

Planning and Rights of Way Panel 31st July 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.

Application address: Lordshill Outdoor Recreation Centre, Queens Keep Football Club			
Proposed development: Erection of a single storey hospitality building, spectator stand and formation of a car park.			
Application number	18/00629/FUL	Application type	Full
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	Over (Extension of Time Agreement secured)	Ward	Redbridge
Reason for Panel Referral:	Six objections objections have been received.	Ward Councillors	Cllr McEwing Cllr Whitbread Cllr Pope

Applicant: Queens Keep Southampton FC	Agent: DesignandDraw
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is located on land leased to Queens Keep Football Club since 2004 with no specific rights for public access. The land remains designated open space and the proposal will support an existing sports facility and will make an important contribution to the health and well-being of the Community. The spectator stand and hospitality building are acceptable in design terms having regard to the context and nature of the use. The proposed car park will not lead to increased flooding and ecology mitigation has been secured. Other material considerations 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 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP12, NE4 and CLT3 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS21, CS22 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally Approve

1 The site and its context

- 1.1 The site is a football pitch located at the western corner of Lords Hill Outdoor Recreation Centre (also known as Five Acres), south of Redbridge Lane. The pitch is partially shielded from the rest of the fields by a strip of trees to the south and east and is currently enclosed by a 1m high railing, with other temporary portakabins and shipping container buildings located to provide facilities for the club. An unauthorised spectator stand has recently been removed from the site.
- 1.2 The land is leased by the Football Club from the Council who own the land. A low level timber fence and gate demarcates the area leased to the Football Club. Hedgerow encloses the site to Redbridge Lane. Gated pedestrian access to the football pitch from Redbridge Lane is available in the south-western corner of Five Acres. The existing main car park and sports pavilion serving Five Acres is located circa 200m to the north. The playing fields are used for multiple sports including rugby, football and cricket. Housing development is located on the adjacent side of Redbridge Lane (within Test Valley Borough Council).

2 Proposal

- 2.1 The proposal seeks to erect a spectator stand, hospitality building and a dedicated car parking area with a new access onto Redbridge Lane. Improved spectator facilities and accommodation are an FA requirements in order for the Football club to progress into the next league.
- 2.2 The spectator stand, 48sqm in area, is proposed to be located behind the southern goal line. A fabricated stand with enclosed sides and roof overhang which is finished in corrugated green cladding. The hospitality building is proposed to be metal converted container unit painted green and would be located on the north-western side of the pitch.
- 2.3 A dedicated car park which is closer to the football pitch is sought because of the existing pedestrian travel distance, and weekend demand for the main car park from other sports teams, Oasis Academy and other users of the outdoor recreation centre. The proposed car park has been reduced in size to 27 car parking spaces and a permeable surfacing treatment is proposed such as a loadbearing cellular grid which can be filled with soil or gravel. A 6.5m width gated access is proposed within the existing hedgerow to serve the car park and to provide maintenance access to the football pitch.

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). 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.
- 3.3 Paragraph 73 of the NPPF indicates:
“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities...”
- 3.4 Policy CS21 of the Local Development Framework Core Strategy (LDF) indicates the Council will retain the quantity and improve the quality and accessibility of the city’s diverse and multi-functional open space (used by a diverse community and for a variety of different uses). Supporting text 5.4.11 indicates:
“The LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and wellbeing and has regard for the city’s rich natural environment.
- 3.5 Policy CS22 of the LDF requires development to achieve a net gain in biodiversity by designing in provisions for wildlife and ensuring any unavoidable impacts are appropriately mitigated.

4. Relevant Planning History

- 4.1 Planning permission for the erection of a 1.1m high barrier and hard standing around existing football pitch, installation of 1 no. stand 2 no. dug-outs and 8 no. floodlights and continued use of the temporary storage building was granted on 24.08.2004 (LPA Ref 04/01220/FUL)
- 4.2 Planning permission for the construction of spectator stand (alteration to permission 04/01220/FUL dated 28 September 2004) on the south-eastern side of the football pitch was granted on 12.01.2007
- 4.3 Planning permission was granted for the erection of single storey toilet block was granted on 12.05.2017.
- 4.4 A retrospective planning application for a scaffold spectator stand on the north-western side was refused on design grounds on 18.04.2018. This unauthorised spectator stand has now been removed.

