

Planning Committee

30 May 2013

Reference:
DPP4/13/00261

Area Team:
South Team

Case Officer:
Mr M Rushton

Ward:
Leasowe and
Moreton East

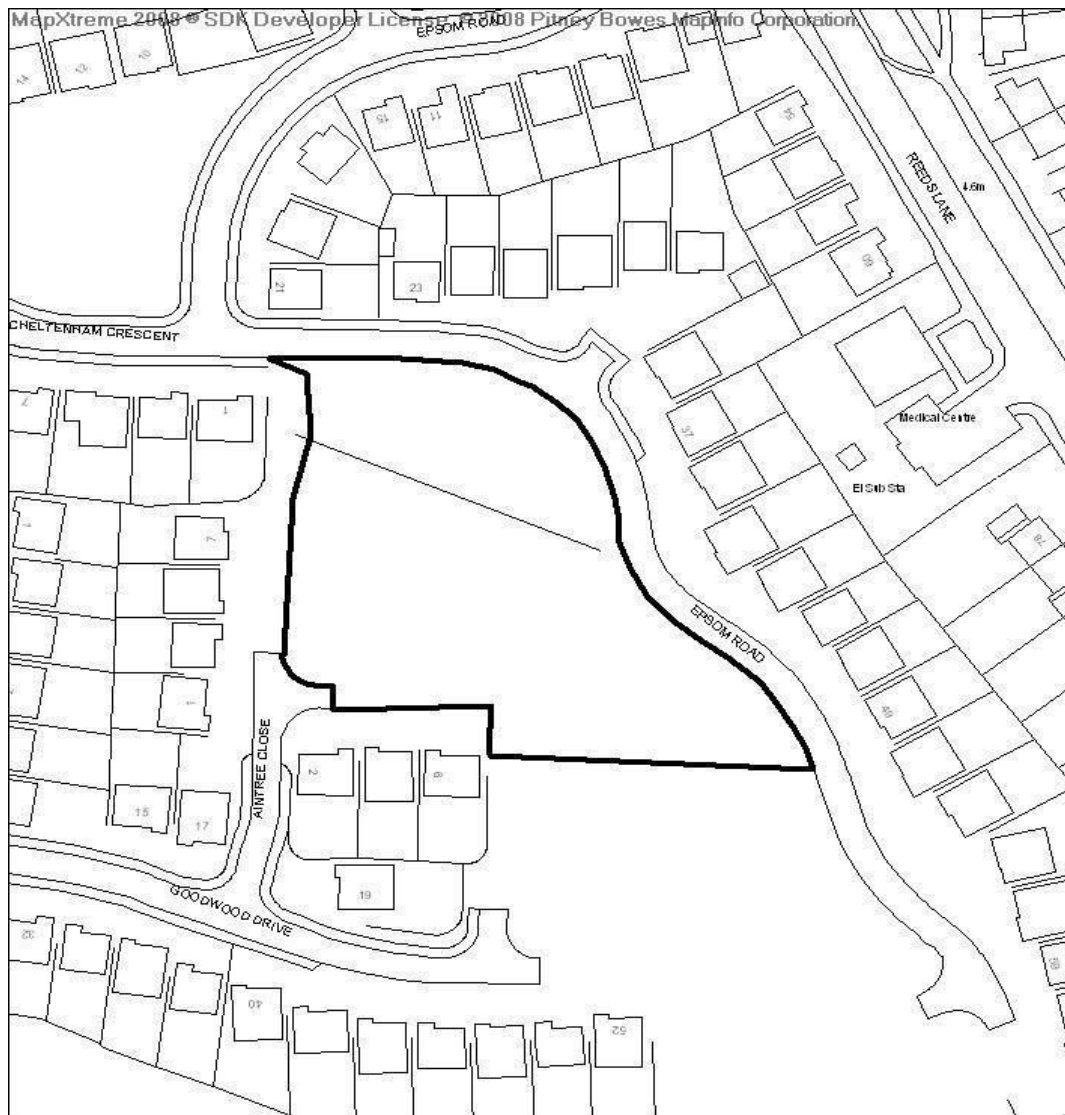
Location:
Proposal:

Play area Epsom Road Leasowe Wirral CH46 1PT
Installation of a children's fixed play area at Reedlands Estate.
Proposal includes play equipment, associated safer surfacing and
minor landscape works.

