

- 3.3 It is proposed to enclose the area with a 1.8m high masonry wall with bowtop fence infill panels on the northern boundary, and a 2.0m high secure weld mesh fence on the western and southern boundaries. A native hedge including a mix of evergreen and deciduous species is also proposed on the western and southern boundaries.
- 3.4 Internally, the play area would be equipped with variety of play and learning zones, including a play area, mud kitchen area and sensory garden. There would also be structures, including a wigwam and further planting.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Open Space Strategy (November 2018)

Havant Borough Local Plan (Core Strategy) March 2011

CS16 High Quality Design

DM1 Recreation and Open Space

DM8 Conservation, Protection and Enhancement of Existing Natural Feature

Havant Borough Local Plan (Allocations) July 2014

AL1 Presumption in Favour of Sustainable Development

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Communities Manager

No response received.

Councillor Julie Thain-Smith

No response received.

Councillor Lulu Bowerman

No response received.

Councillor R Kennett

No response received.

Crime Prevention -Minor Apps

No response received.

Early Years

No response received.

Environment Agency

No response received.

Environmental Health Manager, Community Group

Comments in respect of noise, recommends a condition securing an acoustic fence and informatives in respect of working hours, dust control and bonfires.

Hampshire Highways

No objection.

Landscape Team, Havant Borough CouncilInitial response:

- We have concerns with the proposed weld mesh fencing, from a safe guarding perspective a solid boundary treatment would be more appropriate given the ages of the children using the play area. Given the visually prominence within the open space a brick wall would be more appropriate and will increase security of the site.
- The site plan does not include the tree planting along Spencer Road which is mentioned in the Design and Access statement. Details of all proposed soft landscaping must be submitted for comment.
- Concerns with who will be maintaining the trees alongside Spencer Road given the area of open space if owned by HBC.

Final response:

Revised layout does not address our concerns.

Leisure Officer

No response received.

Norse South East, Operations Director

No response received.

Planning Policy

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. Given the location of the site, the Emsworth Neighbourhood Plan is also of relevance.

- o AL1- Presumption in Favour of Sustainable Development
 - o DM1- Recreation and Open Space
 - o DM8- Conservation, Protection and Enhancement of Existing Natural Feature
- Open Space Strategy (OSS)

The application proposes a change of use from an area of open space identified by the Council's Open Space Strategy (OSS) from the rear of the building to a play space to serve the nursery school. Although the site is an 'amenity greenspace' (reference 450) within the OSS, it is not formally designated as a Local Green Space (LGS).

It is noted that within the OSS the area of land also falls within a site for 'facilities for children and young people' (reference 43). This is due to parts of the site off from Spencer Road containing a play space facility to the north with hardsurfacing and the MUGA site to the south. The proposed land in question to the west of the hall is not considered to be currently used in this form, nor would it impact the existing provision and as such shall be considered as 'amenity greenspace' for this assessment.

Policy DM1 of the adopted local plan states that:

"Development of existing open space, including play spaces, playing fields, pitches, courts and allotments, for alternative uses will only be permitted where the following criteria can be met:

1. It has been demonstrated that there is a surplus of provision according to the local standards set out in the council's Open Spaces Plan or any subsequent review of the plan;

and

2. It has been demonstrated that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit.

3. If the land has been identified within the South East Hampshire Coast Brent Goose Strategy (2002) as providing habitat for Brent Geese then it must be demonstrated that any impact on this habitat can be fully mitigated.

Where there is no identified surplus of the original type of open space, contributions to new provision of an equivalent or improved standard, both in terms of quality and quantity, will be required in line with the council's Open Spaces Plan and developer contributions policy"

Paragraph 9.7 of the OSS indicates there is currently a surplus of amenity greenspace, although this surplus is expected to reduce by 2036 because of the anticipated increase in population. As such, criterion 1 and 2 of ALP Policy DM1 are of relevance. In this case, there is clearly of surplus of this provision according to local standards set out in the OSS.

In terms of criterion 2, it is noted that the existing open space is proposed to be used as an outdoor play area associated with the adjacent nursery and as such, there would be unlikely be reasonable alternatives to provide this. Therefore the proposal is considered to meet and comply with policy DM1.

It can be noted that the proposal would support the nursery school in providing an additional and beneficial play space to the children of the nursery. This would benefit the community use and improve the current facilities of the nursery. Furthermore, improvements to the landscaping and wider space are proposed and it would be advised that the landscaping team are consulted on for an assessment of this.