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 (23.03.2018). At the time of writing the report **08 representations** have been received (6 against and 2 in support) from surrounding residents, including objection from Cllr Pope and SCAPPS and support from Cllr Whitbread and Cllr McEwing.
The following is a summary of the points raised:

Against

- 5.2 **The proposed spectator stand appears to be of the same construction as the original one which applied for planning permission retrospectively and was subsequently refused due to it being fundamentally unsafe and an eyesore.**

Officer Response – The proposed stand is different to the unauthorised scaffold stand which has been removed. The proposal has a typical stand design with fabricated supports and enclosed sides and roof overhang which is finished in corrugated green cladding. The design of the structure is considered appropriate when viewed in context with the ancillary structures and buildings associated with the football club.

- 5.3 **The proposed Hospitality building appears to be yet another portacabin from the drawings. I have previously commented on the way the Queens Keep facility is evolving and it already comprises of a number of dilapidated portacabins and shipping containers resembling a shanty town and the last thing this area of Green space needs is another one.**

Officer Response – *The unauthorised scaffold spectator stand was unacceptable in design terms and has been removed. Portacabin and shipping containers are often used by sports club to meet storage, maintenance and spectator requirements. Similar structures can be observed at Southampton Sports Centre adjacent to the athletics track. The hospitality building is required to satisfy FA requirements in order for the football club to progress.*

- 5.4 **The proposed Car Park and entrance will require the removal of hedgerows and trees and a loss of yet more Green space. It also impacts the existing footpath and style gate in that corner of the plot. Lordshill recreation ground already has adequate parking facilities and therefore I cannot see the justification for this proposed development.**

Officer Response – *The proposal seeks to remove 6m width of hedgerow in order to install a gated access. The formation of this access is not considered to adversely harm the character and appearance of the area having regard to the extent of hedgerow to be retained. Furthermore, replacement hedgerow is to be provided within the site to mitigate against the hedgerow removed. There is no public right of way crossing the site and the site is leased to Queens Keep Football Club with no specific rights for public access. There is high demand for the existing car park at weekends by other sports teams and users of the recreation ground and also overspill from weekend activities at Oasis Academy.*

The resultant shortage of car parking spaces within the main car park and travel distance has resulted in spectators parking in Redbridge Lane. The formation of a new access is supported in the lease agreements for maintenance purposes.

- 5.5 **Objection to construction of new vehicle access from Redbridge Lane because, to provide the necessary visibility splays, it requires removal of the mature hedge which gives strong visual screening & an attractive setting for the green space.**

Officer Response – Hedgerow removal is not encouraged. However the access is required to have a width of 6m in the interests of highway safety. It is not uncommon to have a hedgerow enclosing a field or sports ground punctuated with gated access. The proposed access will not be adversely harmful to the character and appearance of the area when considered against the extent of hedgerow to be maintained and also the ecology mitigation proposed with replacement hedgerow within the site.

- 5.6 **Strong objection to loss of green area to provide a car park. Car parking is already provided elsewhere within the Outdoor Recreation Centre site for users of the recreation facilities. If additional green space were to be taken for car parking, Core Strategy policy CS21 requires that replacement green space equal in area & quality should be provided. No replacement public open space is proposed.**

Officer Response – The site has been leased to Queens Keep Football Club since 2004 with no specific rights for public access. The provision of car parking to serve the open space along with ancillary structures is not considered to represent a loss of open space. It is common to find associated car parking and buildings within an open space designation.

- 5.7 **This is the second football club in a few weeks to submit a planning application to add to built structures at the pitch in a public park/open space which the club uses as its home ground. SCAPPS is concerned by the inherent tensions between general public use & enjoyment of parks & green spaces & the pressure on successful football clubs to have a home ground satisfying FA standards. SCAPPS very much hopes that the Hampshire FA will engage with individual clubs to consider coordinated consideration of how & where to best provide a ground or grounds which meet FA specifications.**

Officer Response – The works are proposed within an area of land which was appropriated to the football club in 2004. As the lessee the football club has rights to sole use of the land regardless of the decision on this planning application. The football club are entitled to propose new facilities in order to satisfy current FA requirements. A substantial part of the recreation ground remains available for unrestricted public access. The FA is not a statutory consultee and has provided no comments in relation to this application.

- 5.8 **The Recreation Ground has been nominated as an Asset of Community Value to help prevent development of our Park.**

Officer Response – Five Acres Field was listed as an Asset of Community Value on 14 July 2016. The moratorium period would only be triggered in the event of

land disposal which is unlikely to happen. This process is not affected by the current application.

- 5.9 **Any buildings on the Park will lead to more flooding. The Park become very waterlogged after rain.**

Officer Response – The drainage issues affecting the site are known and noted. The proposal will not lead to more flooding having regard to the proposed permeable treatment to the car parking area and small surface area of the stand and hospitality building.

- 5.10 **This is a public right of way**

Officer Response – The public right of way crossing Five Acres is located outside of the area of land leased to Queens Keep Football Club.

