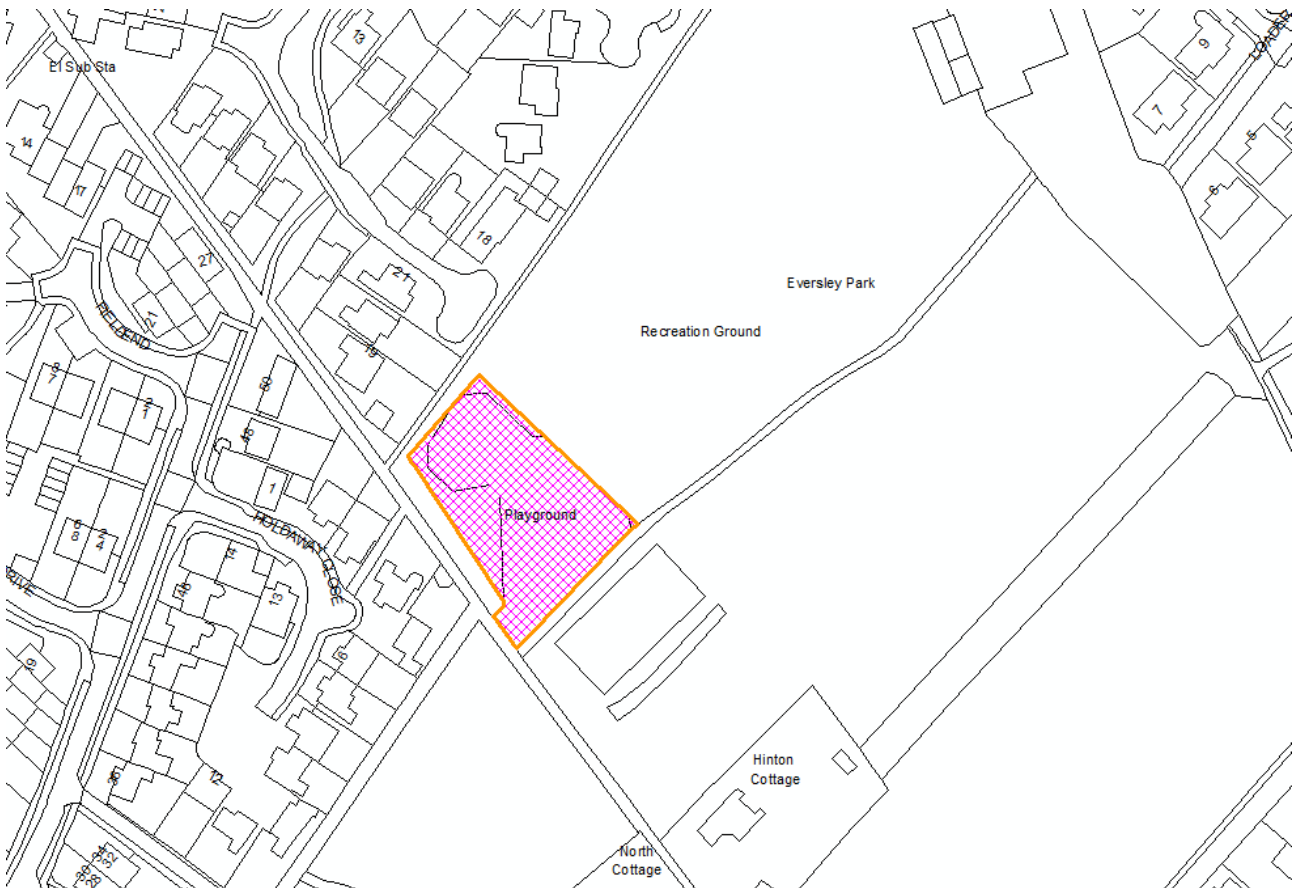


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/00485/FUL
Proposal Description: The installation of a play tower unit in Eversley Park play area as part of a larger replacement project.
Address: Eversley Park Recreation Ground Loader Close Kings Worthy Hampshire
Parish, or Ward if within Winchester City: Kings Worthy Parish Council
Applicants Name: Mr Christopher Read
Case Officer: Mrs Megan Osborn
Date Valid: 24 February 2023
Recommendation: Application Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 23/00485/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it is acceptable in terms of its impact on the character of the area and would not harm neighbouring residential amenity and complies with policies DM15, DM16 and DM17 of the LPP2.

General Comments

The application is reported to Committee because of the number of Objections received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The application site is located on the same site as the existing Kings Worthy playground. This is within Everley Park, which is located in an area just outside the settlement boundary to the south of houses on Frampton Way and to the east of houses on Holdaway Close.

There is a cluster of trees located to the north east of the playground site.

