

MAIN CASE

Reference No: 18/00309/FUL

Proposal: Erection of a 1.8m high security profiled mesh galvanised fence

Site Address: Soham Village College Sand Street Soham Ely
Cambridgeshire CB7 5AA

Applicant: Soham Village College

Case Officer: Chris Hancox Planning Officer

Parish: Soham

Ward: Soham South
Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 8 March 2018 **Expiry Date:** 28th Sept 2018

[T99]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE this application subject to the recommended conditions below:

- 1 Approved Plans/Documents
- 2 Time Limit -FUL/FUM/LBC
- 3 Tree works
- 4 Details of materials

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the erect of a 1.8m high profiled mesh galvanised green powder coated fence along the boundary of the playing field to the rear of Soham Village College. Following comments from the Tree Officer, an Arboricultural Method Statement was submitted to support the application on the 28th June 2018.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire**

District Council offices, in the application file.

2.3 The application was called-in to Planning Committee by Councillor Goldsack as his opinion is the application should be heard and discussed at the Planning Committee”.

3.0 **PLANNING HISTORY**

3.1 None applicable.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is a playing field adjacent to the rear and owned by Soham Village College. The field is mostly hidden from view of the public highway, but is visible from the public footpath that runs along most of the boundary of the field. The college has profiled mesh galvanised green powder coated fence already erected in other parts of their grounds. There are trees along parts of the boundary of the site including trees on the northern part of the site protected by a Tree Preservation Order (90/00016/TPO). The site is located outside the development envelope.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Various responses were received which are summarised below. The full responses are available on the Council's web site.

Parish – The Parish Council are concerned that the footpath will be narrowed and who will be responsible for the trees should the fence be erected.

Ward Councillors (Councillor Goldsack) – Called application into Planning Committee as his opinion is “the application should be heard and discussed at the Planning Committee”.

Senior Trees Officer – Following the submission of the Arboricultural Method Statement the Tree Officer has no objection to the scheme. However, in erecting the fence it may detract from the rural character of the area.

Asset Information Definitive Map Team - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – No neighbouring properties were notified, however 4 responses were received and are summarised below. A full copy of the responses are available on the Council's website.

Objections (3 neighbours)

- In erecting the fence it will restrict access onto the field which is a public leisure facility;
- The impact on the footpath is not clear.

In support (1 neighbour)

- Can the CCTV be reinstated;
- Will the gates be secured?

5.3 A site notice was displayed on a lamp post on 14th March 2018.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 5 Presumption in favour of sustainable development

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 7 Biodiversity and Geology

6.2 Supplementary Planning Documents Design Guide

6.3 National Planning Policy Framework 2018

2 Achieving sustainable development

12 Achieving well-designed places

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development

LP22 Achieving Design Excellence

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, residential amenity, visual amenity, impact on trees and impact on the public footpath.

7.2 **Principle of development, Residential and Visual Amenity**

7.1.1 The proposed fencing is to be located on Soham Village College playing field boundary, most of which is adjacent to a public footpath and boundary vegetation.

7.1.2 Acceptability in terms of the principle of development, visual amenity and residential amenity has already been established as acceptable because the works benefit from consent under the Town & Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (gates, fences, walls etc), which

permits the erection of any gate, fence, wall or means of enclosure, for a school up to 2 metres above ground level. As such, it would be unreasonable and not justifiable for the Local Planning Authority to refuse the proposal, as it already has permission from Central Government. Notwithstanding that the fencing benefits from consent under permitted development, the proposal will not have a detrimental impact on residential amenity and even though a natural vegetation boundary treatment would be preferred (as per the Tree Officer comments), the green colour of the profiled mesh fencing will help it to assimilate into the surrounding rural landscape. Therefore the proposal accords to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.

7.2 Impact on Trees

7.2.1 The proposed fencing around the field boundary will be in close proximity to various trees and hedging. The trees along the northern boundary of the field are protected by a Tree Preservation Order (90/00016/TPO) and any works to these trees must be accepted by the Local Planning Authority (LPA). Concerns were raised by the Tree Officer regarding the close proximity of the proposed fencing near to the protected and other trees, so requested an Arboricultural Method Statement. Following the submission of the Arboricultural Method Statement by the applicant on the 28th June 2018, the Tree Officer has no objection to the proposal as the works should not have a negative impact on the trees, but has requested that the Arboricultural Method Statement be implemented under condition of a planning approval. Therefore with the condition the proposal complies with Policy ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP28 and LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.

7.3 Impact on the Public Footpath

7.3.1 Concerns have been raised that the fencing will restrict public access to the field and public footpath. The right of public access to the school field is not a material planning consideration, but a civil matter. The detailed fencing location plan submitted with the Arboricultural Method Statement (drawing no. 'Arbtech AIA 01'), shows that the fence will not impede the public footpath that follows along the edge of the school field boundary.

7.4 Other Material Matters

7.4.1 If members are minded to approve the application, a materials condition and a tree works condition should be applied to the decision.

7.5 Planning Balance

7.5.1 Acceptability in terms of the principle of development, visual amenity and residential amenity has already been established as acceptable because the works benefit from consent under the Town & Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (gates, fences, walls etc), which

permits the erection of any gate, fence, wall or means of enclosure, for a school up to 2 metres above ground level. As such, it would be unreasonable and not justifiable for the Local Planning Authority to refuse the proposal. Despite the fact that the fencing benefits from consent under permitted development, the proposal will not negatively impact on residential amenity and even though natural vegetation boundary treatment would be preferred, the green colour of the profiled mesh fencing will help it to assimilate into the surrounding rural landscape. The proposal accords to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.

7.5.2 The proposal is only being assessed on its impact to the protected trees (TPOs). The proposed fencing around the field boundary will be in close proximity to various trees and hedging, including trees along the northern boundary protected by a Tree Preservation Order (90/00016/TPO). Following the submission of the Arboricultural Method Statement by the applicant, the Tree Officer has no objection to the proposal as the works should not have a negative impact on the trees, but has requested that the Arboricultural Method Statement be implemented under condition of a planning approval. Therefore with the condition the proposal complies with Policy ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP28 and LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.

7.5.3 Concerns have been raised that the fencing will restrict public access to the field and public footpath. The right of public access to the field is not a material planning consideration, but a civil matter. The detailed fencing location plan submitted with the Arboricultural Method Statement (drawing no. 'Arbtech AIA 01'), shows that the fence will not impede the public footpath that follows along the edge of the school field boundary.

8.0 APPENDICES

8.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00309/FUL	Chris Hancox Room No. 011 The Grange Ely	Chris Hancox Planning Officer 01353 665555 chris.hancox@eastc amb.s.gov.uk

National Planning Policy Framework - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/00309/FUL Recommended Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
Arboricultural Method Statement		28th June 2018
Arbtech AIA 01		28th June 2018
Arbtech TPP 01 Sheet 1		28th June 2018
Arbtech TPP 01 Sheet 2		28th June 2018
Location Plan		8th March 2018
PHOTO - Existing Fencing on site		8th March 2018

- 1 Reason: To define the scope and extent of this permission.

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.

- 1 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 2 All works shall be carried out in accordance with the Arboricultural Method Statement dated 27th June 2018. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.

- 2 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

- 3 The materials to be used in the construction of the fencing, as detailed in the schedule below and the planning application form:

Profiled mesh galvanised green powder coated

All works shall be carried out in accordance with the approved details.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.