

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	23 April 2014
Title:	To extend existing netball court and re-surface to provide Multi Sports Games Area (MSGAs) with 4m high weldmesh fencing at The Westgate School, Cheriton Road, Winchester, Hampshire SO22 5AZ (Application No: 14/00368/HCS) (Site Ref: WRE006)
Reference:	5785
Report From:	Head of County Planning

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1. Executive Summary

- 1.1 This application is to extend and re-surface an existing netball court to provide Multi Sports Games Area (MSGAs) and re-surface another netball court, with new 4m and 3m high weldmesh fencing at the Westgate School, Cheriton Road, Winchester.
- 1.2 When considering the application the main issues for consideration are:
- principle of the development providing sport and community benefit (CP6- Local Services and Facilities) and para 74 of NPPF;
 - visual impact on the character of the area (CP13 -High Quality Design);
 - amenity impact on neighbouring residents (CP13 -High Quality Design); and
 - protection of breeding birds (CP16 -Biodiversity).
- 1.3 It is considered that the proposal would be in accordance with the development plan Winchester District Local Plan Part 1 – Joint Core Strategy (Adopted 2013) (summary attached) as it would provide a capacity to meet the demands of the local community (policy CP6 and para 74 of the National Planning Policy Framework).

It would not materially harm the character of the area or the amenity of local residents (policy CP13) and is acceptable in terms of highway safety and convenience, as it is in a sustainable location to minimise travel by car

(policy CP10). The development will appropriately mitigate against any impact to breeding birds within the site (policy CP16).

2. Site and proposal

- 2.1 The site covers approximately 0.24 hectares and is contained within the main Westgate Secondary School campus to the south (c. 2.1 hectares), between Green Lane and Fordington Avenue. The site is currently used as the lower playground and netball court of Westgate Secondary School.
- 2.2 The school is in a suburban area with a collection of detached properties immediately surrounding the site. The southern part of the school, which contains the site, has changing ground levels and a collection of school buildings, outdoor play and areas of planting. There is staff parking immediately to the east of the site and access for goods deliveries in to the north, within the centre of the school campus.
- 2.3 The application site is enclosed within the school campus and is mainly concealed from view by school buildings, hedges and trees in all directions. Immediately to the north is the new Westgate Nursery, with its attached car park. Here the site links to Cheriton Road through a recently constructed access gate. To the west is an upper playground and various school buildings. The main school campus sits to the west. A dense tree line and long rear gardens screen the application site from the adjacent housing on Fordington Avenue to the east. The nearest houses to the site are these properties on Fordington Avenue as the gardens are approximately 10 metres from the boundary of the application area.
- 2.4 There are no Rights of Way footpaths recorded on the definitive map for this site and there are no environmental designations.
- 2.5 The proposal is to extend an existing netball court (33.5 x 18m) and to re-surface the court with a sand dressed synthetic turf system to create a multi-sports games area (35.5 x 30m). This would have 4m high green weldmesh ball stop fencing, 1.2m high (average) retaining walls and access steps. In addition, an adjacent netball court will benefit from new 3m high green weldmesh panel fencing. There is no floodlighting proposed for this application.
- 2.6 The surface will be a 24mm sand dressed monofilament synthetic turf on a 35mm 'hybrid e-layer' shock-pad over the existing stone sub-base. This surface will be applied to on the east by 1m, west by 1m, north by 6m and south by 6m, increasing the overall area of the sports play surface from 603m² to 1065m². Goal recesses will be incorporated into the two ends of the pitch to allow for some goal and equipment storage, measuring 8m wide by 1m deep.

- 2.7 The games area will be constructed with a 1:60 diagonal cross-fall from south-west to north-east (to match existing) and the finished surface level of the pitch will match existing asphalt surface levels.
- 2.8 The 4m high green weldmesh fencing proposed for this games area is a panel fencing product with rubber 'buffers' to control rattle and impact noise. The fencing will incorporate closer gauge rebound mesh to 1.2m above ground level and standard 200 x 50mm gauge sports mesh fencing above. The box section posts supporting this system will be painted green.
- 2.9 The adjacent netball court has been partly enclosed during a recent nursery building project. To bring this into use for enhanced curriculum use, this application seeks to provide new 3m high green coated weldmesh fencing to the west side and a replacement for the sub-standard east side; to match the games area fencing in all details and fully enclose this court. A new 30mm deep wearing course of black dense asphalt will be overlaid onto the current surface and a single netball court marked out on completion.
- 2.10 The choice of size and surfacing has been chosen to extend the range of sports that can be taught within the school. The synthetic grass gives an all weather surface for hockey, football, athletics and rugby curriculum teaching. The provision of 4m high fencing to all sides will give good ball retention. A new link with steps would connect the main courts to enhance supervision and pupil movement.
- 2.11 The Multi Sports Games Area will not be floodlit, therefore hours of use will be naturally controlled by the extent of daylight hours. However, the school will also implement a limit to use of 21.00 hours on weekdays, 20.00 hours on Saturdays and 18.00 hours on Sundays and bank holidays when seasonal light allows for evening use.
- 2.12 The existing parking provision on the site will cater adequately for the pitch outside of school hours.

