

Agenda Item No. 4.3

**DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE**

5 June 2017

Report of the Strategic Director – Economy, Transport and Communities

- 3 NEW FENCING AND GATES AROUND THE PERIMETER OF THE
PLAYING FIELD AT HASLAND HALL COMMUNITY AND JUNIOR
SCHOOL PLAYING FIELD, THE GREEN, HASLAND,
CHESTERFIELD
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD2/0117/91**

2.251.9

Introductory Summary This application is for the erection of 2.4 metres (m) high black security fencing and gates at the playing field at Hasland Hall Community and Hasland Junior School Playing Field, The Green, Hasland. The site is located in the Green Belt and is identified as open space in the development plan. The Local Member, Councillor Allen, has objected to the proposals. It is not considered that the development would result in any adverse environmental impacts and it is considered that it would accord with the requirements of the National Planning Policy Framework (NPPF) and the development plan in respect of Green Belt and open space policies. The proposals are recommended for approval subject to conditions.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This application is for new fencing and gates to be positioned around the perimeter of an existing playing field associated with Hasland Hall Community and Junior School. The proposed fence would be black in colour (RAL 9005) IAE DUEX 868 with a height of 2.4m and fixed to black (RAL 9005) posts. The proposed double gate and pedestrian gates would also be black (RAL 9005) V-mex with infill panel to match the proposed fencing detail and would also be 2.4m in height.

The application site is approximately 380m south-west of the main school campus, on the settlement's rural fringe. There are residential properties situated along the northern boundary of the site which is enclosed on all other sides by open green space. The site is situated within the Green Belt and is identified as open space in the Chesterfield Borough Council Local Plan: Core

Strategy 2011 – 2031 (2013) (CBLP:CS). In addition to this, there are two Grade II listed buildings located to the east within 80m of the site.

The boundary to the site is formed by a narrow strip of maturing vegetation (trees and shrubs) and a hedgerow. There is a public footpath (Chesterfield footpath no. 1) along the access track to the south of the site which leads to Ingleton Road. The site area already contains an existing 1.1m high wire fence which runs alongside the public footpath to the south of the playing field. Adjacent to the wire fence, on the opposite side of the footpath, are high hedges and trees that also run along the footpath. Also, an existing black 2.4m high fence with a double gate is located outside the existing pavilion building. In addition to this, existing black fencing runs along the northern perimeter of the site.

Post Application Submissions

The applicant has provided additional and revised information following the submission of the planning application. This information included an ecological and arboricultural surveys and revised drawings regarding fence details.

Consultations

Local Member(s)

Councillor Janet Hill was notified as local Member at the time the application was advertised.

Adjacent ward member, Councillor Barker (Sutton), was also notified.

Councillor Allen (Birdholme) has stated the following comments:

"I am in receipt of a notification of the proposed new fencing and gates around the perimeter of the playing fields at Hasland Community School and Junior School.

This is something which has been a concern for me and reflects the views I have had from local residents who use this area for both recreation and walking their dogs which I presume is one of the reasons why the school wants to remove this ability.

I have a lot of sympathy with the people because it is an open space and obviously not used by the school all the time and I wish that some provision could be made for people to access the area and ensure that there is a way through to get on the footpath which leads down towards the railway line and on towards Grassmoor.

I know that the school are very much wanting to do this proposal but as I have indicated I have some reservations that it reduces the ability for people to have access to this potentially quite useful green area. Could you please put

these comments to the Planning Committee in consideration of the application?"

Chesterfield Borough Council

No objection.

Publicity

The planning application was originally advertised by press notice (Chesterfield Advertiser) and site notice on 17 March 2017. In response to this publicity, one representation was received which stated support for the school's reasons for the project.

