

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: SDNP/23/02780/FUL
Proposal Description: Retrospective Application for Children's Play Equipment
Address: Tichborne Arms
Riverside Farm Lane
Tichborne
SO24 0NA
Parish, or Ward if within Winchester City: Tichborne Parish and Upper Meon Valley Ward
Applicants Name: Mr Czopor
Case Officer: Tania Novachic
Date Valid: 17/05/2023

Link to Planning Documents

[SDNP/23/02780/FUL | Retrospective Application for Children's Play Equipment. | Tichborne Arms Riverside Farm Lane Tichborne Hampshire SO24 0NA \(southdowns.gov.uk\)](#)



Reasons for Recommendation

The development is recommended for permission as it is not considered to be significantly harmful to the character and appearance of the conservation area or the South Downs National Park. The proposal is also considered to have an acceptable impact on neighbouring amenity and therefore complies with the policy requirements of SD4, SD5, SD15 and SD43 of the SDNP Local Plan

General Comments

The application is reported to Committee due to the number of objections to the proposal contrary to the recommendation.

Amendments to Plans Negotiated

No amendments have been received as the application is retrospective.

Site Description

The village of Tichborne is a small settlement of character properties with a number of which are grade II listed thatched cottages with a well-maintained outlook set within the conservation area of Tichborne. The Tichborne Arms is not listed however it appears to retain the existing character with the use of traditional proportions, use of materials including a thatch roof. To the west of the public house is a row of grade II listed terrace cottages, Tichborne cottage, Lovat cottage and Downend Cottage and directly opposite is The Old Post Office.

The Tichborne Arms is a public house located in a prominent position within the village and conservation area of Tichborne within the South Downs National Park (SDNP).

The public house is positioned within a large plot with parking to the east and an area of lawn directly to the rear and forms the boundary line of the highway to the north (Riverside Farm Lane) with the pub garden positioned directly at the rear.

The well-maintained pub garden is currently laid in lawn with gravel walkways and planting providing both covered and open seating areas. Along the shared boundary with Tichborne Cottage (SW) a grade II listed cottage the garden is lined by a tall closed boarded fence however the garden remains openly visible to the south and southeast with only post and wire marking the boundary to the agricultural land that surrounds the site.

The pub garden includes areas of outdoor seating, a greenhouse for growing vegetables, a designated area to the rear for a game of boules and a fenced play area surrounds a swing set with a single climbing tower.

The character of the properties close to the application site comprises of similar style properties of brick and flint with thatched roofs in two clusters of traditional terraces. The road itself slopes down to the east, resulting in the Tichborne Arms being situated at the lowest level to its neighbouring properties.

The public house is not listed however it is a character building constructed of brick and thatch set within the conservation area of Tichborne.

Proposal

Retrospective Application for Children's Play Equipment

Relevant Planning History

SDNP/23/00041/FUL - We are looking at change of use on a previously used grazing field and use it for an overflow parking as and when the pub main car park is full. The current pub car park was grazing field and was changed under planning before as well. We are proposing to fully hedge the new proposed perimeter with Hawthorn to match in with the species which currently edge the existing car park. - APP 07.03.2024

SDNP/22/02729/DCOND - 03- Schedule of Materials - APP 11.08.2022

SDNP/21/05677/FUL - (Amended) Replacement rear covered area and relocation of existing vehicular access to existing parking area - APP 05.04.2022

10/01965/FUL - Single storey rear extension - PER 02.11.2010

Consultations

Service Lead – Sustainability and Natural Environment (Landscape) –

Comments:

As this is an application for retrospective planning the impact the play equipment is having on the surrounding area is evident.

The supporting information states the play area would be closed off by 7pm but it isn't clear how this will be enforced. Consultation with WCC Environmental Health on noise levels should be undertaken and if permission is granted a condition relating to hours of use to be included. The current location of the equipment, adjacent to the neighbours, is not suitable. The equipment should be located at the furthest point from this boundary as is feasible. We would recommend that the roof of the structure is removed to prevent children climbing on it both for health and safety and for privacy, this would also reduce the impact of the whole structure visually.

Planting along the neighbouring adjacent fence would prevent children kicking the fence and in time assist in providing a noise buffer.

An annual play inspection report must be undertaken and due to the nature of the site a daily inspection by trained staff of the surrounding ground for unwanted material and that all fittings are sound and in good working order must be carried out. Play equipment suppliers can provide relevant maintenance training. Wooden equipment splits naturally, and is expected to, however if splits are close to fixtures/structural elements or too wide they can become a health and safety concern.

