MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/12/71465

DESCRIPTION/ ADDRESS	Construction of 6no. Tennis courts/4no. netball courts & erection of 3m boundary fencing, following felling of trees Wildern School Wildern Lane Hedge End Southampton SO30 4EJ

SITE VISIT DATE	24/10/12			
ARE PLANS ACCURATE?		Yes		No. If not why not…….
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?		Yes		No. If not why not…….

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application is for the erection of multipurpose courts to be capable of use as six tennis courts or four netball courts. The courts will be surrounded by a 3m high wire mesh and a 4m high acoustic fence is proposed north of the proposed courts and running parallel to the them. The courts will available for use Monday through to Sunday for both school pupils and the wider community. The application notes that courts 1 – 3 will be prioritized for community use as these are closer to the school. The courts will be accessible from the school via a small footpath that will have low level illumination. . No floodlighting is proposed and as such the use of the courts will be in daylight hours. It is intended that the last use of the courts will be one hour before dusk and the use of the courts will cease at approximately 9.30pm in a worse case scenario. The courts will not have a spectator area. A temporary access is proposed from Taplin Drive during the construction of the tennis courts.					
SITE AREA	0.64ha					
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a					
TOPOGRAPHY		Level		Sloping …..		Other …
TREES		No	x	Yes, several trees are located adjacent to the northern boundary.		
BOUNDARY TREATMENT		Along the northern boundary of the site is a 3m high wire mesh fence with mature trees and vegetation adjacent and within the grounds of the school.				
SITE CHARACTERISTICS	The site comprises a large secondary school with playing fields and includes within it a number of facilities that also serve the wider community such as the theatre. The school is single to two storey and consists of a series of buildings of a contemporary style.					

THE SITE AND ITS SURROUNDINGS

CHARACTER OF LOCALITY	The site is located in the middle of a large residential community comprising several residential estates.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
n/a		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
23 Allison House	Objection: The trees should stay, there will be a glare if the courts are floodlit,3 metres fence will not stop tennis balls, much noise from players and spectators so another great nuisance to the tenants of Allison House which is a retirement home.
Saxon Weald Homes Limited including 22 signatures from residents from Alsion Court and Rosemary Price Court	Objection: Noise from the spectator during the games, which should not be a problem in the daylight hours but may be a problem if floodlighting is used. Concern that trees will be lost that provide screening between the retirement home and the school. Concerns in respect of loss of balls over the boundary and the manner in which they are collected including shouting. Concern in respect of drainage. Concern in respect of balls rebounding on wooden barrier.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
HEG	Objection to the felling of trees, and would suggest that if the number of Tennis Courts were reduced to four and their siting turned to be located parallel to the trees, it would not be necessary to fell.
CRT	No objection
CRE	No Objection
HEH	No objection
ENV	No comment
ENG	No Objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) 59.BE (Design Considerations), 101.T (Traffic Generating Development), 104.T (Off Highway Parking), 148.OS (Provision of Sport and Recreation Facilities), 157.OS (Noisy Sporting Facilities), 186.IN (Provision of Facilities For Use By Community)

DEVELOPMENT PLAN POLICIES

Pre submission Eastleigh Borough Local Plan 2011-2029
S5 (Green Infrastructure), DM1 (Design), DM7 (Pollution), DM8 (contributions public utilities), DM23 (Transport contributions), DM24 (parking provision), DM33 (new and enhanced recreation and open space facilities), DM35 (Community, Leisure and cultural facilities), DM37 (funding infrastructure).

Supplementary Planning Guidance: Biodiversity
Supplementary Planning Document: Planning Obligations

CHARACTER APPRAISAL AREA

Not covered by character appraisals

SPECIAL POLICY AREA

n/a

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, nature conservation, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

	See below		Other……

COMMENT ON REPRESENTATIONS RECEIVED

	See below		Other……

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of Circular 05/05 saved policies 101.T and 191.IN of the Eastleigh Borough Local Plan Review 2001-2011, policies DM8 and DM37 of the Eastleigh Borough Local Plan Pre Submission (2011 - 2029) and supplementary planning document.
The highway officer has noted that the proposed development would not generate any additional

vehicular movements above and beyond that existing and as such the proposed development would not generate a requirement for a financial contribution towards infrastructure. development does not therefore require a legal agreement in this respect.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

MATERIAL CONSIDERATIONS

Principle

The site is located within an accessible area in the urban edge with relatively good pedestrian and cycle links to nearby properties. The proposed development is therefore acceptable in principle subject to meeting criteria of other policies within the Eastleigh Borough Local Plan (2001-2011) and Eastleigh Borough Local Plan Pre Submission (2011 - 2029).

The key issues that need to be considered when assessing a development of this nature are impact upon character and appearance of the area, impact upon residential amenities, highway issues, loss of trees, impact upon ecology and drainage and surface water run off. These points are considered in turn.

