

PLANNING COMMITTEE – 25 FEBRUARY 2021

PART I - DELEGATED

- 8. 20/2132/FUL – District Council Application: Refurbishment of existing play area including the installation of new play equipment, soft landscaping and seating at RECREATION GROUND, PRIMROSE HILL, KINGS LANGLEY, HERTFORDSHIRE. (DCES)**

Parish: Abbots Langley Parish Council

Ward: Gade Valley

Expiry of Statutory Period: 31.12.2020 (EOT
05.03.2021)

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

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 8/755/86 – Construction of car park
- 1.2 8/222/87 – Erection of 2.75" High Chain Link Fence to Children's Play Area
- 1.3 8/133/89 – Erection of single storey building for use as changing rooms/public toilets

2 Description of Application Site

- 2.1 Primrose Hill Recreation Ground is an allocated Open Space, located on the western side of Primrose Hill, Kings Langley. The play area measures approximately 610sqm in area, adjoining the shared boundary with the highway to the east, with a car park and sports pavilion located to the north and playing fields to the west.
- 2.2 The play area subject to this planning application is enclosed by low level metal chain link-fencing. The play area mainly comprises tarmac beneath the existing play equipment which includes swings, slides, a climbing frame and seating, with some grass areas within the play area.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the replacement of the existing play equipment with new play equipment to the play area.
- 3.2 The replacement play equipment would provide a number of different features including two multi-play climbing frames, rope pyramid, carousels, two play boards, spring rider, swings and trampoline.
- 3.3 The proposal would include moving the play area to the south west, to increase the spacing between the play area and the highway. A path is proposed running centrally through the play area to provide access to the new play equipment. A new 1.2m high, powder coated hooped steel fence is proposed around the play area, with seating areas proposed within the play area. The play equipment proposed to be installed would have varying heights ranging between 0.9m (the spring riders) and 3m (the highest point of the rope pyramid). Cycle storage is proposed to the north west of the play area.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No Objection}

Application noted.

4.1.2 National Grid: No response received.

4.1.3 Landscape Officer: [No Objection, subject to conditions]

It is considered that the proposed development could be implemented, without harm to existing trees, provided that a tree protection method statement is produced and followed during the works.

The current method statement does not comply with the British Standard (BS5837) against which tree information is assessed. In the event that the application is approved, a condition should be applied that requires a method statement to be produced, which complies with BS5837.

4.1.4 Environment Agency: [No Objection]

As part of this consultation, we have reviewed the following document:

- Flood Risk assessment, ref: 5992, prepared by Ambiental, dated January 2021.

*We have **no objection** to the proposed development on flood risk grounds.*

4.1.5 Sport England: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 35

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

4.2.3 Site Notice: Expired: 01.12.2020. Press notice: Not required.

5 Reason for Delay

5.1 Further documentation including Flood Risk Assessment required. Flood Risk Assessment has now been submitted and considered by the Environment Agency.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 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 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, DM8 and DM11.

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, 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 Play-space 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 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 proposed play equipment would be replacing current play equipment which has become dated and in need of refurbishment. The proposed development would not result in change of use of the land however the play area would move 6m to the south west, increasing the spacing between the play area and the mature protected trees to the north east, and the highway. 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 approximately 925sqm. Much of the grass would be retained, with mulch surfacing surrounding the play equipment. The existing fence would be removed and replaced with new fencing.
- 7.2.3 The proposed play equipment would include a mixture of steel and timber materials. The equipment would be mainly green, blue and yellow. A new path is proposed through the play area, to access the equipment with cycle storage to the north-west and benches within the play area. The bin, cycle storage and equipment would be appropriate for the size of the proposed play area.
- 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, the 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 to create a footpath across the play area 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'.
- 7.4 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 any demonstrable harm would arise to surrounding neighbouring amenity. The proposal would therefore be acceptable in this regard 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.

7.5.3 The application has been submitted with a Biodiversity Checklist and the proposed redevelopment of the play area would not 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 The application site includes a number of mature trees. Policy DM6 of the Development Management Policies LDD advises that proposals for new development proposals are expected to retain as many trees and hedgerows as possible, particularly those of local amenity and nature conservation value and that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.6.2 The submitted details indicate that the proposal would have a limited impact on the remaining trees lining the northern boundary of the site. The Landscape Officer has been consulted on these details and requested further details via condition in the form of an arboricultural method statement and tree protection plan. Therefore, subject to conditions, the proposal is considered to be acceptable in this regard.

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 The recreational ground is served by a visitors car park located to the north west of the play area. The proposal would increase in the size of the play area from 660sqm to 925sqm. Whilst the size of the play area would increase, there would no change in terms of onsite parking provision required against the standards set out within Appendix 5 of the Development Management Policies document. Therefore, there would remain adequate parking to serve the play area and recreational ground.

7.8 Flood Risk

7.8.1 Policy DM8 of the Development Management Policies document states that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced.

7.8.2 The current application is accompanied by a Flood Risk Assessment prepared by Ambintal dated 22 January 2021. The Environment Agency have been consulted on the submitted details and have raised no objection to the proposed development. The proposal is considered to be acceptable in this regard.

7.9 Safety and Accessibility

7.9.1 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.

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

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

7.9.4 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.

8 Recommendation

8.1 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: TRDC 001 (Location Plan), TRDC 002 (Block Plan), TRDC 003 (Site Plan), 0144.02, 0144.06 and 0144.08.

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP2, CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM8 and DM11 of the Development Management Policies LDD (adopted July 2013).

C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 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. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 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.
- 13 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.