- 5.11 **I object to this planning application in support of objecting residents, and in support of the protection of a public park with an ACV on it from attempts to permanently privatise it and remove it permanently from public use.**

Officer Response – Appropriation of this land to the Football Club was agreed by Cabinet on 11 August 2003. The present lease was granted to the Football Club in 2004 and expires in 2029. The Football Club as lessee has rights to sole use of the land unless other rights are specifically reserved or granted in the lease or easements registered on the title. The lease contains no such specific rights for public access and there is no public right of way crossing the site.

- 5.12 **Negative impact on amenity to the residents of the new estate on the other side of Redbridge Lane.**

Officer Response – Test Valley Borough Council have been consulted and have raised no objection to the proposed development. The Council's Highways Team have raised no highway safety objections. The retained hedgerow provides screening when viewed from Redbridge Lane. No objections have been received from residents of the new estate.

- 5.13 **There is adequate parking already available nearby. Why do they wish to add more parking? There is no parking survey and no road safety survey.**

Officer Response – A parking survey and road safety survey is not a validation requirement. The football club have indicated that a car park is required closer to the football pitch due to the current pedestrian travel distance (circa 200m) and existing weekend demand for other user groups. The car park will remain part of the open space designation.

In support

Happy to support the above application. Queens Keep have had this on lease for a number of years - possibly 14/15 years. If residents wanted to object to the lease of this piece of land, then they had the opportunity at the very beginning in 2003/2004.

Consultation Responses

5.14 **SCC Highways** – The proposed car park is considered acceptable as it does not appear to jeopardise any existing pedestrian access/facilities for the existing use. Therefore the recommendation is to approve subject to the following conditions:

- 1) Car park surface materials must be non-migratory.
- 2) Sightlines. Plan showing the sightlines to be submitted and agreed. Areas within the agreed visibility to be maintained with a height restriction of 1.05m.

5.15 **Ecology** - The application site consists of an area of amenity grassland and a mature hedgerow. The amenity grassland is of low ecological value however, the hedgerow is of moderate to high value. In addition the hedgerow is likely to support a range of protected species including nesting birds and foraging bats.

I have no concerns regarding the proposed hospitality building however the entrance to the car park will result in a loss of habitat and fragmentation of the remaining hedgerow. In addition, surfacing up to the edge of the hedgerow will result in the loss of supporting habitat.

I would therefore like to see a new native hedgerow running along the fence line between the proposed entrance and the existing hedge to mitigate for the proposed hedgerow lost.

Additionally, the conversion of public open space to car parking is contrary to Policy CS 21 Protecting and enhancing open space and will require mitigation. No mitigation proposals have been provided.

Officer Response – A new hedgerow will be secured by condition to mitigate against the proposed hedgerow removal. The proposed permeable car park and ancillary buildings will remain part of the open space designation. The car park will not impact on wider public usage of the open space having regard to the lease agreement which restricts public access.

5.16 **Trees** - No major standalone trees effected on site. Some loss of mature hedgerow to facilitate the new access for vehicles with associated loss of habitat. Possible mitigation needed for this loss.

5.17 **SCC Flood** - This proposal will see the increase in impermeable area through the construction of a car parking area on currently green space. The car parking plan suggests that permeable paving will be utilised however no suitable information has been submitted with the application in relation to how surface water runoff from the site will be managed as part of the development proposals.

Officer Response – Details have now been received which show the car parking area to be permeable and this permeable treatment can be secured by condition.

- 5.18 **Environmental Health** – No objection subject to conditions to secure a construction environment management plan and to prevent bonfires
- 5.19 **Archaeology** - The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 2 (Nursling Plantation and Lower Brownhill Road). Prehistoric and later archaeological evidence has been found throughout the area, including prehistoric burials found during construction of the Ordnance Survey building to the west of Redbridge Lane. Such remains, if present on the site, would be undesignated heritage assets under the National Planning Policy Framework.

Historic maps show that the site was a field until sometime between 1962 and 1986 when it became a playing field. However it is also part of a large area recorded as former landfill on Southampton City Council's Pollution Control database. This landfill use perhaps followed quarrying associated with the construction of the nearby motorway in the 1970s. Previous archaeological work in the area has shown that archaeological deposits do sometimes survive, even on sites recorded as former landfill. An evaluation excavation in 2015 (SOU 1685) on the playing fields to the north and east of the site did find made ground, although there were indications that undisturbed ground may have survived around the edges of the site.

The proposed development involves the construction of a single storey hospitality building (a metal converted container unit), a spectator stand and formation of a car park. Although two previous applications in 2017 and 2018 for this site were small scale, the current proposal is on a larger scale, particularly the formation of the car park and entrance onto Redbridge Lane.

