



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 10th March 2016

Subject: 15/07263/FU – Replacement fencing to part of site boundary at HM Prison Wealstun, Walton Road, Thorp Arch, Wetherby, Leeds.

APPLICANT

Homes and Communities
Agency

DATE VALID

4th December 2015

TARGET DATE

29 January 2016

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 specified conditions:

1. Time limit
2. Plans to be approved
3. The fencing shall be green in colour
4. Details of a tree planting scheme to be submitted
5. Details of tree management scheme

1.0 INTRODUCTION

- 1.1 The application proposes to replace the boundary fencing to part of the site, which holds a protected play area designation. The application is brought to Panel at the request of Cllr John Procter who raises concerns in relation to the visual impact of the development.

2.0 PROPOSAL:

- 2.1 The proposal seeks to replace a 1.8m high chain link fence along the eastern boundary with an approximate 1.8m high paladin fence for the length of approximately

350m facing the highway. A 26m long chain link fence to the northwest boundary, next to an area of domestic garages, will also be replaced with a paladin fence. Up to three trees are proposed to be removed to enable the development.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located in the village of Walton near to Boston Spa. The site was formerly part of HMP Wealstun and was largely occupied by protected sports pitches. Currently the site is overgrown and not used for sport or recreation. There are a couple of spoil mounds that are now largely covered by hawthorn scrub. The site bounded by the prison to the south, residential properties to the west and north, and by an annex of the British Library to the east.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following comments from the Nature Conservation Officer, the applicant was asked to submit a report investigating the presence of badgers. Although, a potential badger set has been identified the survey concludes that the development will not be a risk to badgers.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site Notice Posted 18.12.2015. To date, no representations have been received.

6.2 **Thorp Arch Parish Council:** No objection, but states that the address sited on the application form is incorrect. The Parish Council highlights that the site is in Thorp Arch and not Walton. It is considered that the address sited is correct.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 **Sport England:** No objection

Non-Statutory

7.2 **Nature Conservation:** Following the submission of a badger survey which concludes that the proposal does not pose a significant risk to badgers, the Nature Conservation Officer raises no concerns.

7.3 **Landscape Officer:** No objection to the number of trees proposed to be removed provided that additional trees are planted to compensate for the loss.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary

Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), together with relevant SPGs and SPDs.

Local Planning Policy

8.2 *The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:*

SP1 Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

P10 Seeks to ensure that new development is well designed and respect its context.

P12 Seeks to ensure that Leeds' landscape character is retained.

8.3 The following saved UDP policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N33: Development the Green Belt.

N37: Special Landscape Areas

N37A: Development in the Countryside

BD5: Seeks to ensure new development protects amenity.

LD1: Seeks to ensure the quality of good landscaping.

N6: Developments on Protected Playing Pitch

National Planning Policy

8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them. The following sections of the NPPF are most relevant to the consideration of this application:

- 8.5. 7 Requiring good design
- 11 Conserving and enhancing the natural environment

9.0 MAIN ISSUES

- Protected Play Area
- Visual Amenity/design and character
- Impact on neighbours
- Trees

- Representations

10.0 APPRAISAL

Protected Play Area

- 10.1 The site is designated as a protected Playing Pitch. Sport England comments that the '*proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site*'.
- 10.2 In light of the comments made by Sport England, it is not considered that the proposal will harm the amenity of the playing pitch and the way it functions. Therefore, it is considered that the proposal is acceptable in principle and complies with planning policy guidance.

Visual Amenity/design and character

- 10.3 The proposed fence will largely replace existing fencing which is similar in height. Although, there is a difference in the appearance, they are both designed to be functional, and the impact of the proposal on the visual character of the area will be similar to the existing. It is noted that the proposed fence is slightly more solid looking compared to the existing fence, but views through the fence will remain and some of its prominence can be mitigated by conditioning the fencing to be painted green in colour. This will allow it to blend in with its associated green fields. The largest and the most prominent section of the fence will front Street 5, which is an industrial area where there are examples of various different types of boundary treatment and a similar fence is present around the British Library which is located opposite the site. Therefore, it is considered that proposed paladin fence will not appear out of place when viewed from the industrial estate. The other sections of the replacement fences will not front the highway, and therefore its impact upon the character of the area will be neutral.

