

Application Ref: 12/01123/FUL

Proposal: Construction of fencing to contain rugby/football balls

Site: Peterborough Regional College, Park Crescent, Peterborough, PE1 4DZ

Applicant: Mr G Dolan
Peterborough Regional College

Agent: David Shaw

Referred by: Councillor J Peach and Councillor J Shearman

Reason: Harmful impact upon the visual amenity of the area

Site visit: 15.08.2012

Case officer: Miss L C Lovegrove

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site comprises an area of playing fields associated with the wider site of Peterborough Regional College and is sited immediately adjacent to the College Sports Hall. The site boundary currently comprises 2.4 metre high steel palisade fencing and to the south west by mature shrubbery which separates the site from the residential premises on Tait Close. To the east is a public footway lined by an area of open space with mature Lime trees which are the subject of group Tree Preservation Order. Beyond this are residential properties on Derby Drive whose gardens face towards the site.

Proposal

The application seeks planning permission for the erection of 5 metre high black chain link fencing along the south eastern boundary of the site and 1.8 metre high black netting to the south western boundary which can be raised to a height of 5 metres when the pitches are in use. The fencing/netting is proposed to ensure that footballs and rugby balls are contained within the site whilst matches are being played and prevent balls from straying into gardens and the public realm.

2 Planning History

Reference	Proposal	Decision	Date
12/00534/FUL	Construction of fencing to contain rugby/football balls	Application Withdrawn	11/06/2012

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 7 – Requiring good design

Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Local Plan (First Replacement) (2005)

LNE09 - Landscaping Implications of Development Proposals

Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

PP01 – Design Quality

Planning permission will only be granted where the proposal makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change impacts; and is designed with longevity as a key objective.

PP02 – Impacts of New Development

Planning permission will not be granted where development would result in loss of privacy, public and/or private green space or natural daylight; or it would cause noise and/or general disturbance, odour and/or pollution, overbearing impact or opportunities for crime and disorder.

PP14 – The Landscaping and Biodiversity Implications of Development

Planning permission will only be granted if the proposal makes provision for the retention of trees and natural features that make a significant contribution to the landscape or biodiversity value of the local environment.

4 Consultations/Representations

Victoria Park Residents Association

No comments received.

Sport England (08.08.12)

No objections - the fencing will not impact upon the existing pitches and will benefit local residents and users of the playing field.

Landscape Officer (14.08.12)

No objections - the proposal will not have a detrimental impact upon the protected trees.

Local Residents/Interested Parties

Initial consultations: 57

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

Three neighbour objections have been received in respect of the application and the following objections raised:

- There is no need for the fencing as balls have never come into rear gardens and there is a deep strip of land with tall trees preventing this already
- Not aware of any playing fields within or near residential properties that have this type of

- fencing
- The fence would look an eyesore

Councillor J Peach - Supports the objections received from residents along Derby Drive

Councillor J Shearman - Supports the objections received from residents along Derby Drive. The fence is unnecessary as no resident has experienced balls entering their garden or damaging their property. Furthermore, there are a number of trees along the footpath which already act as an impediment and prevent balls from causing damage. The fencing will have a seriously detrimental effect on the visual amenity of the area, contrary to Policy CS16.

5 Assessment of the planning issues

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Landscape implications
- Other matters

a) Design and impact upon the character and appearance of the surrounding area

It is acknowledged that the proposed fencing and netting would exceed the height of the existing 2.4 metre steel palisade fencing that surrounds the application site. However, it is not considered that this would appear incongruous or alien within the locality and will not result in significant harm to the visual amenity of the area. This type of fencing and netting is commonplace on playing fields and is used to prevent balls from leaving the playing field area and there is already an example of the 5 metre high wire mesh fencing in place immediately adjacent to the application site, on the playing fields associated with Thomas Deacon Academy.

It is considered that the proposed fencing, whilst taller than the existing fencing, will not appear unduly obtrusive when viewed from the public realm. The design of the fencing permits views through and accordingly, will not represent an obtrusive element within the public realm. With regards to the proposed 1.8 metre netting, extending to a height of 5 metres as required with the main posts retained at this height at all times, this is proposed to be sited adjacent to a boundary with heavy screening and accordingly will not be substantially visible from the public realm. On this basis, it is considered that the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and emerging Policy PP1 of the Peterborough Planning Policies DPD (Submission Version 2012).

b) Neighbour amenity

Three objections have been received from residents of Derby Drive which have been further supported by comments received from Councillors Peach and Shearman. The objections mainly focus on the loss of visual amenity to the area, as discussed in the preceding section. With regards to the impact of the proposal upon neighbour amenity, it is not considered that the proposed fencing and netting will result in any significant loss to the amenities of neighbouring residents. The fencing to the south east of the site is sited a sufficient distance from the nearest residential properties (approximately 20 metres to the nearest rear garden) and will be significantly screened from view by the line of mature Lime trees between the application site and Derby Drive.

Furthermore, it is acknowledged that there is little separation distance between the proposed netting and properties on Tait Close to the south west of the site. In order to prevent any harmful impact upon occupants by virtue of overbearing or overshadowing impact, the netting is proposed to be at a height of only 1.8 metres, raised to a total height of 5 metres only during time when the pitches are in use (approximately 15 hours per week). As such, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and emerging Policy PP2 of the Peterborough Planning Policies DPD (Submission Version 2012).

c) Landscape implications

The proposed fencing to the south eastern boundary of the site is to be sited in close proximity

to a line of mature Lime trees which are protected by way of a group Tree Preservation Order. The application has been accompanied by an Arboricultural Assessment in relation to the impact of the proposed fencing upon the root protection areas of these trees. The Assessment demonstrates that the proposals will not have a detrimental impact upon the protected trees and this is accepted by the City Council's Landscape Officer. On this basis, the proposal will not result in harm to or loss of trees worthy of retention and is therefore in accordance with Policy LNE9 of the Peterborough Local Plan (First Replacement) (2005) and emerging Policy PP14 of the Peterborough Planning Policies DPD (Submission Version 2012).

d) Other matters

Neighbour objections have been received in respect of this application, questioning the need for the proposed fencing and highlighting that there are no other examples of such fencing in residential areas. The question of need is not a material planning consideration and accordingly cannot be considered through the planning system. Furthermore, each site must be assessed on its own merits and accordingly, the assessment of other similar sites cannot be a material consideration in the determination of this proposal.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposed fencing and netting will not appear incongruous or overbearing within the public realm and will not result in harm to the character, appearance and visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP1 of the Peterborough Planning Policies DPD (Submission Version 2012);
- the proposal will not result in harm to the amenities of neighbouring residents by virtue of overbearing or overshadowing impact, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (Submission Version 2012); and
- no harm will result to the line of trees protected by way of a Tree Preservation Order immediately adjacent to the site, in accordance with Policy LNE9 of the Peterborough Local Plan (First Replacement) (2005) and Policy PP14 of the Peterborough Planning Policies DPD (Submission Version 2012).

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 Notwithstanding the details hereby approved, the netting to be erected along the south western boundary of the site shall be kept at a height no greater than 1.8 metres except for those times when the immediately adjacent playing fields are in use at which times the netting shall not exceed a height of 5 metres.

Reason: In order to protect the amenities of neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP1 of the Peterborough Planning Policies DPD (Submission Version 2012).

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