
Site Address:	Mengham Park, Rails Lane, Hayling Island, PO11 9LF		
Proposal:	Installation of bunds, swales and boulders around the perimeter of Mengham Park.		
Application Type:	Full		
Application No:	APP/22/00296	Expiry Date:	22/06/2022
Applicant:	Havant Borough Council		
Agent:		Case Officer:	David Eaves
Ward:	Hayling East		

Reason for Committee Consideration: Application on Council Owned Land & application submitted by the Council.

Density: N/A

HPS Recommendation: **GRANT PERMISSION**

1 **Site Description**

- 1.1 Mengham Park is a Havant Borough Council owned area of public open space which lies to the west of Rails Lane, to the south of Norman Road, east of St Andrews Road and north of Harold Road.
- 1.2 The area includes Hayling Sports Centre which houses sports facilities, clubs and a children's Nursery. The park itself includes an area of cycle track, children's play equipment and sports field. Whilst the site is mainly open and laid to grass there are a number of trees mainly located close to the perimeter of the park.
- 1.3 There are residential properties surrounding the park mainly beyond intervening roads, however properties in Silversands Gardens, Rails Lane and Harold Road directly border the park.
- 1.4 A public foul sewer crosses Mengham Park diagonally from its north western corner to the Rails Lane frontage. A public surface water sewer lies within the footway of St Andrews Road to the west.

2 **Planning History**

03/55675/008 - Application to allow continued use of Sports Centre on a permanent basis for (a) a youth cafe in addition to sporting activities and ancillary uses and (b) to allow youth cafe to operate at the same time as sporting activities and ancillary uses., PERMITTED, 20/10/2003

01/55675/007 - Variation of condition 9 in Planning Permission 96/5675/004 to 1) allow use of premises as a youth cafe in addition to sporting activities and ancillary uses 2) allow youth cafe to operate at the same time as sporting activities and ancillary uses., TEMPORARY PLANNING PERMISSION (until 31/10/2003), 10/10/2001

99/55675/005 - Erection of 6 no. floodlighting columns (15 metres in height) for football pitch., REFUSED, 06/04/2000

99/55675/006 - Application for removal of condition 7 of planning consent 96/55675/4

to allow portable building to remain as use of store, with associated external alterations and landscaping., REFUSED, 06/04/2000

96/55675/004 - Erection of new changing rooms and associated amenities building together with associated car parking and access onto Harold Road, PERMITTED, 18/04/1996

92/55675/002 - Replacement changing rooms and amenity building., PERMITTED

3 Proposal

- 3.1 The proposal is for the installation of bunds, swales and boulders around the perimeter of Mengham Park.
- 3.2 The submitted proposals set out that the bunds would be approximately 3m wide and 0.6m high. The swales would be 3m wide and 0.6m deep. The proposed boulders would be between 0.5 - 1 Tonne and are described as 'Natural Verge Edging Stone'.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS8	(Community Safety)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL8	(Local Green Spaces)
AL1	(Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No comments received

Councillor M Wilson - Hayling East

No comments received

Councillor R Raines - Hayling East

No comments received

Arboricultural Officer

No comments received

Hampshire Biodiversity Information Centre

On site Priority Habitat Coastal and Floodplain Grazing Marsh
Within 300m RAMSAR – Chichester and Langstone Harbours
Within 300m SAC Solent Maritime
Within 300m SPA Chichester and Langstone Harbours
Within 300m SSSI Chichester Harbour

Officer Comment: *It is not anticipated that the proposed works would be harmful to protected species/habitats.*

Southern Water

No comments received

Engineering/Drainage

No comments received

Environment AgencyEnvironment Agency position

In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons

The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. The NPPF (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Advice to the Local Planning Authority

If you are minded to grant permission against our advice, please contact the Sustainable Places Advisor named below before making a formal decision to discuss the conditions and advice that we would wish to apply to this proposal.

Officer Comment:

At the time of writing a Flood Risk Assessment has been submitted and the Environment Agency have been re-consulted. Flood risk is a critical consideration and

whilst it is hoped that a consultation response will be received before Planning Committee consideration the consultation period will not have expired. Therefore, the recommendation below is subject to Flood Risk issues being suitably addressed in consultation with the Environment Agency.

Environmental Health

No comments received

Hampshire Highways

No comments received

Property Services Manager

No comments received

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 74

Number of site notices: 4

Statutory advertisement: Not applicable.

Number of representations received: 64 in Support (summarised below):

Park use and protection

- Much needed space to be properly looked after & protected from three to four times yearly invasions by caravans which stop local kids football teams using field.
- Open space always in use by kids playing in park, dog walkers, kids football team, sun bathers etc.
- With all new builds locally, open spaces at a premium, the ones left need to be properly protected and looked after for future generations to enjoy.
- Scheme a good one – will protect public space for local residents and other users.
- When can work start? A positive change.
- Park enjoyed by children & adults, local community football club to support well being and fitness of young children.
- Finally practical suggestions to prevent annual incursion and damage.
- Abutting park is a sports hall with frequent users, including a creche for young children.
- Works mean park will be maintained for use to which it is intended.

