

Planning and Rights of Way Panel 24th November 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Shirley Junior School Bellemoor Road			
Proposed development: Erection of play equipment in school playing ground and Installation of 3.7m High Wire Mesh Fence.			
Application number:	20/00862/FUL	Application type:	FUL
Case officer:	Killian Whyte	Public speaking time:	5 minutes
Last date for determination:	11.11.2020	Ward:	Shirley
Reason for Panel Referral:	Referral from Neighbours	Ward Councillors:	Cllr Coombes Cllr Kaur Cllr Chaloner
Referred to Panel by:	5 or More required Objections	Reason:	Overlooking Noise Disturbance
Applicant: Stefan Bleeck		Agent: N/A	

Recommendation Summary	Conditionally approve
-------------------------------	-----------------------

Community Infrastructure Levy Liable	Not applicable
---	----------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policy – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, SDP21 and SDP23 of the City of Southampton Local Plan Review (Amended 2015). Policies – BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached		
1	Development plan policies	

Recommendation in Full

Conditionally approve

1. The site, its context and background to the scheme

1.1 The application site comprises of Shirley Junior School which is located on the corner of Bellemoor Road and Wilton Road amongst two storey semi-detached and detached residential properties and three storey apartments.

1.2 The application proposals would be located within the western part of the school playing ground. The western boundary is shared with the rear boundary of properties located within Morland Road, which are two storey terraced dwellings. The existing boundary comprises of a brick wall and the Morland Road properties are on lower ground to the school playground.

2. Proposal

2.1 The proposal is for the installation of various pieces of school play equipment. These comprise of:

- Overhead ladder – approximately 2.0m high
- Scramble net - approximately 2.21m high
- Pull up bars - approximately 1.8 high
- Climbing net

The closest apparatus to the western boundary would be the overhead ladder and this would be positioned approximately 2.5m from the wall.

2.2 Following concerns from neighbouring properties (detailed in section 5 below), the applicant has amended the plans to create a 3.7m high boundary treatment comprising of the existing wall (1.7m high) and an additional 2.0m of wire mesh fencing incorporating artificial ivy planting to help mitigate the impact to the neighbouring properties.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). Also of relevance to this application are policies within the Bassett Neighbourhood Development Plan (adopted 2016). The most relevant policies are set out at **Appendix 1**.

3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context), SDP9

(Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.

- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. Furthermore paragraphs 91 and 92 discuss the afforded benefits of recreational and sporting facilities in helping achieve a healthier place. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 As this is a large site, there is a lot of planning history associated with this site. The most relevant planning history for this site is under planning application 880946/WH which is for the Erection of a 3.05m high and a 3.66m high chain link fence to the front and side boundary of school play area which was approved in July 1988. This is relevant as it covers the west facing area where the proposed equipment would be installed.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **6 representations**.

The following is a summary of the points raised:

- 5.1.1 *'The proposed climbing frame/hanging bars/monkey bars and cargo net is 2.21m (7.25 ft). The wall separating the school from our gardens is only approx. 1.82m (6 ft). Therefore, the apparatus being so high and so close to our rear gardens will allow the children to look over into our properties'*.

Response: Overlooking impacts and loss of privacy to neighbouring properties is considered below

- 5.1.2 *'The suggested location is far too close / near to our gardens (which are very small and short) and will affect our privacy, create even more noise and restrict our own and our pets privacy relaxation, reflection and any social activities we care to participate in in our gardens and properties, even more than the ever growing school building projects do already'*.

Response: Noise impacts and loss of privacy are discussed in the Planning Considerations below.

- 5.1.3 *'There are concerns over the height of equipment as 2 parts will be a lot higher than our garden wall (2.0m) as a estimate without going into the playground. This in turn will causes issues such as a lack of both Privacy and respect to neighbours'.*

Response: Loss of privacy are discussed in the Planning Considerations below.

- 5.1.4 *'Whilst I agree that the wire fencing needs to be replaced to stop balls and stuff being thrown over, however the plastic screening will stop my light and it's horrible and thrashy looking'.*

Response: Visual impacts of the proposed fence will be discussed below.

- 5.1.5 *'The equipment is higher than our garden wall which is not suitable'.*

Response: Visual impacts and loss of amenity are discussed below

- 5.1.6 *'The height of the equipment means the children can over look my tenants garden which gives her and her family no private space. Some months ago the wire fence was removed and not replaced, replacing the fence will not solve the issue of the playground equipment but will save the children climbing over and school play equipment ending up in the garden'.*

Response: Concerns regarding children looking over into neighbouring gardens have sought to be mitigated through the provision of addition fencing. Impacts in terms of loss of light and outlook for neighbouring properties will be considered below.

Consultation Responses

- 5.2 **Sport England:** *'Thank you for consulting Sport England on the above application.*

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy

that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

5.3 **Environmental Health:** *'I can confirm that I have now looked at the attached pdf and revised plans.*

The proposal will be of little benefit in terms of acoustical screening and as such we are maintaining our objection to this planning application.

