

Application Number: 16/10322 Full Planning Permission

Site: RECREATION GROUND, CARRINGTON LANE, MILFORD ON SEA

Development: Tarmac games court; 2 & 3 metre high fencing

Applicant: Milford-on-Sea Parish Council

Target Date: 23/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

At the discretion of the Service Manager Planning and Building Control

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Public Open Space Existing

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

6. Towns, villages and built environment quality
9. Leisure and recreation

Policies

CS1: Sustainable development principles
CS2: Design quality
CS7: Open spaces, sport and recreation

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
NPPF Ch. 8 - Promoting healthy communities

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Milford-on-Sea Village Design Statement

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - no comments received (applicants)

8 COUNCILLOR COMMENTS

- 8.1 Cllr Beeton - The Milford-on-Sea action plan, Parish Vision 2020, has informed the Parish Council's decision making grounded on a fair and democratic process since its publication in 2007. It states "This plan is a wide-ranging statement of community ambitions, based on sound research and extensive public consultation. It aims to retain the best of Milford-on-Sea, to improve many of our facilities, and to ensure the vibrancy of our village. It builds on the 2002 Village Design Statement which dealt essentially with land use issues."
The proposed application is misguided by omitting the "indoor" detail. This application proposes an outdoor MUGA for one of our two children's play parks that was already a valued space. When the youth were asked what they loved it included "the Beach and Sea, The Parks and The Green." (P.29)
It goes on to detail the youth aims, aspirations & actions as "acquisition of land to provide new, purpose-built and safe skateboard/BMX facility and acquisition of land to provide additional youth football and other sports pitches." The aim was for "provision of central indoor multi-purpose games hall for sports and art. And local sites to watch, enjoy and learn more about nature." (P.30)
Noting Milford-on-Sea has relatively few formal open spaces (P.20), new sites must be sought. Lack of maintenance must not be a reason to tarmac a loved area.
Tarmac surface in this area would have an unacceptable impact on the residential surrounding area through noise disturbance and ball retrieval.
- 8.2 Cllr Kendall - In view of the large local opposition to this scheme could I ask that it be given independent examination by the Planning Committee as opposed to officer delegation, if that is possible. It would give the local objectors the opportunity to have their concerns heard by District Councillors as opposed to the Parish Council who own the land.

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - no objection subject to condition
- 9.2 Southern Gas Networks - offer advice
- 9.3 Open Space Officer - These proposals will improve the recreational facilities available at this Public Open Space. I am in support of the proposals.
- 9.4 Environmental Health (Pollution): comments that the impact of the proposal in terms of noise could be significant, however having regard to the fact that planning permission is only required because of the height of the fence, the increased impact arising from the need for planning permission would be negligible. Recommend a condition and an informative note.

10 REPRESENTATIONS RECEIVED

Objections have been received from 32 local residents concerned with the following issues - it should be noted that 7 of them have come from two households.

- additional demand for parking could cause difficulties with residents
- proposal is aimed at children older than those who currently use the facilities
- noise and disruption
- Barnes Lane recreation ground would be a better location
- no access for emergency vehicles
- restrictions on hours of use requested
- would increase the age range of children playing there, signs restricting this to 12 have been removed
- increase in anti-social behaviour
- irritation of balls thudding on surfacing
- the existing equipment needs replacing
- it would spoil the park for younger children
- inadequate publicity about application
- local residents currently have to clear away mess left behind
- Council will incur additional costs for maintenance and rectifying vandalism
- it would encourage vice and bad behaviour
- ecological impact of removing grass
- money should be used to improve existing facilities or providing outside gym equipment
- it would be like having a music festival at the park every weekend with groups of drunken teenagers congregating, smoking and doing other inappropriate things
- there is no surveillance
- no public toilets nearby
- won't add to visitor appeal
- young children would be subject to inappropriate language
- the structure would be overbearing and intrusive to local residents
- the proposal is too close to residential properties and the footpath
- evidence of the parish survey should be provided
- wider notification of local residents should have occurred

9 letters of support have been received stating the following:

- excellent opportunity to improve the facilities for children and teenagers in the village
- having a fenced off area would reduce the amount of balls landing in residents gardens
- would provide a focal point for encouraging children to play outside rather than playing on phones/computers
- an all weather facility is needed in the village
- traffic wouldn't increase as most would visit on foot
- increased noise unlikely and people have double glazing anyway
- park is under used at present and the proposal would increase use
- it would give children an opportunity to play somewhere safely as the streets are too crowded with cars
- it would help protect the area from experiencing continued 'unsavoury behaviour'

A comment has been received that the Parish Council should take note of the existing state of equipment and fencing in the park and two further comments, one of which has been revised to be an objection referred to above.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Milford on Sea in a residential area. It is presently in use as a grassed play area which includes a fenced off section for small children, an adventure play area and a pair of small football goals. There is a pedestrian link to the park from Carrington Lane with vehicular access (to allow grass to be cut) from Lawn Close. The proposal entails the provision of a Multi Use Games Area (MUGA) in a similar position to the existing football area. The MUGA would comprise a goal and hoop either end with 3m high fencing adjacent, tarmac surfacing and 2m high fencing around the rest of the pitch which would be marked out for football and basketball.

- 14.2 In principle, while it is accepted that local residents have reservations about the proposal, it is the provision of play equipment in an existing play area and there is no change of use involved. The applicants benefit from permitted development rights under Part 12 of The Town and Country Planning (General Permitted Development) Order 2015 and under Class A, the proposal would be permitted development were all the fencing no higher than 2m. Planning permission is therefore required for the proposal in light of the extra 1m in height of the surrounding fence for approximately 7m either end.
- 14.3 In visual terms, the additional 1m in height which comprises goal panels and basketball hoops with support and back board, would have a limited impact on the surrounding area. While it would be fully visible from within the site, only glimpses would be likely from Carrington Lane and Park Road in view of existing vegetation and buildings, neither of which would be affected by the proposal.
- 14.4 With regard to residential amenity, while the proposed structure would be visible through the mature hedging and trees which bound the site to the north and north-west, it would not be considered to be overbearing to these properties given the minimum of 21m from dwellings to fencing. Similarly, although the property to the west is 9m away and has a first floor window overlooking the park, the provision of the MUGA would not be overbearing to this property and the flats to the south are almost 35m away. The proposal would not result in any loss of light to the surrounding properties.
- 14.5 The main residential amenity issue is the potential for increased noise and disturbance. The Environmental Health Officer recognises this concern and recommends a condition to control hours of use, however, given the fact that planning permission is only required as a result of the height of the fence this is not considered to be reasonable and it is for the Parish Council to manage the use at the site. An informative note is suggested in relation to statutory nuisance as recommended by the Environmental Health Officer. Local residents are concerned that signage at the park restricting users above 12 years of age have been removed recently and combined with this, the proposal would result in older children using the park who would cause more noise and the potential for anti-social behaviour.
- 14.6 In conclusion, the proposed development would be appropriate in this location with acceptable impacts for neighbouring properties.
- 14.7 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: visuals x3, plan, block plan, site location plan, boundary plan, coloured site location plan.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. The applicant should be aware that planning consent does not grant licence to cause a statutory nuisance and if nuisance was caused, then the Local Authority Environmental Health Officer would be under duty to investigate such complaints and serve a noise abatement notice if necessary to abate any nuisance.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
July 2016**

Item No: 3d

Recreation Ground
Carrington Lane
Milford on Sea
16/10322
SZ2992

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

