
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 24th July 2014

Subject: APPLICATION: 14/00670/FU – Replacement perimeter fencing to artificial grass pitch at Wetherby High School, Hallfield Lane, Wetherby.

APPLICANT

Wetherby High School

DATE VALID

14 February 2014

TARGET DATE

31st July 2014 (Agreed Extension)

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

1. Time limits on permission.
2. Development in accordance with approved plans.
3. All fencing, posts, gates and doors to be green (RAL 6005), as described in the application.

1.0 INTRODUCTION

- 1.1 This report relates to an application for planning permission to replace the perimeter fence enclosing an approved all-weather pitch at Wetherby High School. The application is brought to Plans Panel at the request of Ward Councillor John Procter.

2.0 PROPOSAL

- 2.1 The application seeks planning permission for the replacement of the existing 3.1m to 4.9m high perimeter fence (3.1m plus netting in places), with a 4.5m to 6m high perimeter fence (4.5m plus 1.5m netting in places). The posts are to be galvanised

and finished in a polyester powder coated green finish (RAL 6005). Fence panels are galvanised and are to be powder coated to match the posts, as are doors and gateways serving the pitch.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the site of the synthetic turf pitch which is located to the west of Wetherby High School. The pitch measures 97.4m x 61.0m with a 3m path at the ends and a 2m path at the sides. Morrisons supermarket and car park are located to the west, southwest and south. To the southeast is the school car park and to the north are dwellings on 'The Moorlands' and Moorlands View. The school tennis courts and main school buildings are located immediately to the east.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/00667/FU – Variation of condition 2 (lighting) of 31/301/01/FU – Included on this agenda.
31/301/01/FU - Eight 15m high floodlights to all weather sports pitch – Approved 28.11.01
31/364/98/FU - Laying out of all-weather floodlit pitch. Approved - 19.06.01
- 4.2 There is an extensive history of permissions for various extensions and alterations to the school, including the provision of indoor sporting facilities.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been no pre-application discussions as such in this case, though advice has been given procedurally on the form the application should take, and the agent has indicated post-submission that they are agreeable to an extension in time to allow for consideration by Plans Panel at the 24th July 2014 meeting.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notices which were placed at the front of the site on Hallfield Lane, North Street, The Moorlands, and Moorlands View/Moorlands Court. On 14th March 2014 the time for comment expired and at the time of writing this report no third party letters of comment or objection had been received.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Sport England – *Sport England does not wish to raise an objection to this application as the fencing replaces the existing and conforms to the required standards for sport. The proposal meets the following exception to Sport England Policy "E2 – The Proposed development is ancillary to the principal use of the site as a playing field and does not affect the quantity or quality of pitches or adversely affect their uses".* Whilst having no objection Sport England go on to raise concern over the intention to resurface the current sand based surface with a 3G rubber crumb surfaces, citing a difference of opinion between the Council and it as to whether or not such proposals constituted development requiring planning permission, concluding that they believe it does because it might involve a different drainage system.

- 7.2 Environmental Protection Team – *This does not look to be an application that requires the specialist advice of the Environmental Protection Team. It appears to involve replacing existing fencing with something similar.*

8.0 **PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Local Planning Policy

- 8.2 The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). Relevant policies contained in the UDPR are listed below:

GP5: – Seeks to deal with matters of detail at the planning application stage.

LT1: - Seeks to prioritise the provision and siting of new leisure facilities and enhancement of existing facilities, in areas with poor access to facilities, and at locations accessible to all sections of the community.

LT2: - Support the fullest possible public use of the District's leisure facilities.

N7A: - Encourages the provision of new playing pitches and more effective layout or enhancement of existing pitches where there is a recognised shortfall.

SA6: - Strategic goal seeks, inter alia, to encourage provision of facilities for leisure activities.

- 8.3 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report should be published before the end of July 2014. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications.

- 8.4 In reflecting the Core Strategy's Spatial Vision, Place Making Objective 11 seeks to support the provision of community infrastructure that is tailored to meet the needs of the community, including high quality health, education and training, cultural and recreation, and community facilities and spaces [my emphasis]. Core Strategy Design Policy P10 (Design) is relevant. Policy P10 (Criterion (i)) states that proposals will be supported where their size, scale and layout is appropriate to its location and they respect the character and quality of the external spaces and wider locality. Criterion (ii) requires that development protects the visual, residential, and general amenity of the area.

