
Site Address:	24 Alexandra Avenue, Hayling Island, PO11 9AL		
Proposal:	Retention of play equipment.		
Application No:	APP/13/01042	Expiry Date:	24/12/2013
Applicant:	Mr Brown	Team:	Team 2
	Hillcrest Care Ltd		
Agent:	Mr Oliver	Case Officer:	Richard Nash
	Town Planning Experts		
Ward:	Hayling West		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The application site is located at the south western corner of the junction of Alexandra Avenue with Victoria Avenue and comprises a large detached, three-storey property of white render and tile construction used as a residential children's home, with a classroom wing that also provides for children resident at other homes in the locality. Vehicular access to the site is from Victoria Avenue and the frontage to the property provides a parking area. The site is enclosed by a variety of boundary treatments, principally comprising walling and fencing. The area is otherwise predominantly characterised by large, low density residential dwellings of varying design.

2 Recent Planning History

There have been a number of approvals for extensions and buildings at the site, alongside the discharge and variation of associated conditions.

3 Proposal

The current application has been submitted retrospectively and proposes the retention of play equipment, comprising a trampoline and wooden tower with affixed swings, slide and netting, in the rear garden area of the premises. The trampoline is set into the ground, and has therefore required operational development for its accommodation. The tower and associated items are bolted to the ground, and it is accepted by the Applicant that they have a degree of permanence to the extent that they might also be considered as 'development' for planning purposes.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16	(High Quality Design)
DM10	(Pollution)

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Environmental Health Manager:

The addition of play equipment would negatively effect the surrounding area, where the noise generated from the children playing on the equipment could be very intrusive to local residents, particularly in the evenings and weekends (as proposed). In order to minimise the noise impact from the equipment, hours of use could be added but this will in effect only allow the use during "office hours" on week days and this would prevent or defeat the consent. The Local Planning Authority will have to take a view, since if granted, the standard to apply on the site would be much more difficult to deal with in terms of nuisance. If minded to grant this application the condition relating to hours of use should be inserted.

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: 13

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary:

Since the installation of the equipment the level of noise has increased considerably. Have been to a meeting with staff and things did improve but there are still days/evenings when the noise is considerable. Would hope this can be sorted but feel play equipment is excessive when there are more than 4 parks on Hayling the school could use. Also worried staff still fail to meet requirements regarding parking.

Increased levels of noise from neighbours in recent months, due largely to location and height of play equipment. High levels of noise from children, combined with apparent total absence of any effective adult control have caused misery - noise levels are incredible, frequent (up to four times a day) and very intrusive. Applicant states there are no trees on site - Applicant removed a large apple tree early in 2013, in the current location of the shed shown on the location plan submitted with the application. Believe shed noted on location plan is larger than indicated. Query whether planning consent would also be required for shed (better termed a garage), requiring an application also covering removal of the tree. Applicant states that neighbouring property is screened from play equipment by a hedge - it is not - upper storey of property, containing three bedrooms and a bathroom where family spend a significant amount of time each day, is neither screened visually or audibly from the play equipment. Noise created by children playing at a height of up to 3.4 metres is very apparent throughout the house, but especially at first floor level, and in the garden. Applicant claims boys "are supervised at all times" and that "any excess enthusiasm is quickly curbed" - from personal experience can attest there is no effective adult control of the children while they are in the garden. Have had to complain to staff since equipment was erected, and they gave no clear undertaking to control this. Applicant

claims that interest in the equipment will wane - there is no evidence of this, and since the equipment was erected it is to the contrary - don't believe that interest will wane to the point where neighbours are not adversely affected by this nuisance. Applicant seeks to allay concerns by stating property will be empty during weekdays, because of application to use premises in Waterloo as a school - application does not amount to consent, and this should not be used in consideration of this application. In any case Applicant makes no statement in respect of evenings, other than that equipment will only be used outside of school hours. These are exactly the periods when neighbours' quiet enjoyment of property is being adversely affected - these hours obviously include weekends and school holidays. Applicant has made a number of applications in recent years, but has not discussed these with their neighbours in advance. Would expect a good neighbour to have discussed this, in which case they would understand neighbours' views, and agreement could have been reached to include effective management. In conclusion, strenuously object to granting of retrospective consent for play equipment. Do not believe that relocation of equipment would alleviate impact, and would only increase that on other neighbours. Would therefore suggest that play equipment be removed altogether and would encourage Council to investigate need for consent for erection of garage, which necessitated removal of large apple tree.

Comment:

The question of parking issues at the site is subject of a current enforcement case. The matter of the construction of a shed/garage and associated removal of a tree could also be investigated. The fact that breaches of planning control exist on a site is not in itself a reason to refuse planning permission - each proposal must be judged on its own planning merits. The impact of the play equipment on neighbouring amenities is discussed below.

