

Application Number:	2011/557	Application Type:	Full
Proposal:	Raise Fence Height Around South West Corner of Multi Use Games Area from 3m to 4.8m	Location:	Britannia Playground off Rochdale Road, Britannia
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	11 January 2012
Applicant:	Rossendale Borough Council	Determination Expiry Date:	20 January 2012
Agent:			

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

3 or more objections : NO

Other (please state): COUNCIL OWNED SITE

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

RECOMMENDATION(S)
Approval, subject to the conditions detailed in Section 9 of the report.

APPLICATION DETAILS

1. SITE

The application site lies to the north of and set back from Rochdale Road. It comprises a multi use games area (MUGA) surrounded by green mesh fencing to a height of 3m forming part of an area of open space/play provision to the south west of Britannia Community

Primary School. Such is the set back of the MUGA, and the colour and form of the fencing, it is not prominent from the road.

The MUGA is close to residential properties to its western side. The gable elevations of No. 6 & 16 Ernest Street and No.12 William Street are nearest to the site.

The site is located in the Urban Boundary of Britannia.

2. RELEVANT PLANNING HISTORY

2010/108 Provision of multiuse ballcourt (12m x 22m), including 3m high perimeter fencing and associated paths
Approved

3. THE PROPOSAL

Permission is sought to raise the height of the fencing to 4.8 metres around the south western corner of the MUGA, to respond to a problem of balls going over the existing fencing into the gardens of neighbours, then the children attempting to retrieve them, causing a risk to children and on occasion, damage to properties.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPG17 Planning for Open Space, Sport and Recreation

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
EM1 Environmental Assets

RBC Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles
Policy 23 Promoting High Quality Design and Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)

5. CONSULTATION RESPONSES

None undertaken

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 09/12/11 and 15 neighbours were notified by letter on 24/11/11.

No comments have been received.

7. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity, 4) Highway Safety

Principle

The application relates to an existing use within the Urban Boundary. Accordingly, the scheme is considered acceptable in principle.

Visual Amenity

Providing that the fencing is coloured green, as is the current fencing, I am satisfied that it would not be unduly prominent or intrusive. The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

There are no habitable room windows that would face the new fencing. I am satisfied that light/outlook to any garden areas would not be significantly reduced due to the mesh design of the fencing. The increased height has been proposed to respond to a neighbour amenity problem. No objections to the application have been received.

The scheme is considered acceptable in terms of neighbour amenity.

Highway Safety

The MUGA is set back from Rochdale Road, therefore, there would not be any impact on highway safety.

8. SUMMARY REASON FOR APPROVAL

The development is acceptable in principle and would not unduly detract from the character and appearance of the area, neighbour amenity or highway safety. It is considered that the development is in accordance with PPS1/PPG17, Policies DP1-9/RDF2/EM1 of the Regional Spatial Strategy, and Policies 1/23/24 of the Council's Core Strategy DPD (November 2011).

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with Dwg/2046c date stamped 14 November 2011 and the mesh fencing be coloured green unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policies 1/23/24 of the adopted Core Strategy DPD 2011.
3. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To safeguard the amenities of neighbours, in accordance with Policies 1/23/24 of the adopted Core Strategy DPD 2011.