

PLANNING COMMITTEE - 17 DECEMBER 2019

PART I - DELEGATED

10. 19/2142/FUL: Installation of a new multi-use games area and associated fencing at HORNHILL ROAD RECREATION GROUND, CHALFONT ROAD, MAPLE CROSS, HERTFORDSHIRE (DCES)

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 03.01.2019

Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

- 1.1 15/0130/FUL: District Council Application: Installation of play area within existing public play and open space. Application permitted. Permission implemented.

2 Description of Application Site

- 2.1 The application site consists of an existing multi use games area (MUGA) measuring approximately 13.8m in width and 37.7m in length. The surface of the MUGA is concrete hardstanding with the facility being enclosed by fencing of approximately 1.78m in height. The Design and Access Statement sets out that the condition of the existing MUGA is deteriorating.
- 2.2 The existing MUGA is located within the larger Hornhill Recreation Ground which also accommodates an existing children's play area located to the south east of the MUGA and general open space including Beechen Wood located to the south west of the MUGA. The application site is located at the lowest point of the recreational grounds with the land rising to the south up to Longcroft Road.
- 2.3 The boundary of the larger site with Chalfont Road is screened by fencing and mature vegetation the site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the installation of a new multi use games area (MUGA).
- 3.2 The proposed MUGA would be located largely on the footprint of the existing MUGA and would be located a maximum of 8.5m from the boundary with Chalfont Road. It would have a width of 38.4m and a depth of 14m. The surfacing would consist of painted dark green macadam and would be marked out for 5x5 football and basketball matches.
- 3.3 The facility would be enclosed by 'twin bar sports rebound panel system fencing'. The fencing to the eastern boundary of the facility would be 4m in height whilst the other boundaries would have fencing of 3m in height. It would be dark green in colour.
- 3.4 The applicant is also proposing the provision of a further footpath which would link the facility to an existing footpath accessed from the adjacent highways. This would measure a maximum of 9.5m and would have a width of 1.6m.

4 Consultation

4.1 Consultees

4.1.1 Hertfordshire Highways: No comments received. Any comments will be verbally updated to committee.

4.1.2 Landscape Officer: There are some adjacent trees and shrubs which will need to be pruned back to provide working space, otherwise the proposal should not impact trees.

I therefore have no objections to the proposal.

4.1.3 National Grid: No comments received. Any comments will be verbally updated to committee.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6 No of responses received: None

4.2.2 Site Notice: Expiry: 16.12.2019 Press notice: Not applicable

4.2.3 Summary of Responses:

4.2.4 None received

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2019 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 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 PSP3, CP1, CP10, CP11 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 DM2, DM6, DM9, DM11, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA5 is relevant.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

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, sports and recreational activities in order to promote healthy lifestyles. This objective 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 for whole communities. Maple Cross is classed as a Secondary Centre within the District and Policy PSP3 states that development will 'promote development, infrastructure and services in order to meet local community and business needs and to maintain the vitality of communities'.

7.1.2 Policy DM11 of the Development Management Policies LDD relates to Open Space, Sport and Recreation Facilities and Children's Play Space and states that open spaces, sports and recreation facilities perform important functions within communities and contribute significantly to the quality of life. The policy advises that proposals for new open space, sport and recreation facilities and Children's play space 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 application site is located within a designated open space. Policy SA5 of the Site Allocations Document sets out that sites allocated as open spaces will generally be safeguarded as open spaces. The proposed MUGA would be situated within the footprint of the existing MUGA and would replace a facility that is deteriorating. As such, the proposed development would result in an improved facility for the community whilst retaining the same amount of open space. As a result, the principle of development is considered to be acceptable and in accordance with Policy PSP3 of the Core Strategy and Policy DM11 of the Development Management Policies LDD.

7.2 Green Belt

7.2.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes

- To check the unrestricted sprawl large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the country side from encroachment;
- To preserve the setting and special character of historic towns; and;
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

7.2.2 Paragraph 143 of the NPPF sets out that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is inappropriate, however, Paragraph 145 sets out six exceptions to inappropriate development which include:

- a) Buildings needed for agriculture and forestry;
- b) The provision for appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;**
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building; provided that the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial redevelopment or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development or;
 - Not cause substantial harm to the openness of the Green Belt where the development would re- use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.3 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land in it.