7 Planning Considerations

The play equipment has a minimal impact within the public domain. Therefore, 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 on neighbouring amenities

(i) Principle of development

The use of the premises as a residential home appears to be a longstanding one and has been accepted by the Council during the processing of previous planning applications. The provision of a classroom facility to also include use by non-resident children has been established through previous planning permissions. It is considered that the provision of external equipment for purposes incidental to these uses would be acceptable in principle.

(ii) Impact on neighbouring amenities

The retention of the play equipment has the potential to impact on neighbouring amenities in terms of noise, overlooking and visual amenity. The equipment is visible from upper floors of nearby dwellings and the uppermost part of the tower is also visible from some ground level positions. The most affected property in this regard is number 26 Alexandra Avenue (to the south of the site), where a first floor window

directly overlooks the relevant area of the site. However, it should be noted that this window currently appears to be obscure glazed. Given this, the scale of the equipment and the context of the site within the urban area, it is considered that impact on the outlook from neighbouring properties could not be said to be detrimental in this case.

There is potential for overlooking of number 26 and the property to the west of the site (32 Victoria Avenue) from the platform of the wooden tower. Views of number 26 are largely screened by a large hedge and the roof of the structure, to the extent that only the roof of the dwelling and the above mentioned first floor window are clearly visible. Views of number 32 are also screened to some extent, although there is the opportunity to look directly in to rear ground floor windows of this property. It is considered both practical and reasonable to restrict this opportunity by way of a planning condition requiring that a screen be attached to the relevant part of the tower.

Regarding noise impact, it is claimed by the Applicant that once the initial novelty of the equipment has worn off, it would not be used as intensively. However, there is no evidence to support this supposition. The Applicant has stated that the equipment is only used during limited hours, these being outside of school hours, including evenings, weekends and school holidays, and that such play is supervised at all times. However, these times are considered to be those at which there would be likely to be most impact on neighbouring residents. Furthermore, there is local concern that such play is not in fact properly supervised. On this last point, it is assumed that staff have a duty of care towards the children on the premises and that this would involve appropriate supervision whilst using potentially dangerous equipment. This might not limit noise per se but it is considered that imposing a planning condition requiring supervision would in any case be impossible to enforce in terms of practical monitoring.

The Environmental Health Officer (EHO) is concerned that the retention of the play equipment would have a negative impact on the surrounding area, as the noise generated could be very intrusive to local residents. This could particularly be the case in the evenings and weekends. In order to minimise the noise impact from the equipment, hours of use could be restricted, but the recommendation for this would be to allow the use during weekday 'office hours' only, which would effectively negate the planning permission. The EHO is of the view that if the application were to be approved, noise emanating from the site would be more difficult to deal with in terms of 'nuisance' but recommends that if the application is approved then a condition relating to hours of use should be included.

Consideration has to be given as to whether such a condition would be reasonable. The use of the premises as a children's home exists and is apparently lawful. There are no planning restrictions on the area to the rear of the building being used for external play in connection with this use. This could involve the use of a range of equipment including balls or other sports items, which might lead to an increase in noise through raised levels of excitement, or mechanical or electrical items that might in themselves introduce additional elements of noise. Notwithstanding this, a planning condition restricting just the use of the equipment to particular times would be impossible to enforce in terms of practical monitoring (it is not possible to exploit the current application to restrict the use of the overall premises or the garden area).

The same principles apply to the retention of the equipment without such a planning condition: There are no planning restrictions on the use of the relevant area for external play, which (in planning terms) could involve an unlimited degree of vocalised noise and the use of a range of portable equipment. It is also of relevance that the use

of the premises has caused a significant degree of local concern regarding disturbance from anti-social behaviour prior to the introduction of play equipment. Whilst the suggestion has been made that noise is increased through the use of such equipment, it is considered on balance (and given the existing use of the site in this case) that this is unlikely to be at an increased level and persistence that would warrant a refusal of the current planning application.

8 Conclusion

The retention of the play equipment would be acceptable in principle and, taking the existing use of the site into account, would not result in a detrimental degree of additional impact on the amenities of occupiers of neighbouring properties. The planning application should therefore be approved.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/13/01042, subject to the following conditions:

- 1 The development hereby permitted shall be retained in perpetuity in accordance with the following approved plans:

Supporting Statement
13-29 01 (Site and Location Plans)
Hillcrest Climbing Frame Elevations
Hillcrest Climbing Frame Plan
All received by the Council on 21 October 2013

Reason: To ensure retention of a satisfactory development.

- 2 Notwithstanding Condition 1 above, within three months of the date of this permission the uppermost open element of the west elevation, immediately below the roof of the wooden tower/climbing frame hereby approved, shall be entirely in-filled using opaque material such as wood or similar material to match the existing wooden elements of the structure and it shall thereafter be maintained in that condition at all times and the wooden tower/climbing frame shall not be subsequently altered without the prior written approval of the Local Planning Authority.

Reason: In order to minimise the loss of privacy to neighbouring residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.