Updated comments received 09.05.2024

I would suggest a section of trellis at least 0.5m high the length of the play space.

Service Lead – Public Protection (Environmental Health) –

No objections:

Thank you for your consultation. I have reviewed the details of the application and I have some concerns regarding the siting of the playground. Any area associated with children playing will be noisy and therefore when in use, the playground will have a significant amenity impact to neighbouring residential properties.

Following our site visit and discussions with the owner I have confidence that they have measures in place to control any noise from the use of the play area. The photograph from your most recent visit which shows signage stating the play area is closed at 7pm further supports their commitment to ensuring that they reduce the potential impact on neighbouring residential properties. On this basis I have no further objections to the application. You may wish to formalise the use of a noise management plan by placing an appropriately worded condition on the decision notice should you decide to grant permission.

Service Lead – Sustainability and Natural Environment (Ecology) –

Comments:

Given the scale of development and the distance from the river my concerns would be:

- Indirect impacts (such as noise and pollution) during construction
- Lighting disturbance

I would also check the development will result in a net gain for biodiversity in accordance with the TAN.

I would condition a CEMP (unless the work is entirely retrospective) and an External Lighting Plan (unless they are not proposing any external lights within either the play area or overflow car park).

Service Lead – Built Environment (Historic Environment) -

No objections:

Historic England GPA3 the Setting of Heritage Assets states: Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise ... from other land uses in the vicinity, and by our understanding of the historic relationship between places.

The Planning Statement Introduction states that since the play equipment is within the licensed area of the pub garden and could be used for seating... the impact of the play equipment is negligible.

However, children at play will increase the noise generated from the licensed premises and the siting of the play equipment close to the listed building boundary is considered to cause harm to the setting of the listed buildings adjacent.

The Planning Officer will have to consider the extent of the additional noise generated by children using the play equipment.

It is noted that the applicant submitted a copy of their Noise Management Policy dated 2022 which states that the children's area will shut at 7pm 7 days a week and signage will encourage parents to monitor activity.

The platform of the slide measures 1.5m in height and it is not clear if overlooking into the listed buildings adjacent is possible.

It may be possible to screen the climbing frame to increase the height of the boundary fence/introduce planting.

Updated comments received 10.05.2024

Thank you for your email. Following receipt of the amendments, and commitment to noise management via condition, I consider that the concerns previously raised by the HET have been addressed. We therefore raise no objection to the granting of planning permission.

Representations

Tichborne Parish Council

- The Parish Council takes a neutral viewpoint on this application.
- It has no desire to actively support this application, but it also has no desire to object to it.
- However, a number of concerns have been expressed to us about the level of noise coming from the children's play area and, to try to mitigate those concerns, we would like to see the following planning conditions included in any decision to grant permission.
- The playground should only be in operation between the hours of 11.00am to 6.00pm throughout the week.
- There should be a planting scheme in place so that the noise generated by users can be attenuated.
- The Parish Council also has the following material comments to make.
- The general feeling is that the play equipment is situated in the wrong place and it may be of benefit to consider a re-location away from neighbouring properties.
- There may also be scope for the equipment to be rotated through 90% (clockwise) so that any noise generated is projected towards the bottom of the garden and onwards to the meadows beyond.
- Little Orchard Pubs Ltd (the applicant) has published a Noise Management Policy as part of this application.
- The Parish Council asks that this policy is reviewed so that the impact of children screaming is clearly highlighted within it and a plan for dealing with this situation is published.
- The Parish Council asks that all employees of Little Orchard Pubs Ltd are empowered to implement this updated policy.
- The SDNPA may wish to include a planning condition relating to maximum noise levels.

- However, any condition proposed must be enforceable rather than just being seen as aspirational.
- Better signage should be in place asking parents to supervise their children whilst using the equipment and it should also ask them to respect neighbouring property owners with regard to their privacy, health and well-being and the quiet enjoyment of their gardens.
- It is worth looking at the design of the tower once again so that the unfortunate situation of children climbing on its roof and overlooking the neighbouring properties can be eliminated.
- If this application is to be referred to the SDNPA Planning Committee for a decision, then the Parish Council would like to have a speaking slot at the time the committee meets.