My recommendation is that the applicant looks at other location sites within the school grounds to minimise noise disturbance to neighbours'.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in determining this planning application are:

- i) How the proposal will affect neighbouring residents and;
- ii) How the proposal will affect the character and appearance of the area.
- iii) Other Considerations

6.2 **i) How the proposal will affect neighbouring residents**

6.2.1 The proposed play equipment would be located towards the western boundary of the site, which borders the rear gardens of No.s 1-5 Morland road. The existing boundary comprises of a brick wall measuring approximately 1.7m high. The rear gardens of 1-5 Morland Road are located on lower ground than the playground. The proposed site plan shows that an overhead ladder would be positioned closest to the boundary approximately 2.5m away. The height of the top of the ladder would be 2.0m. Although located slightly further away from the boundary, the 'scramble net' would have a height of 2.21m.

6.2.2 Six objections have been raised from or on behalf of the residents at Morland Road to the development. For the initial proposals (which excluded the increase to the boundary treatment), concern was raised that children could directly overlook the rear gardens of these neighbouring properties when at the top of the play equipment. Concerns were also raised that

children had previously climbed on top of the wall and the shed in the school which has resulted in some noise and disturbance to residents.

- 6.2.3 To respond to these concerns regarding overlooking and loss of privacy, the applicant (the school) has amended the proposals to now include an additional 2.0m of mesh fencing that would sit on top of the existing brick wall. It is understood from the applicant and aerial images (photographs have been sought but are not available) that this treatment of the brick wall and mesh fencing at a height of 3.7m would reflect the boundary treatment approved and installed under application 880946/WH, which stood in situ until February/March this year when it came down in a storm. In addition to re-erecting that previous boundary treatment, the applicant has sought to address the neighbours concerns that the new play equipment could result in increased overlooking through the additional mesh fencing. The proposals have therefore been amended to include an 'artificial ivy' screen within the mesh fencing, which would block views in and out of the playground. It is considered that this amended proposal satisfactorily addresses neighbours concerns that the installation of the play equipment results in overlooking and loss of privacy to the neighbouring properties at Morland Road.
- 6.2.4 However, concerns have also been raised in respond to these amended proposals that the erection of a 3.7m high boundary treatment results in loss of light to the neighbouring gardens, and that the use of artificial ivy would result in a visual eyesore and loss of outlook. Whilst it is acknowledged that the presence of a 3.7m high boundary may result in some loss of light to these gardens, the fact that the boundary is located to east means that any reduction in light would be experienced during the morning period and would not significantly impede sunlight for the whole day. On this basis it is considered that these properties will continue to receive an adequate level of sunlight at key peak times during the day and in the evening as well as sufficient levels during the summertime.
- 6.2.5 There is clearly a balance to be achieved between preventing overlooking and loss of privacy versus the loss of light and outlook to neighbouring gardens. Given the overlooking concerns from neighbouring properties it is considered that a higher boundary treatment is necessary in this instance, especially as there was previously a boundary treatment at 3.7m in height on this same boundary. In order a protect residents from overlooking and loss of privacy it is considered that the artificial ivy proposal is a suitable solution to prevent direct views from the apparatus and vice versa (which would also protect the children from privacy). In addition the use of artificial ivy achieves a softer visual barrier than a more solid form of boundary treatment and represents a suitable compromise and solution in this instance. The benefits of this boundary treatment solution in terms of mitigating loss of privacy and overlooking is considered to outweigh the concerns regarding the loss of outlook and light, especially given that the loss of light would be limited to the morning period and therefore would not be considered as significant or warrant a refusal of planning permission.

6.3 ii) How the proposal will affect the character and appearance of the area

6.3.1 In terms of amenity, the proposed play equipment would not be visible to public views as it is set back from the main Bellemoor Road by approx. 40 m. Glimpses of the boundary treatment within the site maybe visible however it is not considered that it would significantly detract from the visual amenity of the street scene or character of the surrounding locality. The applicant has provided details of the artificial ivy and of the play equipment and a condition will be imposed to ensure the development is carried out in accordance with these details. In addition the proposals would not be out of character within the school and its context.

6.4 Other Considerations

6.4.1 Neighbouring properties have raised the point that there is existing play equipment on the grassed area within the school and why cannot the new apparatus be located within the same location. Notwithstanding that each application should be considered on its own merits, the existing play equipment is understood to be in a poor condition and can only be used during dry periods. The location of the equipment within a corner of the playground is not unreasonable, nor uncommon for a school and its activities. This location would allow for all year round use and its not considered to be excessively high or visually intrusive within its setting.

6.4.2 Paragraphs 91 and 92 of the NPPF states that planning decisions should be made that take into account supporting healthy lifestyles, especially where this would address identified local health and well-being needs such as the provision of safe and accessible infrastructure and sports facilities as well as improving the health and wellbeing of the community. It is considered that the proposed equipment meets this criteria as it is providing an extra exercise facility in this open yard space as well as a recreational facility during break times.

7. Summary

7.1 In summary, there is no objection to the provision of additional school play equipment within the confines of the school. The equipment necessitates the provision of additional boundary screening to prevent overlooking and loss of privacy to neighbouring properties and to safeguard the children of the school. Whilst concerns relating to loss of light to the neighbouring gardens are acknowledged, it is considered that the benefits of this boundary treatment in mitigating overlooking and loss of privacy outweigh those other amenity concerns. On this basis it is considered that the proposals would comply with the relevant Development Plan policies.

8 Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) (g) 4.(f) (vv) 6. (a) (b)

KW for 11/11/2020 PROW Panel

Conditions:

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

02. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Materials as proposed (Performance Condition)

The materials and finishes to be used for the equipment and fence hereby permitted shall be as specified and detailed in the application form and on the approved plans, unless otherwise agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.