

13. **18/1207/FUL - Replacement play equipment and re-surfacing at THE PLAYGROUND, SKIDMORE WAY, RICKMANSWORTH, WD3 1TA**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 06.08.2018

Ward: Rickmansworth Town  
Case Officer: David Heighton

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Three Rivers District Council is the applicant

**1 Relevant Planning History**

1.1 Not applicable.

1.2 Description of Application Site.

1.3 The playground is located within a residential area with allocated parking for residents only. The playground is situated to the south of Skidmore Way and is positioned east from Church Street. The existing playground is comprised of a mixture of hardstanding, grass and a play safety surface that measures approximately 128sqm. The playground area is enclosed by a variety of fencing and brick walls, and contains playing equipment for children. The existing playground consists of two timber benches, two spring animals, two climbing bars, a climbing frame and a toddler swing.

1.4 Access is available via the pedestrian gates to the west and to the south eastern corner via footpaths, which link pedestrian routes around Skidmore Way.

1.5 There is a set of garages to the north and south of the application site and there are residential properties situated east and west. An approximately 1.2m wire fence acts as the boundary line between the properties to the east and the playground and an approximately 2m close-boarded and 1.2m wire fence acts as the boundary to a footpath to the east.

**2 Description of Proposed Development**

2.1 This application seeks full planning permission for the installation of replacement play equipment and re-surfacing.

2.2 The new fenced playground will occupy the same area as the existing. Equipment would be sited on parts of the site that are currently grassed.

2.3 It is proposed to remove all the existing equipment and surfacing. The proposal would install 8 main pieces of play equipment. The new equipment will include a climbing/play unit, talking tubes, swirl-whirl spinner, maze and abacus board, toddler swing, log climber and log slices.

2.4 The equipment would vary in size and height, from 0.6m to 2.1m in height and from 0.4m to 4.2m in length. The new equipment, surfacing and associated landscaping will be re-fenced with a 1.2m high metal vertical bar with hooped top fence and new gates. New benches, bins and dog tethers will be included. The proposed works include safety surfacing beneath the play equipment and a path will run through the application site linking each of the new self-closing gates.

**3 Consultation**

**3.1 Statutory Consultation**

3.1.1 Batchworth Community Council: No Comment

3.1.2 Hertfordshire County Council – Highway Authority: No Objection

3.1.3 National Grid: No Comment

3.1.4 Canal and River Trust: No Objection

## **3.2 Public/Neighbour Consultation**

3.2.1 Number consulted: 23                      No of responses received: 0

3.2.2 Site Notice: Posted 20.06.2018 - Expired: 11.07.2018

Press notice: Posted 22.06.2018 - Expired: 13.07.2018

3.2.3 Summary of Responses: N/A

## **4 Reason for Delay**

4.1 Not applicable.

## **5 Relevant Planning Policy, Guidance and Legislation**

### **5.1 National Planning Policy Framework and National Planning Practice Guidance**

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

### **5.2 The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP9 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6 and DM11.

### **5.3 Other**

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## **6 Planning Analysis**

### **6.1 Principle of Development**

- 6.1.1 Strategic Objective 11 of the Core Strategy is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles and identifies that the provision of suitable open space, children's play space and sports facilities can increase opportunities to exercise as part of a healthy lifestyle.
- 6.1.2 Policy DM11 of the Development Management Policies document refers specifically to Open Space, Sport and Recreation Facilities and Children's Playspace and states that open spaces, sports and recreation facilities and children's play spaces perform important functions within communities and contribute significantly to quality of life. The Policy advises that proposals for new open space, sport and recreation facilities and Children's playspace will be encouraged if located in the main urban areas subject to the protection of the character of the area and amenity.
- 6.1.3 The proposed play area would be replacing a current existing play area. It is therefore not considered that the development would result in change of use of the land. The proposed development would contain additional safety surface around the play equipment, however, a large grassed area would be retained.
- 6.1.4 The proposed play area would serve the local community and would improve and enhance an existing play and open space area. Impact on character and amenity are discussed in the relevant sections below but in principle, the proposed development would be in accordance with Core Strategy Strategic Objective 11 and Policy PSP2 of the Core Strategy (adopted Oct 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

### **6.2 Impact on Character and Street Scene**

- 6.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 6.2.2 The proposed play area would occupy an area of 128m<sup>2</sup> which would be surfaced with a variety of safety rubber mulch, grass and a tarmac footpath. The proposal would also include the provision of a bed of shrubs and a tree.
- 6.2.3 The proposed play equipment would include a mixture of steel and timber materials. The timber materials would be generally un-coloured, with applied colours to steel/timber

elements being of a natural palette, such as dark green or brown. The proposed rubber mulch would be a mix of self-coloured brown and greens.