Proposal

The proposal is for the removal of most of the existing play equipment, which has come to the end of its life, and replacement with new play equipment. The overall project includes the installation of replacement swings, trim trail, spinning items and springers, as well as the addition of a zip wire. None of this equipment exceeds 4m in height and is therefore permitted development and doesn't require planning permission.

However, the application does include a climbing tower unit, and a small part of this exceeds 4m in height. The overall tower height is approximately 5.4m, however the highest platform on which a child could stand is 3m. The section of tower that exceeds 4m, relates to the roof of the main tower sections, and its associated supports.

Relevant Planning History

None relevant

Consultations

Service Lead for Community and Wellbeing (Trees)

The tree officer requested further information regarding the trees on the site and any surrounding, this was provided by the applicant and is considered acceptable and no objection is raised, subject to conditions 4-8.

Service Lead for Community and Wellbeing (Landscape)

No objections – this would result in negligible effect on the surroundings as it will be seen as part of the existing playground.

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Representations:

8 Objecting Representations received from different addresses citing the following material planning reasons:

- The tower would result in overlooking towards neighbours gardens and houses.
- This would lead to anti-social behaviour
- The play equipment proposed is unsafe.
- It is out of keeping with the surrounding area.
- Work has already started on the playground.

6 Supporting Representations received from different addresses citing the following material planning reasons:

- This is much needed play equipment in Kings Worthy located right next to the school.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 4 Decision Making

Section 8 - Promoting healthy and safe communities

National Planning Practice Guidance

Design: process and tools

Determining a planning application

Open space, sports and recreation facilities

Environmental Impact Assessment

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

Policy DS1 – Development Strategy and Principles

Policy CP7 – Open space, sport and recreation

Policy CP13 – High Quality Design

Policy CP18 – Settlement Gaps

Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Design Principles

DM32 – Undesignated Rural and Industrial

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Other relevant documents

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Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030
Statement of Community Involvement 2018 and 2020
Landscape Character Assessment December 2021

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site already has a playground in this location and therefore the principle of replacing this playground is acceptable. The Local Planning Authority will seek improvements in the open space network within the District under planning policy CP7 of the LPP1.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area and residential amenities

The application site is located in a wider area of open space and this part of the site is already used for a children's playground. There is a small area of trees to the north east of the site and trees and vegetation on the boundary of the open space with the dwellings on Frampton Way.

The Parish is proposing to replace some of the equipment on the site. The only part of the new equipment that requires planning permission is the proposed tower, because part of it is above 4m in height.

The design includes the use of some blue and green panels, but overall the colour scheme is greys, blacks and frosted Perspex.

It is considered that the proposed tower would not appear incongruous within this area of existing playground equipment. The height, mass and design is acceptable within this setting.

There are dwellings to the north and east of the site. It is considered that this tower would not result in any unacceptable material planning harm towards these dwellings, due to the tower's location in the site and the nearest dwelling is approximately 40m and approximately 32m to the boundary.

There is a Public Right of Way that runs to the north and west of the playground. It is considered that the erection of the tower will not result in any further harm on the Public Right of Way.

Therefore this proposal would not result in an unacceptable harm on the surrounding character or residential amenities. Therefore the proposal complies with policies DM15, DM16 and DM17 of the LPP2.

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Development affecting the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The application site is located 425m from the South Downs National Park and therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Other Matters

Comments have been made regarding this proposal in relation to the safety of the equipment, this is not something that would be assessment within a planning application.

The proposed materials of the equipment were also questioned. The materials of the tower were chosen to maximise longevity and lifespan. The majority of the structure is made of metal and HDPE (High Density Polyurethane Plastic), both of which can be recycled.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

Given the above assessment, it is concluded that this development would not result in any harmful impact on the character of the surrounding area nor would it result in any material planning harm on the surrounding residential amenities.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in the materials section of the associated application forms.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

3. The development hereby permitted shall be carried out in accordance with the plans listed below unless otherwise agreed in writing by the local planning authority:

EP02 – Tower unit data sheet including dimensions.

EP03 – Eversley Park site and layout.

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

4. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement Ref:- AIAMS23-1011 written by Thomas Gregory of Plane Arboriculture Ltd and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

5. The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with entitled Method statement, and Tree Protection Plan, Ref:- AIAMS23-1011 Telephone – Tree Officer. 01962 848360

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

6. Any deviation from works prescribed or methods agreed in accordance with Method statement (for protection of trees) and Tree Protection Plan, TPP-AIAMS23-1011 shall be agreed in writing to the Local Planning Authority.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

7. No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection

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areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

8. A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

Informatives:

01. In accordance with paragraph 38 of the NPPF (July 2019), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance the application was acceptable as submitted and no further assistance was required.

02. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan 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.

03. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 - Joint Core Strategy: DS1, CP7, CP13, CP18, CP20

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: and DM1, DM15, DM16, DM17 and DM23

04. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990

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which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice on this please refer the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>