Applicant:
Agent :

Borough Solicitor & Secretary
Wirral Council

Site Plan:



Development Plan Designation:
Housing Development Site

Planning History:

- Location: Land East of Pasture Rd, South of Ditton Lane, , West of Reeds Lane, Moreton L46 3S
Application Type: Full Planning Permission
Proposal: The erection of buildings for industrial and/or warehousing purposes together with appropriate road, car parking, landscaping and other ancillary services
Application No: APP/81/17642
Decision Date: 29/10/1981
Decision Type: Refuse
- Location: Vacant land bounded by Ditton Lane, and Reeds Lane, , Leasowe, Wirral. L46
Application Type: Outline Planning Permission
Proposal: Development of houses and bungalows including children's play area and associated landscape works.
Application No: OUT/94/06791
Decision Date: 07/10/1997
Decision Type: Approve
- Location: Vacant land bounded by, Ditton Lane &, Reeds Lane, Leasowe, Wirral L46
Application Type: Full Planning Permission
Proposal: Erection of 173 detached houses and associated garages.
Application No: APP/98/06265
Decision Date: 26/11/1998
Decision Type: Withdrawn
- Location: Vacant land bounded by, Ditton Lane &, Reeds Lane, Leasowe, Wirral L46
Application Type: Reserved Matters
Proposal: Erection of 173 detached houses and associated garages.
Application No: DLS/99/05633
Decision Date: 15/06/1999
Decision Type: Approve
- Location: Vacant land bounded by, Ditton Lane &, Reeds Lane, Leasowe, Wirral L46
Application Type: Full Planning Permission
Proposal: Erection of 60 detached houses and associated garages. (substitution of house types)
Application No: APP/99/07206
Decision Date: 31/03/2000
Decision Type: Approve
- Location: Vacant land bounded by, Ditton Lane &, Reeds Lane, Leasowe, Wirral, CH46
Application Type: Reserved Matters
Proposal: Erection of 67 detached houses and associated garages.
Application No: DLS/00/05377
Decision Date: 19/05/2000
Decision Type: Approve
- Location: Land south west of, Epsom Road, Moreton, Wirral, CH46 1PT
Application Type: Full Planning Permission
Proposal: Removal of condition no.1 of planning approval APP/1998/6825 relating to proposed water features
Application No: APP/08/05910
Decision Date: 11/08/2008
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the adopted Guidance for Publicity of Planning Applications, 25 notification letters were issued to adjoining properties. A Site Notice was also displayed at the site. At the time of writing, a qualifying petition of opposition to the proposed development has been received, listing 29 households. Individual representations have been received from the occupiers of nos 21, 35, 45 and 49 Epsom Road, 2, 5, 6, and 7 Aintree Close, and 42 Goodwood Drive. objecting to the proposed development. The grounds of opposition can be summarized as:

1. The play area is not wanted, and residents who live on the estate have previously objected to it;
2. There is another play area within half a mile, at Twickenham Drive, and a further play area at Cronton Avenue;
3. The planting of trees or landscaping of the area would be preferable;
4. Play areas attract antisocial behavior at night time, and there is concern at the safety of properties as a consequence;
5. Other options should be presented and the residents should make a decision, not councilors who do not live in the area;
6. Concern that the proposed area was flooded for a number of weeks in January and February – the plans should cater for rainfall which gathers on lower ground;
7. Request a Flood Risk Assessment to ensure that local residents are not impacted.
8. The play area is too close to no. 7 Aintree Close, being less than 20m away.
9. Noise pollution.
10. Loss of privacy due to direct views into bedroom windows.
11. Impact to the plainness of, and congestion to, the green open space.
12. There are already issues of maintenance, this facility will increase the maintenance requirements and costs which is short sighted in the current financial climate (including police and anti-social behaviour team costs).
13. Detriment to house prices.
14. Cars accessing the play area will obscure driveways.
15. A site visit is requested.

CONSULTATIONS

Director of Technical Services (Traffic and Transportation Divisions) – no objection.

Director of Law, Human Resources and Asset Management (Environmental Protection) – no objection. Environment Agency - comment that a Flood Risk Assessment is not required in this instance, given that play area constituted part of original residential proposal. The site is defended Flood Zone 3, so flood risk is relatively diminished, and the use is considered water compatible (as amenity open space). It is commented that flood warning notices to raise awareness for residents might be useful.

