

DR/06/13

committee DEVELOPMENT & REGULATION

date 22 February 2013

COUNTY COUNCIL DEVELOPMENT

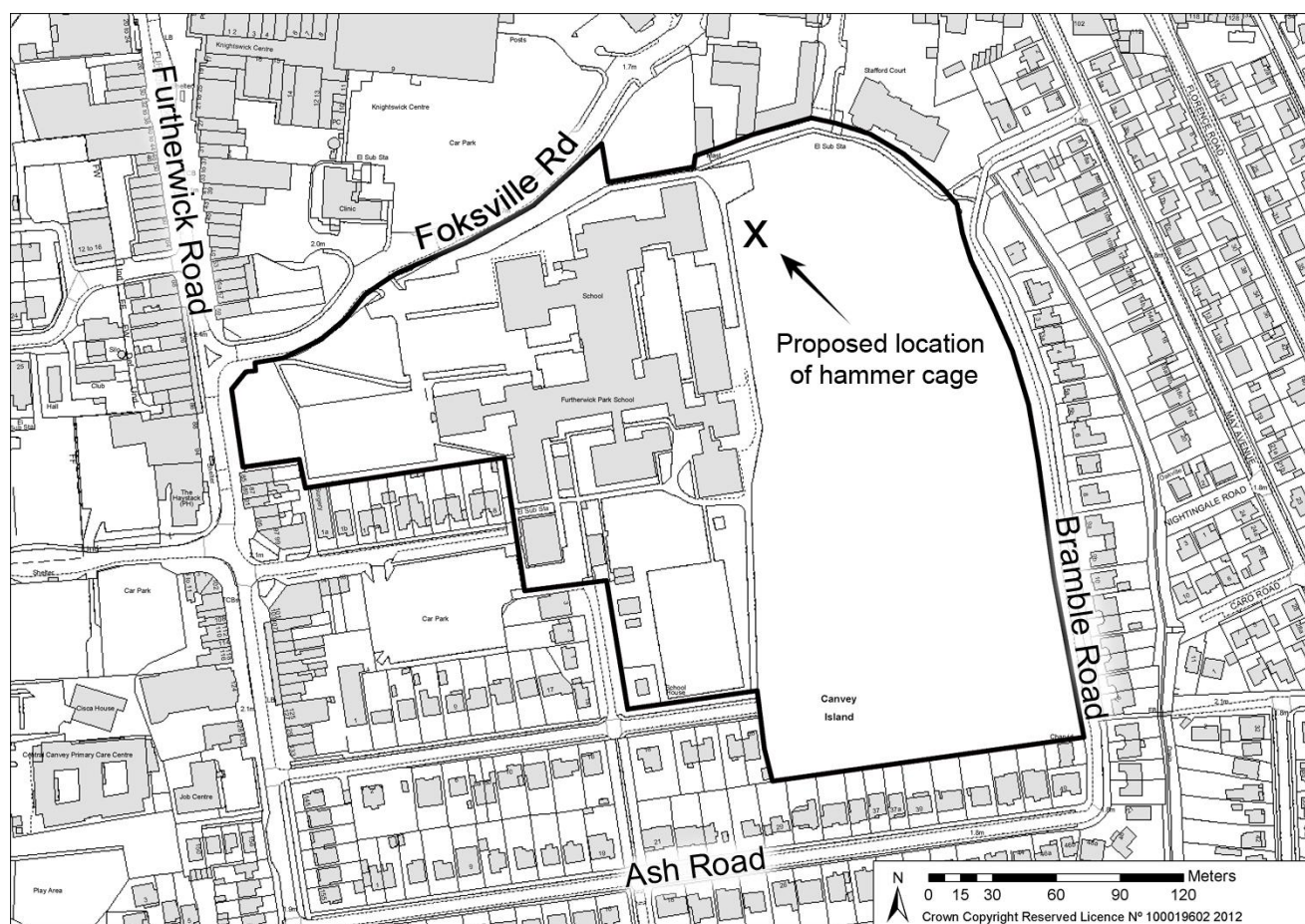
Proposal: **The erection and use of a hammer cage**

