

11. 19/0059/FUL – District Council Application: Refurbishment of existing play area including the construction of new play equipment at PLAY AREA, LEAVESDEN COUNTRY PARK, COLLEGE ROAD, ABBOTS LANGLEY. (DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 14.03.2019

Ward: Leavesden
Case Officer: Scott Volker

Recommendation: That the decision to be delegated to the Head of Regulatory Services to consider any representations received and that Planning Permission be Granted subject to conditions

Reason for consideration by the Committee: This application is brought before the Committee as the applicant is Three Rivers District Council.

1 Relevant Planning History

1.1 None.

2 Description of Application Site

2.1 Leavesden Country Park is an allocated Open Space and designated Green Corridor. There are various buildings located within the Country Park and it is surrounded by residential and other uses.

2.2 Leavesden Country Park covers an area of 39 hectares over three connected sites, North Side, South Side and East Lane Cemetery and consists of walking/biking paths, a football pitch, wildlife areas, tennis courts, a children's play area and an outdoor gym for adults. Public footpaths surround the park and connect it to the communities of Abbots Langley, Bedmond, Garston and Kings Langley. The area is covered with a blanket TPO, it is also located within the Metropolitan Green Belt.

2.3 The play area subject to this planning application is enclosed by low level metal fence with 'safety' gates and is located close to the 'central facilities' area. It is situated to the south east of the YMCA occupied building and the newly completed building called The Hive. The new café is located to the west, with car parking for visitors of the Country Park located to the south west.

3 Description of Proposed Development

3.1 Full planning permission is sought for the removal of the existing play area and the construction of a new replacement play area. The development would not result in an expansion of the play area; all new works would be contained within the existing low level fencing.

3.2 The new play area would provide a number of different features, including a multi 'mound' unit incorporating tunnels, timber stepping posts, play tower, slide, etc. Other features include a play plane, rotating bowls, flying carpet, spider's web, bouncing animal. All features are shown on drawing number UK181944. A new tarmac pathway would be created throughout the play area to allow flow of movement around the equipment to be achieved. The existing fencing enclosing the site and the existing pathways to the north west and south west will remain, with the access to the play area also remaining as currently set out.

3.3 The play equipment proposed to be installed would have varying heights ranging between 0.9 metres and 6 metres. The tallest piece of equipment would be upright posts with tree

prong and roots which would be located in a relatively central position next to the 'Multi mound unit' play equipment.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No response]

4.1.2 National Grid: [No objection, informative suggested]

Should you be minded to approve this application please can the following notes be included an informative note for the Applicant.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

4.1.3 Landscape Officer: [No objection]

There are no existing trees located close to the area of proposed development, and therefore I have no arboricultural objections or concerns to the application.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5 (expires 8 February 2019)

4.2.2 No of responses received: 0 objections, 0 letters of support

4.2.3 Site Notice: Posted 29.01.2019 Expires 19.02.2019

4.2.4 Summary of Responses:

- None at time of writing.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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.

6.2 The Three Rivers Local Development 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.

6.3 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.

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 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.

7.1.2 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.

7.1.3 The proposed play area would be replacing a current existing play area which has become dated and in need of refurbishment. The proposed development would not result in change of use of the land. The proposed development would be contained within the existing designated play area and would not result in an expansion into the adjacent open space. The redevelopment would also introduce an upgraded safety surface around the play equipment, with grassed areas also retained throughout the play area.

7.1.4 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).

7.2 Impact on Character and Street Scene

7.2.1 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'.

7.2.2 The proposed play area would occupy an area of 714sq. metres which would be surfaced with a variety of Lawn Grating safety mats, grass and a tarmac footpath. The proposal would also include the provision of a small meadow and trees. The existing metal fencing enclosing the play area would be retained.

7.2.3 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 light pink colour.

7.2.4 The play equipment would replace the existing and it is not considered that it would appear out of character. As a result there would not be any adverse impact on the character or appearance of the wider area.

7.2.5 Whilst the proposal would result in an increase in equipment on the site, there would be areas of grassland 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 character of the area.

7.2.6 The proposal is therefore considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.3 Impact on amenity of neighbours

7.3.1 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'.

7.3.2 The closest neighbouring properties are located on Harlech Road approximately 40 metres to the south east. The proposed modifications to the playground could lead to additional comings and goings to the site. However, given that there is an existing playground and the separation distance between the play area and residential properties, it is not considered that and demonstrable harm would arise to surrounding neighbouring amenity.

7.3.3 The proposal would therefore be acceptable in this regard in accordance with Policy CP12 of the Core Strategy.

7.4 Safety and Accessibility

7.4.1 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.

7.4.2 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 to allow for free flow and accessibility to all users with disability and inclusivity issues in mind.

7.4.3 The redevelopment would also introduce an upgraded safety surface around the play equipment which do not currently meet safety standards.

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

7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 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. Leavesden Country Park supports a mosaic of habitats, from woodland to mature trees to scrub and amenity and rough grassland; typical of a country park. The proposed redevelopment of the play area would be contained within the existing site and would not result in an expansion into other areas of the Country Park. As such, the proposed development is not considered to result in any impact on local biodiversity and therefore the application is acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.6 Trees and Landscaping

- 7.6.1 No trees would be affected by the development. The proposal does include the formation of a new meadow and planting of a number of Birch and/or Lavender trees. The Landscape Officer was consulted on the application and raised no objections to the proposed development.

7.7 Highways, Access and Parking

- 7.7.1 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.
- 7.7.2 Leavesden Country Park is served by a large visitors car park located to the south east of the play area. The proposal would not result in any increase in the size of the play area, whilst there may be an increase in the number of visitors to the play area, the existing car park is sufficient to meet current and future demand.

8 **Recommendation**

- 8.1 That the decision to be delegated to the Head of Regulatory Services to consider any representations received and 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, TRDC 001 (Existing & Proposed Plans), TRDC 002 (Proposed Elevation) and TRDC 003 (Proposed Site Plan & Elevations).

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 Appendix 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 TRDC 001 (Existing & Proposed Plans), TRDC 002 (Proposed Elevation) and TRDC 003 (Proposed Site Plan & Elevations) 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).

8.2 **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 £116 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 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.

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 applicant is reminded that 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.