

DELEGATED APPLICATION REPORT - App No: 151727/FUL

Address: The Scout Hall, Jefferson Close, Reading, Berkshire, RG4 8TJ

Proposals: Retention of an existing climbing wall and provision of mesh and bracket barriers to the wall.

Case Officer: Matthew Burns

INTRODUCTION

The site is located towards the north of the Borough within a former rifle club site, which is now used for Scout Association activities.

PROPOSAL AND SUPPORTING INFORMATION

Full planning permission is sought for the retention of an existing unauthorised climbing wall built following the grant of planning permission for a smaller wall of a different design under permission ref. 11/00872/FUL

RELEVANT PLANNING HISTORY

11/00872/FUL - Single-storey extension to existing scout hall; construction of entrance chamber to existing caves; erection of climbing wall and store and landscape alterations - approved.

12/00457/APPCON - Discharge of conditions 2, 4, 5, 6 and 7 of planning permission - Split decision.

131342/VARIAT - Single storey extension to existing scout hall, construction of entrance chamber to existing caves, erection of climbing wall and store and landscape alterations without complying with Conditions 5, 9 and 11 of planning permission 11/00872/FUL - approved.

Enforcement Notice requiring removal of unauthorised climbing wall - issued 12 January 2015 - Appeal Lodged - Appeal Dismissed.

150038/FUL - Retention of an existing climbing wall - Refused for the following reason:

The climbing wall, by reason of its height, width, design and proximity to neighbouring residential properties, together with the nature of the activities associated with its use, allows significant overlooking of, and a perceived loss of privacy to, the private garden areas of adjoining dwellings in Kiln Road with consequent harm to the amenity of the occupants of those dwellings. As such the development is contrary to policy DM4 (Safeguarding Amenity) of the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012.

CONSULTATIONS

Environmental Protection - No objection.

Natura Environment - No objection.

No.s 4, 5, 6, 10 and 11 Jefferson Close and 39, 41, 45 and 47 Kiln Road were consulted.

Objections have been received from two neighbouring properties raising the following concerns:

- Inspectors appeal decision suggested that the Scouts and neighbours reached a mutual agreement to reach an acceptable solution. There attempt at a mutual agreement has been made.
- Loss of privacy and overlooking.
- Whilst the increased height of the wall is said to not include a platform for standing, people continue to stand on top of the wall.
- The application relates to the existing wall of which an application for planning permission has already been refused with an enforcement appeal also dismissed.
- Noise disturbance from crate stacking device.
- Visual appearance of the climbing wall, particularly when lit up.

One letter of support has been received.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

LEGAL AND PLANNING POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

The following local and national planning policy and guidance is relevant to this application:

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Development Framework Core Strategy (2008)

CS1 (Sustainable Design and Construction)

CS7 (Design and the Public Realm)

CS31 (Additional and Existing Community Facilities)

CS34 (Pollution and Water Resources)

CS36 (Biodiversity and Geology)

CS38 (Trees, Hedges and Woodlands)

Sites and Detailed Policies Document (2012)

SD1 (Presumption in Favour of Sustainable Development)

DM4 (Safeguarding Amenity)

DM12 (Access, Traffic and Highway Related Matters)

APPRAISAL

The solid part of the wall as built has a width of 6.87 metres, compared to the 5 metres approved and a height of 5.3 metres a.g.l. compared to the 4 metres approved. Two collapsible frames were also been installed above the wall, the smaller of which has since been removed. The steps and gantry railing approved under 11/00872/FUL and 131342/VARIAT have not been installed.

The wall as built is the same as that considered under refused application 150038/FUL and has not been built in accordance with the approved drawings under approved applications 11/00872/FUL and 131342/VARIAT and differs significantly in terms of height and width of the wall.

The wall is clearly visible from the garden, ground floor rear windows and first floor rear windows of adjacent dwellings in Kiln Road. The approved wall, by comparison, is lower and narrower than the current construction.

As set out in the officer report for the previously refused application (ref. 150038) for retention of the same wall, it was considered that the additional height and width of the unauthorised wall results in a visually dominant structure when viewed from the gardens of 41 and 43 Kiln Road. The function of the wall is also a significant factor in that it allows persons to stand at, or climb to, a significant height, unenclosed, unscreened, and clearly visible from neighbouring gardens. The collapsible framework, hinged at the top of the wall, whilst less solid in appearance, serves to accentuate the presence of the wall. The visual dominance of the wall, combined with its function and use as described above, was considered to harm the privacy of the neighbours due to the perception of overlooking from the structure. This perception is increased when the wall is in use due to movements being visible across the large expanse of wall. The potential for persons to stand on top of the wall at a significantly higher level than previously approved further adds to this.

An enforcement notice against the unauthorised wall was served on 12th January 2015 which required the climbing wall to be taken down and removed. This notice was subsequently appealed by the applicant (appeals ref. APP/E0345/C/15/3005085 & APP/E0345/C/15/3005086) and was still under consideration by the Planning Inspectorate when the previous planning application for retention of the climbing wall (ref. 150038) was refused.

