DELEGATED REPORT

Recommendation Made: 16 June 2008

Reference:- 08/00475/FUL **Parish:- Sheepy Parish Council**

Applicant:- Mr Dan Taylor
Playing Field
Brookside Place
Sheepy Parva
Atherstone

Location:- Playing Field Brookside Place Sheepy Parva Atherstone Leicestershire

Proposal:- REPLACEMENT OF EXISTING PLAY AREA WITH NEW EQUIPMENT

Introduction:-

This application has been submitted on behalf of the Playing Fields Committee and seeks full planning permission for the installation of new play equipment on an existing recreation area at Brookside Place, Sheepy Magna. The equipment is designed to cater for children 2 to 14 years old and is to be sited to the south west of the site in a similar location to previous play equipment. The football pitch occupies a large part of the site and is located on the northern part of the site, a woodland area has been created on the south eastern part of the site. There are residential properties located along the southern boundary of the site.

There is a mature tree protected by a Tree Preservation Order close to the proposed position of the play equipment but this is not considered to be affected by the proposal.

The Design and Access Statement submitted with the application states that the old equipment consisted of two large items, and is ~~it was~~ outdated and worn. The new equipment is compliant with the Disability Discrimination Act (DDA), it consists of seven pieces of equipment, with the highest item being 3 metres. The items of equipment have been profiled according to height to ensure that the highest pieces are furthest away from dwellings.

One letter in support of the application has been received from the Chair of the Playing Fields Committee on the following grounds;-

a) the junior equipment is to be located furthest away from residential properties. This was due to awareness of privacy issues with the previous climbing frame which was nearer to the properties.
b) this also allows most use of the resultant field space for potential future development of a cricket pitch and other sports activities.
c) the decision was made not to include a fence in the proposal as the committee were advised by the equipment providers that dogs are more likely to become trapped in the area and, since the site is not next to any roadways it seemed an inappropriate expense.
d) historically, the play area has been in this location for 40 years, the play area was moved away from the glade area, before the adjacent properties were built.
e) the committee consider that this is the best location to ensure that the play area is DDA compliance - If the play area cannot be inclusive to all members of the community it will not comply, the distance the play area would be from the car park and current path would be prohibitive to the disabled if sited further across the field.
f) locating the play area further from residential properties may present more risk to children's safety from 'strangers'. The current location providing some 'piece of mind' for parents that the area is close to properties and the car park.
g) vehicular access for emergency services would also be impaired, particularly on soft ground.
h) the committee has to consider all users of the field and accommodate all of their needs in line with the constitution and charitable purpose, eg. The location of the football pitch would prevent the play area from being located further from residential properties.

i) the committee have considered the area where the containers are situated but concluded that this is not appropriate due to the area being next to a deep culvert for run off water from adjacent farm land which then feeds into a brook also in the vicinity.
j) the containers stand on a concrete base which is connected to mains water & electricity all of which would be costly to remove and reinstate elsewhere.
k) the committee have considered a proposal to move the play area 5 metres further from the adjacent properties, whilst it is possible, but I feel that it would not address any of the concerns expressed in the resident letters. It would also incur additional cost.
l) the project has support from all areas of the community, from the school who will be involved in designing a sign for the area, to the Parish and Borough Councils, who have been involved during the application for the grant.
m) the Playing Field Committee holds regular meetings in the village which can be attended by members of the community if requested.

Consultations:-

So is this an objection?

No objections, subject to conditions has been received from;

Head of Corporate and Community Services (Green Spaces)

Head of Community Services (Pollution) comments that the existing play area is close to housing and that the applicant consider resiting it further from dwellings.

Head of Corporate and Scrutiny Services (Community Safety) has commented that play areas can cause anti-social problems if not sited correctly and supervised to some degree, however, each location is different. There has been a few problems with anti-social behaviour in Sheepy Magna but certainly no massive issues.

Director of Community Services (Ecology) does not object to the application but advises that bats have been recorded in the vicinity.

Five letters of objection have been received raising the following concerns :-

a) the former equipment caused a nuisance by acting as a meeting place for teenagers swearing and drinking
b) could the new play equipment be placed further away from the houses ?
c) the new equipment is designed to cater for younger and older children, could the areas be separated ?
d) the equipment will become a target for vandalism
e) would prefer wooden equipment to garish colours
f) suggest separate youth area
g) no issue with young children using the equipment but noise caused by youths using the equipment late at night
h) loss of privacy/security issues into gardens
i) additional equipment will attract more people than before
j) no consultation with the residents prior to the application being submitted

At the time of writing the report comments have not been received from:-

Sheepy Parish Council
The Leicestershire Constabulary Crime Reduction Officer

Development Plan Policies:-

The site is located outside the settlement boundary. as defined in the adopted Local Plan & HSBP.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either; for the change of use, re-use or extension of existing buildings; or for sport or recreation purposes; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to

exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy REC4 states that planning permission for new recreation facilities will be granted where they:-

- in the case of large-scale indoor facilities are within or adjoining built up areas
- do not have a detrimental effect on amenities of residents
- are in keeping with the area and do not detract from the character of the landscape
- include adequate parking/access arrangements and are where there is capacity in the road network
- include landscaping
- are not detrimental to rights of way
- do not affect sites of ecological, geological or archaeological significance.

The Council's Play and Open Space Guide adopted October 2002, addresses issues of design and layout. It states that open spaces should be designed to be safe and secure for their users, easily accessible to the groups they are intended to serve with maximum benefits for recreation whilst minimising visual intrusion, disturbance and safeguard the privacy and security of adjoining development. Encouragement will be given to combining formal open space and children's open space on one site. Where this is achieved play areas should be distinct from sports pitches to discourage interest or abuse from older children.

