

## PLANNING COMMITTEE – 23 JUNE 2022

### PART I - DELEGATED

**11. 22/0617/FUL - District Council Application: Extension to existing play area including the installation of outdoor gym equipment at EASTBURY RECREATION GROUND & PLAY AREA, BATCHWORTH LANE, EASTBURY, NORTHWOOD, HA6 3AU**

Parish: Batchworth  
Expiry of Statutory Period: 02.06.2022  
(Extension of time agreed to 01.07.2022)

Ward: Moor Park & Eastbury  
Case Officer: Tom Norris

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 14/2086/FUL - District Council Application: Reconstruction of existing tennis courts and replacement fencing - 12.12.2014 - Permitted
- 1.2 08/1352/FUL - District Council Application: Installation of a new play area with 5 main play components, including a pendulum basket swing, dish roundabout, crawling tunnel, combo swing (junior swing seat and cradle swing seat) and multi-unit play tower, within 1.2m high fencing with associated street furniture and stone bear - 22.08.2008 - Permitted

#### **2 Description of Application Site**

- 2.1 The application site, edged in red on the Location Plan, covers the area known as Eastbury Recreation Ground, Batchworth Lane, Northwood. The area comprises an open field containing sports pitches, a children's equipped play area, a row of tennis courts enclosed by fencing and a car park which is accessed off Batchworth Lane.
- 2.2 The development is proposed upon a small section of the land at the recreation ground. The site (indicated in red on the Block Plan) is positioned to the southern side of the existing play area and east of the tennis courts. The site measures approximately 200sqm in total area. The site is currently laid as grass and forms part of the wider open space designation.

#### **3 Description of Proposed Development**

- 3.1 This application seeks planning permission for an extension to the existing play area including the installation of outdoor gym equipment. The development would include outdoor gym equipment which would be made of a combination of galvanised steel tubing, powder coated in grey, with black rubber fittings. The proposed exercise bike would have a length of 1.79m, a width of 0.83m and a height of 1.75m. The proposed cross trainer would have a length of 1.10m, a width of 0.51m and a height of 1.18m. The proposed "magnetic bells" structure would have a length of 13.90m, a width of 1.06m and a height of 3.34m. The proposed "combi 5" structure would have a length of 6.91m, a width of 4.44m and a height of 2.40m. The equipment would be installed on a surface of thermoplastic rubber.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

- 4.1.1 National Grid: [No response received]
- 4.1.2 Batchworth Community Council: "Batchworth Community Council notes this application."
- 4.1.3 National Grid: [No response received]

## 4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 25

4.2.2 Site Notice posted: 14.04.2022, expiry date: 08.05.2022

4.2.3 Press notice not required

4.2.4 Responses received: 1 (1 Neutral)

4.2.5 Summary of responses

- The notice mispresents the proposal
- The existing children's play equipment requires updating and should be the priority

**Officer comment:** The application description was updated to more accurately reflect the proposal. The supporting detail of the application remains as originally consulted upon.

## 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

In July 2021 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 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, CP10 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, DM11 and DM13.

### 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 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 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 development would provide outdoor gym facilities adjacent to an existing children's play area. The application site consists of a discreet parcel of land between the existing play area, tennis courts and car park. The proposed development would not result in the loss of facilities or compromise the use of the wider open space which includes sports pitches.

7.1.4 The proposed development would serve the local community and would improve and enhance an existing play and open space area. 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 & Appearance, Residential Amenity, Safety and Accessibility

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 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'.

- 7.2.3 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.
- 7.2.4 It is not considered that the proposal would result in any additional visual harm over and above the existing situation. The equipment would be relatively low level, with the larger items being of an open framed character, with a maximum overall height of 2.4m. The development would be constructed with material which is similar in visual appearance to that which is currently in place. It is further considered that the proposed design and material of the new equipment would not generate noise which would be detrimental to any neighbour's residential amenity particularly given the proximity of the proposed development to any residential property. The park would utilise the existing footways serving the current facility.
- 7.2.5 The proposal is therefore considered acceptable in terms of character and appearance, impact on residential amenity and safety and accessibility in accordance with Core Strategy Policy CP12.

### 7.3 Highways, Access & Car Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.
- 7.3.2 It is not considered that the new public facility in a location with existing recreational facilities would give rise to any additional need for parking over and above the existing situation. The proposals are therefore acceptable in this regard.

### 7.4 Trees & Landscape

- 7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.4.2 The proposed development would not require the removal or result in any harm to trees

### 7.5 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

## 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-01 (Location Plan), TRDC-02 (Block Plan), TRDC-03 (Site Plan), Equipment Specification Sheets  
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 PSP2, 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 the approved plans 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

- 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](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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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.

- I2 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.
- I3 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.