Location: **Castle View School, Foksville Road, Canvey Island, Essex, SS8 7AZ**

Ref: **CC/CPT/01/13**

Report by Assistant Director Sustainability, Environment & Enterprise

Enquiries to: Matthew Wood Tel: 01245 435755



1. BACKGROUND

The redevelopment of the former Furtherwick School to form the new Castle View School was completed in early 2012. As part of the planning process a scheme for the phasing of sports facilities on the site was agreed with Sport England and approved by the County Planning Authority on 19 July 2010. This approval referred to drawing number SRM-PL-CVS-L-007 which highlighted the layout of sports pitches for the summer and winter.

During Summer 2012 the County Planning Authority (CPA) received a complaint from a local resident that a 'hammer cage structure' had been erected by the school adjacent to residential properties with no prior consultation having been undertaken. After investigating the matter further it appeared that the school had erected the hammer cage on the understanding that it had planning permission via the scheme for the phasing of sports facilities at the school as shown on drawing number ref: SRM-PL-CVS-L-007. However, the CPA considered that insufficient detail was given on this drawing to warrant planning permission for the hammer cage.

Following this the applicant submitted a planning application (ref: CC/CPT/36/12) seeking to regularise the erection and use of the hammer cage on the site in the exact position that the hammer cage had been erected, in the south east corner of the site. Following a number of representations received from local residents and an objection from the Elected County Council Member for this constituency in relation to the proposal, the application was heard before October 2012's Development and Regulation Committee where members resolved to refuse planning permission on the grounds that the hammer cage structure was of an overbearing and oppressive nature and is detrimental to the visual amenity of the residential occupiers of the adjacent properties. Following this decision and further discussions between the CPA and the applicant the application was withdrawn on 07 November 2012.

Since this time on-going discussions have taken place between the CPA and the applicant regarding a revised planning application for the proposal taking into account the reason for refusal of previous planning application ref: CC/CPT/36/12 and seeking a more acceptable location for the hammer cage structure on the school site. Following these discussions this planning application has been submitted to the CPA.

2. SITE

Castle View School is situated within a predominately urban area on Canvey Island. The site itself is accessed via Foksville Road to the north of the site which itself is accessed from Canvey Island High Street. Both vehicular and pedestrian access to the site is from Foksville Road.

The main school buildings on site are situated to the west of the site, with the school's grass playing field located to the east of the site. The hammer cage is proposed to be re-located in the north west corner of the site adjacent to the

school's permanent buildings and car park. The proposed development would be approximately 50 metres from the façade of the nearest residential property located to the north east of the site.

Along the southern and eastern boundaries of the site there is some partial screening from a hedgerow beyond which are residential properties. There are a number of residential properties adjacent to the south west corner of the site which are also be partially screened from view by vegetation. Other residential properties to the west of the site are adequately screened by the school's permanent buildings. There are no residential properties adjacent to the north boundary of the site.

The application site is within a Flood Zone 3 area and therefore there is a high risk of a flood event occurring. The site is also within the Essex Coast, Vange-Benfleet Coastal Protection Belt and Southend Outer Airport Safeguarding Zone.

3. PROPOSAL

The application seeks approval for the erection and use of a hammer cage.

The hammer cage would measure a maximum of 9m in height above existing ground level and would comprise of a main cage of painted metal poles and green coloured fibre mesh netting. The hammer cage would be located in the north west corner of the site approximately 25m from the site's boundary.

Should planning permission be granted for this proposal the applicant has stated that the plan would be to move the existing hammer cage without planning permission from its current location in the south east corner of the site to the proposed new location. Should planning permission be granted this would remedy the current breach of planning control. The applicant has stated that they are keen to get the proposed works implemented as soon as possible should planning permission be granted in order to remedy the existing breach of planning control. This would most likely commence during term time but if this would not be possible given the contractor's workload commitments then it would be implemented during the Easter break.