The Council's Open Space Audit carried out in 2005, identified Brookside Place Recreation Ground as 'multi-functional', and as providing amenity green space for residents. It described the previous play equipment as 'poor'. It recommended protection and improvement of the quality of provision for children and young people at the site.

Appraisal:-

The main consideration with regard to this application is the location of the play equipment on the site in relation to ~~child safety and~~ neighbour ~~concerns~~ ing properties.

Location

The proposed equipment is to be located within an existing recreation area. It is proposed to be sited ~~on a site which~~ wherever has previously been ~~equipped with~~ play equipment, although the number of pieces of equipment is to increase from two to seven. The size and number of items of play equipment proposed is considered to be in keeping with the recreation area ~~on which they are proposed to be sited~~. The proposed area will be accessible to all users and therefore DDA compliant, but not immediately adjacent to the car park, in the interests of child safety. Re-locating the equipment anywhere further along the southern boundary would move the area behind other residential properties and nearer to the car park. Neighbours have voiced their concern that children will look into their rear gardens when climbing onto the higher equipment. The applicant has stated that they have considered locating the equipment 5 metres further along the western boundary (nearer to the football pitch) whilst this would not address all of the neighbours concerns, it would not compromise the accessibility of the play area or the use of the football pitch and would make it harder for children to look into the rear gardens. The applicants have been requested to reconsider the siting and any further information will be reported to the Committee as a late item.

The other location suggested by neighbours is to re-locate the play equipment in the area where the changing accommodation is provided. However, this is considered to be remote for children using the equipment and ~~less~~ not so accessible for less able children.

The main concerns of the neighbours are based on the implications the play equipment will have on their properties in terms of visual impact, loss of privacy/security, increased noise and anti-social behaviour. The properties have back gardens and rear elevations facing the recreation ground, their boundaries have fencing and some mature planting but the equipment will be visible from first floor windows. The nearest piece of equipment is proposed to be located 10 metres from the rear boundary with the nearest property, 15 metres could be achieved if the equipment is moved as suggested in the paragraph above. The noise and anti-social behaviour issues appear to be linked, and generally relates to the concern that the equipment will be a focus for youths congregating at night. Neighbours

no complaints have been received

have stated that this happened with the previous equipment but ~~it was not reported to this Council or the Police~~. The Head of Corporate and Scrutiny Services (Community Safety) has commented that instances of anti-social behaviour are reported to this Council, ~~the~~ would meet with residents/complainants to establish frequency of problem and extent of problem, identify core offenders, send warning letters etc.), look at diversionary activities for young people, engage with youth service/youth offending service and request increase police response/patrols

Other Issues

The Council's Play and Open Space Guide recommends that equipped play areas should be surrounded by dog proof fencing of a minimum height of 750mm with one, self closing gate, and should be a design that is sympathetic to the character of the park. The comments of the Head of Corporate and Community Services (Green Spaces) also recommend dog proof fencing together with appropriate signage with an emergency contact number.

Conclusion

The Council's policies support the upgrading of children's play equipment within the parishes and the need to renew the equipment in Sheepy Magna was identified in the open space audit. Whilst the neighbours concerns are material considerations, the proposed location of the play equipment is considered to be the most appropriate for this recreation area, subject to the equipment being sited 5 metres further along the western boundary, ~~on balance, the proposal would not warrant refusal~~. It is suggested that a landscaping condition be imposed and that the applicant be requested to provide measures to the southern boundary of the site which will help to further screen the view of the properties from the play equipment.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) details of a means of enclosure for the play equipment
(ii) signage
(iii) hard surfacing areas
(iv) planting plans
(v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(vi) implementation programme.

3 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property. to accord with REC4

3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

Contact Officer:- Louise Forman Ext 5682

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The Design and Access Statement submitted with the application states that the old equipment consisted of two large items, and is outdated and worn. The new equipment is compliant with the Disability Discrimination Act (DDA), it consists of seven pieces of equipment, with the highest item being 3 metres. The items of equipment have been profiled according to height to ensure that the highest pieces are furthest away from dwellings.

One letter in support of the application has been received from the Chair of the Playing Fields Committee on the following grounds;-

a) the junior equipment is to be located furthest away from residential properties. This was due to awareness of privacy issues with the previous climbing frame which was nearer to the properties.
b) this also allows most use of the resultant field space for potential future development of a cricket pitch and other sports activities.
c) the decision was made not to include a fence in the proposal as the committee were advised by the equipment providers that dogs are more likely to become trapped in the area and, since the site is not next to any roadways it seemed an inappropriate expense.
d) historically, the play area has been in this location for 40 years, the play area was moved away from the glade area, before the adjacent properties were built.
e) the committee consider that this is the best location to ensure that the play area is DDA compliance - If the play area cannot be inclusive to all members of the community it will not comply, the distance the play area would be from the car park and current path would be prohibitive to the disabled if sited further across the field.
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Consultations:-

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Head of Community Services (Pollution) but comments that the area is close to housing and that the applicant consider resiting it farther from dwellings (if possible).

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above. The noise and anti-social behaviour issues appear to be linked, and generally relates to the concern that the equipment will be a focus for youths congregating at night. Neighbours have stated that this happened with the previous equipment but no complaints were received. The Head of Corporate and Scrutiny Services (Community Safety) has commented that instances of anti-social behaviour are reported to this Council. He would meet with residents/complainants to establish frequency of problem and extent of problem, identify core offenders, send warning letters etc., look at diversionary activities for young people, engage with youth service/youth offending service and request increase police response/patrols.

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(ii) signage
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(iv) planting plans
(v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
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Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with REC4 of the adopted Hinckley and Bosworth Local Plan.

3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

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