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

- Excessive noise
- Safety issues
- Negative impact on the conservation area
- Odour
- Traffic
- Tranquillity

12 Supporting Representations received with addresses provided and a further 10 without addresses provided citing the following material planning reasons:

- Enhancement
- Important place for families
- Amazing transformation
- Benefits the pub.
- If removed loss of amenity
- Community focused
- Loss of revenue
- Provides a local play area for children and encourages people with children to use pub.
- Community asset
- Benefits young people.
- Encourages families to use the pub.

1 Neutral Representations received from different addresses citing the following material planning reasons:

- Too small
- Attractive feature

Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area

is the **South Downs National Park Local Plan Adopted 2 July 2019 (2014-33)** and any relevant minerals and waste plans. Other plans considered:

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

Planning Policy

Relevant Government Planning Policy and Guidance

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) which was issued on the 19 December 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

Paragraph 2 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs National Park Local Plan Adopted 2 July 2019 (2014-33)** are relevant to this application:

- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 – Design
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD15 - Conservation Areas
- Strategic Policy SD25 - Development Strategy
- Development Management Policy SD43: New and Existing Community Facilities

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 9

Planning Assessment

Principle of development

Policy SD43 applies. The purpose of this policy is to support new facilities and protect existing community facilities that serve the local communities of the National Park.

For the purposes of Policy SD43, community infrastructure facilities include:

- Cultural facilities
- Education
- Healthcare
- Libraries
- Public houses
- Recreational open space
- Sports pitches, pavilions and leisure centres
- Town and village halls

The Authority will safeguard all existing community facilities that are fit for purpose from development proposals for non-community uses. Where a development proposal could lead to the loss of a community facility or reduce its scope and/or viability, the Authority will expect applicants to provide very strong justification for this loss or diminishment. Policy SD43 particularly seeks to guard against short-termism, since loss is often irreversible.

The property is located outside of a settlement boundary and Policy SD25 of the South Downs Local Plan (SDLP) 2019 seeks to resist development outside of settlement boundaries. However, in this instance, the development relates to alterations within the curtilage of an existing Public House, and as such is considered acceptable in principle, subject to accordance with relevant development plan policies.

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 the character and appearance of the area

Policy SD15 sets out that development within a conservation area, or within its setting, will only be permitted where they preserve or enhance the special architectural or historic interest, character or appearance of the conservation area.

The Tichborne Arms is positioned with the conservation area of Tichborne it is not listed however it appears to retain the existing character with the use of traditional proportions, use of materials including a thatch roof. To the west of the public house is a row of grade II listed terrace cottages, Tichborne cottage, Lovat cottage and Downend Cottage and directly opposite is The Old Post Office.

Policy SD4 of the SDLP states that development proposals will only be permitted where they conserve and enhance landscape character. Policy SD5 of the SDLP, seeks to ensure that development makes a positive contribution to the overall character and appearance of the area. Proposals should integrate with the landscape and should be sympathetic to the setting in terms of height, massing, roof form and materials.

The application is for a retrospective play area set within the existing pub garden of the Tichborne Arms. The play area has been set along the shared boundary to the west, following a site visit on the 08.05.2024 by the planning officer the following measurements have been outlined.

Play area boundary-

- 6.3m (l) x 9.5m (w)

Distance from the shared boundary with Tichborne Cottages –

- 2.1m

Play equipment –

- Timber frame inclusive of the tower 3m
- Swing area – 2.99m
- Highest point of the roof of the tower is 2.94m
- Depth of the tower 1.55m
- Width of the tower 1.4m

The timber framed play equipment includes two swings that appear due to their size and design for younger users and an open timber tower that include 3 steps to access the slide and a firemen's pole is set within a timber post and rail boundary covered in bark.

There is no objection to the proposal in terms of design and appearance. The use of natural materials where possible is considered appropriate for its setting and would not be considered unusual within a pub garden setting and the orientation provides a natural screening within the Tichborne conservation area.

Overall the design and visual impact of the proposed development is considered to accord with the aims of SDLP policies SD4, SD5 and SD15 would have no adverse impact on the character of the area.

Development affecting the South Downs National Park

The application site is located within 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 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

Taking account of the Park's purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote understanding of its special qualities, and given the assessment above, the development has a neutral impact and does not therefore adversely conflict with the statutory purposes of the SDNP designation.

Neighbouring amenity

SDLP policies SD5 require proposals to have regard for the amenity of neighbouring properties. The property that would be most impacted by the play area is the neighbouring dwelling, Tichborne Cottage, to the west of the site.

