

**Planning and Rights of Way Panel 22<sup>nd</sup> June 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address: Mansel Park, Kendal Avenue, Southampton</b>			
<b>Proposed development: Erection of standing/seated stands</b>			
<b>Application number:</b>	20/00024/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	04.03.2020	<b>Ward:</b>	Redbridge
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Guest Cllr McEwing Cllr Spicer
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Mr McManus		<b>Agent:</b>	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies –CS13 and CS21 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, 4, 5, 7, 8, 9, 10, 11, 12 and CLT3 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

**Recommendation in Full**

**Conditionally approve**

## **1. The site and its context**

- 1.1 The application site relates to part of Mansel Park, a prominent public open space within Redbridge Ward. The surrounding area is primarily residential in nature although there are some commercial premises.
- 1.2 The proposal relates to an existing football pitch and alterations to facilitate this use. At present the site is utilised by a local club (Bush Hill FC) who wish to improve the facilities to comply with the requirements of a higher ground grading in order to allow entry into higher level leagues.
- 1.3 The nearest residential units to the application site is the flatted block to the south, situated 9.5m from the edge of the proposed fencing. The closest stand is situated 48m from the nearest residential property.

## **2. Proposal**

- 2.1 The application proposes a number of physical alterations to the application site. In terms of physical alterations, the application includes two proposed seating/standing stands to serve as ancillary to the existing football pitch. Each stand it proposed to provide capacity for around 50 spectators. The seated stand has a footprint of 1.8m by 9.6m and a height of 2.7m. The standing stand has a footprint of 1.3m by 11m and a height of 2.9m. A further area of hard surfacing is also proposed to provide provision of cycle storage for spectators and other users of the premises.
- 2.2 It is noted that the plans also show a fence enclosing the site. It has been proposed that this fence will be 1.8m tall. It is noted that in accordance with Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the erection of a fence up to 2m high does not need planning permission provided it does not create an obstruction to the view of someone using the highway and is not adjacent to a highway used by vehicular traffic. In this case it is considered that the proposed fencing is well set back from the immediate highway and as such would not, in itself, need planning permission.
- 2.3 With reference to the above, it is therefore not considered that the provision of the fencing falls within the remit of this application to consider.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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. Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

#### **5. 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 and erecting a site notice (21.01.2020). At the time of writing the report **27** representations have been received from surrounding residents; 12 in objection and 15 in support. The following is a summary of the points raised:

##### Support

- 5.2 ***Proposal represents a positive contribution to the provision of local community facilities***

##### **Response**

The proposal will contribute positively to the retention and vitality of an existing local community facility, though it is noted that these benefits must be balance against the potentially harmful impacts on nearby occupiers. This matter is considered in more detail in section 6 below.

##### Objection

- 5.3 ***Proposal will exacerbate existing parking issues in the surrounding area and cause highways safety issues***

##### **Response**

The applicant has produced a transport statement to outline how the additional activity generated with the site will be managed. The Council's highways team have reviewed the submitted details and, in the context of the proposed use of the application site and submitted documentation, raised no objection.

- 5.4 ***Proposal will facilitate an intensification of use of the site which will result in a harmful additional impact on nearby occupiers in terms of additional activity and other comings and goings***

##### **Response**

It is considered that the application has been proposed to facilitate a more intensive use of the site when compared to the existing community space. The benefits of improved community facilities must be balanced against the potential impacts on nearby residents. In this case the site is considered to be well set back from immediately adjoining residential properties and the impacts associated with additional noise and activity are not considered to prove substantially harmful to neighbouring occupiers given the nature of the proposed use and context of the site.

5.5 ***Proposal will block light/views into park from nearby dwellings***

**Response**

It is considered that the proposed stands are modest in scale and well set back from nearby properties. It is not considered they will represent a substantially harmful impact on the amenities of existing residential occupiers.

5.6 ***Proposal will restrict public access to the park***

**Response**

In the submitted plans, the applicant has indicated an intention to encircle the existing football pitch with a 1.8m high fence. As noted in paragraph 2.2, this fence would not in itself require planning permission and as such does not fall within the scope of this application to consider. It is noted that the land to which the application site relates does not fall within the applicants ownership and any such works would require the owners consent to undertake. In this case the land falls within the Councils ownership and, separate to the Councils authority as the Local Planning Authority, would retain control of the land regardless of the outcome of any planning application and could control access as it sees fit.

5.7 ***Proposal will result in anti-social behaviour issues and potential late night disturbance associated with the alterations***

**Response**

As noted above, the fencing and enclosure of the space does not fall within the remit of this application to consider. Notwithstanding how the access to this space worked and future management would remain in the Council's control for consideration as land owner.

**Consultation Responses**

5.4 **SCC Highways** – In the context of the proposed use, local community nature of the facility and details of transport management outlined, no objection is raised. The applicant is encouraged to contact the Southampton My Journey Travel Planning team for future support and grants in the future.

5.5 **SCC Open Spaces** – No objection subject to details of soft landscaping to minimise the visual impact of development in the context of the surrounding park. Keen to maintain community use of the space.

5.6 **Southampton Commons and Parks Protection Society** – Concern regarding material treatment of fencing ensuring that adequate public access is retained to park space in the wider context of the city. Concern that plans are insufficiently detailed/inaccurate.

5.7 **Sport England** – No objection.

