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Planning Services

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Public Service Plaza

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Our ref – SRL.046.19

18 July 2019

Dear Sir/Madam

**SUBJECT – PLANNING APPLICATION APP/17/01327: REMOVAL OF
PLANNING CONDITION 3**

I am instructed by the Management Board of Havant RFC to lodge a planning application to seek the removal of condition 3 to APP/17/01327.

The Board's reasoning is set out in the submitted letter from HRFC, forming part of this application, which sets out the measures the Club has taken to ease litter, traffic and parking concerns in the immediate area.

The Artificial Turf Pitch (ATP) approved and built out last summer under permission APP/17/01327 is a significant community investment by the English RFU in partnership with HRFC, supported by Hampshire RFU.

It is also by far the largest regeneration project to have occurred at Hooks Lane for many years.

Nestled in an established residential area, it was understandable that the council as local planning authority, would seek to safeguard the amenities of nearby residents during the implementation of the project and beyond. The delivery and timing of building materials to construct the ATP presented a logistical and environmental issue for local residents seeking to go about their normal lives and peacefully enjoy their homes.



RTPI₁

Chartered Town Planner

The application was subject to a limited amount of public comment summarised in the council officer's delegated report. Of 219 neighbour notification letters delivered, only 9 written responses were received by the council, commenting on APP/17/01327.

Those comments, and case officer response are set out on pages 4-6 in **Appendix 'A'** to this letter. It is notable that the need for condition 3 is not explicitly discussed in the Officer report, whereas controls for noise and floodlight impact were openly discussed.

A number of comments were made concerning littering on match days, although these were not substantiated by any dated, photographic evidence. The Club has a dedicated staff and volunteers who 'tidy up' after matches and bins are deployed pitch-side to allow spectators to responsibly dispose of their waste.

The ATP has been delivered and is functioning very well in the community, helping to deliver core strategy Policy CS1 not just for rugby but also for American football and walking soccer/5 aside football.

The Board has conducted community liaison meetings as required by condition 3. The Board now considers that the initial concerns raised have been addressed and measures put in place to ensure the management of match days runs as smoothly as it can with limited impact to local residents, complying with core strategy Policy CS16.

Paragraph 55 of the National Planning Policy Framework (NPPF, February 2019) sets out the tests of a planning condition as –

"...necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."

Condition 3 to APP/17/01327 reads –

"Prior to development commencing, the club shall organise a liaison panel to include members of the local community. The liaison panel shall meet within one month of the commencement of development and thereafter 4 monthly."

Reason: To ensure that appropriate measures are provided and subsequently maintained for the management of parking, noise, behaviour and litter to minimise the effects of the use of the pitches on occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012."

The council has had the greater part of a playing season to monitor the impact of increased usage of the ATP on the local community and the Club has fulfilled its obligation by meeting the local residents with the Ward Councillor to discuss issues. It is more than happy to do that going forward, as and when issues may possibly arise, but does not consider that a planning condition was needed to force that to happen. The Club is a responsible neighbour and is always prepared to meet to

discuss issues of concern which residents consider can be attributed to the Club's operation.

So, on the question of need, the Board argues the condition does not meet that test, especially given the very limited level of representations from the local community.

In any event the council as its landlord having given a lease to the Club and as Trustees of Hooks Lane recreation ground is able to exert influence over the club to ensure it remains a good neighbour. A copy of that 8.6.2018 lease can be supplied to the council as local planning authority if required, although its own Estates Officer Jeremy Bulled can confirm this.

On the test of reasonableness, where other control were possible though the lease granted to the Club, it is not considered reasonable to require the Club to meet on a quarterly basis in perpetuity. For the council to have used the word 'behaviour' as part of the reason wording for imposing the condition is also considered to be imprecise and ultimately unenforceable by the local planning authority.

The local planning authority was able to impose planning conditions on the application site edged red. Part of the reason wording to condition 3 talks of 'pitches'. There was only one pitch involved in the application. It was therefore incorrect, unreasonable and irrelevant for the condition wording to be applied to other pitches at Hooks Lane, which did not form part of the application site.

It is part of the ethos of Rugby Union that respect for others is paramount and I can honestly say that having been a Member of the Club since 1986, I have never witnessed any sort of unruly altercation on a match day or otherwise: the rugby family is just not like that and the local planning authority should have approached the matter on the basis that all persons using the application site would act in a law abiding manner.

With no fuller reasoned justification offered for this condition given in **Appendix 'A'**, the Board respectfully requests that condition 3 to planning permission APP/17/01327 should now be removed.

Yours faithfully



Steve Lawrence

Director, ACHIEVE –

Town Planning and Urban Design Ltd

CC. Alan Newton, Commercial Director HRFC