
Site Address:	The Acorn Centre, 3 The Kestrels, Eagle Avenue, Waterlooville, PO8 9GX		
Proposal:	Change of use from public amenity land to enclosure for secure play area, incorporating 1.2 m high railings.		
Application No:	APP/17/00155	Expiry Date:	05/06/2017
Applicant:	Mrs Stokes Squirrels Nursery Ltd		
Agent:		Case Officer:	Lewis Oliver
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site consists of a detached building constructed from red and brown multi brick and a pitched roof. The building, Acorn Community Centre is used for a number of community functions with the eastern section of the building used as Squirrels Day Care and Pre-school centre.

To the front (south) of the community centre is a paved area with Portsmouth City Council Housing Office beyond. To the south west is a car parking area. To the north is Kite Close and to the east a footpath and area of open space beyond. An area to the east has already been fenced off under APP/12/01257, in order to provide safe outside space for children to play in.

2 Planning History

APP/12/01257 - Change of use from public amenity land to enclosure for secure play area, incorporating 1.8m high bow top railings., PERM,25/01/2013
APP/13/00154 - Discharge of Condition No. 2 of Planning Permission APP/12/01257., PERM,08/03/2013
APP/14/00265 - Application for written approval that the development has been carried out in accordance with approved details of Planning Application 00/60387/000., UNK,

APP/14/01054 - Request for written confirmation that all conditions of the Section 106 Agreement of 00/60387/000 (dated 28.03.2002) have been complied with., PERM,15/12/2014

3 Proposal

The proposal is for the change of use from public amenity land to enclosure for secure

play area, incorporating 1.2 m high railings. This area would be used for pre-school children. The current pre-school is currently running at The Links Children Centre and offers the same outside opportunities and possibilities for children's play, but due to the closure of the building they have to relocate. The pre-school has found further accommodation at the Acorn Centre and would therefore use another wing at the building, this has resulted in the need for a safe outside space to be available for the children to make sure that their outdoor learning is organised and complies with Ofsted requirements.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1 (Health and Wellbeing)

CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps

No response

Environmental Health Manager, Community Group

No response

Highways Engineer, Development Engineer

The enclosed land is Adopted Highway and the applicant is advised that in addition to obtaining planning consent, it will be necessary for the highway rights to be extinguished or a licence obtained from the Highway Authority which is HCC

Hampshire County Council - Highways

Further to the above consultation, an application was made to extinguish the adopted highway at this point. The officer at HCC commented as follows:

This has come to me for highway extinguishment / status comment. The area that the play group wants to fence off is not adopted highway. Therefore given this there is no need to apply for either a licence or to extinguish any Highway Rights.

Portsmouth City Council

No Objection

Property Services Manager, Corporate Group

With regard to the above application, the proposal is noted but considered to present a potential compromise to the security of the building. There have been previous

instances of the roof being accessed and damaged as the result of people scaling the fence of the existing enclosure located on the other side of the main entrance. It is also noted on our records that the land to be enclosed currently forms part of the adopted highway.

The applicant is advised that in addition to obtaining planning consent, it will be necessary to obtain the approval of the Council as landlord before any of the proposed changes may take place.

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: 3

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 0

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

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

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

The application seeks to enclose an area of public amenity land approximately 5m in length by 9m in width. The land is currently paved and forms part of the space around the building. . The proposal would retain a gap of 4 metres between the railings and neighbouring footpath and subway to the west. It is considered that the amount of space remaining is adequate to provide both pedestrian and wheel chair access to the site and neighbouring footpath.

It has been highlighted by the applicant in the supporting documents that the fencing is required in order to provide a secure play area and to reduce anti social behaviour which

currently occurs whilst the temporary fence is not in use. Although the proposal will result in a loss of space about the courtyard area, which all can use, it is considered

that the benefits to the safety and well being of the children that attend the day care centre outweigh any possible negative impact from the loss of the space.

This application is for a change of use, although not requiring planning permission the merit of the proposed railings with which to enclose the area can still be considered within

this application. The applicant proposes to erect 1.2m bow top railings, finished in black with a gap of approximately 89mm, this would match the fencing that has been erected at the eastern part of the building under application APP/12/01257. The proposed design of the railings, incorporating a gap allows the back drop of the soft landscaping to the east and west to still be seen. To the west the back drop of the Acorn Community Centre is also clearly seen. The 'open' nature of the railings in allowing a clear view to the surroundings to the east and west limits the extent to which the proposal could appear incongruous within the character of the streetscene. As such the proposal is not considered to have a significant adverse impact on the character and appearance of the area.

Concerns have been raised from the Estates team regarding the height of the railings and whether this could provide an aid to access the roof. It is unlikely that the 1.2m fence could provide enough height in order to access the roof. The overhanging canopy is also likely to make access more difficult.

(iii) Impact upon residential amenity

Given the limited nature of the proposal, in combination with the distance from neighbouring properties the development is not considered to have a significant adverse impact on the amenities of neighbouring properties.

8 Conclusion

The proposed size of the area to be enclosed and changed from public amenity land to private space is considered acceptable and unlikely to limit pedestrian or wheel chair access to the site, nor would it have a significant adverse impact on the amenities of local residents. In addition the design and finish of the proposed railings would not have a significant adverse impact on the character and appearance of the area and would still allow a clear view from east to west.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00155 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 proposed 1.2m high fencing used shall match in material, colour and texture, that of the existing fencing approved under application APP/12/01257 so far as practicable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Site location plan received 13/2/17
Proposed layout plan with overhead view
Proposed Squirrels Nursery Ltd Outside Space
Photographs of existing fencing at the site

Reason: - To ensure provision of a satisfactory development.