3. Development plan

- 3.1 The National Planning Policy Framework (published 27 March 2012) whilst not part of the policy plan, is a material consideration. The most relevant text is Section 8, Promoting Healthy Communities, Paragraph 74.
- 3.2 The Winchester District Local Plan Part 1 - Joint Core Strategy (adopted 20 March 2013). The most relevant policies for consideration are CP6 (Local Services and Facilities), CP10 (Transport Policy), CP13 (High Quality Design), and CP16 (Biodiversity).
- 3.3 West Fulflood and Oram's Arbour Neighbourhood Design Statement (adopted 15 May 2008) [Supplementary Planning Document] supplements the Winchester Local Plan as above).

4. Consultations

- 4.1 **Councillor Tod** supports the application.
- 4.2 **Winchester City Council** no objection.
- 4.3 The **Environment Agency** has no objection.
- 4.4 **Sport England** has no comment.
- 4.5 The **Highway Authority** has no objection subject to highway safety condition.

5. Representations

- 5.1 There has been one letter received from a local resident who wished to see the site still available for overflow car parking if necessary.

6. Commentary

- 6.1 The proposed un-floodlit, synthetic turf games area offers the possibility of year round use by students during the school day and for after schools club use (including access for pupils from neighbouring Western Primary School). This improved sports facility is encouraged by National Planning Policy Framework (NPPF), paragraph 74 and Policy CP6.
- 6.2 Whilst the neighbours are in close proximity, there have been no objections to the proposal. One concern has been raised from a neighbour adjacent to the site boundary, who wishes to see that the area can still be used for overflow parking when necessary. The school has confirmed that this will still be the case.
- 6.3 The use of the MUGA is not anticipated to have any amenity impacts on the neighbouring residents as the sound will be in part absorbed by the customised fencing and the hours of use are appropriate. The size and scale for the proposed MUGA fits within the context of the school and is already used as part of the schools play and sports provision. The fencing will be sympathetic to the adjacent built features and would be screen from local residents and the road by existing buildings and a mature tree line. The proposal will not have an unacceptable visual impact and so it is in accordance with Policy CP13.
- 6.4 The proposed court extension and modifications to the existing netball court will not have any highway impact or alter the parking provisions that currently exist on the school grounds. As the development will be used by the local schools, it is in a sustainable location and reduces the need to travel by car. This meets the ambitions of Policy CP10.
- 6.5 As the site is within a school campus and mostly on hard standing, there are minimal potential impacts to biodiversity due to the limited vegetation and

trees. However, there are some areas that could support breeding birds. Therefore, in compliance with Policy CP16, recommendations within the accompanying ecological assessment that identify precautionary measures for protection are to be conditioned.

- 6.6 It is considered that the proposal would be in accordance with the development plan Winchester District Local Plan Part 1 – Joint Core Strategy (Adopted 2013) (summary attached) as it would provide a capacity to meet the demands of the local community (policy CP6 and para 74 of the National Planning Policy Framework).

It would not materially harm the character of the area or the amenity of local residents (policy CP13) and is acceptable in terms of highway safety and convenience, as it is in a sustainable location to minimise travel by car (policy CP10). The development will appropriately mitigate against any impact to breeding birds within the site (policy CP16).

7. Recommendation

- 7.1 That planning permission to extend the existing netball court and re-surface to provide Multi Sports Games Area (MSGAs) with 4m high weldmesh fencing at The Westgate School and Rotherly House, Cheriton Road, Winchester, Hampshire SO22 5AZ (14/00638/HCS) be granted subject to the conditions listed in Integral Appendix B.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	No
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	No
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	
THE WINCHESTER DISTRICT LOCAL PLAN PART 1 - JOINT CORE STRATEGY (ADOPTED 20 March 2013) NATIONAL PLANNING POLICY FRAMEWORK (NPPF)	20/03/2014	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

Application to extend existing netball court and re-surface to provide Multi Sports Games Area (MSGA) with 4m high weldmesh fencing at The Westgate School, Cheriton Road, Winchester, Hampshire SO22 5AZ (Application No: 14/00368/HCS) (Site Ref: WRE006)	County Planning, The Castle
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CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

Hours of Working

3. There shall be no access to the development site by any traffic associated with the construction/demolition (i.e. no delivery vehicles, no contractors' cars, nor plant and machinery) in the morning between 0830 and 0900; and in the afternoon between 1515 and 1545.

