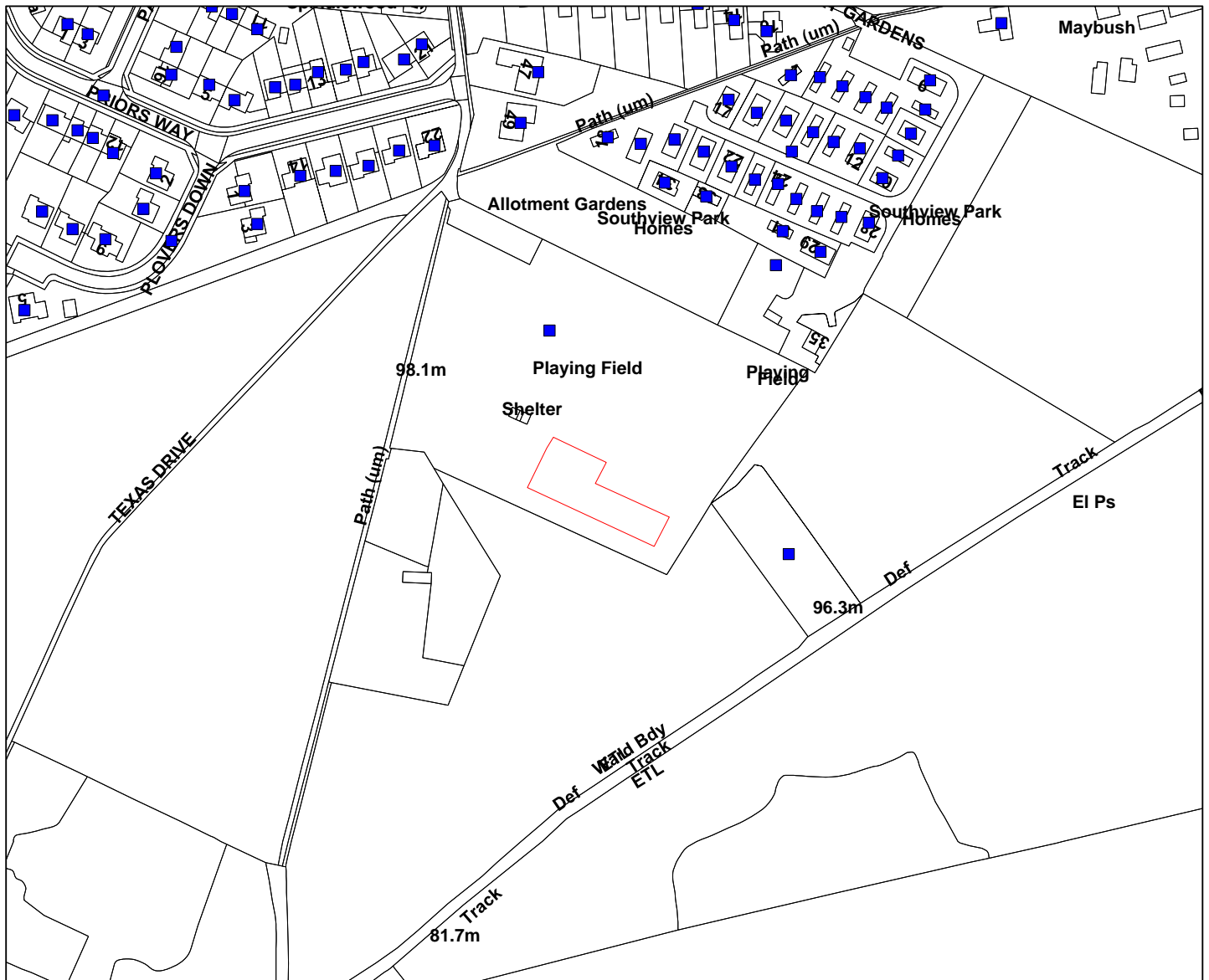


Recreation Ground, Oliver's Battery

09/02312/FUL

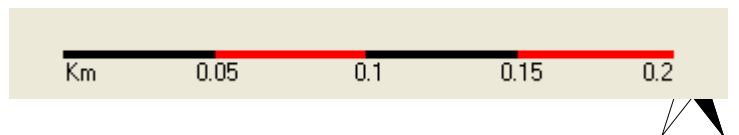


Winchester
City Council



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	03 February 2010
SLA Number	00018301

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DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No:	1
Case No:	09/02312/FUL / W00001/04
Proposal Description:	Construction of a multi use games area and tennis court including fencing and 3m high practice wall and landscaping (Resubmission)
Address:	Recreation Ground Texas Drive Oliver's Battery Hampshire
Parish, or Ward if within Winchester City:	Oliver's Battery
Applicants Name:	Mr Bernard Quartly
Case Officer:	Mr James Jenkison
Date Valid:	10 November 2009
Site Factors:	Village Green – HCC
Recommendation:	Application Permitted

General Comments

This application is reported to the Committee because of the number of objections received.