Residential Amenity

- 10.4 A small section of fence will be set close to residential dwellings. At 1.8m, it is similar in height to typical residential boundary fences or walls in the locality. Unlike, domestic boundary treatment, its open boarded design will offer views through. Therefore, it is considered that the proposal will be less prominent compared to typical domestic wall or fence. Therefore, it is considered that the proposal will not have an adverse impact upon neighbouring amenities by way of overshadowing or dominance. It is noted that a fence of this design is associated more commonly with commercial areas and is normally not acceptable in a residential area. However, the proposal being a replacement of an existing wire mesh fence of a commercial design, it is not considered that the visual appearance of the fence will be harmful to residential amenity.

Trees

10.5 The proposed development will result in three trees being removed. The Landscape Officer has assessed the scheme and has raised no concerns. The trees are not protected with a TPO and are immature younger specimens that do not appear prominent from the street. Therefore, it is concluded that the loss of the trees are not a concern and any harm resulting from the loss of the trees can be mitigated by planting more trees than the number that will be removed. Usually, the LPA will require three trees to be planted for every one tree removed. This requirement, it is considered, will sufficiently compensate for the loss of three trees. Therefore, it is considered that the proposed removal of the trees is acceptable, provided that a condition is imposed requiring new trees to be planted within the site.

Nature Conservation

10.6 The Badger Survey reveals that the proposal does not pose a risk to badgers that may be using the site and therefore the proposal raises no nature conservation issues. The Nature Conservation Officer has assessed the scheme and has raised no concerns.

Public Representation

10.7 The comments made by the Parish Council that the address of the site is noted. The site is Walton Road in Thorp Arch.

