

OFFICER REPORT FOR COMMITTEE

DATE: 13/07/2022

**P/22/0550/CU
AMEY DEFENCE SERVICE**

**TITCHFIELD
AGENT: MR GERRY MCDEVITT**

RETROSPECTIVE RETENTION OF SIX PIECE LOCALLY EQUIPPED AREA OF PLAY

LAND ADJACENT TO NO 8 NORTHWAY, TITCHFIELD, FAREHAM, PO15 5EE

Report By

Jon Snook – Direct Dial 01329 824703

1.0 Introduction

- 1.1 The planning application is being brought before Planning Committee due to the number of third-party representations received.
- 1.2 The planning application was submitted after the construction of a new play area on land owned by the Ministry of Defence (MOD). The installation of the play area took place without planning permission and therefore this is a retrospective planning application.

2.0 Site Description

- 2.1 The site consists of a section of open green land set on the northern side of Northway. The western boundary application site lies adjacent to the residential property of 8 Northway, whilst the southern boundary borders the roadside at a position where Northway merges into Eastway. There are residential properties located in Eastway which are immediately opposite the application site. The northern and eastern boundaries of the application site border the open green space and then in turn the rear gardens of residential properties located in Wild Flower Drive and Purslane Gardens respectively.
- 2.2 The immediate area of Northway, Eastway and the greater surrounding area, is a pleasant residential area comprising of a mixture of both Ministry of Defence and privately owned homes. There is a further section of Local Authority owned open green space which lies to the east of Eastway, this land provides a buffer to residential properties located within Purslane Gardens.
- 2.3 The public open green spaces in Northway and Eastway have been used for recreational purposes and as a buffer between the surrounding residential properties.

3.0 Description of Proposal

- 3.1 This retrospective planning application has been made for the retention of a six piece locally equipped area of play.
- 3.2 In support of the application, the applicant has provided the Council with: -
- Plans and Drawings of the play park.
 - A Design and Access Statement which included details of a retrospective questionnaire that was sent out to Local residents.
- 3.3 The following is a summary of the Design and Access Statement submitted on behalf of the applicant: -
- That the play park is also for use by nearby private residences and the general public to provide a much-needed local amenity
 - That the adjoining estate is for service families who often have young families and absent partners, who often move on following redeployment.
 - The aim of the play park is providing a much-needed amenity and meets the government objectives in tackling child obesity, also Fareham Borough Councils Open Space SPG April 2012 policy states that *'in the Borough as a whole, the provision of children's play space is inadequate.'* This policy was superseded by the Planning Obligations SPD 2016.
 - The proposal will meet the Councils objective as laid out in the Open Space April 2012 SPG document in respect of providing: *'An opportunity for children to play creatively in a high-quality environment which is essential to their development. It is therefore important for the Council to continue to provide these facilities within easy walking distance of local residents to ensure all the children in the Borough have access to this Development opportunity'*.
 - That the development is small and aimed at a young age range 0-12 years, it is not expected to be in constant demand or in demand from people from the wider locality. This will limit the hours of potential noise that may be generated from playing children as it will only be in use by the properties immediately surrounding the play park for certain periods of the day.
 - There is no artificial lighting or noise-based equipment which might otherwise cause a nuisance.
 - The site will be fully maintained by the MoD relieving much stretched Council resources of the responsibility.
 - There is a play park located off Segensworth Road opposite the junction to Hill Croft Road but that is aimed at children of a different age range.

- A car is not required to access the facility in accordance with the Supplementary Planning Guidance adopted by the Council.
- A waste bin will be sited immediately adjacent to the play park and arrangements will be made for the weekly collection of waste.
- The play park is 225 sq/m. The highest equipment piece is the Castle Outpost Tower with Track Rider at 2780mm. There are 8 pieces of play equipment - 001 Kompan Play Park Scaled Plan for full list.
- To reduce the impact of the development on houses within 20m of the facility, the provision of new screening or landscaping will be considered to the satisfaction of the Local Planning Authority.
- There is level access into the play park and is located for ease of access to local residents.
- The play park is visible from the road. The equipment and perimeter galvanised fencing are the most prominent features.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5- Transport Strategy and Infrastructure

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP2- Environmental Impact

DSP3 – Impact on Living Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

5.0 Relevant Planning History

5.1 There is no relevant planning history for the application site.

6.0 Representations

6.1 There have been 15 representations about this planning application with 5 in favour and 10 not in favour of retaining the play area.

