

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 8th July 2014
Planning Application Report of the Planning and Development Manager

Application address: Jurds Lake Car Park, Victoria Road			
Proposed development: Change of Use of part of car park to a ball park to include 1.8 metre fencing (Retrospective) – one year temporary period			
Application number	14/00527/R3CFL	Application type	R3CFL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	22 June 2014	Ward	Woolston
Reason for Panel Referral:	Request by Ward Member and five or more letters of representation have been received	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: Southampton City Council - Mr Nick Yeats	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The provision of formal play space within an area protected as public open space is appropriate and the impacts (in terms of additional noise and disturbance, loss of parking and the impact upon local biodiversity) do not have sufficient weight to justify a refusal of the application for the reasons given at the Planning and Rights of Way Panel meeting on 8th July 2014, where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP5, SDP10, SDP12, SDP16, SDP17, NE4, CLT3, CLT6, CLT7 and MSA18 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS21 and CS22, and the Council’s current adopted Supplementary Planning Guidance.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site forms part of the Jurds Lake Car Park towards the southern end of Victoria Road in Woolston. The car park used to provide 63 parking spaces (including eight marked as disabled). A further 34 spaces to the south of the main car park have become overgrown and permission was recently granted for these spaces to be used to serve the contractor's needs for the approved Woolston Waste Water Treatment works on the opposite side of Victoria Road. The site is within a designated flood zone with limited biodiversity value, despite being within six metres of the Shoreburs Greenway Site of Nature Conservation Importance (SINC) – a local biodiversity designation.

2.0 Proposal

2.1 Retrospective planning permission is sought to erect a 1.8m high mesh fence to enclose an informal ball park and goals upon the existing tarmac. Some 35 parking spaces (including six designated for disabled use) have been retained following the works. The applicant seeks a one year temporary permission whilst they prepare plans for a wider scheme.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 None for the site itself, although the play space has been provided following the expansion in population living at the nearby Centenary Quay development. Outline planning consent is extant for 1,620 new dwellings; with the first two phases fully occupied (328 units) and the third phase (329 units) currently under construction (LPA ref: 08/00389/OUT).

4.2 A replacement waste water treatment works was approved on land to the west of the application site with works scheduled to commence shortly (LPA ref: 13/01515/FUL refers).

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (11th April 2014) and erecting a site notice (also 11th April 2014).
- 5.2 At the same time that the Planning Department notified neighbours of the ball park, the Council's Open Spaces Team sent letters consulting residents on plans for a new skate park on the site. The latter is not for consideration as part of this planning application but has resulted in residents commenting on both issues as part of their response to the planning application.
- 5.3 At the time of writing the report **16** representations have been received from surrounding residents including 10 objections (with 6 on a pro-forma) and 6 letters in support.
- 5.4 **Ward Councillor Payne** – Requests a Panel determination
- 5.5 **Ward Councillor Hammond** – Supports application
- 5.6 A further 20 representations (both in favour and objection) have been received regarding the proposed skate park, which does not form part of this planning application.
- 5.7 The following is a summary of the points raised in relation to the ball park:

- 5.8 *The ball park should have been provided as part of Centenary Quay.*

Response

The Centenary Quay development is a high-density residential development. The development makes provision for on-site public open space within later phases of the development – for both economic and design reasons. The earlier phases apply 'Homezone' principles to encourage children to play in the street, whilst also making financial contributions towards off-site formal play space. At the time of writing, Crest Nicholson have made a contribution of £298,847 towards improved play space, open space and playing fields in Woolston. These monies, with the exception of about £5,000 for the ballpark, have not yet been spent.

- 5.9 *The ball park is located 20 metres from a stream and children could fall in, especially as their footballs often clear the fence provided and end up in the stream.*

Response

Concerns noted although this is an existing situation – this is a matter for the Council as landowner and these comments have been forwarded to the applicant.

- 5.10 *Impact on local parking since the ball park was erected. Loss of public parking has resulted in additional on-street parking pressure (especially at weekends when the car park is full). Centenary Quay has insufficient parking to meet the needs of the new residents.*

Response

The Jurds Lake Car Park is not an overspill car park for Centenary Quay or any other residential street. Parking surveys of the car park have been submitted to support the application (including random surveys every day between 4th and 20th

June ranging from between 7:15am and 6:30pm). The surveys include at least 15 occasions when cruise ships were in port, and the Rowing Regatta event on 4th June. At all times there were parking spaces available within the car park despite the ball park being in situ.