Therefore the CPA consider this approach acceptable in remedying the existing breach of planning control should planning permission be granted and that it would not be expedient to take further enforcement action in relation to this matter. Should planning permission for this proposal be refused then the CPA would consider further relevant enforcement action in order to remedy the current breach of planning control in relation to the hammer cage structure on the site.

4. POLICIES

The following policies of the Castle Point Borough Local Plan adopted 1998 (CPLP) provide the development plan framework for this application. The following policies are of relevance to this application:

CPLP

CF2
EC3
EC16

Education Facilities
Residential Amenity
Protection of Landscape

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Castle Point Local Plan is considered further in the report.

5. CONSULTATIONS

CASTLE POINT BOROUGH COUNCIL – No comments to make.

SPORT ENGLAND – No objection.

ENVIRONMENT AGENCY – No objection.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No comments received.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No comments received.

CANVEY ISLAND TOWN COUNCIL – No objection, subject to the structure not obstructing any view from residential properties or causing an eye sore as previously reported by residents following the last application.

LOCAL MEMBER – CASTLE POINT – Canvey Island East – Any comments received will be reported.

LOCAL MEMBER – CASTLE POINT – Canvey Island West – Any comments received will be reported.

6. REPRESENTATIONS

105 properties were directly notified of the application. Three letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Agree with new location	Noted
This was original position of hammer cage before school was developed which caused no problems	Noted

Existing boundary hedge overgrown and not maintained which is causing health and safety issue	This issue is outside the scope of this application, however concerns have been forwarded onto the applicant for action
New location a good idea	Noted
Noted that structure erected elsewhere on site without planning permission and wondered how long it would take Council to knock down anything that a home owner erected (without planning permission)	Each case is assessed on its own merits and any appropriate action would be considered to remedy any identified breach of planning control
9 metres is a considerable height and will not enhance landscape	See appraisal
A considerable amount of noise will be created from users, in particular during competitions	See appraisal
Will usage be frequent and will the facilities be hired out to other schools in the area?	See appraisal
Would access be through the existing school's entrance or are there plans to use any other entrance	See appraisal
If access is to be gained from the back of the school, i.e. Hawthorn Road, where would cars park?	See appraisal
Hawthorn Road is a private road to residents of that road and is maintained by the residents, therefore we would not expect traffic other than visitors to those residents and refuse collections vehicles. Increase of use will lead to high maintenance costs	See appraisal
Why could the school not seek to locate their hammer cage at their old premises near Pappenburg Road, SS8 9PW, currently being developed as a College. This premises is much larger and backs on to open land facing Hadleigh Castle and would be perfect for noisy sports. If not already considered the school	See appraisal

should explore this option

7. APPRAISAL

The key issues for consideration are:

- Need;
- Impact on Residential Amenity;
- Landscape and Visual Impact;
- Flood Risk.

A NEED

There is a clear mandate at all levels of Government for sport to be supported for young people and the school itself has stated that the retention of the hammer cage is an important aspect to school sports provision at Castle View School.

The NPPF also recognises the importance of sports provision. It states that 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.

This is also recognised by CPLP policy CF2 (Education Facilities), which states, in summary, that the enhancement and improvement of existing educational facilities will be supported subject to proposals not detracting from the amenities of the local area by reason of noise or general disturbance. This policy is considered to be consistent with the NPPF in supporting educational facilities including those for sports provision. The potential impact of the development on local amenity is discussed later in this report, however in principle developments such as this are supported.

The school has also stated that Castle View students are currently national ranked in all throwing disciplines and at all age groups, a number of which are in the top ten of the UK. The cage itself is enabling the school to achieve excellence and inspire students to achieve and succeed in athletics events in and out of school which the school believe has been evident since the purchase of the hammer cage. Therefore without the hammer cage, these students would be severely disadvantaged.

The school has highlighted that an ex-commonwealth Hammer throw champion has expressed an interest in becoming a school community partner which would involve them attending the school and giving gifted and talented students some coaching sessions which could also involve the wider community and gifted and talented students from around the Castle Point area. In addition the school now holds teacher/coach training courses that enable teachers and coaches to throw in a competitive environment and learn the technique of all throwing events.