Reason: In the interests of public safety, to avoid traffic conflict at the times of the day when pupils are arriving at and departing from school.

4. No work relating to the construction of the development approved, including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials, shall take place before the 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1300 on Saturday and not at all on Sunday or recognised public holidays.

Reason: To protect the amenities of occupiers of nearby properties.

Hours of use

5. Hours of use (Multi Sports Games Area):
09:00 to 21:00 (Monday to Friday)
09:00 to 20:00 (Monday to Friday)
09:00 to 18:00 (Saturday Sunday and Bank Holidays)

Reason: To protect the amenities of occupiers of nearby properties.

Highways

- 6 A Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in writing before development commences. This should include details on; lorry routes, parking, provision to reduce mud and spoil being deposited on the highway and a programme for construction. These measures shall be implemented before the development commences and thereafter maintained for the duration of the construction works.

Reason: In the interests of highway safety and to limit the impact the development has on the amenity of the locality.

Landscaping

7. The trees to be retained shall be protected during building operations by the erection of protective fencing in accordance with the specifications in Tree Protection Plan and detailed in figure 2 of . The existing trees shall not be lopped, topped, felled or destroyed.

Reason: To ensure the enhancement of the development by the retention of natural features in accordance with policy 59.BE of the Eastleigh Borough Local Plan Review (2001 – 2011).

Nature Conservation

8. Works shall be carried out in accordance with measures set out in the recommendations section of the Phase 1 botanical survey report (HCCET, January 2014).

Reason: In order to provide adequate mitigation for breeding birds and to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

Advice Note

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

*Annexe to Reasons for Conditions
(as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order
2010)*

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

**8. Promoting healthy communities
Paragraph 74**

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

**THE WINCHESTER DISTRICT LOCAL PLAN PART 1 - JOINT CORE
STRATEGY (ADOPTED 20 March 2013)**

Policy CP6 - Local Services and Facilities

The Local Planning Authority will support proposals for the development of new, extended or improved facilities and services in accordance with the development strategies set out in Policies WT1, SH1 and MTRA1.

The Local Planning Authority wishes to retain and improve the facilities and services available across the District. Development proposals should not threaten or result in the loss of premises or sites used to provide services and facilities unless it can be demonstrated that:

- the site/premise is not required because the service or facility has been satisfactorily relocated or is no longer needed to serve the locality; and
- the site or building has no reasonable prospect of being used for an alternative service or facility which would benefit the local community.
When considering proposals, account will be taken of:
 - whether the loss of the service or facility would cause harm for those living within the neighbourhood, settlement, or rural catchment with a reasonable need to access such facilities in the future; and
 - whether the loss of the facility would have a detrimental impact upon the overall vitality and viability of the settlement; and
 - whether the loss is part of an agreed plan to provide improved local services in equally accessible locations.

Policy CP10 – Transport

The Local Planning Authority will seek to reduce demands on the transport network, manage existing capacity efficiently and secure investment to make necessary improvements. Development should be located and designed to reduce the need to travel. The use of non-car modes particularly walking and cycling should be encouraged through travel plans, management and improvements to the existing network, and improvements to accommodate additional traffic should be undertaken (or funded) where necessary.

Policy CP13 - High Quality Design

New development will be expected to meet the highest standards of design. In order to achieve this all proposals for new development (excluding small domestic applications and changes of use) should demonstrate that:

- an analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;
- the proposal makes a positive contribution to the local environment and creates an individual place with a distinctive character; the public realm has been designed to ensure that it is attractive, safe, accessible and well connected to its surroundings, including walking and cycling routes to and within the development, to encourage their use;
- the accompanying landscape framework has been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity;
- measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change form an integral part of the design solutions.

Policy CP16 – Biodiversity

The Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity, and has regard to the following:

- protecting sites of international, European, and national importance, and local nature conservation sites, from inappropriate development.
- supporting habitats that are important to maintain the integrity of European sites.
- new development will be required to show how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, delivering BAP targets and enhancing Biodiversity Opportunity Areas.
- new development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures used only as a last resort. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.

- maintaining a District wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation, and enable biodiversity to respond and adapt to the impacts of climate change.
- supporting and contributing to the targets set out in the District's Biodiversity Action Plan (BAP) for priority habitats and species. Planning proposals that have the potential to affect priority habitats and/or species or sites of geological importance will be required to take account of evidence and relevant assessments or surveys.