- Want the freedom to use our park everyday.
- Park used by all community, home to St Andrews football club, nursery for children and has several clubs that use the club house.
- Will stop inappropriate use of police resources needed to fight crime.
- Have seen this approach work in many places.

Existing Issues

- Couldn't be happier with proposals. Every summer surroundings ruined preventing everyone from using park. Antisocial behaviour.
- Mengham Park, Village Green used to be protected by post and rail fence which has declined and not re-instated.
- Danger to all who use park for proper purposes.
- For last few years become frequently visited preferred traveller site. Park registered Village Green and needs to be protection for residents.
- Vehicles damage surface.
- Park use denied for 100+ children depending on it for participation in organised sports.
- Noise impact on children's sleep
- Vehicles and horses on land
- Use park to walk dogs but find alternative area when occupied.
- Only way to protect park from trespass by persons driving large lorries / vans towing caravans and other wheeled vehicles setting up camp.
- Vehicles a danger to users of park.
- Concerns over foul waste, noise of generators, dogs and fires.
- Clean up costs for Council – tax payers money.
- Music
- Residents have to pay full charge at local car parks for motor homes.
- Kids unable to play football at weekends due to pitches being covered by vehicles.
- Football training every weekend for several teams, matches in season.
- Play area revamped and regularly used, great social area for picnics, basketball and dog walkers. Every year cannot play in park and football training cancelled.

- Need barriers to stop incidents every year. Tourists adding to economy not allowed to stay overnight on seafront.
- Prevent/stop unsolicited encampments and impact.
- Regular activities on field again temporarily suspended until site clear. Community disrupted, continuous annual expenses & inconveniences affecting families living here.
- Make inaccessible for anyone in a vehicle, reduce damage, stop riding scooters across park. Make safer for children, dog walkers & people waiting to enjoy clean open space.
- 100% support any efforts to prevent abuse of our common areas across Hayling.

Trees

- New trees around edge will reduce noise of busy road.
- Many young trees recently planted around edge of park unfortunately & probably inevitably kicked about and pulled up.
- New trees recently planted at park will not survive treatment such as being driven over or trampled. Permanent preventative measures needed.
- Damage to young saplings this year.
- Chainsaw cut branches of trees
- Destroyed saplings - replanted by volunteers. Boulders would prevent this.
- Upset trees being destroyed when locals worked hard in planting them.

Proposed works

- Ensure boulders, bunds and swales are aesthetically appropriate to community park. Should be fully shaped/grassed on the very outer perimeter, creating outer boundary to protect jubilee saplings.
- Application will have to be fool proof as any gaps used to access park.
- Support plan – concern would be swales could be filled with earth and driven over to allow access to park - substantial posts, or posts with scaffold tubes might work better.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity / users of the park
- (iv) Flood risk/drainage

- (v) Highway matters
- (vi) Impact on trees

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.
- 7.3 The proposals are understood to be seeking to act as a prevention of incursion onto the park by vehicles. This has been an issue particularly at certain times of the year. Unauthorised access has caused concerns, and these are explored further under (iii) below.
- 7.4 In this regard the Crime and Disorder Act 1998, as amended, confers a general duty on local authorities to “...*exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*
(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).....”

(ii) Impact upon the character and appearance of the area

- 7.5 The proposals relate to the provision of bunds, swales and boulders around the perimeter of the site along part of the frontages of Harold Road, St Andrews Road, Norman Road and Rails Lane.
- 7.6 The bunds would be approximately 3m wide and 0.6m high. The swales would be 3m wide with a depth of 0.6m deep. The proposed boulders would be between 0.5 - 1 Tonne and are described as ‘Natural Verge Edging Stone’. They would be spaced and provided where required within the root protection zones of the trees where bunds or swales would have a greater impact on tree roots.
- 7.7 It is considered that the bunds and swales if appropriately grass seeded would have an acceptable impact on the character and appearance of the area. The natural boulders are also considered appropriate and would add interest to the perimeter of the park.

(iii) Impact upon residential amenity / users of the park

- 7.8 There are considered to be two main impacts on residents, the impacts associated with vehicular incursions into the park including caravans, which the application is seeking to prevent, and the development stage impacts from the works.
- 7.9 In relation to the first issue concerns have been raised in relation to a number of matters including noise from overnight use of the site, dogs barking, litter, bonfires and vehicles manoeuvring on the park. The works are aimed at preventing unauthorised vehicular access to the land which has the potential to prevent overnight use of caravans etc. and therefore seeks to address these concerns.
- 7.10 The works themselves would result in on site construction of bunds together with excavation of swales and the delivery and positioning of boulders. These works are temporary in nature and a condition is recommended to ensure construction parking and material storage areas reduce impacts as far as possible on the surroundings. Subject to this condition the proposals are considered to have an acceptable impact on residential amenity.

7.11 In terms of impacts on the users of the park, concerns have been raised in relation to the use of the park for overnight caravans. This is understood to disrupt enjoyment of the park for residents and visitors, including the use of the playing fields for football, dog walking and others recreational uses. There are also concerns about waste being left after overnight use and clear up costs and time. The proposals are aimed to remove opportunities for access to the park by unauthorised vehicles and therefore address these concerns.