- 5.11 *The ball park is having an impact on the local biodiversity – especially caused by increased noise and litter.*

Response

The ball park is located close to the Shoreburs Greenway Site of Nature Conservation Importance (SINC), however the site itself is laid to tarmac and has limited biodiversity value. The site's former use for public car parking would have resulted in some noise and disturbance. The level of impact from the proposed use is not considered to be harmful to local biodiversity, and the Council's Ecologist has raised no concerns regarding this planning application.

- 5.12 *The ball park lacks adult supervision and there is evidence of bullying taking place.*

Response

Concerns noted – this is a matter for the Council as landowner (and parents) and these comments have been forwarded to the applicant.

- 5.13 *Noise and disturbance (including foul language) has increased since the ball park opened. An acoustic report should have been provided before the ball park opened.*

Response

The ball park is some 38 metres from the rear garden of the nearest residential neighbour at 2 Swift Road (and 43 metres from the dwelling itself). The ball park is 45 metres from 229 Victoria Road, and 52 metres from 1a Swift Road (on the opposite side of the road). There is mature planting between the application site and 2 Swift Road, and Swift Road itself separates the ball park from those other neighbours identified. These separation distances are considered to be acceptable. The Council's Environmental Health Officer has raised no objection to this application and will monitor the site as part of their statutory duty.

- 5.14 *Concerns raised about a proposed skate park and the impact on local residents in terms of visual appearance, graffiti, noise, disturbance and impact on ecology. Furthermore, the car park is fully utilised at weekends and the evenings – especially when cruise ships are in the City and/or there is a firework display.*

Response

Noted – these comments relate more to the public consultation being undertaken on a proposed skate park in the area and should not influence a decision on the current application for a ball park.

- 5.15 **Consultation Responses**

- 5.16 **SCC Highways** - The Jurds Lake Car Park is an under used facility due to its location, away from residents and good natural surveillance. The application is for the temporary use of part of the car park for a fenced ball park, which is acceptable in highway terms. There is a section of public highway, not maintained at public expense, included within the fenced area but as this is a temporary consent, this does not constitute a problem or risk as the permanent solution, should there be one, would need to include any necessary stopping up. The observed usage of the car park has been low, with the only recorded peak

coinciding with an event in the adjacent sailing club. Generally, the highest take up of spaces has been 12 to 13 which occurred when there were a number of cruise ships leaving the port. Otherwise occupancy levels varied between three and 10 vehicles. The proposal in itself does not cause any highway safety issues, but any more permanent proposals will need to anticipate where the trips to the ball park are originating, to ensure good safe pedestrian and cycle links are in place. There are no objections to the current temporary proposal. The only condition needs to ensure that the fencing used is secure and will not fall onto cars parked within the remaining car parking area, and that the pedestrian access to the ball court considers the safety of the pedestrian users, avoiding conflict with traffic using the car park.

- 5.17 **SCC Trees** – No tree issues on site.
- 5.18 **Neighbourhood Housing Officer** - We would like to take this opportunity to support the above application. We have seen with the Temporary ball court at Victoria Road a significant reduction in complaints against children of alleged ASB and additionally reports of children playing in the roads of the Centenary Quay scheme. We would really like to see a provision for the children on a permanent basis especially with the scheme being an ongoing development for many years to come so fully support this application.
- 5.19 **SCC Environmental Health (Pollution and Safety)** - As this is retrospective, and there have been no complaints I am aware of, I have no objections to this application
- 5.20 **SCC Ecology** – The application site is a tarmac car park with negligible biodiversity value. It lies within 6m of the Shoreburs Greenway Site of Nature Conservation Importance however; the fencing will not have a direct impact upon the habitats for which the SINC is designated. The area within and around the car park is already relatively disturbed and, in the absence of lighting, the introduction of ball games is unlikely to lead to any indirect effects. I therefore have no objection to the planning application.
- 5.21 **Hampshire Constabulary** – Support given. There has been an increase in anti-social behaviour (ASB) being experienced by residents in and around the Centenary Quay development. The rise is attributed to an increase in families with children moving into the local area. The local engagement team have spent significant time promoting the temporary play facility and local children have been receptive to using it. We have started to see a decrease in ASB relating to ‘rowdy and inconsiderate behaviour’. The benefits of a dedicated area for the local children cannot be understated.
- 5.22 **Bitterne Safer Neighbourhood Team ‘D’ Woolston** - I wish to register my support in favour of the change of use for the temporary ball park.
- 5.23 **Environment Agency** – No objection