National Planning Policy Framework (NPPF)

- 8.5 The first bullet of paragraph 70 of the NPPF states that *"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared*

space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”

- 8.6 The NPPF sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. At paragraph 73 the NPPF states that “*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities....*”

9.0 MAIN ISSUES

- 9.1 The main issues in considering the proposed variation of condition sought are:

- Principle of development
- Impact on residential amenity.
- Impact on the character and appearance of the locality.
- Resurfacing works.

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of development of the site for a floodlit sporting facility was first established under planning application reference 31/364/98/FU. Subsequently planning permission was granted for larger lighting units under application reference 31/301/01/FU in 2001.
- 10.2 The agent states in their submission that the purpose of the refurbishment is improve access and opportunities for school and community club users. Sport England and the Council's own policies support the improvement of existing sporting and recreational facilities and wider public use. The development is therefore acceptable in principle.

Impact on Residential Amenity

- 10.3 The pitch measures 97.4m x 61.0m with a 3m path at the ends and a 2m path at the side. The existing fence around the pitch measures 3.1m in height, except to the western boundary and round to the rear of goal nets where it measures 4.9m. The proposed fence measures approximately 4.5m, except to the western boundary and round to the rear of goal nets where it measures 6m. This therefore represents an increase in height of 1.4m and 1.1m respectively.
- 10.4 The boundary where any increase in height could affect residential amenity is that to the north where the pitch is some 25m away from the nearest dwellings situated on The Moorlands and Moorlands Court/Moorlands View. Two of the dwellings on The Moorlands which back onto the site are single storey dwellings and two are two-storey dwellings. The proposed fence would be to their south.
- 10.5 At its highest the fence would measure 6m high, lower than the eaves of most two storey dwellings. Though it would be visible, the fence would be of wire/polyethylene mesh design and construction, and would therefore let a fair degree of light through it as does the existing fence which is of a similar design. Across the distance involved, at the heights proposed, and given the nature of the construction and design of the fence, the proposed increase in height is not considered to give rise to

any unacceptable loss of light, or to overly dominate neighbouring dwellings. No third party amenity objections have been received.

Impact on Character and Appearance

- 10.6 The existing fence can be seen from Hallfield Lane where it sits above the level of the adjacent school and Morrisons car parks, and from North Street, where in more limited distant views it can be seen from between Morrisons, the Swan and Talbot Public House and the Royal Mail Delivery Office. Naturally a larger fence will project more and will therefore be more visible. Across the distances involved however it would not be overbearing on any public highway or public areas and it would not be unduly harmful to the character or appearance of the area. No heritage assets are affected by the proposal and no visual impact objections have been raised by any third party.

Resurfacing Works

- 10.7 Concern is raised by Sport England in their consultation response with regard to whether or not any allied resurfacing works constitute development. The supporting information describes proposals for resurfacing work and the agent for the applicant was therefore invited to agree an amended wording for the description of development, to include these resurfacing works, to cover the eventuality that any associated drainage works might lead them to require planning permission (as Sport England suggest). The agent for the applicant would not agree to the revised wording of the description of development, so it remains as stated above.
- 10.8 The agent states in their submission that the purpose of the refurbishment is to improve access and opportunities for school and community club users, by upgrading the pitch from a sand-based playing surface to a 3G rubber one. However, in the absence of precise details and as the agent is not agreeable to a change in description to cover any such works, they cannot be considered any further under this application. In any event, in planning terms, a change in surface alone would not raise any concerns.