With regards to Tichborne Cottage, the property sits at a higher land level than the application site by approximately 1.3m from where the play equipment is positioned.

The designated play area is positioned away from the rear of the neighbouring property by approximately 11m and screened by closed boarded timber fences and trellis lining the shared boundary with the addition of existing vegetation and trees it is therefore unlikely to result in any adverse impact on residential amenity either by overlooking, loss of light or through the creation of an overbearing structure due to its scale and design.

Concerns have been raised with regards to an increase in noise nuisance due to the addition of a designated play area within the pub garden and the positioning of the play equipment along the shared boundary which could increase the expected noise

levels. However, the play equipment is positioned within an existing pub garden where a level of noise nuisance would be expected.

A management plan has been secured by condition (5) to ensure that noise nuisance is mitigated in the interests of the amenities and privacy of neighbouring properties, with the implementation of permanent signage outlining the hours of use as outlined within the document titled Tichborne Arms Noise Management Policy Updated 2022 under section 3 and the additional screening along the west boundary of the designated play area.

In summary, the Tichborne Arms is a thriving village pub with a large outdoor area to the rear. The inclusion of a simple climbing frame in a designated area, with measures in place to manage its use, would not result in sufficient material harm to neighbouring amenity through noise disturbance to warrant refusal.

For the reasons outlined above the proposal is considered to accord with Policy SD4 and SD5 of the South Downs Local Plan.

Ecology and Biodiversity

SDLP policy SD2 outlines that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services.

An Ecosystems Services Statement has been submitted which outlines that the proposal would provide young children the benefit from exercise and interaction with parents and carers which will benefit their physical and mental health in addition the garden is well planted with areas of wild meadow, flowers and fruit trees.

Dark Night Skies

The South Downs National Park has been designated an International Dark Skies reserve. As such, it is sought to reduce any light pollution associated with new development. Particular care will be taken where sites are within sensitive areas, for example where located in one of the three core zones of the Dark Night Skies Reserve.

The application site is located within the transition zone E1b

Whilst no external lighting is proposed as part of the application it is recommended that a condition be attached to ensure that consent is sought for any future external lighting proposals in order to maintain the quality of the dark sky reserve.

Historic Environment

Impact on the setting of the adjacent listed building; Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 16 of the NPPF 2021; Strategic Policy SD12 (Historic Environment) and Policy SD13 (Listed Buildings) of the South Downs Local Plan (2014-33)

Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (GPA3) the Setting of Heritage Assets states: *Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise ... from other land uses in the vicinity, and by our understanding of the historic relationship between places.*

It is expected that the addition of a designated play area within the setting of a pub garden will increase the noise generated and the siting of the play equipment in close proximity to the listed buildings (approx. 2.1m) would cause a level of harm to the setting in terms of noise.

The Historic Environment Officer has identified a low level of harm to the significance of the nearby and adjacent terrace of listed properties Tichborne Cottage, Lovat Cottage and Downend Cottage to the west of the Tichborne Arms and to the character of the Tichborne Conservation Area, arising from the noise caused by the play equipment. This harm is likely to be balanced by the considerable public benefit arising from the continued use and operation of the Tichborne Arms, as a valued local facility which contributes positively to the vitality and vibrancy of the conservation area. The play equipment supports the continued function of the pub.

The provision of mitigation in terms of noise management and the additional screening along the boundary to the west has been discussed with the Historic Environment Team, the concerns previously raised have been addressed therefore no further objection to the granting of planning permission has been raised and secured via condition.

Based upon the above assessment it is considered that the designated play area would preserve the setting of the adjacent listed building Tichborne Cottage and would not have an unacceptable impact and would therefore have a neutral effect on the surrounding Conservation area; thus preserves the setting of the adjacent listed building and has less than significant harm on the special interest of the historic building taking into account and in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is in compliance with policy SD5, SD12, SD13, SD15 and para 16 of the NPPF.

The proposed development would conserve the character, appearance and historic interest of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is in compliance with policy SD12, SD13, SD15 and para 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

Landscaping

The positioning of the play area would benefit from the introduction of additional screening however the planting of vegetation or trees would likely prove unsuccessful due to the lack of sun along the westly boundary of the site, therefore a trellis has been suggested to provide additional screening, this has been secured via condition (condition 6).