Policy 59.BE of the Local Plan and policy DM1 of the pre submission Eastleigh Local Plan (2011-2029) requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Layout and design

The proposed courts are located within part of the school grounds that are currently unused other than for general recreation purposes. There are a series of pedestrian links running through the school grounds which can easily be extended to the location of the proposed courts. With this in mind the location of the courts appear to be in the best location noting the land available within the grounds to accommodate the courts and subject to the other aspects considered below.

Street scene and character of the area

The grounds of Shamblehurst Primary School, residential properties facing the road at this point and a dense line of mature trees behind these properties serve to obscure views of the proposed courts from the Wildern Lane. The buildings within the school grounds would obscure views further down from Wildern Lane.

Residential amenity

The proposed tennis courts are located within the northern section of the school and adjacent to the northern boundary. At this point there are three residential premises that are affected. Two of those, Rosemary Price Court (nos 1 and 2 particularly) and Alison House are retirement homes. Also no. 9 Simmons Close. All of these properties have their rear gardens adjacent to the northern boundary of the school at the point where the tennis courts are proposed.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The current boundary treatment consists of a 3m wire mesh fence with a belt of land adjacent and within the school comprising mature and semi mature trees and vegetation. The application does not propose floodlighting and as such light pollution is not an issue. A new application would be required if the school wished to erect floodlighting. The use of the courts will be in daylight hours and the last use of the courts will be one hour before dusk. At a worse case scenario in the summer months this will mean that the use of the courts will cease at approximately 9.30pm however spring, autumn and winter this last use will be earlier than this. The hours of use will allow community use particularly in the summer months which is encouraged by policies 186.IN of the Local Plan (2001-2011) and policy DM35 of the pre submission Local Plan (2011-2029) subject to impact upon residential amenity and whether they are accessible. The courts are extremely well located close to many residential properties. The main impact upon neighbouring residential amenity will be whether their outlook will be harmed and whether they will be harmfully affected by noise associated with the use. A noise survey is submitted with this application which shows that the additional noise generated by the proposed courts would have 'moderate significance' and be likely to cause neighbour complaints. As such the reports suggests the erection of a 3m high noise barrier along the northern boundary and shows that with this barrier in place the impact of the tennis courts would drop to 'marginal significance'. The application has since been amended to show a 4m acoustic barrier north of the courts and in between the courts and the residential properties beyond the northern boundary of the site. This will provide additional noise insulation above that noted in the noise report which related to a 3m high noise barrier. It is considered that this is sufficient to ensure that the proposed tennis courts would not harmfully affect neighbouring residents in terms of the associated noise and activity. In addition a condition can be attached which restricts the use of the courts to daylight hours only.

The letters of objection raise concerns about the loss off trees which provide a screen between adjacent residents and the school. In this instance 6 trees are proposed to be removed all within group 1, most of which are located where the tennis courts are proposed. The majority of trees along the northern boundary will however remain. In terms of how the children collect their tennis balls if they should be hit into accidentally be hit into neighbouring gardens and their general behaviour this is an important matter for the school to manage and have proper procedures in place to address this. This is not itself a material consideration relevant to whether the development is acceptable in planning terms.

In terms of the outlook of the neighbouring residents, the courts will not be visible at ground level noting the existing and proposed boundary treatment. Their will be some views through and over the trees at first floor however it is noted that properties at Rosemary Price Court are single storey. The tennis courts will be enclosed by a 3m high wire mesh and will not therefore be a solid enclosure. The acoustic fence has been repositioned away from the northern boundary and closer to the courts which will in itself further screen the courts from properties to the north. The outlook of the proposed development is not considered to be harmful or oppressive in any way.

No spectator area is proposed as part of this development and the car parking proposed to be available in connection with this use is located centrally within the school site, accessed off Wildern Lane and separated from neighbouring residential properties by other buildings within the school. Overall, noting the proposed hours of use condition, the fact that no floodlighting is proposed and the proposed installation of a 4m high acoustic fence, the proposed development is not considered to harm the residential amenities of neighbouring properties.

Highway matters

Policy 100.T expects development to be sited close to, or well served by, public transport, cycling and walking. Policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision. The application proposes to use an existing parking area

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

within the school however the site is very accessible to local residents and therefore users are equally likely to walk to the courts. The highway officer has no objection to the scheme noting that the use will not generate any additional trips to site.

Trees

There are a number of trees that run adjacent to the northern boundary and of those 6 are proposed to be removed. These are a mixture of category B, C and U trees and the Tree Officer has no objection subject to a condition that requires replanting.

Drainage

The application shows the tennis courts will be construction with a slight land fall of 1:120 which will allow the water that collects in the proposed catchpits around the courts to drain into a new soakaway located east of the proposed courts. It is considered therefore that the courts will be supported by a suitable means of drainage.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The recommendation is to permit.