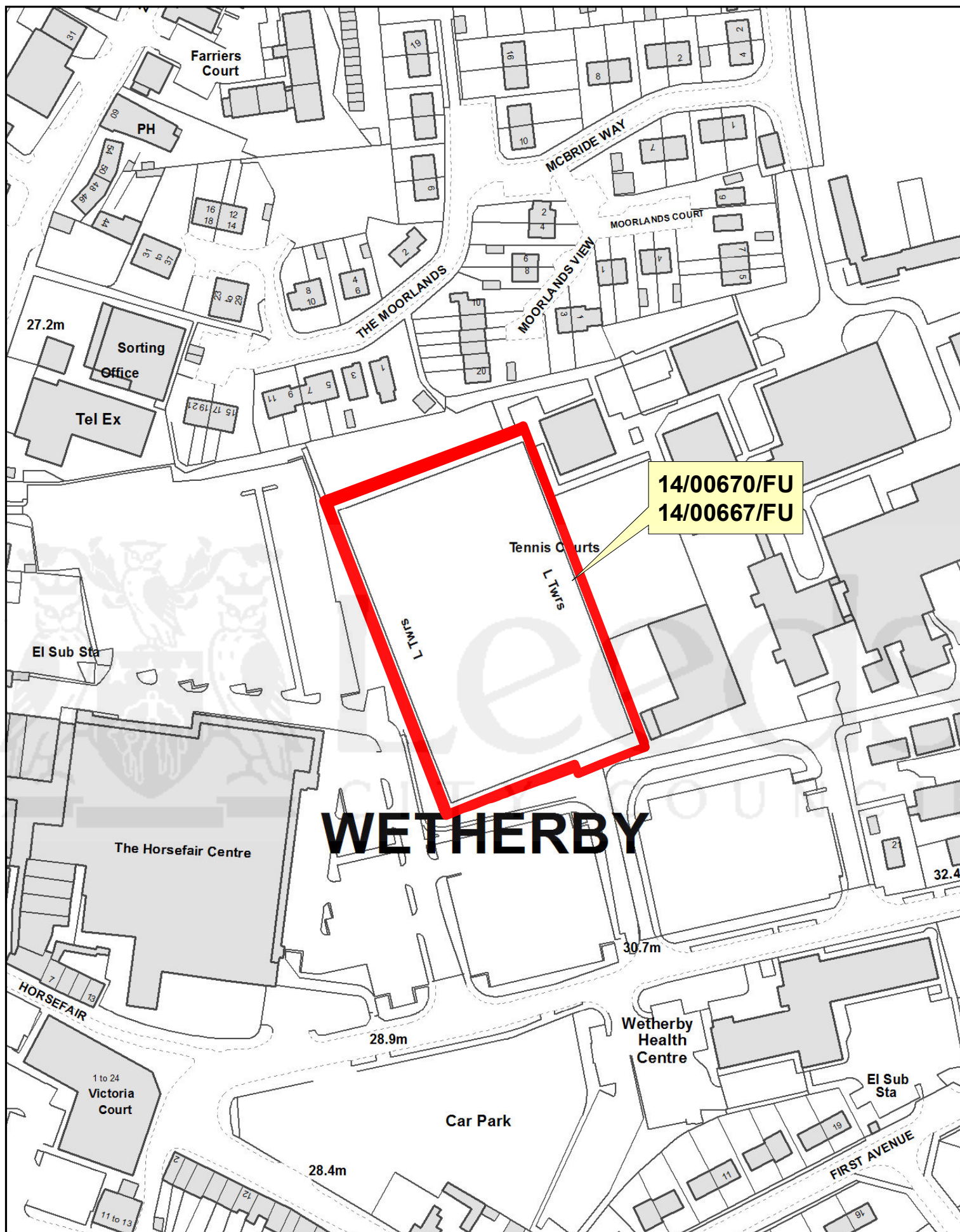
11.0 CONCLUSION

- 11.1 The proposed upgraded fence would not cause any unacceptable harm to the residential amenity or living conditions of neighbouring residents, nor would it be unduly harmful to the character and appearance of the locality. It would not create undue light pollution of a dark landscape and it would not harm ecological considerations. The proposal would not therefore conflict with the requirements of UDPR Policies GP5 and LT1, or relevant guidance contained within the NPPF, and would be a form of development consistent with UDPR, Core Strategy and NPPF policy objectives to improve facilities for outdoor recreation and sport, in promoting health communities. Members are requested to accept the officer recommendation to grant permission.

Background Papers:

Application files: 14/00660/FU

Certificate of ownership: Signed by the agent on behalf of the applicant as owner



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