Support

The following provides a summary of the comments made:

- Provision of a safe and inclusive area for the children to play, exercise and form friendships
- The play park has enhanced the area

- Good to see money put into children's facilities
- Children played in the street before
- There has been no impact in traffic or parking

Objections

The following material planning considerations were raised:

- Other playgrounds for all ages which are 0.2 and 0.7 miles away
- There was no consultation before the development
- The playground is less than 5 metres from one residential property and in close proximity to several other dwellings
- The request for additional fencing was ignored
- No privacy in our living room or garden as children and parents keep looking in and running across our front lawn
- Older children climb onto the higher structures and are seen looking straight into neighbouring properties, mainly lounge, kitchen, bedroom and ensuite windows meaning blinds remain shut for privacy
- Damage to our fence and children trespassing into garden to retrieve their balls.
- Extreme noise levels from the playpark, particularly the screaming, screeching and bad language are intolerable. During the school holidays, late afternoons/evenings (up to 9pm) and weekends the noise levels are often so bad that they can be heard indoors with all windows and doors closed
- The play park overshadows, and is clearly visible from, several properties which has a negative effect on appearance.
- 95% of children between 3-15 years are unsupervised, which results in fist fights, anti-social behaviour and damage to a neighbour's car.
- Drunk adults intimidating other people on park on occasions.
- Bins not provided, litter issues and area not maintained
- Children are running into road without looking on a daily basis with regular near collisions. No warning sign informing drivers
- Children arriving on bikes unsupervised then proceed to drive in the middle of road in groups which is unsafe as this is a road used by cars which regularly ignore the 10mph speed limit.
- The benches should be removed, there is no need to encourage picnics and the rubbish that it is causing
- Increase in cars parked in area
- Children, including on bikes, now playing in the road, damage caused to a vehicle by children using the road as a bike and skate area.
- Top of the climbing frame looks directly into our property

- Access to the Play Park is provided off of Eastway which is a private road and now used for play and parking purposes with private driveways used for turning
- The development of the Play Park does not comply with Health and Safety requirements

7.0 Consultations

Hampshire County Council Highways

- 7.1 No objection. It is likely that there would be an additional attraction of trips here however it is unlikely that there would be a significant impact upon the local highway network.

Environmental Health

- 7.2 Objection. The playpark is very close to residential properties and the noise of children playing, screaming, crying etc is likely to be clearly audible within the boundaries of the adjacent properties. Environmental Health have received no noise complaints from any of the nearby residents, but note that there are a number of objections to the siting of the park in this location and noise is one of the reasons given for most of the objections.
- I am also concerned that teenagers are likely to gather in this location in the evenings after the young children have gone home, creating more noise and disturbing the residents of the nearby properties.
- Purely from a noise perspective, I would recommend refusal of this application.

Leisure Services

- 7.3 When the Council builds new or refurbishes existing play areas on public open space, it consults with local residents, user groups and ward councillors to help determine a suitable location and mix of equipment. This encourages community ownership and also ensures the equipment provides for a wider range of ages and abilities.

Under normal circumstances the Council would look to avoid installing new play facilities adjacent to residential development because of potential anti-social behaviour that it could attract and an increase in noise levels. The Council has 46 play areas all of which are located on public open space. The nearest Council owned play areas to Northway are located on Segensworth Road (0.2 miles away) and at Abbey Meadows (0.7miles away) with equipment for children under the age of 15 years old.

Hampshire Constabulary Crime Prevention Design Advisor

- 7.4 Objection. Being adjacent to the facilities number 8 Northway is particularly vulnerable to crime and disorder. The eastern elevation of the dwelling is

directly accessible from the Public Open Space (POS), the rear boundary treatment is chain link fence approximately 1m high. During periods of high use, or the late evening the atmosphere within the rear gardens of numbers 8 and 9 Northway will significantly change. In our opinion this development will adversely affect the quality of life for the residents of number 8 Northway.

In our opinion this development does not meet the standards of Fareham Borough Council's, Adopted Local Plan, Core Strategy, Policy CS17.