Environmental Health

The photograph included within the presentation (slide no.8) shows signage stating that the play area is closed at 7pm daily further supports their commitment to ensuring that they reduce the potential impact on neighbouring residential properties. On this basis no further objections have been raised subject to a condition (5) of a noise management plan.

Sustainable Transport and Parking

The proposal will have minimal impact on highway safety/amenity/traffic generation/air quality/sustainable travel/parking ratio/standards as it relates to a play area within the existing public house.

Therefore the proposal complies with policies SD19 and SD22 of the South Downs Local Plan.

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

The proposed development is not considered to be significantly harmful to the character and appearance of the local area, the setting of the nearby listed building or the South Downs National Park and therefore complies with the policy requirements of SD4, SD5, SD12, SD13, SD15 and SD43 of the SDNP Local Plan.

The development would not result in a detrimental impact on the amenities of neighbouring properties in terms of noise disturbance, loss of privacy, light or overbearing impacts above those expected within a pub setting. The development is not considered to result in an unacceptable impact on the dark night skies of the South Downs National Park. For the reasons outlined above, the application is therefore recommended for approval.

Recommendation

Application Permitted subject to the following condition(s):

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. No external lighting shall be installed on the building or within the site. In the event lighting is required, details and specifications of the lighting must be submitted to and approved in writing by the Local Planning Authority prior to installation.

Development must then continue in accordance with the approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night time amenity, tranquillity and protect and conserve the International Dark night Skies.

5. The actions outlined within the Tichborne Arms Noise Management Policy updated 2022 shall be carried out in accordance with the measures, conclusions and recommendations as set out within section 3 titled Implementation - Responsibilities of The Tichborne Arms of the following.

- 1) The signage will be retained to the designated play area with regards to the hrs of use at all times.
- 2) The play area will be closed at 7pm, 7 days a week.

Reason: In the interests of the amenities and privacy of neighbouring properties.

6. The addition of 0.5m horizontal or vertical trellis will be positioned along the full length of the play area along the west boundary elevation within land controlled by applicant, to be erected at a height at the top of the existing closed boarded fencing and shall be retained permanently as such unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.

Informatives:

1. Crime and Disorder Implications

It is considered that the proposal does not raise any crime and disorder implications.

2. Human Rights Implications

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

3. Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

4. Bat Protection

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g., droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

5. Proactive Working

In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of an onsite meeting to add additional value as identified by SDNPA Officers and consultees.

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans – Site Location Plan		-	03/07/2023	Approved
Plans – Existing Elevations	120/500		03/07/2023	Approved
Plans – Part Plan showing play area	120/501		03/07/2023	Approved
Document - CHILDREN'S PLAY EQUIPMENT			21/09/2023	Approved
NOISE MANAGEMENT POLICY			15/07/2023	Approved

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

Appendix 1

Tichborne Parish Comments -

The Parish Council takes a neutral viewpoint on this application.

It has no desire to actively support this application, but it also has no desire to object to it.

However, a number of concerns have been expressed to us about the level of noise coming from the children's play area and, to try to mitigate those concerns, we would like to see the following planning conditions included in any decision to grant permission.

The playground should only be in operation between the hours of 11.00am to 6.00pm throughout the week.

There should be a planting scheme in place so that the noise generated by users can be attenuated.

The Parish Council also has the following material comments to make.

The general feeling is that the play equipment is situated in the wrong place and it may be of benefit to consider a re-location away from neighbouring properties.

There may also be scope for the equipment to be rotated through 90% (clockwise) so that any noise generated is projected towards the bottom of the garden and onwards to the meadows beyond.

Little Orchard Pubs Ltd (the applicant) has published a Noise Management Policy as part of this application.

The Parish Council asks that this policy is reviewed so that the impact of children screaming is clearly highlighted within it and a plan for dealing with this situation is published.

The Parish Council asks that all employees of Little Orchard Pubs Ltd are empowered to implement this updated policy.

The SDNPA may wish to include a planning condition relating to maximum noise levels.

However, any condition proposed must be enforceable rather than just being seen as aspirational.

Better signage should be in place asking parents to supervise their children whilst using the equipment and it should also ask them to respect neighbouring property owners with regard to their privacy, health and well-being and the quiet enjoyment of their gardens.

It is worth looking at the design of the tower once again so that the unfortunate situation of children climbing on its roof and overlooking the neighbouring properties can be eliminated.

If this application is to be referred to the SDNPA Planning Committee for a decision, then the Parish Council would like to have a speaking slot at the time the committee meets.