The provision of these types of facilities can often be permitted development, and it is only the fact that the amount of earthworks and excavation proposed (approx. 215m³) to form the flat hard surface areas is in excess of that allowable under permitted development regulations (200m³) which means that a planning application is required.

A previous application (ref: 09/00496/FUL) was refused due to concerns about its visual impact. The proposal differs from that of the previous application in that additional landscaping is proposed and the mesh fence associated with the ballwall has been reduced to 3 metres in height.

Site Description

The application site comprises approximately 0.145 hectares of gently sloping land, and is part of a large recreation ground comprising approximately 1.6 hectares. There is a car parking area at the north-west corner of the recreation ground, an equipped children's play area at the south west corner and a playing field located on the eastern section. The recreation ground is enclosed by dense shrub and tree planting along the north and east boundaries, with gaps between tree and shrub planting along the west and south boundaries allowing views into and out of the recreation ground. The south west corner of the recreation ground, near the children's play area, also has a substantial amount of tree and shrub planting dispersed throughout it. The recreation ground is set on the urban edge of the settlement and, like the rest of Oliver's Battery, the recreation ground sits on the upper slope of a hill, with the surrounding land in agricultural use.

The north boundary abuts allotments and a mobile home park, with more permanent suburban residential development further north. The recreation ground is separated from residential properties to the north-west of the site (Priors Way) by an agricultural field which forms a triangular wedge at the west boundary. There are views into the site from these properties, due to their elevated position and the gaps between trees along the

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west boundary.

The east side of the site is bounded by horse paddocks and a small nature reserve administered by the Parish Council, but this reserve does not have any statutory designations. There are horse jumps located on the horse paddocks.

To the south of the site is countryside land which is used for horse grazing and which is bounded by hedgerows interspersed with mature trees, as well as occasional copses and small tree groups.

There are numerous public footpaths extending into the countryside in the locality, including a public footpath along the west boundary. The nature of the landform and location of field boundary hedgerows, copses and trees in the fields here ensures that views into the site are often obscured. However, there are lengths of the public footpath network that allow views into the site. Texas Drive is not a designated public footpath.

The site is located within the Winchester-Compton Street Local Gap, due to its location in the countryside at the urban edge of Winchester.

Proposal

The proposal is to create a hard surface area at the southern section of the site for the creation of a tennis court and kickabout area. This will include the provision of a 2.7 metre high chain link fence around the perimeter of the tennis court and the creation of a ball wall 10 metres wide and 3 metres high, set perpendicular to the south boundary, to be incorporated into a mesh fence separating the kickabout area from the tennis court. This mesh fence around the kickabout area is proposed to extend around the south and west boundaries of it, with a basketball hoop and goal set centrally along the west perimeter of the kickabout area.

The proposal also includes re-contouring the land to provide a small terrace along the north side of the hard surface area, to allow informal seating and to make the hard surface areas level. The re-contouring of the land will result in the south side of the hard surface area being raised between 0.7 and 1.0 metres above existing land levels at the south side and excavated approximately 0.5 metres at the north side, in order to create a level surface.

A dense hedgerow, interspersed with trees, is also proposed along the south boundary of the site, with additional small tree groups proposed to the north of the proposed tennis court.

Relevant Planning History

09/00496/FUL - W00001/13: Construction of a multi use games area and tennis court including fencing and 3m high practice wall and landscaping - Refused – 12/06/2009.

Consultations

Landscape Team:

Raised no objection to the proposal and noted that Oliver's Battery parish is deficient in play and sport facilities and has been so for a number of years.

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The proposal was therefore considered to be an important planning objective and positively encouraged by local, regional and national planning policy guidance, as listed below:

Planning Policy Guidance Note 17 “Planning for Open Space, Sport and Recreation”:
Local authorities are required to “*ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or through improvements to existing facilities)*”.

Policy S1 of The South East Plan:

Emphasises the need for preventative measures to address the causes of ill health, including improving community access to amenities such as parks, open spaces, physical recreation activity, and cultural facilities.

Policy S5 of The South East Plan:

Encourages “*increased and sustainable participation in sport, recreation and cultural activity*” in order to “*improve the overall standard of fitness...and enrich the overall quality of life*”.

Policy RT.5 of the Adopted Winchester District Local Plan Review 2006:

Promotes improvements in recreational provision in all the settlements, and the standard and distribution of facilities in Oliver’s Battery is identified as in need of improvement in the Open Space Strategy for 2009-2010.