The appeal was dismissed by the Inspector on 20th August 2015. However, within the decision notice it is stated that:

'If the current wall is operated as stated and if the crate stacking device is not used to lift people onto the top of the wall, then it does seem as if the privacy of the neighbours, especially those at the property I visited would actually be better preserved than by allowing the lawful wall to be built. However, to affect this I would have to grant planning permission for the wall as built and would wish to attach conditions to ensure its continued operation. However, there is no ground (a) appeal, the current wall is not before me and unfortunately therefore this course of action is not available to me. Consequently, I am in the position where

I cannot but allow the appellants to build what they have planning permission for, even though they do not wish to do so and it would probably be worse for the neighbours, the protection of whose privacy was the whole point of issuing the notice in the first place.'

Whilst seeking retention of the same climbing wall the current application is also accompanied by an 'Operating Procedure and Risk Assessment' document. This document sets out how the climbing wall is to be used. Of particular note is that it states - 'Top rope belaying must be used at all times' which means that climbers are supported by a rope holder standing on the ground rather than at the top of the wall and 'Abseiling must not be carried out from the top of the wall'.

The document also states that 'only unauthorised people can erect/adjust the climbing wall and its associated equipment and that time on top of the wall to do this must be kept to a minimum' The documents sets out what activities are required to erect/adjust the wall that would require operators to be at the top of the wall. This means that only the operators required to operate the wall can stop on its top for purposes to erect/adjust the wall only. The document goes on to state that 'participants are not allowed on top of the wall at any time. No participant should sit or stand on the wall at the top of a climb and abseiling from the top of the wall is prohibited'.

An amended plan has also been submitted which incorporates a fixed barrier just below the top of the wall, which would physically prevent participants from reaching/standing on the very top of the wall. The barrier would be formed of 4 brackets with plastic coated metal mesh in between. A mesh barrier is also shown attached to the hinged hoist gantry to form a barrier across the width of the climbing wall. It is considered that the installation of the proposed barrier would enable the climbing wall to be effectively managed; such that participants would be blocked from being able to reach the top of the wall where direct views of the surrounding residential properties could be attained. Whilst authorised people would be required to stand on top of the wall this would only be during erection or adjustment of the wall as set out in the Operating Procedure and Risk Assessment document. The brackets and mesh barrier would extend 0.5m above the maximum height of the climbing wall. The visual impact the barrier is considered minimal given the modest projection and nature of the mesh barrier (not a prominent structure).

It is considered that compliance with the Operating Procedure and Risk Assessment document can be secured by way of a suitably worded, condition whilst a condition can also secure installation and retention of the mesh barrier.

The Inspector's Appeal Decision considered that, if managed appropriately, the current (unauthorised) wall would result in less harm to the amenity of surrounding residential occupiers in terms of overlooking and loss of privacy than the wall for which permission had previously been granted. The appeal decision goes on to state that if permission for the existing wall could have been granted as part of the enforcement appeal then it would have been, with conditions attached to manage how the climbing wall is operated.

Notwithstanding the previously refused application for retention of the climbing wall (1510038), significant weight must be attached to the comments of the Planning Inspector in the associated enforcement appeal decision. Following submission of the Operating Procedure and Risk

Assessment document and amended plan with barrier (to be secured by condition) it is considered that the climbing wall can be managed effectively, such that its retention would not result in a significant loss of privacy, overlooking or harm to the amenity of surrounding residential occupiers in accordance Policy DM4 of the Sites and Detailed Policies Document (2012, altered 2015).

ISSUES RAISED IN REPRESENTATIONS

Objections received relating to noise however these are considered to relate more to the principle of a climbing wall within the site, which has been approved under 11/00872/FUL / 131342/VARIAT, rather than the specific design and privacy upon which was the previous application 150038 was refused.

Whilst the Inspectors appeal decision suggested a mutual agreement between the scout hall and neighbour residential occupiers should be reached regarding an acceptable solution for which planning permission could then be sought, officers cannot compel the applicant to undertake such an approach.

The representations received have been addressed above or in the appraisal section of the report. It is considered that the nature of the screen would not result in a significant alteration to the appearance of the climbing wall. On this basis and taking account of the Inspectors comments that; if possible permission could have been granted for retention of the existing wall (without the barrier now proposed) then it would have been done as part of the appeal process, it is considered that the application has been appropriately advertised and further consultations following the addition of the barrier were not required.

Recommendation

GRANT Planning Permission

Conditions

1. The development hereby approved shall not be carried out other than in accordance with the following drawings and documents only:

Location Plan

Drawing no. 962/13/C - Site Plan

Received 30th September 2015

Drawing no. 962/6/h - Elevations as proposed

Received on 27th November 2015

Climbing Wall Operating Procedure and Risk Assessment Issues 1.4 dated 12th November 2015

Received on 4th December 2015

Reason: To clarify which drawings have been approved and in the interests of the amenity of neighbours, in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

2. The climbing wall hereby permitted not be used other than in accordance with the details set out within the Climbing Wall Operating Procedure and Risk Assessment Issue 1.4 dated 12th November 2015 and received on 4th December 2015.

Reason: In the interests of the amenity of neighbours, in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

3. The plastic coated metal mesh and bracket barriers to the top of the climbing wall hereby permitted, as shown on drawing no. 962/6/h - Elevations as Proposed received on 27th November 2015, shall be installed no later than the expiration of 3 months from the date on which this planning permission was granted and retained in perpetuity thereafter.

Reason: In the interests of the amenity of neighbours, in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

Informatives

1. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
2. The Local Planning Authority has worked positively and proactively with the applicant to resolve matters relating to the effect of the proposal on neighbouring amenity.