Development here may damage archaeological deposits, and an archaeological investigation will be needed to mitigate this. Given the evidence for past quarrying, the archaeological investigation will take the form of a watching brief on the groundworks with option to excavate should archaeological deposits be uncovered.

Officer Response – The request for a watching brief is considered unreasonable and unnecessary having regard to the nature of the car park and structures proposed which will be of shallow construction.

- 5.20 **Test Valley Borough Council** - No objection.
However, it is noted that a new access is proposed onto Redbridge Lane and it is requested that highway safety implications are considered.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration during the determination of this planning application are:
- The principle of the development;
 - Design impact;
 - Ecology impact;
 - Highway matters.

Principle of Development

- 6.2 Paragraph 74 of the National Planning Policy Framework ‘the Framework’ indicates that existing open space, sports and recreational land should not be built on unless the space is demonstrably surplus to requirements; or the lost open space would be replaced elsewhere; or the development is for alternative sports and recreational provision. Open space is defined as all open space of public value. Open space of public value can include sports pitches and facilities which do not have public right of access. The area is leased to the football club and there are no public access rights over this land and, therefore, the public interaction with this land will not change as a result of the proposals.
- 6.3 The provision of a car park, hospitality building and spectator stand to support the football club and to meet FA requirements is considered acceptable in principle. The land will remain designated open space and the car park and facilities will support an existing sports facility which will benefit the community. A substantial area of the outdoor recreation centre remains available for public access and for diverse leisure use.

Design Impact

- 6.4 The spectator stand and hospitality building are acceptable in design terms having regard to the context and nature of the use. A condition is recommended to ensure the stand and hospitality building are painted green to blend into the landscape surroundings.
- 6.5 Replacement hedgerow is proposed within the site to mitigate against the loss of existing hedgerow to accommodate the access. The installation of the 6m width access will not have an adverse impact on the character and appearance of the area having regard to the extent of hedgerow to be retained.

Highways

- 6.6 The proposed car parking area has been reduced from 37 to 29 spaces in order to reduce the coverage area. No objection has been raised by Highways Development Management in relation to the proposed parking numbers, layout and access design. A condition is recommended to ensure that a permeable surfacing treatment is used to prevent increased surface water run-off. The proposed cellular surfacing treatment to be filled with either gravel or soil will not have an adverse impact on the appearance of the open space.

- 6.7 The provision of a dedicated car park located closer to the football pitch will reduce the likelihood of spectators parking within Redbridge Lane, as alleged by the Football Club. There is likely to be high demand for the existing car park during the weekend when multiple sports/pitches are in use. Weekend events at Oasis Academy also increase demand for existing car parking spaces at Five Acres.

Impact on neighbouring amenities

- 6.8 The separation distance from the nearest residential properties and screening from the existing hedgerow and trees will ensure the proposal will not adversely harm the residential amenities of nearby occupiers.

7 Summary

- 7.1 The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is located on land leased to Queens Keep Football Club since 2004 with no specific rights for public access. The land remains designated open space and the proposal will support an existing sports facility and will make an important contribution to the health and well-being of the Community. The spectator stand and hospitality building are acceptable in design terms having regard to the context and nature of the use. The proposed car park will not lead to increased flooding and ecology mitigation has been secured.

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative, despite the significant local objection and as such the scheme is recommended for conditional approval.

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), 4 (f) (g), 6 (a) (c), 7 (a), 9 (a) (b)

AG for 31/07/2018 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. APPROVAL CONDITION - External appearance

The spectator stand and hospitality building shall be painted green prior to the commencement of use and thereafter maintained in that colour unless otherwise agreed in writing with the Local Planning Authority,

Reason: In the interests of the visual amenities of the area

03. APPROVAL CONDITION - Car Park Surfacing

Prior to the commencement of development details of a permeable surface for the car parking area which is designed to prevent the surfacing treatment migrating onto Redbridge Lane (and drainage details as required) shall be submitted to the Local Planning Authority and agreed in writing. The car park shall be installed and retained as agreed.

Reason: In the interests of surface water drainage and the visual amenities of the area

04. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

05. Sightlines specification (Performance)

Sight lines shown on the approved drawing no. 18/3190/S01 of 2.4m x 120m and 2.4m x 79.5m shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

Reason: To provide safe access to the development and to prevent congestion on the highway.

06. APPROVAL CONDITION - Access Gates

The gated access to the car park hereby approved shall be closed and locked at all times when not in use by Queens Keep Football Club.

Reason: In the interests of safety and security.

07. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

08. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

09. 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.

18/00347/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
REI7	Food and Drink Uses

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)