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Eastleigh Borough Council
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Our Ref E-493-AW
Your Ref F/21/90008
Email: Alex@southernplanning.co.uk
Date: 17th December 2025
Status: Online

Dear Sir/Madam

Planning permission F/21/90008 – Proposed artificial grass Multi-Use Games Area (MUGA) including fencing enclosure and tarmac footpath - The King's School, Lakesmere House, Eastleigh SO50 7DB

I am instructed by The King's School to submit an application under section 73 of the Town and County Planning Act. The application is for variation of condition 12 attached to the above planning permission and should be read in conjunction with the Highway Technical Note by Nick Culhane, Highway Consultant.

Introduction

The application site lies within designated countryside and forms part of The King's School.

It contains a MUGA approved under planning F/21/90008.

The King's School is an independent Christian faith primary and senior school with playing fields to the rear, southeast of the school buildings.

There are number of trees around the periphery of the existing grassed area, which are protected by a Tree Preservation Order (TPO). Adjacent to the site to the east is Quobleigh Pond and Woods Site of Importance for Nature Conservation (SINC), designated as 1A/1Cii for its ancient semi-natural woodland and alluvial forest comprising alder, ash, and willow.



Extract from approved site location plan

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The site is in close proximity to a locally listed building formerly known as Fair Oak Lodge, and part of the site falls within the 25-metre buffer of a Public Right of Way (PRoW).

Background

Planning permission F/21/90008 was granted on 28.07.2021 for a *Proposed artificial grass Multi-Use Games Area (MUGA) including fencing enclosure and tarmac footpath*. It allowed for the construction of an all-weather level playing surface that can be used for many different sporting activities by The Kings School children throughout the year

Condition 12 of planning permission F/21/90008 reads as follows:

- 12 *The development hereby permitted shall only be used in conjunction with the The King's School and shall not, at anytime, be used by the general public, for business or commercial purposes.*

Reason: To protect the amenity of nearby residents.

Proposal

It is proposed to vary this condition to read as follows:

- 12 *The development hereby permitted shall only be used in conjunction with The King's School or by organisations providing educational, childcare, or youth-related activities (including after-school and holiday clubs). It shall not, at any time, be used by the general public for unrelated business or commercial purposes.*

Reason: To protect the amenity of nearby residents.

Planning Policy Context

National - National Planning Policy Framework

The following sections of the National Planning Policy Framework (NPPF) 2024 are considered relevant:

- 02 - Achieving sustainable development
- 04 – Decision Making
- 15 - Conserving and enhancing the natural environment

Planning Practice Guidance

What approach should be taken to using conditions?

What should a local planning authority do to ensure that the tests in national policy have been met?

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

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1. *necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects.*

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.

Paragraph: 003 Reference ID: 21a-003-20190723

Are there any circumstances where planning conditions should not be used?

Any proposed condition that fails to meet one of the 6 tests should not be used.

Paragraph: 005 Reference ID: 21a-005-20190723

Local - Development Plan

The following policies of the Eastleigh Borough Local Plan 2016-2036 are considered relevant to this proposal:

Strategic policies:

- SI (Sustainable development)
- SI0 (Community facilities)

Development Management policies:

- DMI (General development criteria)
- DM8 (Pollution)
- DM11 (Nature Conservation)
- DM13 (General development criteria – transport)
- DM14 (Car parking)

Other Guidance

Supplementary Planning Documents

- Quality Placee
- Non-Residential Parking Standards
- Biodiversity

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Justification & Rationale

The Kings School would like to allow the MUGA to be available for use by after school club and holiday clubs through childcare and educational activity providers, which may be considered a business under the terminology of the condition. The after-school club would be available to pupils of The Kings School only, however the School would like to offer the holiday club provision to other local children who may not attend The Kings School.

The current wording of Condition 12 is currently overly restrictive and does not reflect the practical requirements of the school and wider community. The proposed variation of the condition introduces flexibility of use within an educational setting, while maintaining control over any potential impacts to the residential amenity. The variation of condition would bring benefits to the school and widen the accessibility of the facility to the children within the local community.

The proposed variation to the condition, allowing the use of by third party organisations to deliver educational, childcare, or youth related services/activities (after school and holiday clubs), would still support the school itself as well as the local community. Furthermore, it would align with the school's responsibility and role in community engagement and welfare. Therefore, these activities are consistent with the intended purpose of the development and do not introduce any unrelated commercial or business operations.

Paragraph 56 of the National Planning Policy Framework (NPPF) states that “*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*” and paragraph 57 states that planning conditions should be “enforceable, precise and reasonable in all other respects”. The current wording of Condition 12 is overly restrictive and therefore unreasonable to “enforce”, contrary to Paragraphs 56 of the NPPF and paragraph 003 Reference ID: 21a-003-20190723 of the National Planning Practice Guidance (NPPG). The existing condition does not meet the objectives of para 57 because it imposes unnecessary restrictions on the use of the MUGA. The current wording directly impacts on the functionality of the school. Instead, the proposed variation ensures clarity, allowing for a wider educational use which would still protect residential amenity and benefit the school and local community. The variation would align with national policy guidance without any adverse planning impacts or consequences.

Paragraph 57 of the NPPF also states “*agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making*”. In this context, adopting the proposed variation of the condition would provide clarity and certainty for both the school and local authority, avoiding any future disputes and ensuring the delivers its intended purpose, for community benefits, without unnecessary delay.

Planning permission F/21/90008 does not restrict the hours of use or the number of pupils able to use the MUGA at any one time. Therefore, the MUGA can still be used during school holidays and after school hours by current pupils at The Kings School. The implementation of the ‘fall back’ is considered a ‘real prospect’ and is therefore a material consideration.

In terms of highway impacts, HCC Highways requested the condition and limitation in terms of restricted use by the general public. As the use would still be controlled and would only be offered through an educational provider, it is considered there would be minimal impact on the existing access. The intensity of use would be comparable to if the MUGA were used by the school only, as it would

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mainly be used by pupils of the school and with a small proportion of children from the surrounding area.

The site is in a sustainable location, and local children would be able to use alternative methods of public transport or could walk to the site to utilise the holiday clubs. Afterschool care provision would only be available to pupils of The Kings School.

In terms of parking, the arrangements would remain as existing. The Highway Technical Note reinforces that there would minimal impact on the existing access and the intensity of use would be comparable to if the MUGA were used by the school only.

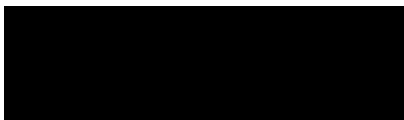
Conclusion

It is considered that the rewording of Condition 12 represents a balanced and pragmatic approach to ensuring that the development can be used more efficiently by the school and is considered acceptable from a highway point of view.

The suggested wording ensures that the condition remains “enforceable, precise and reasonable” in accordance with local and national planning policy, including the NPPF and NPPG. Through the allowance of third-party use for educational, childcare, and youth related activities, the variation delivers essential community benefits without introducing unrelated commercial/business uses.

It is therefore respectfully requested that the variation to the wording of Condition 12 of planning permission F/21/90008 be granted.

Yours sincerely



**Alexandra Webb BSc (Joint Hons) MSc MRTPI
Associate**