11.0 CONCLUSION

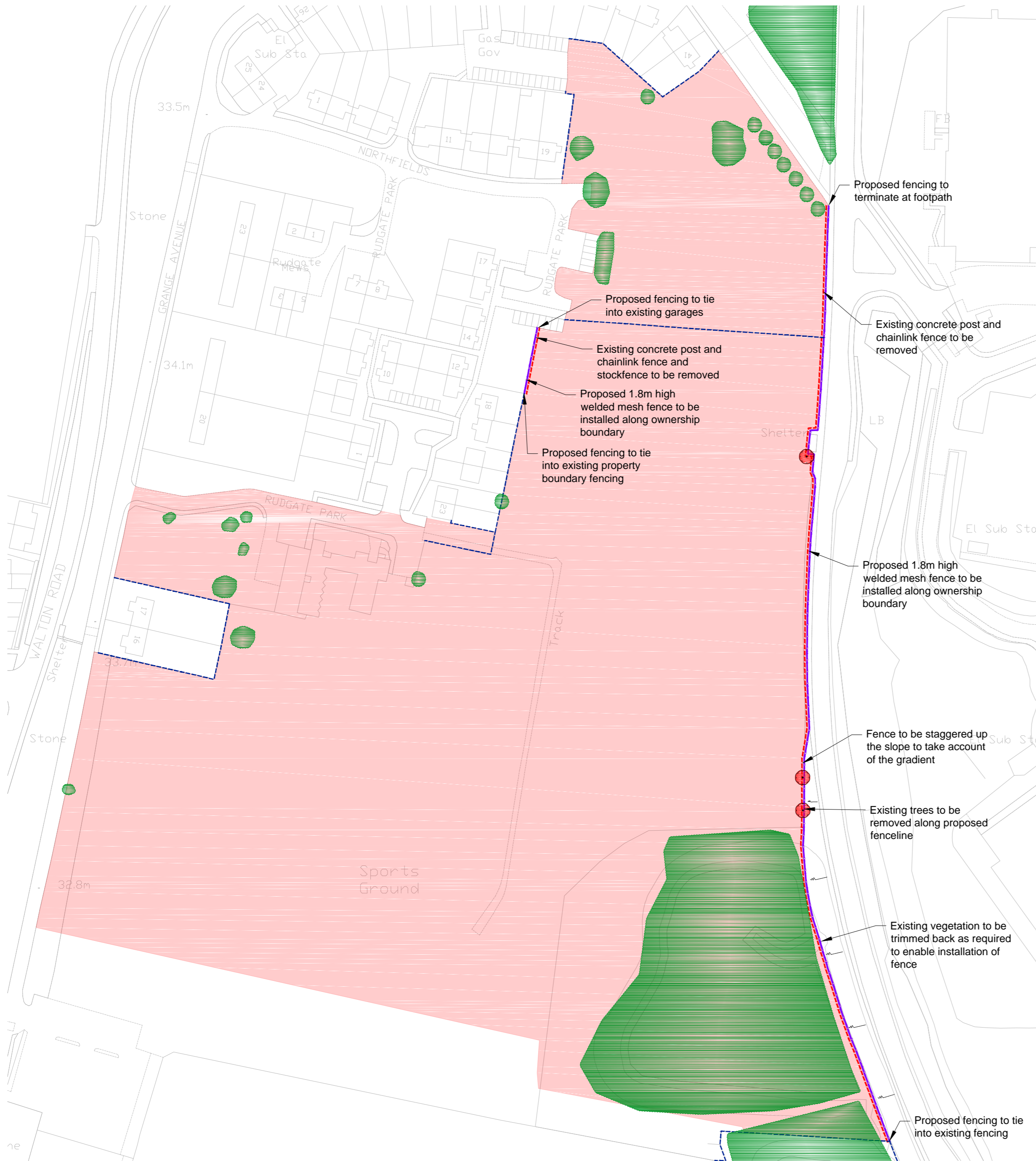
11.1 It is considered that the proposed fence will not have an adverse impact upon the quality of the playing pitch or upon the character of the area. It is considered that the visual harm caused by the removal of trees can be mitigated by replacement planting. The Nature Conservation has also raised no issue in terms of the development affecting badger. Therefore, it is considered that the proposal complies with planning policy guidance and it is recommended that planning permission should be granted, subject to the conditions set out at the head of this report.

Background Papers:

Application files: 15/07263/FU

Certificate of ownership: Certificate A signed by the agent on behalf of Homes and Communities Agency.

Boundary Treatment Layout, scale 1:1250



Key

- Contract boundary
- Existing**
- Fencing (inc. gates) to be retained
- Fencing (inc. gates) to be removed
- Trees / Vegetation (indicative)
- Slope
- Proposed**
- Trees / Vegetation to be removed
- 1.8m Welded mesh fence (ground fixed)
- Fixed timber bollard

Notes

- General**
- Exact line of fencing positions to be agreed on site prior to installation with the Contract Administrator.
- Installation**
- Contractor to allow for ground and plate fixing to suit site requirements.
 - Contractor to allow for post length and panel width reduction to suit fence layout and site conditions.
 - Contractor to allow for additional posts as required.
 - Contractor to allow for hand digging within root protection areas.
 - Contractor to allow for removal and disposal of redundant timber and concrete fence posts within the contract area.