7.2.4 In this case, the proposed replacement of an existing MUGA can be considered as an appropriate form of development in the Green Belt. It would replace an existing sports facility and would be of similar size and therefore in terms of its actual footprint would not result in increased harm to the openness of the Green Belt. It is acknowledged that the associated fencing would be higher than existing, however, the proposed height at 3m and 4m is what would generally be expected at such a facility. Furthermore, the development is located on the lowest part of the wider recreational grounds which further minimises the impact of the development. The elevations also indicate that it would be dark green in colour, therefore, minimising its visual prominence when viewed in the context of the larger open space where it is situated.

7.2.5 The plans also indicate the provision of a further path, linking the proposed MUGA with an existing footpath. Whilst this would constitute additional hardstanding, it is of modest size in relation to the site as a whole and would have little impact on the openness of the Green Belt.

7.2.6 In summary, the proposed development is considered to be an appropriate form of development which would preserve the openness of the Green Belt. The development is therefore considered acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011).

7.3 Impact on Character and Street Scene

7.3.1 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'.

- 7.3.2 The proposed development would be located within the footprint of the existing MUGA and viewed against the backdrop of the existing play area and recreational grounds. Consequently, it is not considered that the hard surfacing in itself would result in significant harm to the visual amenities of the area. It is noted that the proposal also includes the provision of associated fencing which would be approximately 3m and 4m in height. This would be higher than the existing fencing. However, it is not considered that this would result in significant harm to the streetscenes of Chalfont Road or Hornhill Road. The development would be largely screened from Chalfont Road by mature vegetation and would be set away from the boundary with Hornhill Road, thereby minimising any significant harm. Furthermore, the elevations specify that the fencing would be dark green which is considered appropriate and would minimise the visual impact of the development.
- 7.3.3 The block plan also indicates the provision of a further pathway, linking the MUGA with an existing footpath which provides access to the site from the highway. This would be of modest size and would not have an impact on the visual amenities of the area.
- 7.3.4 In summary, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.4 Impact on amenity of neighbours

- 7.4.1 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'. Policy DM9 of the DMP LDD advises that development should not result in noise or disturbance nor should external lighting adversely impact neighbouring amenity.
- 7.4.2 The proposed development would replace an existing facility and would be in the same location. The nearest neighbours are located on the opposite side of Chalfont Road and it is not considered that the new facility would generate any significant increase in noise and disturbance relative to the existing facilities and the wider recreational playing fields. Furthermore, the plans do not indicate any form of lighting which would limit the use of the facilities in the evening. It is also not considered that the new fencing would be unduly prominent given the separation by the highway and the existing boundary screening.
- 7.4.3 Given the existing site circumstances, it is not considered that the proposed development would result in harm to the residential amenities of neighbouring occupiers. The development is acceptable and in accordance with Policies CP1 and 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.
- 7.5.3 The application has been submitted with a Biodiversity Checklist and details that no protected species would be affected by the development. Given the nature of the

development it is not considered that protected species would be adversely affected by the development.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD advises that development should not have an impact on any significant trees or areas of landscaping.

7.6.2 The Landscape Officer has raised no objection to the proposed development as it would not affect any trees or areas of landscaping.

7.6.3 Highways, Access and Parking

7.6.4 Policy CP10 of the Core Strategy sets out that development should provide a safe and adequate means of access and makes adequate provision for all users.

7.6.5 Herts Highways have been consulted and at the time of writing, comments had not been received. The applicant has advised that the tarmac for the MUGA will be transported into the site from the existing access at Longcroft Road. Given the nature of the development and the residential location, it is necessary to add a pre-commencement condition requiring a construction management plan to be submitted.

7.6.6 The site is not served by its own car park, however, the facility is likely to be accessed by the local community who live within walking distance of the site. Furthermore, the existing facility is not served by a car park. Consequently, no objection is raised in this regard.

8 **Recommendation**

8.1 That subject to no new material considerations being raised, 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:

SC-MUK2242-01, SC-MUK2242-03, SC-MUK2242-04, SC-MUK2242-05

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the openness of the Green Belt in accordance with Policies PSP3, CP1, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2, DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

- 11 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 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.