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- i. Principle of Development
- ii. Design
- iii. Impact on Residential Amenity
- iv. Highways Impact

6.2 Principle of Development

6.3 Jurd's Lake car park is protected by adopted Local Plan Review (LPR) Policy CLT3 as open space. The car park serves the nearby Shoreburs Greenway SINC. The provision of a formal ball park with fencing improves the sporting opportunities to nearby residents and complies with the aims of the policy. LDF Core Strategy Policy CS21 also refers as it seeks to reconfigure open space in order to achieve wider community benefits. The National Planning Policy Statement (2012) provides similar protection (paragraph 74 refers). Furthermore, there are benefits in encouraging children to participate in outdoor play and Hampshire Constabulary have confirmed that ASB has reduced locally following the installation of the ball park. The loss of parking proposed does not jeopardise the SINC for the reasons given later in this report.

6.4 Design

6.5 The proposed fence and ball park are sited on the eastern side of the car park and are mitigated by the existing landscaping, grassed bund and separation from both Victoria Road and the nearest residential neighbours. The design, whilst basic, is appropriate for this location.

6.6 Impact on Residential Amenity

6.7 The application seeks a temporary permission for a period of one year only, after which point the land should be returned to its former use as a car park. LPR 'saved' Policy SDP1(i) seeks to ensure that all new development protects the existing residential amenity of its neighbours. In this case the nearest neighbour is located between 38 and 43 metres away. This resident has objected to the planning application and their concerns outlined above are noted. Whilst it is recognised that a new ball park will bring with it associated activity, particularly as the Summer months continue; the level of noise and disturbance has to be assessed as harmful before this objection can be substantiated. The Environmental Health Officer has raised no objection to the application and, as the application is retrospective; its impact can be properly assessed before reaching this conclusion. No external lighting is proposed and the separation distances involved are sufficient to conclude that the scheme is compliant with Policy SDP1(i). The Council maintains control as landowner should circumstances change.

6.8 Highways Impact

6.9 The loss of parking to this proposal has been assessed by the Council's Highways Officer as acceptable. The submitted parking survey work suggests that, despite losing 28 public parking spaces to the ball park, there is still capacity

to deal with the peak needs of the local community including for example, the recent Rowing Regatta event where, at 3:45pm, there were still six (including four disabled) spaces available. As such, the proposed loss of public parking is acceptable.

7.0 Summary

- 7.1 The proposed change of use from public car parking to a fenced ball park is for a temporary period of one year from the date of permission. As the development is retrospective it is possible to assess the impacts in terms of both residential amenity and the loss of public car parking. Both issues have been assessed and no significant effects have been found, despite a number of objections being received from nearby residents (including the nearest neighbour). The Council maintains control as landowner should circumstances change, but the temporary use as a ball park is considered to be appropriate.

8.0 Conclusion

- 8.1 Planning permission should be granted for a one year temporary period, at which time the Council may decide to apply for a permanent solution.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1a-d, 2b and d, 4f, 6c, 7a, 9a and b

SH2 for 08/07/14 PROW Panel

PLANNING CONDITIONS to include:

1. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition

The ball park use and associated goals and fencing hereby permitted shall be discontinued and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the period ending on 8th July 2015 (a period of one year).

REASON:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that the scheme has attracted local objection on grounds of residential amenity and loss of parking.

Note to Applicant: Lighting

There shall be no external lighting of the ball park without first obtaining planning permission for such development works.