8.0 *Planning Considerations*

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of Development and Character of the Area
- b) Noise
- c) Other impacts upon living conditions of neighbouring residents
- d) Other matters

a) Principle of Development and Character of the Area

8.2 The immediate surrounding area of the application site is one used for residential purposes with a mixture of family Ministry of Defence dwellings and modern privately owned family houses. It is considered that the area is a sought-after location for homeowners to enjoy the benefits of a peaceful location, with the added benefit of open green spaces provided by the Ministry of Defence and the Local Authority. The nearest Council owned play areas to Northway are located on Segensworth Road (0.2 miles away) and at Abbey Meadows (0.7miles away) with equipment for children under the age of 15 years old. Whilst there may be other play areas in the local area, Officers acknowledge that providing a new facility for local children and families is a positive action from the applicant which in principle should be supported through the planning system.

8.3 The area of the new play park is set within the open green space owned by the Ministry of Defence; the location consists of grassed area with one disused MOD brick shelter, which is located in the opposite north-west corner.

8.4 The new play park is positioned in the south-eastern corner of the green space and covers an area of 225 square metres. The play park has a low level 1-metre-high galvanised fence and modern rubber flooring. There is a variety of play equipment within the play park with some apparatus providing the opportunity to climb and stand on high level platforms. The design and the materials used in the construction of the play park is of good quality and it

would be considered to be visually attractive, providing it was located in the right position.

8.5 The Ministry of Defence do not benefit from the same rights as a Local Authority who can install play parks without applying for planning permission within certain criteria. If the Council was to install such a facilities, the Leisure Services Team would usually consult widely with the local community, user groups and Ward Councillors prior to installing play parks to ensure that they are appropriately placed to minimise any harmful impacts. In this instance, the MOD did not carry out any consultation prior to the play area being constructed and so was not subject to the same consultation process, other than a retrospective survey being sent by the planning agent to the local community after the work had taken place.

8.6 The western boundary of the play park is just 5.8 metres from the eastern elevation of the nearest property, namely the semi-detached house 8 Northway. The garden boundary of 8 Northway is even closer at just 4.5 metres from the play area. The Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) provides guidance as to the siting of Play Equipment. The guidance specifically states that play equipment should be located a minimum distance of 20 metres from residential properties to avoid disturbance to neighbouring homes.

8.7 Policy CS17 of the Adopted Fareham Borough Core Strategy outlines, amongst other things, that:

"All development, buildings and spaces will be of high-quality design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. In particular development will be designed to: respond positively to and be respectful of the key characteristics of the area..."

8.8 Officers acknowledge that the materials used in the construction of the play park provide a good quality finish. However, the inappropriate location of the play park and closeness to the neighbouring residential properties and lack of thought to the location of the construction results in a poorly positioned facility. As a result of this, the play park has been poorly designed in that it does not respond well to the characteristics of the area. Rather than this being harmful to the character and appearance of the area however, Officers consider the real detrimental impact to be the resulting noise and privacy issues for neighbouring residents which are discussed in the following section of this report.

b) Noise

8.9 The application has been assessed against the relevant sections of Policy DSP2 which states:

“Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour).

8.10 The main consideration in relation to Policy DSP2 is the impact of noise following the installation of the play park. The area where the play park has been constructed previously consisted of a wide-open green space where it was reasonably expected that it would be used by the wider community and by children playing. The construction of the play park has intensified the use of the area and provided a dedicated play area which is a magnet for both younger children and youths as the day moves on.

8.11 As previously mentioned in this report, the play park is just 4.5 metres away from the residential semi-detached property of 8 Northway with other properties in the immediate vicinity with either the frontages immediately facing the park or the rear gardens adjoining the open green MOD owned land.

8.12 The Council have received reports of excessive noise and anti-social behaviour from the play park. The reports followed the installation of the play area and formed part of the representations in consideration of this planning application. On some occasions it appears the safe fenced area of the play park may have encouraged parents and carers to leave children unsupervised.

8.13 In response to a consultation for this planning application, the Council's Environmental Health Officer has raised an objection stating how close the play park is to residential properties and the concern that noise from children playing, screaming and crying is likely to be clearly audible within the boundaries of the adjacent properties. Further concern was expressed that teenagers are likely to gather in this location in the evenings after the young children have gone home, creating more noise and disturbing the residents of the nearby properties.

8.14 Furthermore, the Police Crime Prevention Design Advisor has raised concerns of the play area being vulnerable to crime and disorder during

periods of high use, or the late evening and having an impact upon the neighbouring residents.

