

**ITEM: 8**

**Application Number:** 10/00430/FUL

**Applicant:** Tamarside Community College

**Description of Application:** Erection of 2.4 metre high security paladin fencing around playing field north of Newton Avenue

**Type of Application:** Full Application

**Site Address:** TAMARSIDE COMMUNITY COLLEGE, TREVITHICK ROAD ST BUDEAUX PLYMOUTH

**Ward:** St Budeaux

**Valid Date of Application:** 09/04/2010

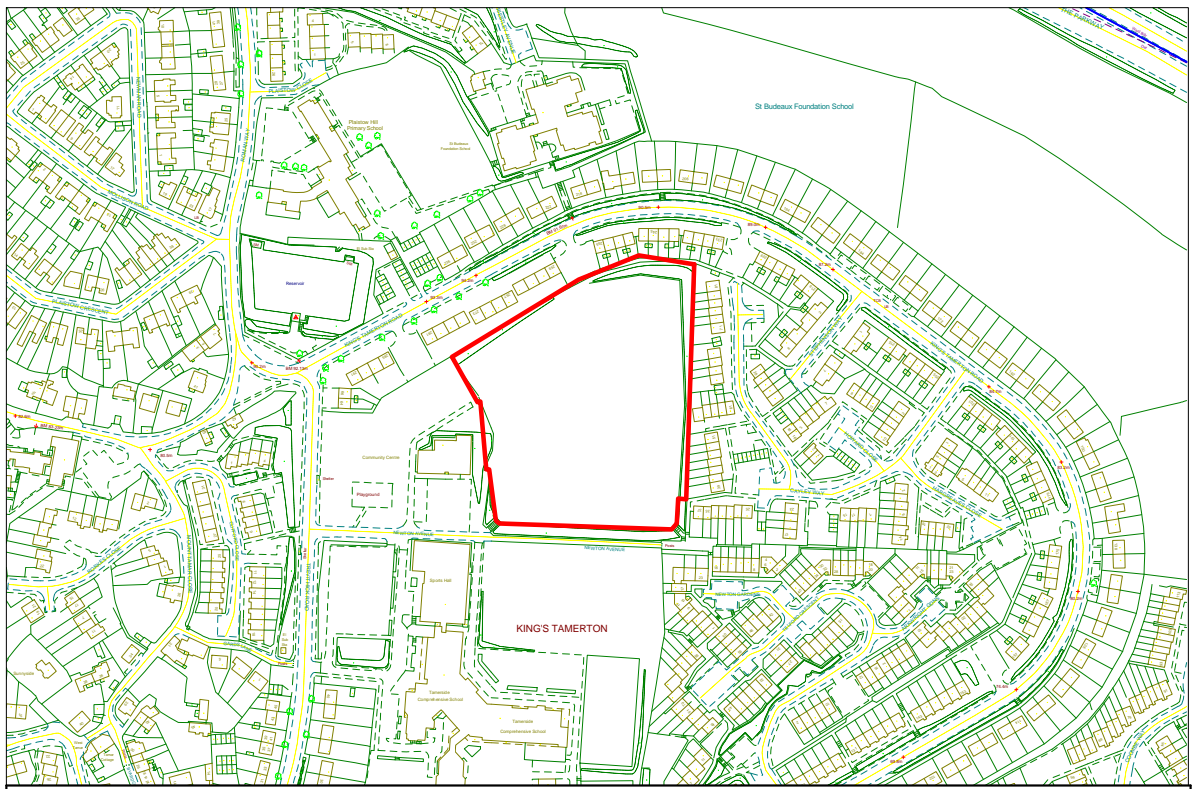
**8/13 Week Date:** **09/07/2010**

**Decision Category:** Assistant Director of Development Referral

**Case Officer :** Janine Warne

**Recommendation:** Grant Conditionally

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**This application is an Assistant Director referral for the following reason: "There are identifiable precedent issues".**

## **OFFICERS REPORT**

### **Site Description**

Tamarside Community College occupies a large site in the Kings Tamerton area of the city. It is bounded mainly by the rear of residential properties on Trevithick Road (west), Kings Tamerton Road (north), Flamstead Crescent (south), Cayley Way (east) and numerous other cul-de-sacs.