- 6.2.4 The proposed 1.2m high metal hooped top fence would be painted and border the playground. The proposed self-closing pedestrian gates situated within the play area would replace the existing.
- 6.2.5 The play equipment would replace the existing and it is not considered that they would appear out of character. As a result there would not be any adverse impact on the character or appearance of the wider area.
- 6.2.6 Whilst the proposal would result in an increase in equipment on the site, an area of grassland would be retained within the playground and the use would remain appropriate to a public open space. The proposal would protect the character or appearance of the wider surrounding area and the small increase in hardstanding would not result in an out of keeping appearance to the detriment of the street scene or character of the area.
- 6.2.7 The proposal is therefore considered acceptable in accordance with Core Strategy Policies CP1 and CP12.

### 6.3 Impact on amenity of neighbours

- 6.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 6.3.2 The proposed development would be built approximately 18m from the properties located west of the site, No. 71 to 81 Church Street. This property is built on similar land levels in relation to the proposed development. The apartments have rear windows on the rear eastern rear elevation that are on ground floor level and first floor level, which look onto the existing playground. Additionally the dwellings located east (No's 14-18 Skidmore Way) would be approximately 12m from the proposed development. These dwellings are positioned on similar land levels with regards to the proposed development and have ground floor fenestration and two windows located at first floor level, which face towards the proposed development.
- 6.3.3 Given the height of the proposed play equipment, it would not provide opportunities for overlooking of any neighbours. The proposed modifications to the playground could lead to additional comings and goings to the site. However, given that there is an existing playground, it is not considered that it would lead to demonstrable harm to the neighbours through any impact on their residential amenity compared to the existing play area. It is not considered that there would be any significant increase in activity.
- 6.3.4 The proposal would therefore be acceptable in this regard in accordance with Core Strategy Policy CP12.

### 6.4 Safety and Accessibility

- 6.4.1 Policy CP12 of the Core Strategy states that development should design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places, and that it should be accessible to all potential users
- 6.4.2 The Design and Access Statement submitted with the application advises that the facility is to serve the local community and those facilities and features have been selected and designed with disability and inclusivity issues in mind.
- 6.4.3 The equipment to be used and the surface mulch to be used is robust, easy to maintain and repair and will maintain the safety performance required.

6.4.4 No objection is therefore raised to the proposed development in terms of safety and accessibility and it is considered acceptable in accordance with Core Strategy Policy CP12.

## 6.5 Wildlife and Biodiversity

6.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

6.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work.

## 6.6 Trees and Landscaping

6.6.1 No trees would be affected by the development.

6.6.2 The proposed tree, a Field Maple (*Acer campestre*) would be planted at a height of between 100cm-450cm.

6.6.3 The proposed soft landscaping would originate in pots with a capacity of between 2-5 litres. The proposed species would include *choisya ternata*, *lavandula angustifolia*, *cornus alba* 'Sibirica', *prunus laurocerasus* 'Darts Low n Green', *choisya* 'Aztec Pearl', *cornus alba* 'Aurea', *skimmia japonica* 'Rubella', *hebe* 'Autumn Glory' with an approximate density of 2.78 plants per m<sup>2</sup>.

6.6.4 The proposed landscape plan, tree information and planting scheme would be considered acceptable, in accordance with Policy DM6 of the Development Management Policies LDD.

## 6.7 Highways, Access and Parking

6.7.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

6.7.2 The existing application site does not include any parking and parking provided in the vicinity is restricted to resident parking only. The site is accessible to pedestrians being within walking distance of a number of residential streets and it is considered that the majority of users would arrive by foot. The equipment would replace existing equipment and is unlikely to generate significant increase in highways activity; therefore, there are no objections on parking grounds.

6.7.3 The proposal would be acceptable in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 6.8 Flood Risk and Drainage

6.8.1 The application site is within flood zone 1. Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding. Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the

Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

- 6.8.2 A Flood Risk Assessment has been submitted as part of the application which concludes that the site is at low risk of flooding from all sources. As a result, it states that no flood mitigation measures are considered necessary for the redevelopment of the site.

## **7 Recommendation**

### **That PLANNING PERMISSION BE GRANTED subject to the following conditions**

- C1: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2: The development hereby permitted shall be carried out in accordance with the following approved plans: 1001-PL1 (Location Plan), 1002-PL1 (Block Plan), 2002-PL1, 2003-PL1 and Q-19962-M0K8-C-REV 9B.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM11 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3: The development shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as detailed on the application form and shown on Drawing Numbers 2002-PL1, 2003-PL1 and Q-19962-M0K8-C-REV 9B and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4: The soft landscaping measures shall be undertaken in accordance with the details approved on drawing number Q-19962-M0K8-C-REV 9B, the approved tree details and the proposed planting scheme. All soft landscaping works hereby approved shall be maintained including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period of five years from the date of the approved scheme was completed.

Reason: To safeguard the adjacent residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## **7.1 Informatives**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £1116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.