The proposal was also considered to be consistent with PPG17 and Policy DP3 of the Adopted Winchester District Local Plan Review 2006, due to the use of tree and shrub planting to soften the visual impact of the proposal and the reduction of the footprint from that originally proposed. It was considered that these measures would protect the amenity value of this important recreational open space and maintain and enhance the character and quality of the village when viewed from the south.

Engineers: Highways

The Highways Engineer raised no objection to the proposal and noted that it would not result in a material increase in traffic generation to and from the site and did not contain any significant highway issues that were likely to impact on highway safety.

Engineers: Drainage

The Drainage Engineer raised no objection to the application and noted that the recreation ground is located on chalk, that a soakaway and French drains are to be used and that the hard surface area for the tennis court is to be porous macadam.

Environmental Protection Team:

Considered that the proposed practice ball wall and tennis court were sufficiently far away from residential properties that they would not result in significant noise disturbance.

Archaeological Officer:

Indicated that there may be archaeological remains on the site and recommended an archaeological monitoring condition (Condition 4).

Hampshire Police:

Hampshire Police raised no objection to the proposal, noting that there have only been

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three investigations for Texas Drive during the year between 01/01/2008 and 04/01/2009, which indicates a very low level of crime.

There have been few calls in relation to anti-social behaviour in the locality, with the main concern being that cars were entering the car park at night and performing wheel spins, etc. As a result of this, the car park gate has been closed at night to reduce this behaviour and the police are not aware of any further negative reports.

Representations:

26 letters received objecting to the application, for the following reasons:

- Proposal would be permanently visually intrusive;
- Noise, particularly noise of balls banging against ball wall;
- Duplication of school facilities;
- Loss of views;
- Proposal will attract graffiti and anti-social behaviour;
- Increased traffic along Texas Drive will compromise pedestrian safety;
- Location is insensitive and landscaping is inappropriate;
- Proposal is contrary to the Local Plan and Village Design Statement policies;
- Archaeological concerns;
- Application not effectively publicised.

2 letters of support received (including 1 from the applicant).

- Lack of existing facilities.

Relevant Planning Policy:

South East Plan 2009:

S1, S5

Winchester District Local Plan Review 2006:

DP3, DP4, CE2, CE3, HE1, RT5, RT8.

Oliver's Battery Village Design Statement.

L1, L4, L5, LR1, LR2, LR3.

Open Space Strategy 2009-2010

31. Oliver's Battery (pg.72, 73).

National Planning Policy Guidance/Statements:

PPG 16 Archaeology and Planning.

PPG 17 Planning for Open Space, Sport and Recreation.

Planning Considerations

Principle of development

The site is an established recreation ground and Policy RT2 of the Adopted Local Plan states that hard surface areas will only be permitted where the Local Planning Authority is satisfied that the recreational value of the site would be maintained or enhanced, and the Open Space Strategy 2009-2010 is consistent with this, specifically stating that the provision of a multi-use games area for teenagers and tennis court is proposed. Additionally, Oliver's Battery Village Design Statement contains a section on the

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recreation ground and notes the need for developing a hard surface playing area on the site, with Policy LR1 specifically supporting its provision. The proposal is therefore considered to be acceptable in principle.

Design/layout/location and Impact on character of area

Policy LR2 of the Village Design Statement notes that hard facilities should be carefully designed and located and accompanied by appropriate planting, to minimise intrusion on the landscape and this is consistent with Policies CE2 and CE3 of the Adopted Local Plan, which seek to minimise development that would physically or visually diminish a Local Gap or include extensive hard surface areas. In relation to this application, the Local Gap is the area of countryside between Winchester and Compton.

In the context of the site and surrounding countryside, it is considered that the hard surface area proposed is not extensive and covers only a small proportion of the total site (approximately 1453 square metres, or 9.1%). It has also been located approximately 7.5 metres from the south boundary, allowing sufficient space for a dense mature hedgerow, interspersed with tree planting, to be established along the south boundary, where it will be able to mature without interfering with the recreational use of the tennis court and kickabout area. This hedgerow will incorporate the existing birch trees already located at the south boundary. Planting is also proposed more centrally within the site, to create an effective landscape setting to the hard surface area. Such landscaping within the recreation ground has already been successfully achieved at the south west corner of the site and ensures that the play equipment does not appear as intrusive in the landscape. This existing landscaping will also act as a visual foil to the hard surface area in views from the west.