Portsmouth Water Company

No concerns regarding impacts to groundwater quality. No conditions recommended.

Property Services Manager

No response received.

Southern Water

Comments only, in respect of connection to the public foul sewer, a disposal of surface water and the possibility of public sewer crossing the application site.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 11

Number of site notices: 3

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
The asphalt surface should be replaced by treated woodchip. This would be better and safer for young children who are in close contact with the surface. It is less toxic, will not overheat in hot weather, is possibly cheaper and could result in fewer injuries following trips and falls. It will enhance the area in a more natural way. There could be a missed opportunity for play around musical play and learning, to include children with certain physical limitations.	Asphalt is commonly used in play areas and highly trafficked paths, similar to the multi use games area within the open space. The central area would be made of soft sand. It is noted that the area includes different zones, both for play and learning as well as quieter areas, such as a sensory garden.
As a mum to 3 children 1 who is at the little explorers nursery now and one who will be joining in a years time I feel that a play area would really benefit them The staff at little explorers nursery are so lovely and put so much effort into making the children's days so exiting and full of so many lovely activities This play area would be such a great asset not only for the stuff but mainly the children	please see section 7.1 (ii)
I am fully in support of this application, it will improve the experience of the children at the nursery. The planting and habitat creation will aid nature recovery in the area and make a more visually appealing space.	please see section 7.1 (ii)
As a mum with a child at Little Explorer's Nursery School I wholeheartedly support this application! Kate, Mary and the LENS team have revived the Syrch Centre with their welcoming, inclusive, play-led nursery and the enclosed play area would enhance the space even further. The nursery has a free-flow format where the children can play inside or out, and while the basketball court is good fun for bikes etc, it is not dedicated to the nursery and it would be lovely to have a	please see section 7.1 (ii)

place of their own to enjoy the fresh air and play with toys and the mud kitchen under the sun shade. It's not just children at the nursery that would benefit - LENS runs a playgroup for families outside of nursery hours and they would make the most of the space too. This addition, plus the park over the road being improved, will make the Syrch centre and its surrounding area a haven for young children and their families.	
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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Other considerations

(i) Principle of development

7.2 The application site is situated within an urban area where built development is considered acceptable subject to compliance with relevant policies, in particular those safeguarding appearance and character of areas, residential amenity and highways safety.

7.3 In this case, the application site forms a part of an area of open space identified by the Council's Open Space Strategy as an 'amenity greenspace' (reference 450). However, it is not formally designated as a Local Green Space (LGS). The area of land also falls within a site for 'facilities for children and young people' (reference 43). This is due to parts of the entire site containing a play space facility to the north with hardsurfacing and the MUGA site to the south. The proposed land in question to the west of the hall is not considered to be currently used in this form, nor would it impact the existing provision and as such shall be considered as 'amenity greenspace' for this assessment.

7.4 Policy DM1 of the adopted local plan is relevant. It states that:

"Development of existing open space, including play spaces, playing fields, pitches, courts and allotments, for alternative uses will only be permitted where the following criteria can be met:

1. It has been demonstrated that there is a surplus of provision according to the local standards set out in the council's Open Spaces Plan or any subsequent review of the plan; and

2. It has been demonstrated that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit.

3. If the land has been identified within the South East Hampshire Coast Brent Goose Strategy (2002) as providing habitat for Brent Geese then it must be demonstrated that any impact on this habitat can be fully mitigated.

Where there is no identified surplus of the original type of open space, contributions to new provision of an equivalent or improved standard, both in terms of quality and quantity, will be required in line with the council's Open Spaces Plan and developer contributions policy"

Paragraph 9.7 of the Open Space Strategy confirms that there is currently a surplus of amenity greenspace, although this surplus is expected to reduce by 2036 because of the anticipated increase in population. Therefore, criteria 1 and 2 of Policy DM1 are relevant.

In this case, there is currently a surplus of this provision according to local standards set out in the OSS. In terms of criterion 2, it is noted that the existing open space is proposed to be used as an outdoor play area associated with the adjacent nursery and as such, there would be unlikely to be reasonable alternatives to provide this.

Therefore the proposal is considered to meet and comply with policy DM1. It is further noted that the proposal would support the nursery school in providing an additional and beneficial play space to the children of the nursery. This would benefit the community use and improve the current facilities of the nursery.