- 8.15 The site has been visited by Officers and in particular an assessment was made in relation to the gardens of both 8 Northway and the attached property of 7 Northway. It was noted that the only separation of the rear gardens between the properties and the play park consisted of a low-level wire fence, this produces no barrier to help reduce the impact of the noise of the children using the play park. The property has two windows on the eastern elevation which serve the hallway (non-obscure window) and the upstairs bathroom (obscure window). Following the installation of the play park the current occupiers of 7 Northway have said they keep the windows closed to reduce the noise impact associated with the use of the area.
- 8.16 The wider area consists of the open frontage to the properties to the south of the play park which are located on the opposite side of the road and the rear walled or fenced gardens of Wild Flower Drive and Purslane Gardens. Whilst these properties are set further away from the play park the Council has nonetheless still received complaints of noise associated with the play park during the consultation period for this application.
- 8.17 In the Planning Statement submitted in support of the Planning Application it was stated that, to reduce the impact of the development on houses within 20m of the facility, the provision of new screening or landscaping will be considered to the satisfaction of the Local Planning Authority. The applicant has been encouraged to submit details of the proposal for screening, to date no such information has been provided. In the absence of any firm proposals concerning potential screening, Officers are not persuaded that the impact of the noise from the play area on neighbours could be satisfactorily mitigated in any event.
- 8.18 In summary, the development of the play park has intensified the use of the public open space in which it is located and there has been a material increase in the noise associated with the use of the land. This has a significant adverse impact upon the living conditions of neighbouring residents and will have such an impact upon the living conditions of any future occupants. The development is contrary to Policy DSP2.

c) Other impacts upon living conditions of neighbouring residents

- 8.19 Policy DSP3 of the adopted Fareham Borough Core Strategy has been considered which states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or

neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.

- 8.20 The planning application has been assessed in relation to as to whether the development of the play park has an adverse impact upon the living conditions of the neighbouring properties in this regard. Given the limited bulk and massing of the play structures involved, it is accepted that the development has no impact on the sunlight or daylight of the neighbouring residents.
- 8.21 However, as part of this assessment, Officers have visited neighbouring properties, the site and in particular 8 Northway to consider how the privacy of those neighbours has been affected. The low-level wire fence which separates the rear garden of 8 Northway and MOD land and in turn the play area provides no visual barrier. Officers were able to see clear views of the play area from the rear garden of 8 Northway whilst there would be more obscure views from the rear garden of 7 Northway. When assessed from the play park there were clear views into the majority of the rear garden of 8 Northway and into the rear garden of 7 Northway from both ground level and even more enhanced views from the platforms on the play equipment.
- 8.22 The new play park has harmful views into the rear gardens of 8 Northway and 7 Northway which has such a negative impact it is impossible to use the rear garden of 8 Northway, other than a small patio area at the back of the house, without being overlooked from the play area. The householders will be unable to use the most northern side of the garden to enjoy the late afternoon or early evening sun without being overlooked. This is contrary to Policy DSP3 which specifically seeks to ensure that new development does not have an unacceptable adverse impact on the privacy of existing neighbouring properties.

d) Other matters

- 8.23 The highway safety comments made by local residents in response to this application are acknowledged and the need for appropriate supervision of children of by parents and carers is of paramount importance as with any other public place close to the highway. The highway safety implications of this application have been considered and no objection has been raised by Hampshire County Council Highways who commented it was unlikely that there would be a significant impact upon the local highway network as a result of increased trips to and from the site.

Conclusion

- 8.24 This application has been assessed with regard to the principle of the development and the likely effects of the play area on the character of the area, noise, the living conditions of neighbours and highway safety. Officers do not consider that the play park has specific highway safety implications. The play park is of good quality design and the provision of such a facility for local children and families to use is, in principle, a positive and welcome addition for the community. However, in this instance the applicant failed to carry out any prior consultation with local residents before constructing the play park. The play area is poorly positioned in close proximity to residential properties and as set out in this report, has a significant adverse impact in respect of noise and privacy to the occupants of the neighbouring properties.
- 8.25 Having carefully considered the benefits of the facility for the local area against the harm caused to residential properties close by, Officers believe the application should be refused for the reasons set out below.

