
APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1369 – 10 FEBRUARY 2017

16/00510/FUL

**LAND NORTH OF A129 EAST OF A130 OLD LONDON
ROAD, RAWRETH**

**CONSTRUCTION OF CATCH BALL FENCING ADJOINING
A129 AND A130**

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1365 requiring notification to the Assistant Director, Planning and Regeneration Services by 1.00 pm on Wednesday, 15 February 2017 with any applications being referred to this meeting of the Committee. Cllr C M Stanley referred this item on the grounds that the previously approved details were in steel with long life, whereas the posts implemented are in timber and will rot off. No details of how they have been installed were submitted with the application. In addition, the poles now implemented as an alternative are 700mm wide, as opposed to the 75mm wide box frame previously accepted.
- 1.2 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.3 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

Appendix 1

Application No: 16/00510/FUL Zoning: Metropolitan Green Belt
Case Officer: Mr Mike Stranks
Parish: Rawreth Parish Council
Ward: Downhall And Rawreth
Location: Land North Of A129 East Of A130 Old London Road
: Rawreth
Proposal : Construction Of Catch Ball Fencing Adjoining A129
and A130

SITE AND PROPOSAL

1. This application is to a site to the immediate east of where the A130 crosses the A129 Old London Road. The site is irregular in shape to some 4.74ha. It is used by Academy Soccer as football pitches. The site is bounded to the west and south by the A130 and A129.

2. To the east is the alignment of a former highway immediately beyond which is an area also in use for football pitches with various containers providing storage and changing rooms. To the north of the site is a disused section of former road now a bridle way with dwellings beyond and an arable field and detached housing fronting Old London Road.

3. The site is within the Metropolitan Green Belt.

4. The application is being made retrospectively and is to provide for 'catch ball fencing' alongside the highway boundaries.

RELEVANT PLANNING HISTORY

5. Application No. 13/00767/ADV - Provide two non-illuminated goal post type signs to site entrance. Permission REFUSED 11 February 2014 for reasons of proliferation of signage detrimental to visual amenity.

6. Application No.13/00727/FUL - Change use of land from agricultural to use for 8 No. football pitches. Provide area for car parking, provide three storage containers for use as changing rooms and toilets. Provide catch fencing 6.5m high to western and southern boundary of the site. Application WITHDRAWN prior to decision.

7. Application No. 14/00331/ADV - One non-illuminated goal post type sign to site entrance. APPROVED.

8. Application Number 14/00332/FUL - Change of Use of Land From Agricultural to Use for 8 No. Football Pitches. Provide Area for Car Parking, Provide Four Storage Containers, Provide Four Storage Containers for Use as Changing Rooms and

Toilets and Construct 6.5m High Ball Catch Fencing to Boundary of Site With A129 and A130. APPROVED.

9. Application Number 16/00687/NMA Application for a non-material following grant of planning permission 14/00332/FUL approved on the 13th August 2014.
APPROVED

MATERIAL PLANNING CONSIDERATIONS

10. The proposed development has to be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.

11. The Rochford District Council Local Development Framework Allocations Plan (Adopted 25th February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is located within the Metropolitan Green Belt.

12. As the site is located within the Green Belt, as identified in the Council's adopted Allocations Plan (2014), the proposal needs to be assessed against local Green Belt policies and in relation to the National Planning Policy Framework. There is a general presumption against inappropriate development within Green Belt and development should not be approved, except in very special circumstances (shown in paragraphs 79-92). Inappropriate development is, by definition, harmful to the Green Belt.

13. Policy DM16 of the Development Management Plan states that where additional permanent facilities associated with the provision of playing pitches will be required, they will be permitted provided that:

- a. They are small-scale and it can be demonstrated that such facilities are essential for the functioning of the activity;
- b. They are suitably located so as to minimise the impact on amenity for neighbouring properties; and
- c. Ancillary facilities are modest in size, bulk and height to ensure minimal impact on the Green Belt.