## **6.0 Planning Consideration Key Issues**

6.1 The application site currently forms part of an existing park with a football pitch situated on it. The proposal relates to alterations to the surroundings of the football pitch to facilitate its use for a more formalised level of community football use, including the installation of stands for spectators. As such the key issues are:

- Principle of Development;
- Design;
- Highways Impact; and,
- Permitted Development Assessments

### **6.2 Principle of Development**

6.2.1 Paragraph 92 of the NPPF along with CS21 of the Southampton City Council Core Strategy and numerous policies in the Councils Local Plan identify the importance of providing good quality open space and community facilities. The site will remain in its present use. In principle no objection is raised to improvements to the community facilities to support this use however the impacts of these alterations will need to be considered in terms of any subsequent impacts associated with a potential intensification of use or other impacts on nearby residential properties.

### **6.3 Design and effect on character**

6.3.1 The application proposes additional areas of hard standing to create more cycle storage and the erection of two stands to provide spectators with a seating and standing area.

6.3.2 Overall, it is considered that the design and appearance of these structures would not appear substantially harmful to the surrounding context of the park. The structures are well set back from neighbouring residential dwellings and in terms of the proposed scale it is not considered that they would introduce a harmful impact in terms of the creation of an overbearing or overshadowing form of development. The main context of the structures would be the existing nearby single storey ancillary structure for the football pitch. On balance it is not considered that the appearance would be substantially harmful to the character of the park or surrounding street scene.

### **6.4 Highways and associated issues**

6.4.1 There is some potential for the provision of additional stands and the formalisation of community use of the football pitch to result in additional activity and other comings and goings to the site which may have a knock-on impact to the wider area. As such, the applicant has provided a number of documents including a Transport Statement and match day traffic plan. These have been reviewed by the Council highways team who have raised no objection.

6.4.2 The traffic plan and transport statement outline the existing available nearby off-road parking (totalling 50 spaces) and the availability of other access to the site in terms of public transport options, with no substantial changes proposed to this existing arrangement. It is likely that the most intensive use of the site in terms of additional visitors will be on match days, with the provision of a match day traffic

plan which outlines how visitors will be managed and discourages from utilising surrounding on-road parking where possible. Further to the above, additional cycle parking capacity is proposed as part of the works in order to minimise disruption for nearby occupiers. Specific details have not been provided at the current stage though the applicant has proposed 50 spaces to accommodate match day demand. A Condition has been recommended to secure further detail in this regard.

- 6.4.3 Overall, taking into account the local community nature of the use it is not considered that the alterations proposed would result in a substantially harmful increase in additional parking demands when compared to the existing situation. It is considered that the details outlined in the traffic plan and transport statement are sufficient to address the potential impacts associated with the additional facilities proposed and as such no objection is raised in this regard.

## 6.5 Fencing

- 6.5.1 It is noted that the plans submitted with the application include the erection of fencing to surrounding the football pitch and additional stands. It is noted that a fence in this location up to 2m high would, typically speaking, not require planning permission and it would appear that the fencing proposed would fall within this remit and as such would not in itself require planning permission. As such it is not proposed to impose any restrictions in this regard as part of the planning application process.
- 6.5.2 Notwithstanding this, it is noted that the erection of this fencing would have the potential to subdivide the existing open football pitch from the rest of the public open space. Given the erection of the fencing does not require planning permission it is not felt that this element can reasonably be controlled as part of the current planning application – however it is noted that the Council also acts separately as a third party to the current application in its role as land owner. If the Council as land owner wishes to impose restrictions or requirements on the use/installation of the land and potential fencing following the grant of planning consent that would be a matter outside the remit of the planning process in this case.

## 7. Summary

- 7.1 The application proposes the erection of a pair of stands for spectators and area of hard standing to create additional cycle storage for an existing community football pitch situated in a park. Overall, it is considered that the physical alterations will have a relatively minor impact on the character of the surrounding area and street scene while providing improved facilities for an existing community use. It is considered that the applicant has demonstrated the surrounding area has sufficient capacity to minimise the impact of disruption on match days in terms of additional highways pressure.

## 8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

## **Local Government (Access to Information) Act 1985**

### **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**JF for 22/06/21 PROW Panel**

## **PLANNING CONDITIONS**

### **01. Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### **02. Materials (Performance)**

The proposed stands shall be erected in accordance with the materials outlined in the submitted plans (Drawing No 006A and 007A).

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality.

### **03. Landscaping (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The

Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

#### **04. Cycle storage facilities (Pre-Occupation Condition)**

Before the development hereby approved first comes into occupation, storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

#### **05. Travel (Performance)**

The development shall operate in accordance with the details outlined in the submitted Match Day Traffic Plan and Transport Statement.

Reason: To minimise the wider impacts on nearby residents.

#### **06. Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
CLT3	Protection of Open Spaces

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

18/00394/FUL, Erection of a screen fence with gates around football pitch  
Withdrawn, 27.04.2018

13/00634/FUL, Erection of a single-storey building to contain changing rooms, showers, toilets, store and refreshment area. Formation of a football pitch with adjacent seating area, 1.1m perimeter barrier, 2m high security fence and 1m x 100m long strip of hardstanding.

Conditionally Approved, 24.06.2013

10/01800/R3CFL, Proposed development 6x 6m of lighting columns along footpath and 4x 8m lighting columns at Adizone sport facilities

Conditionally Approved, 14.02.2011

10/01068/R3CFL, Creation of a new footpath, and extension of existing canopy to Adizone

Conditionally Approved, 15.10.2010

06/01558/R3CFL, Formation of earth bund (90cm in height) along the North Western boundary and other landscaping works.

Conditionally Approved, 19.12.2006

06/00197/FUL, Formation of shared use pedestrian/cycle path.

Conditionally Approved, 04.04.2006

06/00195/FUL, Construction of a new building to comprise a community centre, boxing club and parks facility with associated car parking and cycle storage.

Conditionally Approved, 04.04.2006