

11. 19/1427/FUL – District Council Application: Refurbishment of existing play area including the installation of new play equipment at CASSIOBRIDGE PLAY AREA, RECREATION GROUND, WATFORD ROAD, CROXLEY GREEN, HERTFORDSHIRE. (DCES)

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 10.10.2019

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 No relevant planning history.

2 Description of Application Site

2.1 Cassiobridge Recreation Ground is an allocated Open Space, located on the southern side of Watford Road. The application site covers an area of approximately 1,800sqm, adjoining the shared boundary with the highway to the north, a car park to the south and the Sea Cadets building to the south east. The application site is located within the Metropolitan Green Belt.

2.2 The play area subject to this planning application is enclosed by low level metal fencing painted green in colour and hedging. The play area mainly comprises lawn with some tarmac beneath the existing play equipment which includes swings, slides, a climbing frame and seating.

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 swings, a roundabout, 4-way springers, a castle multi-play climbing frame, rubber stepping stones, mini goals and hand chimes.

3.3 The proposal would include a path to the south west of the play area to the existing access gate, close to the vehicular access, with a staggered cycle rack to provide 9 cycle spaces to the west of the play area. The play equipment proposed to be installed would have varying heights ranging between 0.2m (the lowest stepping stone) and 2.4m (the highest point of the swings).

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: No response received.

4.1.2 National Grid: [No objection]

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.

4.1.3 London Underground Infrastructure Protection: [No objection]

I can confirm that London Underground Infrastructure Protection has no comment to make on this planning application.

This response is made as Railway Infrastructure Manager under the Town and Country Planning (Development Management Procedure) Order 2015. It therefore relates only to railway engineering and safety matters. Other parts of TFL may have other comments in line with their own statutory responsibilities.

4.1.4 Canal and River Trust: [No objection]

Based on the information available our substantive response (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.

4.1.5 Landscape Officer: [No objection]

Unfortunately a number of significant trees have already been removed previously to accommodate the Croxley Rail Link Viaduct prior to the project being shelved. It would appear that the current proposals will have a limited impact on remaining trees.

The mulch proposed surrounding each bit of play equipment is a bound rubber mulch, however I have been advised that this is permeable, and therefore is not likely to impact on the rooting systems of trees.

I raise no objections to the proposals.

4.1.6 Environment Agency: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 0

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

4.2.3 Site Notice: Expired: 10 September 2019. Press notice: Not required.

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 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, 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 and DM11.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Appendix H.

6.3 Other

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

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 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 Furthermore, Aim 8 of the Croxley Green Neighbourhood Plan is to ensure that all land in recreational use or previously in recreational use, regardless of its ownership, is properly maintained to promote recreational use.
- 7.1.4 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. 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.
- 7.1.5 The proposed play area would serve the local community and would improve and enhance an existing play and open space area. Impact on green belt, 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), Policy DM11 of the Development Management Policies LDD (adopted July 2013) and Aim 8 of the Croxley Green Neighbourhood Plan.

7.2 Green Belt

- 7.2.1 The play area is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attached great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2.2 Paragraph 145 of the NPPF also outlines that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include: provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 7.2.3 The proposal would provide an improved playground, and it is considered that this would be compliant with Policy DM2 as it would be providing an essential facility for sport and recreation. No significant level changes are proposed. In terms of preserving the openness of the Green Belt; there is an existing playground which would be replaced. Whilst additional equipment would be provided, increasing the coverage of the site, development would not extend beyond the existing boundaries and would not therefore result in a spread of development beyond the site. It would not adversely affect the openness of the Green Belt.
- 7.2.4 The purposes of including land within the Green Belt are listed at paragraph 134 of the NPPF which states that the Green Belt serves five purposes:
- *To check the unrestricted sprawl of large built-up areas;*
 - *To prevent neighbouring towns merging into one another;*
 - *To assist in safeguarding the countryside 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.*

7.2.5 It is not considered that the proposed play area would conflict with any of the above 5 purposes. Furthermore, it is considered that the openness of the Metropolitan Green Belt would be maintained. The development is considered to accord with Local and National Planning policies that seek to protect the openness and visual amenities of the Metropolitan Green Belt.

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'. 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'.

7.3.2 The proposed play area would occupy an area of approximately 1,800sqm which would be surfaced with a variety of forest mulch, spring mulch, harvest mulch, red wet pour, new reinstated grass and wild meadow planting. The existing metal fencing enclosing the play area would be retained.

7.3.3 The proposed play equipment would include a mixture of steel and timber materials. The equipment would be mainly green and yellow, with some red and neutral elements. Some areas under the play equipment would comprise red wet pour, however the majority of the site would be retained as lawn or mulch.

7.3.4 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.

7.3.5 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 to create a footpath to the west of the play area would not result in an out of keeping appearance to the detriment of the character of the area.

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

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'.

7.4.2 The closest neighbouring properties are located on Mayfare approximately 67m to the west and Cassio Wharf, approximately 52m to the 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 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 be contained within the existing site and would not result in an expansion into other areas of the surrounding open space. 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 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 has raised no objection to the proposal. Therefore, 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 south 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 considered sufficient to meet current and future demand.
- 7.8 Impact on Canal and Waterways
- 7.8.1 The proposal is located approximately 35m west from the canal and given the scale of the proposed development, it is not considered that the proposal would result in any adverse impact to the canal. In addition, the Canal and River Trust have confirmed that they have no objections to the proposed development.
- 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 the decision 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: TRDC 001 (Location Plan), TRDC 002 (Block Plan), TRDC 003 (Proposed Site Layout) and 0020.01A REV A.

Reason: For the avoidance of doubt, in the proper interests of planning and to maintain the openness of the Metropolitan Green Belt; in accordance with Policies PSP2, CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM6 and DM11 of the Development Management Policies LDD (adopted July 2013) and Appendix H of the Croxley Green Neighbourhood Plan (adopted December 2018).

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 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.