Behaviour, and therefore reduce the call on Police time and resources.

As such, it is considered that the proposed fence is fit for purpose and will assist the site in complying with the objectives of Core Strategy Policies CS11, CS12 and CS13 and the relevant paragraphs of the NPPF.

Conclusions

The proposed fencing is considered to provide a solution to the security risk that is currently present at the proposal site. Whilst it is acknowledged that the plywood fencing will have a limited visual impact, this will be minimised by the imposition of a condition limiting its erection to a period not to exceed 18 months. The mesh fence that will remain is considered to result in minimal visual impact which will be further minimised through the introduction of landscape planting, securable by condition. Finally, it is considered that the acknowledged benefits of securing the site against trespass far outweigh any temporary visual harm which may arise and as such, the proposal complies with Policies CS11, CS12 and CS13 of the Core Strategy and the relevant paragraphs contained within the NPPF and is therefore recommended for approval.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Procter Pro-sure Fencing Specification
TBC**

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

- 3 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings, application forms and documents.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy

- 4 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

- 5 **The fence illustrated within Drawing No. XX which extends from 'A' to 'E' and 'F' to 'G' will permanently removed within 18 months of the date of this decision and all resulting debris will be removed from the site.**

Reason: To protect the visual amenity of the site and surrounding area in accordance with Policy CS12 of the Core Strategy.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.