The school site is divided by a footpath - known as Newton Avenue - into a northern and southern site. The southern site comprises the majority of the school buildings, with playing pitches to the south and north east corner. These pitches are currently fenced, mainly with chain-link fencing. The area to the north of the Newton Avenue path is a large grassed field, located to the east of the Community Centre. This field is bounded by high fencing around the majority of the site, but there are access gates on the southern corners and large openings to the north and west.

### **Proposal Description**

This application seeks planning consent for the erection of a 2.4 metre high security paladin fencing around the playing field north of Newton Avenue

Following Committee's refusal of the previous application (09/01075), two planning applications have now simultaneously been submitted for consideration: app no.10/00429 seeks planning consent for the erection of paladin fencing around the main school campus site and app no. 10/00430 seeks planning consent for the erection of paladin fencing around the field north of Newton Avenue.

### **Relevant Planning History**

09/01075/FUL – Erection of 2.4 metre high security paladin fencing around school campus (including playing fields) – Refused by Planning Committee on 15<sup>th</sup> October 2009 (Officer's recommendation overturned). Refusal reason:

*'The Local Planning Authority considers that the proposal has an adverse impact on the characteristics of the adjacent greenscape and has an unreasonable impact on the quality and quantity of accessible greenspace, as it results in the loss of an informal sport and recreation facility. The proposed development does not ensure equality of access and use for all sections of community and fails to make provision for efficient use of land (including providing for dual use). It is therefore contrary to Policies CS18.2, CS30, CS32.5 and CS34.2; 10 of the Plymouth Local Development Framework Core-Strategy (2006-2021)2007.'*

08/01383/FUL – Erection of 2.4 metre high security fencing around school campus (including playing fields) – Withdrawn.

## **Consultation Responses**

Transport – No objections

Crime Prevention Officer – Fully supports this application

## **Representations**

Three letters of objection have been received; one of which has been signed by forty-three individuals. These letters object to the proposal with reference to the loss of 'open space' and the exclusion of the general public.

## **Analysis**

### Introduction

This application has been referred to the Committee by the Assistant Director of Planning, under the following criterion:- "There are identifiable precedent issues": namely the Planning Committee refused application no.09/01075 for security fencing at Tamarside School contrary to the officer's recommendation.

The application turns on policies CS18 (*Plymouth's Green Space*), CS30 (*Sports, Recreation and Children's Play Facilities*), CS32 (*Designing out Crime*) and CS34 (*Planning Application Considerations*) of the adopted LDF Core Strategy. The primary planning considerations in this case are the security of the school grounds, the visual impact of the proposed fence, and access to green spaces, as discussed below.

### Visual Amenity

It should be noted that withdrawn application no. 08/01383/FUL sought consent for the erection of Palisade fencing; a type of fencing considered by your officers to be visually obtrusive and therefore unacceptable. Consequently, an alternative type of fencing, known as Paladin, is now proposed.

Paladin fence panels are proposed around the perimeter of the playing field north of Newton Avenue (excluding the boundary to the rear of nos. 39-81 Cayley Way). The existing unsightly chain link fencing shall be removed; improving the aesthetic quality of the area.

Beyond the visual improvement, advice from the Crime Prevention Officer suggests that Paladin fencing offers security benefits over Palisade fencing. Paladin fencing has been used for security purposes at many other schools in the City in recent years. It is constructed of fine gauge metal which allows views through at distance. This makes it one of the least visually intrusive fencing systems currently available.

The proposed height is conventional for such security fencing around school grounds. Furthermore, the proposed colour is deemed acceptable; green will be recessive in appearance and in keeping with the locality.