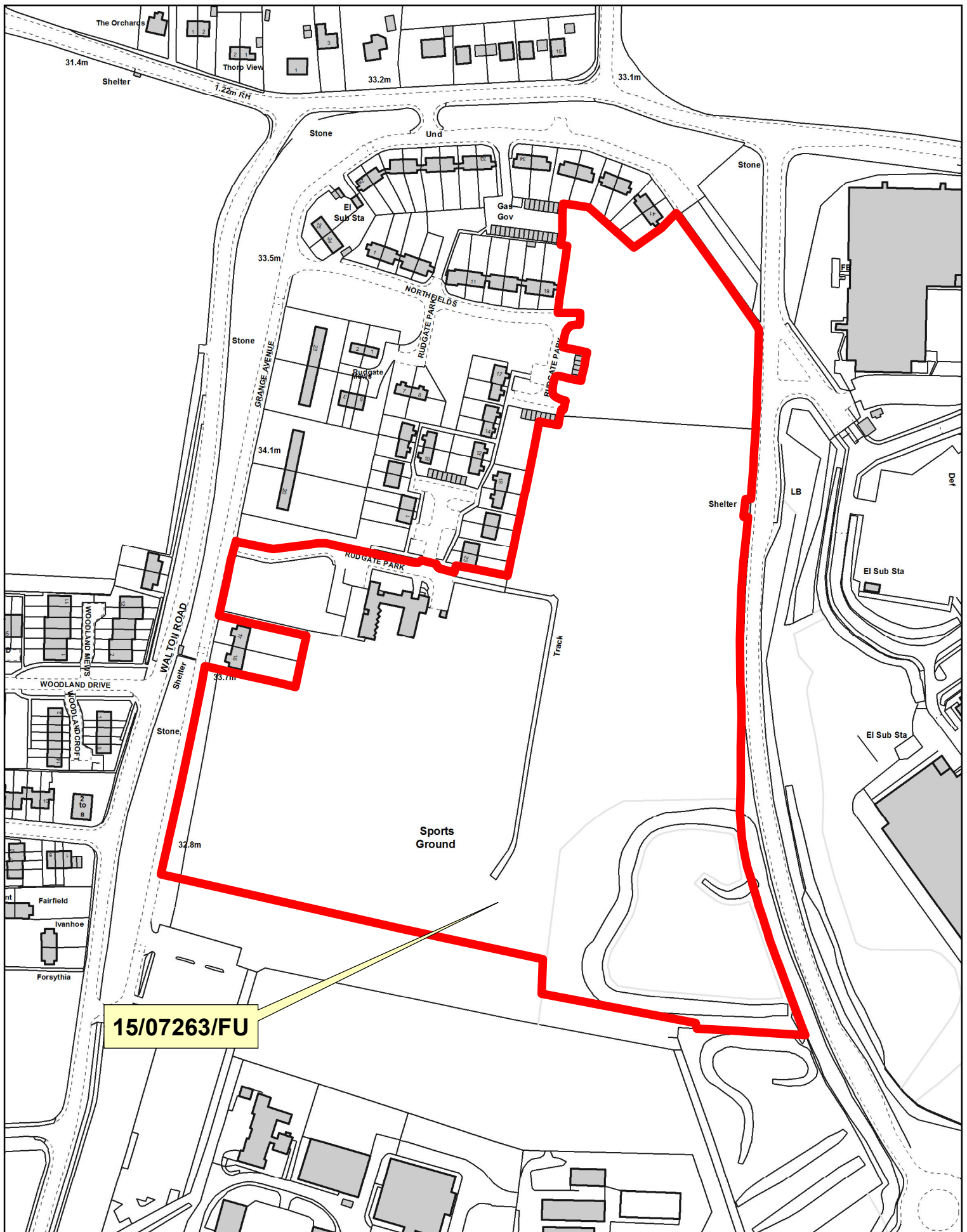


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Rev	Description	Drawn	Approved	Date
A	Proposed bollards omitted	RJC	LC	17.11.15

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Project	
Wealstun Fencing Contract	
Title	
Boundary Treatment Layout Proposals	
Drwg No D5060.Pcment.WealstunFence.001A	
Scale SEE DWG @ A2	Date 04/09/15
Drawn RJC	Checked AP
Approved AMG	



NORTH AND EAST PLANS PANEL

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SCALE : 1/2500