9.0 Recommendation

- 9.1 REFUSE PLANNING PERMISSION, for the following reasons:

The proposed development is contrary to Policies DSP2 and DSP3 of the Fareham Borough Local Plan Part 2: Development Sites Policy and the Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) and is unacceptable in that:

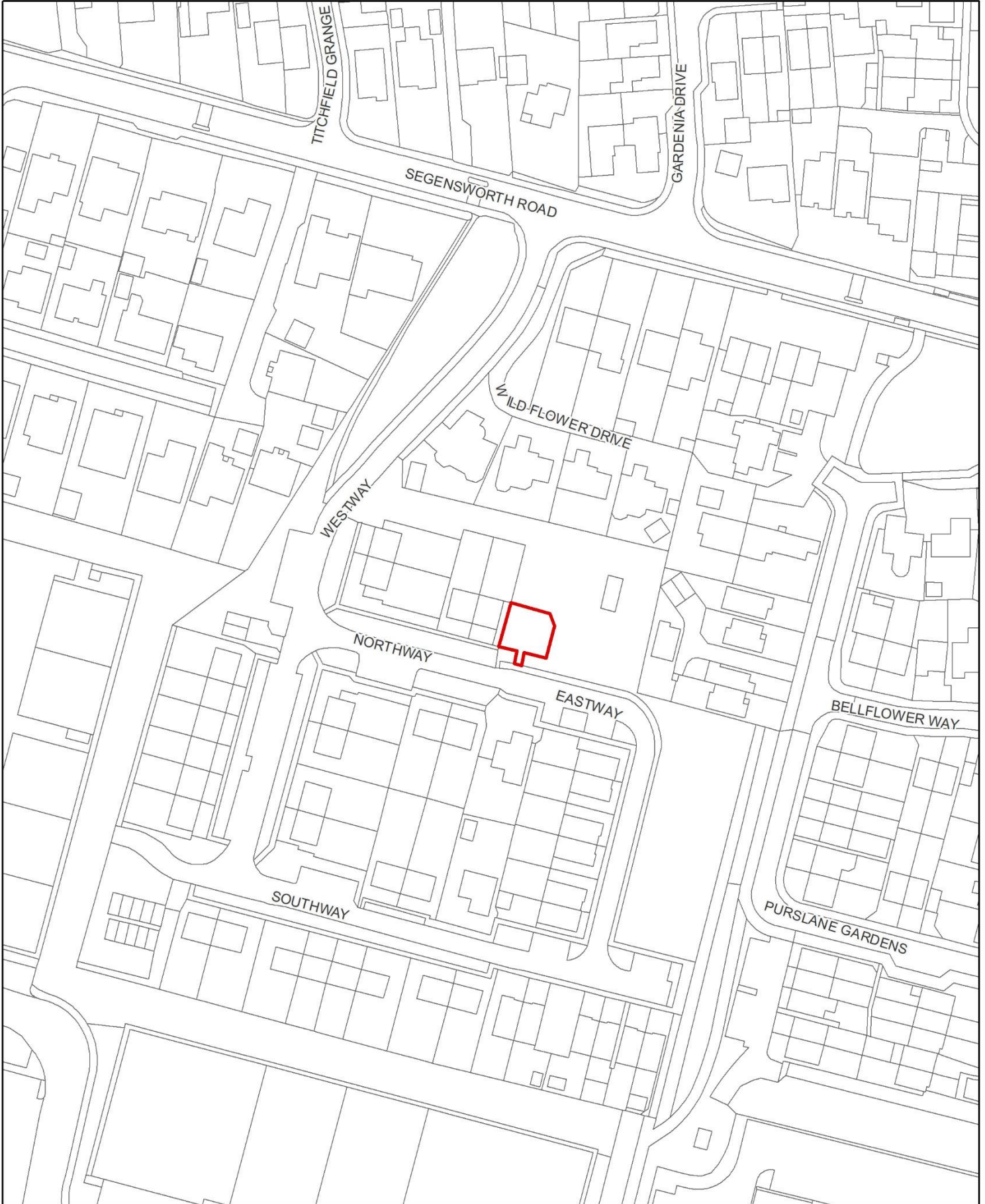
- a) the increased noise and disturbance from the play park has a significant unacceptable adverse impact on the living conditions of neighbouring residents;
- b) the development has a significant unacceptable adverse impact on the privacy of the occupants of neighbouring properties to the detriment of the living conditions of those residents.

10.0 Background Papers

P/22/0550/CU

FAREHAM

BOROUGH COUNCIL



Land adjacent to 8 Northway
Titchfield, Fareham, PO15 5EE
Scale 1:1,250



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