"I represent the Grassland Hasmoor Big Local - Green and Open Spaces Project. We have been in discussions for some time with DCC Public Rights of Way and Greenways departments as well as other local groups who have an interest in the connection from The Green in Hasland to the new Avenue Country Park along the Public Right of Way (PROW) GHW1 which runs along the side of the Hasland Hall School playing field. We are also stakeholders in the DCC A61 Growth Corridor Project with particular interest in the cycle routes that connect the communities of Hasland and Grassmoor to the Avenue site and on into Chesterfield. This PROW forms an important link for the community to an exciting new leisure facility and a direct link to the new NCR67 (National Cycle Route) We have no objection to the installation of the proposed fence and understand and support the Schools reasons for the project. What we do however ask, is that a minimum of 3m is left between the proposed new fence and the existing hedge. This will give the minimum width to allow the PROW to be upgraded to a standard that will allow multi user access in the future, It will also allow a width for ongoing maintenance and routine hedge cutting along the route."

Comments: With regard to the representation the site location plan 1:1250 submitted with the application shows that there will be between 5m - 6m separation from the proposed fence line and the existing hedge.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the development plan consists of the CBCLP:CS and saved policies of the Replacement Chesterfield Borough Local Plan (2006). The NPPF and the associated Planning Practice Guidance (PPG) are also material considerations.

The most relevant development plan policies in respect of this application are:

Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 (2013)

CS9: Green Infrastructure and Biodiversity.

CS18: Design.

CS19: Historic Environment.

National Planning Policy Framework (2012) (NPPF)

Chapter 7: Requiring good design.

Chapter 8: Promoting healthy communities.

Chapter 9: Protecting Green Belt Land.

I consider that the key issues in the consideration of this proposal are:

- The need for the development.
- The location of the development.
- Impact on the openness of the Green Belt.
- The visual impact of the development.
- The impact of the development on the setting of the nearby listed buildings.

Need for the Development

The Design and Access Statement accompanying this application stated that the proposed fencing around the playing field's perimeter is to improve the security and safeguarding of the students during their PE lessons and sporting activities. In addition to this, the playing field has been subject to anti-social behaviour and vandalism during and outside of school hours. Also, the site is frequently used by dog walkers, which has resulted in large amounts of fouling occurring on the playing field.

I consider that there is a clear need for the proposed development which would provide appropriate security for the pupils and protect the site from dog fouling, vandalism and anti-social behaviour. The erection of the fence would also contribute towards reducing opportunities for crime which is in line with CBCLP:CS Policy CS18, as well as Circular 5/94 "*Planning Out Crime*". The proposed fencing could improve the security of the school's playing field and safeguard pupils during their lessons and sporting activities. A fence around the perimeter of the field could lessen the opportunity for vandalism and dog fouling occurring on site. As a result, the school children would benefit from a safer environment in which to play and learn with a reduced risk to their health and wellbeing.

Location of the Development

The site is identified as open space in the CBCLP:CS. In respect of open space, Policy CS9 of the CBCLP:CS states that:

“...Planning permission will not be granted for development which would have a negative impact on or result in the loss of open space, play provision and sports facilities unless they are:

- i. identified as surplus to demand, based on evidence and locally defined standards,*
- ii. The development would result in alternative or improved provision that better meets locally defined standards; and*
- iii. The site is not needed for other open space, play provision or sports facilities identified in locally defined standards”*

The development is intended to maintain the school playing field in an acceptable, usable state for both Hasland Community School and Hasland Junior School. Currently, potential health and safety issues are arising as a result of continued issues with dog fouling on this land. It is acknowledged that the proposals would have the effect of restricting the use of the school playing field by the wider local community and, whilst this is understandably disappointing as it would effectively remove an open area of land from public use, I do not consider that this is sufficient to warrant a recommendation of refusal. I also note that Chesterfield Borough Council raised no objections in this respect. The adjacent Public Right of Way would not be obstructed as a result of the proposals. It is also noted that the field is primarily intended for use as a school playing field, despite its location away from the main school site. In considering the safeguarding needs of both schools and the fact that the erection of the fencing would ensure that the land continued to be used for its intended purpose, I am satisfied therefore that the proposals would not conflict with the requirements of policy CS9 of the CBCLP:CS.

Green Belt

The site is located within the Green Belt, as identified in the CBCLP:CS (2013). The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. To this end, the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Policy CS9 reiterates the overall aims of the NPPF in respect of Green Belt stating that development proposals should ‘...*not harm the character or function of the Green Belt*’.

