



DERBY CITY COUNCIL

AREA PANEL 2
20 MAY 2005

Report of Director of Commercial Services

Chellaston Community Centre – Petition requesting provision of a fenced area to the community centre

SUPPORTING INFORMATION

- 1.1 A Petition was submitted to Area Panel 2 on the 16 March 2005 by local residents requesting an outdoor facility at Chellaston Community Centre, asking "We the undersigned residents call upon Derby City Council to give consideration to the fenced off area. This will provide a safe environment for all users of the centre. We believe that this will greatly reduce vandalism and give the many users a more acceptable facility at the centre. The undersigned residents therefore call upon Derby City Council to take into account these significant and very serious concerns when considering these proposals.'
- 1.2 The petition is understood to be a follow up to a planning application for permission to erect a high fence around the existing community building to improve security of the building and help reduce the problems of vandalism experienced by the centre. The Planning Application was withdrawn following comments by the Parks Section that the proposed work would involve enclosing an area of designated public open space. This would result in the loss of public open space and is therefore against Council Policy. Concern was also expressed about the height and appearance of the proposed security fence being detrimental to the amenity of the surrounding public open space.
- 1.3 The Parks Section suggested that a 1.2 metre high fence could be provided that encloses an area to provide an outdoor space for use by community centre users and left open for use by the general public when not needed. This would provide both space for the community centre and retain the area as public open space. However this was not acceptable for users of the community centre as a priority is for a high fence to provide security to users and the building and reduce the incidents of vandalism.
- 1.4 Further advice has been sought from the Planning Department and Estates on how to deal with this type of request. The following are important points to consider:
 1. Fencing off an area of public open space and excluding it from general public use constitutes a change of use and/or development and therefore requires planning permission
 2. Any planning application submitted for any scheme can only be considered on a case by case basis, taking into account objections received, compliance with Council policies and any benefits to the community from the scheme
 3. Consideration should be given to selecting a fence that has minimal visual intrusion and height, while providing the security required. If the fence is above 2 metres in height or 1 metre adjacent to a highway planning permission will be required for this. Steel palisade fencing is not felt to be an acceptable style

- of fence.
4. Estates has advised that regardless of the planning situation the Council should place public notices for the loss of open space and consider any objections received.
 5. If planning permission were granted then the Council would grant a supplementary lease to the association with appropriate terms and conditions for example that they maintain the land to a specified standard. The land enclosed would be transferred to Education as part of the community centre.
 6. It would be possible to include restrictive covenants preventing future development of the land enclosed if considered desirable. Planning Permission would be required in any event for any future development of the land.

PROPOSED ACTION

2.1 This petition relates to a situation where the proposal, while benefiting one part of the community, is not in line with Council Policy regarding loss of public open space. The following course of action is proposed as a means to testing and resolving this particular proposal:

1. The petitioners should submit a planning application for the proposed fence and change of use. The application should be clear in demonstrating community support and benefit for the proposals
2. The application will be dealt with as part of the normal planning process. As part of this Parks will be consulted and will make an objection on the grounds of loss of public open space and this being against Council policy. Other objections may also be received from other organisations and/or individuals
3. The application will be reported to the Planning Committee for a decision
4. If a fence is chosen that requires planning permission then this will also be decided as part of the approval process. If a fence is selected that does not require planning permission then details of the fence should be submitted to the Council for approval as landowner and to ensure the fence does not impact on the amenity of the park.
5. If planning approval is granted then Estates will prepare the necessary lease documents, including details of maintenance standards and future use of the land. The land would be transferred to Education and the area enclosed would no longer be public open space.

2.2 It is recommended that the applicant select a dark green or black weldmesh style fence, preferably no higher than 2 metres. The applicant would also need to provide a minimum 400mm wide mowing strip under the fence to the satisfaction of the Parks Section.

2.3 The above course of action is proposed on the understanding that the planning process is independent and that it is not possible to predict or seek to unduly influence what decision is taken.

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List of appendices:	Appendix 1 Implications

IMPLICATIONS

Financial

- 1.1 The applicant for the fence will pay for the planning application, installation of the fence, mowing strip and any reinstatement. Future maintenance of the enclosed area will be the responsibility of the community centre management group or Education Department as appropriate.

Legal

- 2.1 None

Personnel

- 3.1 None

Equalities impact

- 4.1 The provision of a fence will provide a secure area for the community building and help reduce problems of vandalism.

The proposal will result in the loss of public open space which is against Council Policy

Corporate objectives and priorities for change

- 5.1 The proposal comes under the Council's Objectives of a providing strong and positive neighbourhoods and a healthy environment and leisure activities