The proposed hard surface area, ball wall and associated mesh fencing will, therefore, not be viewed as an exposed singular mass but will instead be glimpsed over long distances in conjunction with groups of trees and shrubs. Additionally, the proposal will not be viewed as an isolated urban feature but will be perceived as part of a scattering of manmade features (including the children's' play equipment on the recreation ground and equestrian paraphernalia on adjacent land) which will be seen as part of the transition zone between urban and rural areas. Importantly, landscaping will remain the dominant visual feature in vistas from outside the site.

It is therefore considered that, subject to a landscaping condition (Condition 3) the proposed development will not have a materially harmful impact on countryside amenities and will not result in the Local Gap being materially diminished.

Neighbours Amenities

The application site is an established recreation ground and the Open Space Strategy 2009-2010 and adopted Village Design Statement clearly state the shortage of these types of recreation facilities and an intention to establish them on this site. Recreation grounds, and their uses, are generally acceptable activities within, or close to, residential areas and the nature of activities and types of noise generated are not incompatible with the amenities of residential properties. In this instance, the recreation ground is located at the edge of the settlement, with minimal exposure to residential properties, and the hard surface areas proposed are set as far away from dwellings as possible whilst still maintaining sufficient space at the boundaries to allow for significant landscaping. The proposal has therefore been sited within the recreation ground, some 115 metres from the nearest houses along Priors Way, ensuring the least possible noise impact on

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nearby residential properties. The proposal is therefore not considered to be materially harmful to neighbours' amenities and the Council's Environmental Protection Team has raised no objection.

Crime and Disorder

The tennis court is to be enclosed by a 2.7 metre high chain link fence, with entrance possible only via lockable gates. This provides a security measure which should help to ensure that the area behind the ball wall can only be accessed when the gates are open. Additionally, Hampshire Constabulary has not objected to the application, and has confirmed that the locality has a very low crime rate. It is therefore considered that a refusal of permission based upon the likely impact of crime and disorder would be unsustainable in this case.

Archaeology

There is an ancient burial mound (tumulus) approximately 285 metres to the south west of the recreation ground which indicates that there may be archaeological remains present on the site. An archaeological recording condition has therefore been recommended, as the proposal involves land excavation (Condition 4).

Drainage

Chalk allows for effective drainage and the provision of a soakaway and French drains should ensure that the hard surface area is effectively drained. Where run-off does occur, it will be directed towards the area where dense landscaping is either proposed or existing. Additionally, the tennis court is proposed to be finished in a porous macadam. The proposal is therefore considered to be able to be adequately drained.

Highways/Parking

The proposed facilities are intended to fulfil a local need for local people and older children and it is therefore not considered that materially significant levels of vehicle traffic will result from this development. Vehicular access to the site is only possible via the turning head of Priors Way, which is a cul-de-sac. This acts to minimise vehicle movement and slow vehicle speeds.

Other Matters

Facilities at the local primary school are unavailable for public use outside school hours. The site notice has been displayed in a prominent position where it can be observed by people walking to the playground and letters notifying neighbours of the application were sent to 74 nearby properties. A copy of the plans has also been placed on the Parish Council notice board at the recreation ground. It is therefore considered that the Council has fulfilled its statutory duties in respect of the notification of the application.

Recommendation

Application Permitted, subject to the following conditions:

Conditions

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

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Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until details and samples of the materials to be used in the construction of the ball wall, mesh fencing and hard surface areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance, in the interests of the amenities of the area.

3. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If, within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site, in the interests of visual amenity.

4. No development, or site preparation prior to operations, which has any effect on disturbing or altering the level of composition of the land, shall take place within the site until the applicant, or their agents or successors, in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.

5. Prior to work commencing on the site, a drainage system for the disposal of surface water shall be first submitted to and approved in writing by the Local Planning Authority. The drainage system, as approved, shall be fully implemented prior to the hard surface areas being brought into use.

Reason: To ensure that the proposal is adequately drained.

6. No development or site preparation prior to operations shall take place until a site and construction management plan has been first submitted to and approved in writing by the Local Planning Authority. The plan shall detail measures to protect trees on the site from soil compaction and activity associated with construction works. Development shall be undertaken in accordance with the approved construction management plan.

Reason: To protect the amenities of the locality and trees and landscaping on the recreation ground, which will form an important visual screen of the development.

7. No floodlighting, whether free standing or affixed to a structure, shall be provided on the site at any time.

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Reason: In the interests of the amenities of the locality.

Informatives:

1. This permission is granted for the following reasons

The development is in accordance with the policies and proposals of the Development Plans set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Oliver's Battery Village Design Statement: L1, L4, L5, LR1, LR2, LR3.

Winchester District Local Plan Review 2006: DP3, DP4, CE2, CE3, HE1, RT5, RT8.

South East Plan 2009: S1, S5