The NPPF states that new buildings would be considered inappropriate development, in the Green Belt except where they are associated with certain forms of development including the provision of appropriate facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposals here are not for a new building, but would introduce new structures (in the form of 2.4m high security fencing and gates) into the Green Belt. The

fencing would be associated with an existing outdoor sports facility and would be consistent with other, pre-existing, fencing in the vicinity. Under those circumstances, I am of the view that the proposed development would be appropriate development in the Green belt and so would not be contrary to the policies of the NPPF or the CBCLP:CS.

Landscape and Visual Impact

The proposed fencing is to be 2.4m high with posts set at 2.52m spacings. The proposed development intends to provide two access points along the footpath. One of the access points to the playing field would be a 2.4m high black (RAL 9005) 4.0m wide double gate to the south-west. In addition to this, a second access point is to be positioned to the south-east which is a 2.4m high black (RAL 9005) 1m wide pedestrian gate.

The proposed colour, height and type of fencing would match existing fencing erected around the sports pavilion. The proposed use of black (RAL 9005) fencing would ensure that it would be visually recessive, reducing the potential visual impact upon the surrounding area. Furthermore, the proposed fencing would be positioned in a relatively visually discrete location. This is because it is set back from the public highway and is not directly visible from any dwellings due to the typography of the site as well as existing trees and vegetation. The fencing could potentially result in visually impacts to those who use the adjacent footpath located to the south of the site. This is because the view of the playing field from public footpath no.1 would be impeded by the fence. However, I do not consider such impacts would be so significant as to warrant a recommendation of refusal.

In conclusion, in respect of landscape and visual impacts, whilst I consider that the proposed fence's location has particular sensitivities as it is on the edge of a settlement, the proposed location, colour and design are considered appropriate given the site's wider context. Under those circumstances, I am satisfied that the development would accord with the requirements on Policy CS18 of the CBCLP:CS.

Heritage Impact

The proposed fencing appears to be well screened by existing mature trees and hedgerows. There should be a negligible visual impact on the setting of the two adjacent Grade II Listed Buildings; the Manor House and Range of Farm Buildings to the north. The visual impact of the development is further mitigated by the specified colour of black (RAL 9005) which is a visually recessive colour.

In consideration of the development's proximity to the listed building, as well as the colour (black RAL 9005) and design of the fencing that has been specified, would ensure that it is as visually recessive as possible. As the fencing is specified in a suitably recessive colour (black RAL 9005) and

located within a relatively discreet and the proposed development is considered to comply with the development plan.

Conclusion

In conclusion, I do consider that the proposed development would cause any adverse impacts and I am satisfied that the proposal would not conflict with the policies of the development plan. The application is therefore recommended for approval subject to the conditions set out below.

(3) **Financial Considerations** The correct fee of £195 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 2.251.9
Application documents, Existing Site Plan received 2 February 2017, Proposed Site Plan received 2 February 2017, Design and Access Statement received 2 February 2017, Application Form received 15 February 2017, Proposed Fence Details received 12 April 2017, Site Location Plan 1:1250 received 12 April 2017, Proposed Fence Details received 15 April 2017, Proposed Fence Details received 15 April 2017, Tree Survey Report received 15 April 2017, and Badger Survey Report received 15 April 2017

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

Commencement

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

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details in the 1APP form dated 15 April 2017, Design and Access Statement, Ecology Survey, Tree Survey and the accompanying drawings PBS15-0878-003 entitled 'Proposed fence Details', PBS15-0878-008 A2 entitled 'Site Location Plan 1:1250', PBS15-0878-001A revision A entitled 'Existing Site Plan', PBS15-0878-002 entitled 'Proposed Site Plan', PBS15-0878-003 entitled 'Proposed Fence Details', PBS15-0878-004 entitled 'Proposed Fence Details'.

Reason: To enable the County Planning Authority to monitor the development in the interests of local amenity.

- 4) All fencing and gates shall be black (RAL 9005) in colour.

Reason: In the interests of the visual amenity of the area and preserving the setting of the nearby listed buildings.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnote

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Communities