14. Condition 8 of the planning consent 14/00332/FUL required "Prior to the first use of the development hereby approved the 6.5m high ball stop catch fencing net protection system hereby approved and as shown on Drawing No. 13-field-013 shall be provided along the edge of the site immediately adjacent to the line of the A130 and A129". It had ben proposed to use 76mm round galvanised poles to support the

netting however 250mm round recycled telegraph poles were used. This new application is being made retrospectively for this alternative.

15. The development now in situ has the appearance of a line of telegraph poles typical of what might be expected to be seen located next to a highway and to rural areas open in character. The intermediate netting is not striking in appearance and is barely discernible from a modest distance and against the skyline. It is not considered that the development has an adverse impact on the openness and appearance of the Green Belt or public amenity. Given that the provision of catch ball netting is a requirement of the use of the playing fields the proposal is considered to be acceptable and less harmful visually than the intended metal pole alternatives.

Representations:

RAWRETH PARISH COUNCIL

Council note that the posts and netting have already been erected prior to the application being received, therefore this is a retrospective application.

Council believe that this application not only extends the length of the netting and poles but also the materials used. The original application was for steel uprights which would have been less obtrusive to the open aspect of the countryside, what has been erected is effectively telegraph poles which are thicker and very obvious, they are also prone to rotting at the base and given the water table in this area could pose a possible health and safety risk to both road users and children playing football.

Council wish to state that this is yet another example of the applicant ignoring the planning process and the consent that was given to them along with the conditions which were stated.

ECC HIGHWAYS

Have no objection to raise on highway grounds. Comment that the poles and fencing have already been replaced making this a retrospective planning application. The Highway Authority was consulted on the original application ref ROC/00332/FUL which included provision of 6.5 m high catch ball fencing. The Highway Authority recommendation included the following conditions relating to the fencing:

1. Prior to commencement of development a pitch layout shall be submitted to the Planning Authority in consultation with the Highway Authority providing a minimum 15m non play area between the pitch edge and the fencing alignment.

Reason: In order to reduce the risk of footballs from entering the highway in the interests of Highway Safety.

2. Prior to first beneficial use a 6.5m high ball stop protection net system along the edge of the field immediately adjacent of the A130 and A129 shall be provided. The pitches shall not be occupied unless the protection system is deployed as shown in principle on drawing no. 13-field-013.

Reason: In order to reduce the risk of footballs from entering the highway in the interests of Highway Safety.

Planning application ROC/16/00510 includes details to replace the catch ball fencing with a construction that includes the use of recycled telegraph poles.

NEIGHBOURS

19 Representations have been received from the following addresses:

Beauchamps Drive 154, Byrne Drive 23, Castle Mead 39, Cheapside West 53, Durham Way 9, Egbert Gardens 37, Goymers Lodge, Hamilton Mews 9, High Road 8, Hillary Crecent 50, Hyland Gate 2, Kingswood Crescent 2, Meesons Mead 16, Paignton Close 14, Richmond Drive 56, Temple Way 43, Tethers End, Tylney Avenue 5, Upway 37, and which make the following comments in comments in support of the application (summarised)

- o The high ball fencing was a condition of the application and was completed three weeks ago ready for their two day tournament last weekend which they held contrary to the planning conditions which were not finished therefore they held the tournament without permission. What is the point of making any comments when it would appear to be a fait accompli.
- o Telegraph pole fencing is a more aesthetically pleasing construction than that which was originally planned/approved
- o Fulfills need of condition
- o Visually unobtrusive

APPROVE

- 1 Time Limits Full - Standard
- 2 The external facing materials shall be those materials specified on the plans and application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where other materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

Relevant Development Plan Policies and Proposals:

Core Strategy 2011 - CP1, GB1

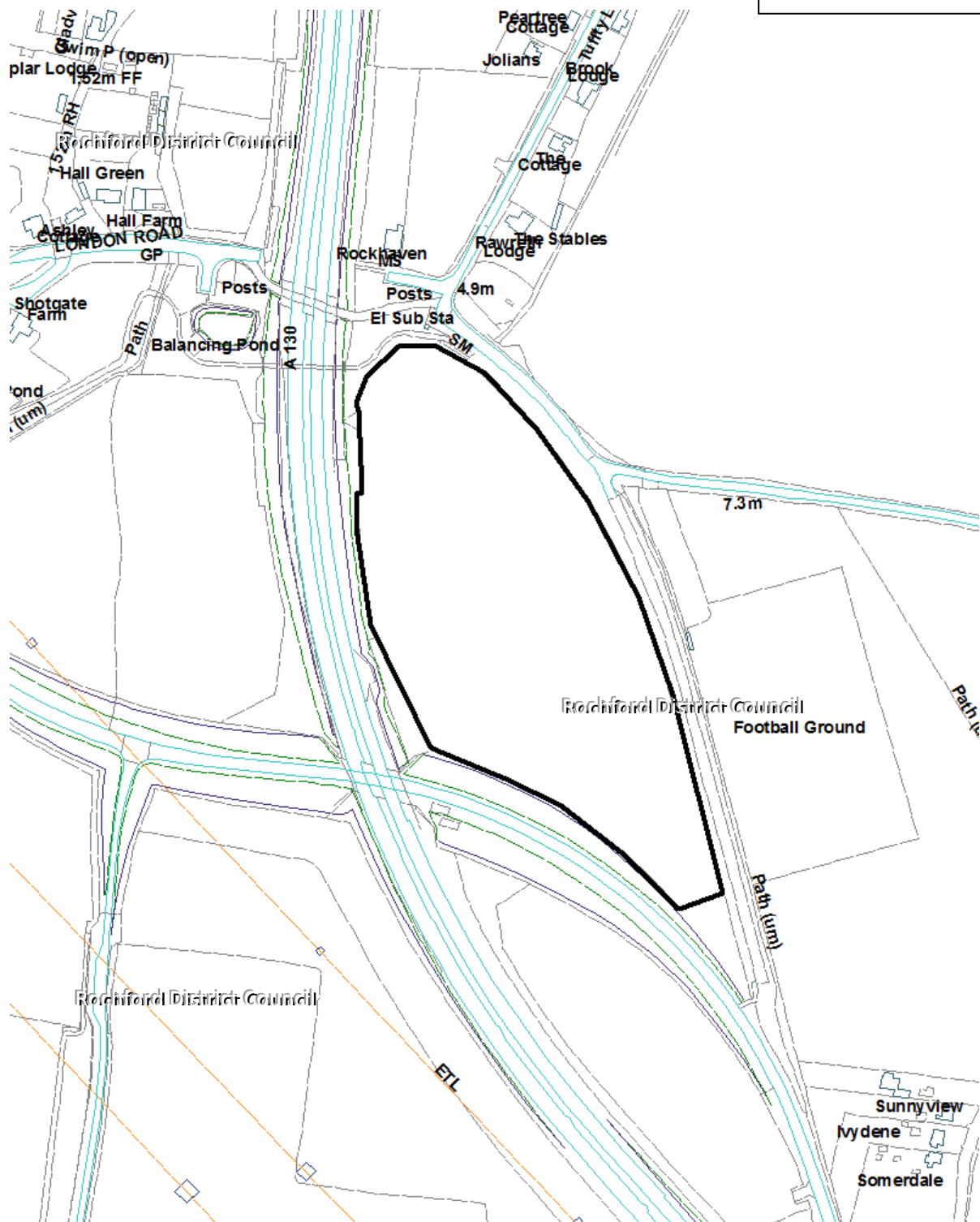
Development Management Plan 2014 - DM1

Allocations Plan 2104

National Planning Policy Framework

The local Ward Member(s) for the above application is/are Cllr. C.I. Black Cllr.R.A.
Oatham Cllr C Stanley

16/00510/FUL



Rochford District Council, licence No.LA079138

9.3.7