Director's Comments:

Consideration of this application was deferred from Planning Committee on 18 April 2013 to allow for a formal site visit.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Ian Lewis requested this application be removed from delegation and considered by the Planning Committee following representations he has received from local residents that the application will have an adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, overlooking and the effect of the development on the character of the neighbourhood. The proposed development is out of character in terms of its appearance compared with existing development in the vicinity.

In addition, a qualifying petition of opposition to the proposed development has been received, listing signatures from 29 households.

INTRODUCTION

The proposal is for the development of a children's play area within public amenity space at the centre of the 'Reedlands' housing development, west of Reeds Lane, Leasowe. The equipment would

consist of 5 items of play equipment, with permission also sought for a bin, signage and a picnic table. Colour wetpour surfacing would be laid beneath some individual items of equipment (swings and toddler multi play unit and swinger equipment), a grassmat safer surface used beneath the spinner and climbing units, and the bin, signage and picnic table would be on a stone surfaced base. The dimensions of the equipment proposed vary, the climbing frame and swings being the largest items - the frame having a height of 2.95m and footprint of 11.9m by 11.3m, whilst the swings would be on a footprint of 7m by 6.2m, and height 2.4m.

PRINCIPLE OF DEVELOPMENT

The principle of the development is established. The surrounding housing development was built through an outline planning permission granted on the 7th October 1997 for "Development of houses and bungalows including children's play area and associated landscape works". The grant of permission was subject to a Section 106 legal agreement which included the mechanism by which the children's play area would be brought forward.

Whilst the residential properties were built at the site in the late 1990's/early 2000's, the progress of the children's play area was delayed for a number of reasons. A paper was presented to the Planning Committee in August 2011 (9th August, Item 63 refers – included as an appendix to this report) outlining the situation, and seeking a Members decision on whether or not, in the light of the delays and concerns that had been expressed by some local residents and a ward councillor at the proposal to construct a play area, the Local Authority should continue to progress with the play area. It was resolved that the Local Planning Authority should continue to accept the dedication of land and construct a play area on that portion of the site indicated within the report.

It should be noted that the proposed development could be constructed under permitted development rights. Part 12 of the 1995 Town and Country Planning (General Permitted Development) Order allows local authorities to erect small buildings, or equipment on land belonging to or maintained by them, required for the purposes of any function exercised by them. The equipment would be within the limits established by the legislation, which states that any such small building or equipment cannot exceed 4 metres in height or 200 cubic metres in capacity. In this instance, however, the applicant has advised that there is a desire to secure planning permission and so the proposal is being considered on its merits.

SITE AND SURROUNDINGS

As noted above, the application site is part of an area of amenity open space associated at the centre of the 'Reedlands' housing development, west of Reeds Lane, Leasowe. It is the larger of two open spaces which serve the properties constructed by virtue of permission OUT/1994/6791/D, a smaller area being located adjacent to Cheltenham Crescent, further to the north.

The application site is at the north end of the larger area of amenity open space, in an area of land now adopted and maintained by the Council, between Epsom Road and Aintree Close. To the north is Cheltenham Crescent. Residential properties surround the site, except to the south east where the amenity open space runs down to The Birket.

The play area would be served by existing footpaths that run across the amenity open space. There are a number of recently planted trees around the periphery of the area, which were planted in 2011 by the housing developer Taylor Wimpey to discharge the requirements of outstanding planning conditions relating to the site, and in order to provide a long term replacement for a line of mature willow trees that had been removed due to poor health and concern at their safety.

POLICY CONTEXT

The requirement for residential developments to incorporate amenity open space and children's play is set out in criteria (vi) of Unitary Development Plan ('UDP') Policy HS4.

UDP Policy GR6 provides the detail of this requirement established that 60 square metres greenspace must be provided for every new dwelling constructed and that specific provision for safe children's play will be required within that overall requirement. The policy notes that the greenspace provided should be accessible public open space, and clearly set out for the purpose of visual amenity and local recreation. Of relevance to the concerns raised by representations at the current proposal, there is a requirement that the greenspace is designed and located in order to minimise the

potential disturbance to neighbouring property.

Policy RE11 of the Unitary Development Plan sets out the criteria that the Local Planning Authority will use in order to assess the acceptability of areas intended to provide for children's play. The policy states that the Local Planning Authority will need to be satisfied that areas specifically intended to cater for children's play are appropriate in terms of their siting, scale and design. Proposals should in particular minimise the potential for disturbance to adjacent property, enable informal supervision from the surrounding area and provide for safe pedestrian access.