### Access to Green Space

The Local Planning Authority has received three letters of objection, one of which is signed by forty-three individuals, regarding public access to this playing field. Given this public concern and the planning history, the application confirms that access to the school playing fields will be provided by the College for those who legitimately use the College grounds. Specifically, the accompanying Design and Access Statement confirms:

*'To prevent unauthorised use leading to damage or contamination, the gate will be locked when the field is not in use. However, the Governors wish to make the field available to the wider community for sporting and leisure use when it is not required by the college, either directly or by another organisation by arrangement with the college. To this end, two Governors who are local residents will hold keys and it is hoped to make an arrangement with the local community centre nearby to also hold a key. This will enable the field to be opened at times when no college staff are present. This will exclude golf practice and the exercise of animals.'*

Therefore, the school playing fields will continue to be used for sports and formal recreation, with improved security and management. In this regard, your Officers recommend the use of a restrictive condition to ensure that a management plan detailing full access arrangements to the Newton Avenue playing field is submitted to and approved by the Local Planning Authority.

With regard to the use of green space / playing pitches by the local community, Policy CS30 (*Sport Recreation and Children's Play Facilities*) presumes against any development that involves the loss of sport, recreation or play facilities except where it can be demonstrated that there is currently an excess of provision'. In this respect, Policy CS30 relates directly to the Council's Green Space Strategy (adopted April 2009). This Strategy, together with its evidence base, forms part of the Local Development Framework evidence base and provides a vision and objectives for how Plymouth City Council would like to see green spaces planned and managed.

Green Space Strategy Aim 1 is 'to establish standards of green space provision to ensure that Plymouth has the right amount and type of green spaces and play spaces to meet the existing and future needs of its residents, workers and visitors'. Plymouth's green space standard for quantity – how much green space of different types there should be – is 5.09 hectares per 1000 population. This ratio reflects existing city-wide green space provision in Plymouth in relation to the current population size.

The evidence base for the Green Space Strategy confirms that the neighbourhood of Kings Tamerton and Weston Mill exceeds the Plymouth quantity standard with a ratio of 6.55 hectares of accessible green space per 1000 population. In addition, the local neighbourhood importance of the Newton Avenue playing field is defined as low. The document confirms that any impact caused by the loss of this space will be minimised by adjacent Kings Tamerton and St Budeaux recreation ground green spaces, both of which are deemed to be of better quality.

### Public Access and Rights of Way

As per the previous application, the Public Rights of Way Officer has confirmed that, having consulted the Definitive Map, there are no recorded public rights of way within the area highlighted on submitted plan. Whilst the Definitive Map is legally conclusive evidence of the rights shown upon it, the reverse is not necessarily true. A right of way may not be shown on the definitive Map but this does not mean public rights do not exist over it; it may be the subject of a current claim, or claimed and proven at some point in the future.

The Council's Corporate Property team has confirmed that it is not aware that any documented or recorded rights have been acquired to use the land for recreational purposes. Therefore, this application should be considered on the basis that there are no public rights of access on the land. The application does not therefore affect a recorded public right of way or access and should not be refused for this reason. If, in the future, public access / rights of way are established, access would need to be reinstated under public rights of way legislation: this may involve the removal, at least in part, of the fence. The granting of planning permission for the erection of the proposed fence would not prejudice the outcome of any rights of way/rights of access challenges.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Equalities & Diversities issues**

No additional issues to be discussed here.

### **Conclusions**

The proposal is considered to comply with policies CS18, CS30, CS32 and CS34 of the LDF Core Strategy. It is therefore considered that the development should be supported and thus recommended for approval.

### **Recommendation**

In respect of the application dated **09/04/2010** and the submitted drawings, **PL1036M/D01 Rev. A (received on 06/04/10), supporting photographs, and accompanying Design and Access Statement** , it is recommended to:  
**Grant Conditionally**

## **Conditions**

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

### **MANAGEMENT PLAN**

(2) The perimeter fence hereby approved shall not be erected until a detailed management plan (which shall make provision for the use of the Newton Avenue playing field for community sports and/or formal recreation purposes) is submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure details of the access arrangements are acceptable to the Local Planning Authority, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the security of the school, access to green spaces and the visual impact on the character and appearance of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

CS32 - Designing out Crime

CS34 - Planning Application Consideration

CS18 - Plymouth's Green Space

CS30 - Sport, Recreation and Children's Play Facilities