

Application Number:	2011/596	Application Type:	Full
Proposal:	New 5m high fence to East, South and Part of West Side	Location:	Victoria Park Multi Use Games Area (Muga), Helmshore
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	24 January 2012
Applicant:	Rossendale Borough Council	Determination Expiry Date:	2 February 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 :

Other (please state): **COUNCIL OWNED**

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 10 of the report.

APPLICATION DETAILS

1. SITE

The application relates to the south west corner of Victoria Park and comprises a multi use games area (MUGA) surrounded by green fencing to a height of 3m.

To its east and south sides, separated by trees and a footpath are detached residential properties. Such is the boundary treatments the play area is not unduly prominent from these properties.

The site is located in the Urban Boundary of Haslingden, in an area designated as Greenlands.

2. RELEVANT PLANNING HISTORY

None

3. THE PROPOSAL

Following consultation with the Victoria Park Friends Group, and stakeholders and users of the play area permission is sought to provide new fencing around the MUGA to provide a new 2m high extension to the already 3m high fence (totalling 5m) around the east, south and part of the west elevation, to prevent balls going over the existing fencing into the gardens of neighbouring houses. The proposed fencing would be Duex S68 steel fencing.

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

LCC (Highways)

No objection

6. REPRESENTATIONS

To accord with the General Development Procedure Order 2 site notices were posted on 23/12/2011 and 23 neighbours were notified by letter on 12/12/11.

One representation has been received, from a resident to the rear of the site. They state:

“We are fully supportive of the 5m fence, but would query the materials specified....which is shown as Duex S68 fencing.

- 1) This is different construction to the steel netting used for the remainder of the fence.
- 2) Has any consideration been given to the noise level (clanging / banging) that this type of fencing will omit when hit by a football at force?

We should also ask that you action the correction of the timing of the floodlighting which under the by law should go off at 21.00 hours but is currently on until 22.00 hours”.

7. APPLICANTS RESPONSE

“The product is suitable to achieve our objective and will minimize balls going into neighbouring gardens while not increasing rebound noise beyond what is experienced already. The following additional information has been provided:

“The mesh to be used is the product proposed by our supplier to undertake the task. They have advised that it is standard for them to reduce the fencing specification to this type of mesh on fencing above 3m high.

The mesh is ‘Duex[®] 868’ and is described as a rigid, yet unobtrusive, mesh fencing system. It is often used as a perimeter fence for industrial or commercial premises and sports pitches where a strong mesh fencing system is required. The mesh is inherently strong and heavy duty as it sandwiches a 6mm vertical wire between two 8mm horizontal wires and they offer a high resistance to vandalism.

The mesh will be in keeping with the colour of the existing fencing and will not look out of place. To use the same material as the rest of the fencing would not only increase cost but would increase weight and put unnecessary strain on the supports.

The noise level will be no greater than the steel fencing at the lower level. However, it’s worth noting that as it is only used at a height over 3m it’s likely not to be struck as often or as hard as the main fencing and will be mainly there for stopping high balls only.

It is proposed that this MUGA extension will benefit local residents by minimizing the risk of balls going into neighbouring gardens, problem of children trying to retrieve the balls etc and will not cause detriment by being a noise nuisance above what is experienced already by normal use of the existing Multiuse Games Area.”

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity; & 3) Neighbour Amenity.

Principle

The application relates to an existing use within the Urban Boundary. In addition, the

increase in height of the fencing would not compromise the openness of the Greenlands area. Accordingly, the scheme is considered acceptable in principle.

Visual Amenity

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

Neighbour Amenity

The increased height has been proposed to respond to a neighbour amenity problem.

Taking into consideration the separation distances from the nearest neighbours, and the existing trees around the MUGA, I am satisfied that the additional height of the fencing would not significantly affect light or outlook of neighbours. Nor do I consider that the additional fencing will cause excess noise (from such things as footballs being kicked against it) provided that it is securely fixed.

The scheme is considered acceptable in terms of neighbour amenity.

9. SUMMARY REASON FOR APPROVAL

The development is acceptable in principle and would not unduly detract from the openness of the Greenlands, 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).

10. 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/2050a date stamped 08 December 2011 and the 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.