POLICY CONTEXT

Core Strategy - (January 2010)

CS21 Protecting and Enhancing Open Space
CS22 Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP5 Parking
SDP10 Safety & Security
SDP12 Landscape & Biodiversity
SDP16 Noise
SDP17 Lighting
NE4 Protected Species
CLT3 Protection of Open Spaces
CLT6 Provision of Children's Play Areas
CLT7 Provision of New Public Open Space
MSA18 Woolston Riverside

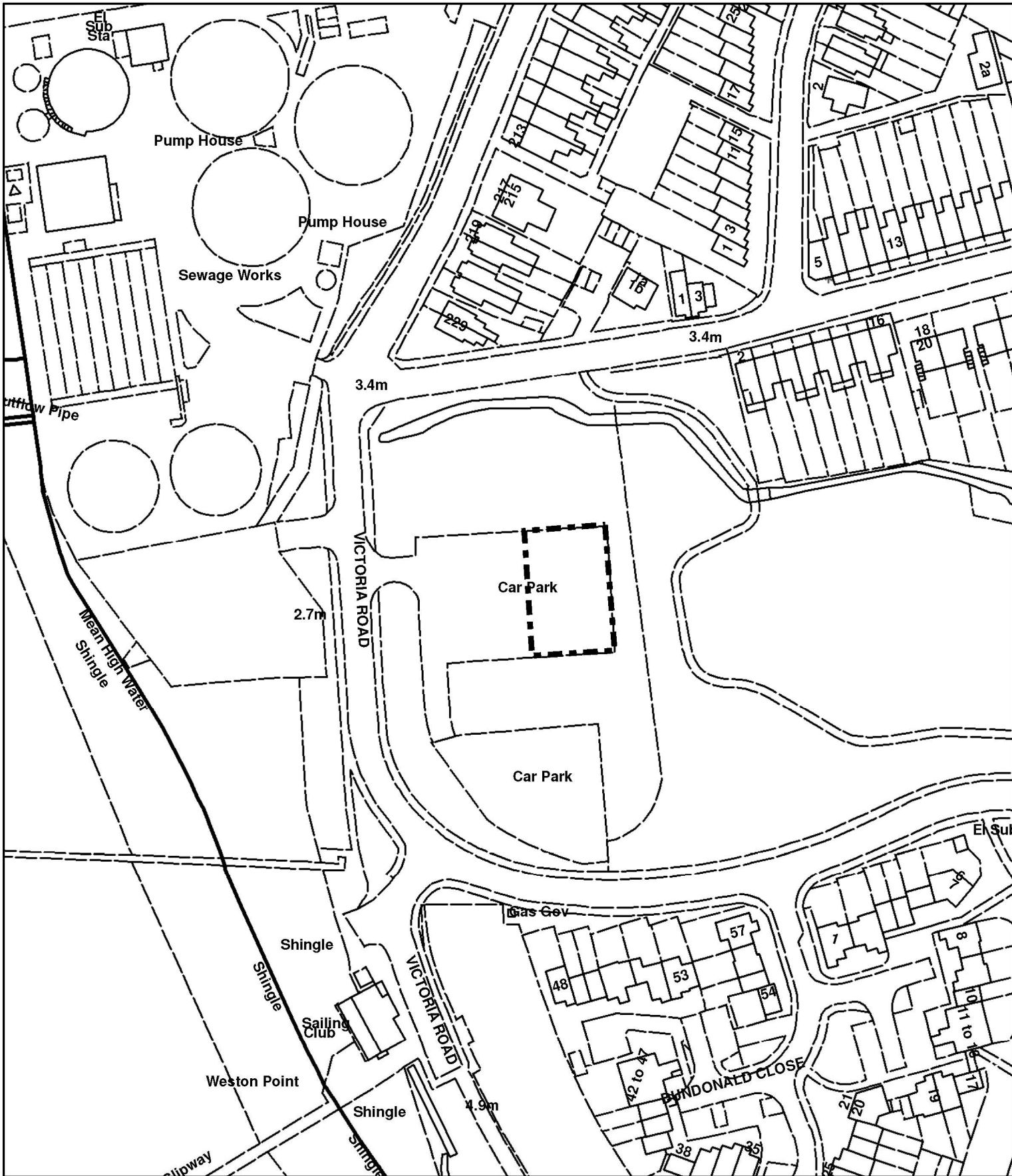
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

14/00527/R3CFL



Scale: 1:1,250

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