Further, the school state that the hammer cage gives everybody a chance to

throw in a competitive environment which some students (particularly those attending other schools without hammer cages) may never get to experience.

Therefore it is considered that there is a justified need for the development in order to enable the school to achieve excellence and inspire students to achieve and succeed in athletics events both in and out of school as well as to retain an important part of the school's sports provision complying with CPLP policy CF2. It is further considered that the development would improve local sports provision and contribute, in some way, to the health and well-being of the local community, particularly for younger generations, therefore complying with the NPPF.

B IMPACT ON RESIDENTIAL AMENITY

One of the core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also states that to prevent unacceptable risks from pollution, decisions should ensure that new development is appropriate for its location with the effects (including cumulative effects) of pollution on health, the natural environment and general amenity, and the potential sensitivity of the area or development to adverse effects from pollution being taken into account.

CPLP policy EC3 (Residential Amenity) states, in summary, that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by way of noise or other forms of disturbance will be refused. This policy is considered to be consistent with the NPPF in seeking to protect and safeguard residential amenity.

The closest residential properties to the site are situated in Venables Court to the north east of the site. These properties are adjacent to the school sites boundary and would be located approximately 25 metres from the proposed development which would be located in the north west corner of the site.

The proposed development would be partially screened from view from beyond the east boundary of the site by a hedgerow running along the eastern boundary of the site.

The proposed development would be unlikely to create additional noise as the proposed hammer cage and activities associated with it are not considered to be particularly noise intrusive. Noise levels emitted from the site are very unlikely to increase as a result of the proposed development given the current use of the site as a school including the associated sports playing field.

A letter of representation has been received partly relating to the noise impacts associated with the use of the proposed hammer cage, particularly during competitions. However, when an athlete is throwing there is normally silence and only one athlete throws at any one time. Additionally, the new location is some distance from the boundaries of the residential properties therefore it is very unlikely that the proposal would create a level of noise considered to be unacceptable. It is worth noting that the proposed development would be located

on a sports playing field within a school which has been established on the site for many years.

Concerns have also been raised regarding the usage of the proposed hammer cage and whether or not the facilities would be hired out to other schools in the area. The applicant has stated that usage would be all year round on a daily basis during the school week with the proposed cage only used by Castle View students with the facility not being hired out to other schools or community users. This is considered to be consistent with the existing usage of the school's playing field.

The representation also expresses concerns over access to the proposed facility and whether or not there are plans to use any other entrance, and if access is to be gained from the back of the school, i.e. Hawthorn Road, where would cars park. Access to the proposed hammer cage would only be via existing entrances to the site and if Hawthorn Road is used to access the facility it would only be by students on foot, meaning car parking would not be an issue.

Another issue which has been raised by the representation regards why the school could not seek to locate their hammer cage at their old premises near Pappenburg Road, SS8 9PW, currently being developed as a College. The representation states that these premises are much larger and back on to open land facing Hadleigh Castle and would be perfect for noisy sports and that, if not already considered the school should explore this option. The applicant has stated that this land is not owned by Castle View School and that in any case, this is not a feasible option as the distance to the site is too far to be undertaken during timetable lessons, as it would take up too much learning and teaching time and would not be practical.

Although it is considered that the proposed hammer cage would have a visual impact given its proposed height (9 metres) this is not considered to be adverse given the location of the proposal on the school's playing field and as far away from residential properties as is possible. Therefore it is further considered that the proposed development would not have an adverse impact on residential amenity given its location on the school site and as a result that the proposal conforms to the NPPF and CPLP Policy EC3. Further, Castle Point Borough Council has raised no objection to the development.

C LANDSCAPE AND VISUAL IMPACT

The development is located within the Essex Coast, Vange-Benfleet Coastal Protection Belt and Southend Outer Airport Safeguarding Zone.