The supporting text of Policy RE11 notes that the principal concern of the Local Planning Authority will be to secure a design and layout which will minimise the opportunity for nuisance or disturbance to neighbouring property while retaining adequate supervision from the surrounding area. It is highlighted that this requirement comes from past experience which indicates that the poor design of play areas in relation to the layout of adjacent property can often cause problems for residents arising from the subsequent abuse of the site, mainly by older children. These difficulties are heightened when play areas are located out of sight from main frontages and thoroughfares.

In this instance, it is considered that the proposed play equipment is appropriate in siting, scale and design. The equipment has been set within an area of existing amenity open space, achieving a buffer of at least 20m to the frontage of each residential property. Dwellings fronting Aintree Close, Cheltenham Crescent and Epsom Road would, however, provide informal supervision of the play equipment, whilst safe pedestrian access is provided by the existing footpaths within the amenity open space. The scale of built development is modest by comparison to with the dimensions of the amenity open space, and built residential development surrounding.

APPEARANCE AND AMENITY ISSUES

The proposed equipment is fairly standard and functional in design. Apparatus provided for the toddler age group would be brightly coloured, but the larger apparatus for older children (the climbing frame unit and swings), would be more subdued in colour, comprising metal and wood. Whilst the materials are different than those used in the surrounding residential properties, it is not considered that a play area would be out of character – it is a common feature within residential areas and estates such as this.

The apparatus proposed would not have bulk, and as such there is no potential for overbearance or loss of light. Nor is it considered that loss of privacy or overlooking to residential properties would be significantly increased, due to the separation distance achieved, and the modest scale of the equipment. The surrounding residential properties all have front elevations facing towards the application site, and as such more private rear garden areas would not be affected. In addition, access roads separate the amenity open space from the residential properties.

With regards noise and disturbance, the application site is within an area of open space that is already open to the public for recreational purposes. Given the scale of the proposal, and the separation distance achieved to residential properties, it is not considered that significant impact to residential amenity through noise and disturbance would result. The Director of Law, Human Resources and Asset Management (Environmental Protection) has raised no objection to the proposed development.

Representations received highlight alternative play provision in the local area. As was considered by Members in the resolution reached in 2011, alternative play provision (at Whiteheath Way and Farnworth Avenue) is not considered to be accessible for the residents of the Reedlands development – being separated by the busy roads Reeds Lane and Ditton Lane respectively.

Considering the issue of flood risk, the development proposed would not increase the risk of tidal or fluvial flooding to surrounding residential properties, given its limited footprint and the materials proposed, which would not alter surface water flow dynamics in any significant way. There is no requirement in the Development Plan for a Flood Risk Assessment to be submitted for such development. Considering standing water observed at the site, this may continue to occur on occasion if rainfall is heavy, however, this would not present a clear planning reason for refusal of the current application.

The occurrence of antisocial behaviour cannot be ruled out at play area sites, however, neither can it be assumed. The location proposed, as considered above, would achieve a buffer of at least 20m to the frontage of each residential property - importantly, however, these dwellings would provide informal supervision, natural surveillance of the play equipment that it is hoped would act to discourage such behaviour regularly occurring. The potential for such activity to occur must be balanced with the positive outcomes of the proposal in terms of play, recreation and social inclusion, and that the Council and other agencies have powers through other legislative regimes to intervene should such behaviour occur.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no significant highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no significant environmental/sustainability issues relating to these proposals.

HEALTH ISSUES

There are no significant health implications relating to this application, the positive benefits of use of the proposed development aside.

CONCLUSION

The proposed development is considered to be appropriate in scale, design and location, minimising opportunity for nuisance or other disturbance to neighbouring residential properties while retaining adequate supervision from the surrounding area.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered to be appropriate in scale, design and location, and to minimise the opportunity for nuisance or other disturbance to neighbouring residential properties. The development is in accordance with UDP Policies HS4, GR6 and RE11, and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local authority on 7th March 2013 and listed as follows: drawing number RE/PA/03 dated Jan 2013, RE-PA-05 dated January 2013, Playdale Playgrounds, Sutcliffe Play and Proludic technical information sheets.

Reason: For the avoidance of doubt and to define the permission.

Last Comments By: 04/04/2013 16:33:34

Expiry Date: 02/05/2013