(iv) Flood risk/drainage

Flood risk

7.12 The site lies mainly within Flood Zones 2/3 and at the time of writing this report there is a holding objection from the Environment Agency. As a result, a Flood Risk Assessment (FRA) has been submitted and the Environment Agency re-consulted. It is noted that the proposal includes both bunds and swales and the FRA describes that the project will predominately utilise materials on site by creating the bunds using the materials excavated from the swales. However, some additional topsoil will be brought in to where there is a higher number of bunds to swales.

7.13 The FRA sets out that the proposed works to introduce bunds, swales and boulders to the perimeter of the park are not considered to increase the risk of Tidal Flooding to the site; whilst the risk of any pluvial flooding is reduced by the creation of swales which can accommodate surface water. On this basis the FRA concludes that *“The works to create natural defences around the perimeter of the park will not have a detrimental effect on the existing flood risk.”*

7.14 It is essential that development of any kind does not result in increases in flood risk elsewhere as set out in the National Planning Policy Framework (Paragraph 167). The recommendation below is therefore subject to Flood Risk being suitably addressed. It is hoped that a consultation response from the Environment Agency will be received prior to the Planning Committee and members will be updated in relation to any comments received. If a response is not received by the date of the Committee then, as set out in the Recommendation below, any permission is recommended to be delegated to the Head of Planning and to be subject to Flood Risk issues being suitably addressed in consultation with the Environment Agency.

Drainage

7.15 A foul water sewer crosses Mengham Park from its north western corner to its Rails Lane frontage. In the main the works proposed do not affect the easement zone associated with this sewer, except for two small areas on each frontage where a bund and swale respectively lie within the easement zone. Southern Water’s consultation reply is outstanding at the time of drafting this report, and it is hoped that a response will be received prior to the Planning Committee and members will be updated in relation to any comments received. At this stage, however, officers’ preliminary view is that given the minor nature of the works proposed, they are unlikely to prejudice the future maintenance of the public sewer.

(v) Highway matters

7.15 The proposal is not anticipated to require the import of any significant material as there are similar numbers of swales (excavations) and bunds (banks). There will be boulders imported to the site, each of between 0.5 – 1 Tonne. Overall, it is not considered that the proposals would be likely to result in unacceptable vehicular movements over the construction phase.

(vi) Impact on trees

- 7.16 The proposals are supported by a Pre-Development Arboricultural Survey and Arboricultural Assessment of Impact. This confirms that “*Where the bunds and swales are proposed within the RPAs of retained trees, then these can be replaced by boulders which will no longer cause any impact with the trees.*” The report concludes that ‘*All tree works should be carried out in accordance with BS3998:2010 Tree work recommendations by a suitably qualified and experienced arborist contractor*’.
- 7.17 The plan has been amended to use boulders within Root Protection Zones in order to avoid unacceptable impacts on the main trees around the site.
- 7.18 It is noted that tree planting has recently taken place around the perimeter of the site by volunteers as part of the Platinum Jubilee Celebrations. These are small ‘whips’ and are understood to have been over planted intentionally as they shall be thinned out during the course of their establishment / growth to ensure the success of the planting.
- 7.19 It is envisaged that a number of the whips will need to be relocated in order to facilitate the proposals, however, given the intention to reduce the density at a later point this has been factored in. The ‘whips’ will be re-located and the final number of trees that will be allowed to mature will not be significantly less than those currently on site. It is noted that the proposed plan shows the re-location of ‘Jubilee Trees’ where required by the development.

8 Conclusion

- 8.1 In conclusion the application seeks to provide defensive features to address issues with unauthorised vehicular access onto Mengham Park. The proposals are considered acceptable in terms of their impacts on the character and appearance of the park.
- 8.2 The proposals aim to address impacts of unauthorised vehicular access which are highlighted by the supporting representations received in relation to the proposed works which impact on residents and other park users. As such the proposal is considered to be consistent with the Council’s general duties as set out in the Crime and Disorder Act.
- 8.3 Highway impacts from the works phase are anticipated to be limited and potential impacts on trees including mature trees around the perimeter of the site and recent planting have been suitably addressed.
- 8.4 Flood risk issues are currently being addressed with the Environment Agency and subject to an acceptable outcome being received Planning Permission can be recommended as set out below.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00296 subject to:

- (A) Flood Risk issues being suitably addressed in consultation with the Environment Agency;

and

(B) The following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. 2022-01-HBC Rev 03

Site Plan Drawing No. 2022-01-HBC Rev 03

Pre-Development Arboricultural Survey and Arboricultural Assessment of Impact Report No. MB2120117-01 February 2022

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 All tree works and works within Root Protection Areas shall be carried out in accordance with BS3998:2010 Tree Work recommendations and supervised by a suitably qualified and experienced Arboriculturalist.

Reason: To ensure that the trees are suitably protected in accordance with policies CS11 and DM8 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- (A) Location Plan
- (B) Site Plan
- (C) Sections
- (D) Tree Protection Plan