The NPPF states that planning decisions should address the connections between people and places and the integration of new development into the built environment. The NPPF also goes to say that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

CPLP policy EC16 (Protection of Landscape) states, in summary, that development which would have a significant adverse visual impact on the

surrounding landscape will not be permitted. When assessing the impact of development regard will be had to the prominence of the development in terms of its scale, siting and external materials. This policy is considered to be consistent with the NPPF in minimising visual intrusion and protecting landscapes from inappropriate development.

One letter of representation has been received partly relating to the height of the proposed hammer cage and that it would not enhance the landscape. Although it is acknowledged that the proposal would be unlikely to enhance the landscape, it is also considered that, given the location of the proposal in close proximity of the school's permanent buildings, the existing character of the local urbanised area, and the scale, heights and density of surrounding built development it is further considered that the proposal would not have a significant adverse visual impact on the surrounding landscape.

The applicant has previously stated that it would not be possible to lower the cage height or associated netting as this would pose another health and safety risk which would make the insurance for the use of the cage invalid. The height of the cage, measuring 9 metres in height is justified by the applicant in order to minimise and prevent any flying apparatus from potentially escaping the site and potentially damaging adjacent properties.

The County Council's Landscape Consultant has raised no objection to the proposed development.

Although the development measures up to 9 metres in height it is adequately screened from view from the surrounding landscape by the school's existing permanent buildings, existing boundary vegetation and residential properties (a mix of one and two storey structures) situated along the southern and eastern boundaries of the site. Given that the nearby area surrounding the site is urbanised it is considered that, due to the nature, scale, size and siting and external materials of the proposed development that it would not have a significant adverse impact on the local landscape including the Essex Coast, Vange-Benfleet Coastal Protection Belt and Southend Outer Airport Safeguarding Zone and therefore it is further considered that the proposed development would conform to the NPPF in terms of landscape impact and CPLP policy EC16.

D FLOOD RISK

The application site is situated within a Flood Zone 3 area as it is located on Canvey Island and therefore there is a high risk of a flood event occurring.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Given the nature, size and scale of the development it is not considered that the development does have an impact on flood risk in the local area or increase the likelihood of flooding elsewhere. It is therefore considered that the development would not be inappropriate development within this flood zone. Further, the Environment Agency has raised no objection to the development.

Therefore it is considered that the development does not have an impact on flood risk in the area and it is further considered that the development conforms to the flood risk principles of the NPPF.

8. CONCLUSION

It is considered appropriate to grant planning permission for the development in order to enable the school to achieve excellence and inspire students to achieve and succeed in athletics events both in and out of school.

It is further considered that the development would be sustainable in light of the NPPF and that the Castle Point Borough Local Plan Policies (CPLP) referred to in this report are consistent with the NPPF.

It is also considered that there would be no adverse impact upon the residential amenity of the surrounding occupiers' properties, the local landscape or the flood risk zone considering the development. Therefore, in light of the above it is also considered that the development conforms to the NPPF and CPLP policies CF2, EC3 and EC16.

9. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to conditions covering the following matters:

1. COM1 – Commencement within 3 years.
2. COM3 - Compliance with submitted details.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

The development is located approximately 1km from a European site (Benfleet and Southend Marshes SPA) and is not directly connected with or necessary for the management of that site for nature conservation.

No issues have been raised to indicate that this development adversely affects the integrity of the European site, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT: The report only concerns the determination of an application for planning permission and takes into account any equalities implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In dealing with this planning application the Council adopted a positive and proactive manner by liaising with consultees, respondents and the applicant and discussing changes to the proposal where considered appropriate or necessary. The application did go through the pre-application procedure and the applicant was provided with pre-application advice in order to resolve identified issues in relation to the proposed scheme. Amendments to the application were requested during a number of meetings prior to the submission of the planning application and the applicant amended the scheme satisfactorily allowing planning permission to be granted. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: P/DC/Matthew Wood/CC/CPT/01/13

LOCAL MEMBER NOTIFICATION

CASTLE POINT – Canvey Island East

CASTLE POINT – Canvey Island West