In light of the above and subject to the below considerations, the principle of the proposed development is considered to be acceptable.

(ii) Impact upon the character and appearance of the area

The original proposal included a boundary screening consisting of a 2.0m high secure weld mesh fence on all boundaries. A hedge was also proposed on the western boundary. The Landscape Officer requested a masonry wall to blend in better with the surroundings as well as to ensure proper safeguarding.

In response the screening has been amended to include a 1.8m high masonry wall with bowtop fence infill panels on the northern boundary and a 2.0m high secure weld mesh fence on the western and southern boundaries. In addition, a native hedge to including a mix of evergreen and deciduous species is now proposed not only on the western but also on the southern boundary. The Landscape Officer made further comments to these amendments confirming that these are not sufficient to overcome the initial concerns raised.

However, Officers acknowledge that the nursery has responsibility to comply with other requirements and these include specific requirements in respect of safeguarding. The boundary screening on the northern boundary, which would directly face onto a public car park, has been strengthened with a 1.8m high masonry wall with bowtop fence infill panels to provide better screening. Officers are satisfied that this is acceptable in terms of safeguarding.

Furthermore, the Landscape Officer requested a brick wall to surround the area on all boundaries to blend in with the surrounding brick properties. However, Officers also note that the immediate area is an open grassed area, therefore, it would be difficult to argue that a verdant hedge behind a mesh fence would be out of keeping. The ecological value of such proposal is also recognised and it adds weight in favour of the development.

Internally, the play area would be equipped with variety of play and learning zones, including a play area, mud kitchen area and sensory garden. There would also be structures, including a wigwam and further planting. However, these would be heavily screened with the boundary treatment and would have limited and acceptable visual impact on the surrounding area.

Finally, in terms of trees within the wider open space, which were originally proposed to be located to the south of the proposal, these have now been removed from the proposal. Officers consider this acceptable in light of the fact that these trees were not necessary to make the proposal acceptable.

In light of the above, Officers are satisfied that the proposed boundary screening would be acceptable in terms of impact on the character and appearance of the area, and safeguarding of children.

(iii) Impact upon residential amenity

The proposed development, due to its small-scale nature and distance from the nearest residential properties, does not raise concerns over impact on the residential amenities of the properties, in terms of a loss of light, outlook or privacy.

The Environmental Health Officer commented in respect of noise and recommended a condition securing an acoustic fence to be erected around the site in order to mitigate noise from children reaching the gardens of the nearby residential properties.

However, it is noted that the application site is currently an open public space and available for play by the community members, including children. The land already consists of play equipment as well as a MUGA associated with the Hall which facilitates play that could be a source of noise on a daily basis. It is noted that the children attending the nursery can also use this space for play and similar noise levels to the one resulting from the proposed development could be generated as a consequence. It is also noted that no objections have been received from the local residents on the basis of noise and disturbance. Therefore, it is not considered necessary or reasonable to require the provision of an acoustic fence in order to attenuate noise from the proposed development. As such, it is considered that this request does not accord with the NPPF, and in particular paragraphs 55 and 56 which clarify that: *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."*

(iv) Other considerations

Hampshire County Council, as the Local Highway Authority confirmed that the proposed development would not impact on the on-site parking and would in itself be unlikely to generate any significant increase in associated vehicle movements. Therefore, it would not result in a detrimental impact on the operation or safety of the local highway network.

In respect of planting of trees near the Spencer Road frontage, the revised plans no longer propose this to be a part of the development.

The Local Planning Authority notes that the application site is on land owned by the Council. As per an Informative recommended to be included with any permission, before works commence on site, the applicant is advised to contact the Council's Property Services to obtain any necessary landlord consent.

8 Conclusion

The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties and highways safety. On this basis it is recommended for approval subject to conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01062 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

DD590L01C	Location Plan and Proposals Plan
DD590L02A	Bike Store Detail
07/02189	Gate Detail
DD590L02A	Landscape Specification and Tree Pit Detail
DD 590 Rev A	Nursery Garden Section/Elevation
	Euroguard Gates Detail by Jacksons Security

Reason: To ensure provision of a satisfactory development.

- 3 Before the use hereby approved commences, the soft landscaping scheme shall be implemented in accordance with the approved plan and landscape scheme (drawing DD590L01C Location Plan and Proposals Plan and DD590L02A Landscape Specification and Tree Pit Detail). Any plants approved pursuant to this Condition which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design SPD and the National Planning Policy Framework.