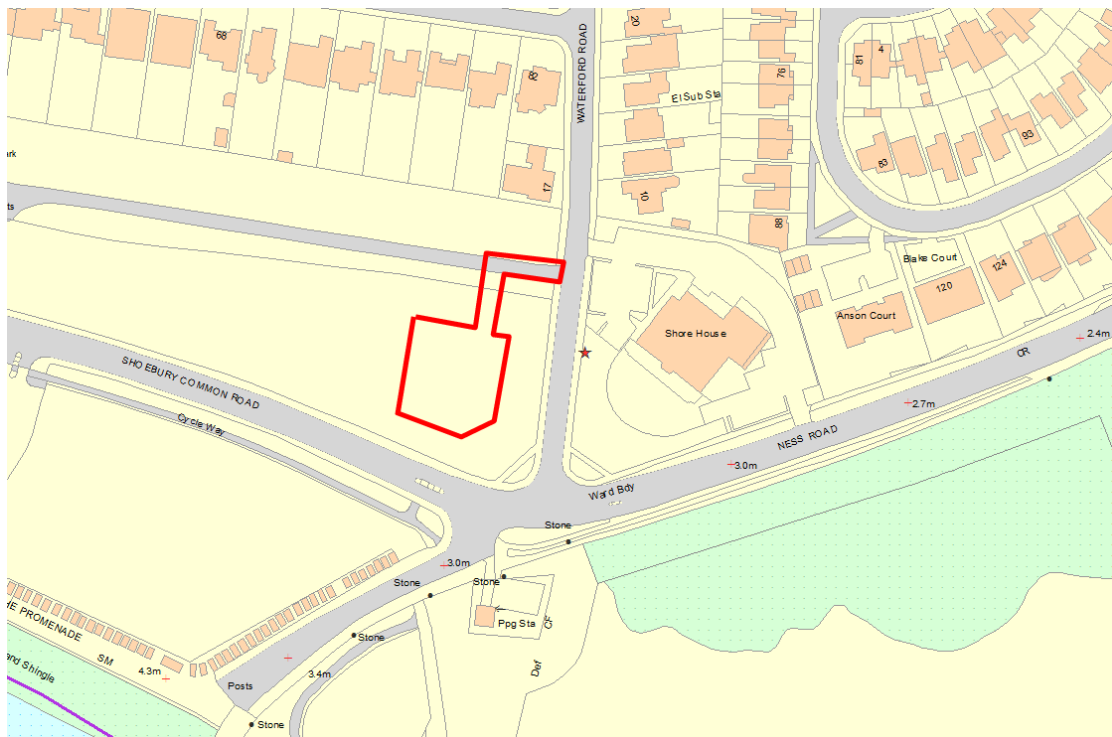


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|-----------------------------|--|--|
| Reference: | 19/01807/BC3 | |
| Application Type: | Borough Council Regulation 3 | |
| Ward: | West Shoebury | |
| Proposal: | Lay out external Children's Play Area, install 3 x retractable bollards, boundary treatment and associated works | |
| Address: | North Shoebury Open Space, Shoebury Common Road, Shoeburyness | |
| Applicant: | Mr David Giles | |
| Agent: | n/a | |
| Consultation Expiry: | 14th November 2019 | |
| Expiry Date: | 10th January 2020 | |
| Case Officer: | Spyros Mouratidis | |
| Plan Nos: | SCN/PA/02, Location Plan, Surfacing, Fencing, Elevations, 3D Views | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is located within a public open amenity space known as Shoebury Common North. The nearest vehicular access to the public space is via Waterford Road to the east. Pedestrians can access the public space from any point on both adjoining streets, Waterford Road and Shoebury Common Road. The application site is located to the south-eastern part of the open space. To the south of the public space is more open land, the beach, the Coastguard building and the beach huts. To the east is a public house. To the north and west, the public space is enclosed by boundaries of residential properties.
- 1.2 Shoebury Common North is a designated and protected green space. Its northern strip is also designated as a local wildlife site. The application site is to the south of the local wildlife site. The site and the wider area are within Flood Zone 3.

2 The Proposal

- 2.1 Planning permission is sought for the creation of a children's play area intended for use by children up to the age of 14. Within the area it is proposed to install twenty-four (24) items of play equipment, two seating benches, five picnic tables and three bins. The items installed on site would vary in height with the highest apparatus reaching some 3.5m in height. The site is some 985m² and is proposed to be enclosed with 1.2m high metal fencing. It is proposed to surface part of the site with tarmac in order to create a footpath and with "Wetpour" surfacing below the play equipment in order to protect children from injuries.

3 Relevant Planning History

- 3.1 There is no relevant planning history.

4 Representation Summary

- 4.1 The application is being presented to the Development Control Committee because the application site is within land owned by the Council and a representation objecting to the application has been received.

Public Consultation

- 4.2 Thirty-eight (38) neighbouring properties were consulted and two site notices have been displayed. Three (3) representations have been received for this application. One representation objecting to the application is summarised as follows:
 - Obstruction of views.
 - Impact on amenity of neighbouring occupier due to noise and overlooking.
 - Concerns about parking.
 - The location of the play area should be moved to the west.
- 4.3 The comments have been taken into consideration and the relevant to planning matters raised are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application.

4.4 Two representations supporting the application are summarised as follows:

- The play area is greatly needed.
- The speed limit in the area needs to be reduced.

Highways Team

4.5 No objections.

Environmental Health

4.6 No objections.

Natural England

4.7 No objections.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Choices).

5.5 Design & Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the impact on residential amenity, any traffic and transportation issues, flood risk considerations, the impact on the natural environment and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

7.1 The main aim of the NPPF, achieving sustainable development, has three objectives. As stated at paragraph 9 of the NPPF, the social objective includes provision of open spaces that reflect current and future needs and support communities' health social and cultural well-being. Paragraphs 96 to 101 of the NPPF seek to protect existing public open space used for sports or recreation.

- 7.2 Policy KP2 of the Core Strategy stipulates that any proposed development should respect, conserve and enhance the green space resources of the Borough. Policy CP4 of the Core Strategy seeks to protect and enhance the town's parks gardens and open spaces due to their townscape, amenity and biodiversity value. Policy CP7 of the Core Strategy states that the Council will bring forward proposals that contribute to green space facilities within the Borough for the benefit of local residents and visitors, including at least four additional equipped play areas for children and young people.
- 7.3 The application is for the provision of an equipped playing area within an existing public open space. This, in principle, represents an enhancement of the existing space and is acceptable. Other material planning considerations are discussed in the following sections of this report.

Design and Impact on the Character of the Area

- 7.4 Good design is a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."
- 7.5 Paragraph 124 of the NPPF states that: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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."
- 7.6 Policy DM1 of the Development Management Document states that all development should: "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 7.7 Policy KP2 of the Core Strategy states that new development should: "respect the character and scale of the existing neighbourhood where appropriate". Policy CP4 of the Core Strategy requires that development proposals should: "maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development".
- 7.8 The Design and Townscape Guide states that: "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings."
- 7.9 The design and impact of the development on the character and appearance of the area are considered acceptable. The location of the play area is to the south-east of the public open space where it would have an acceptable impact on the grain of the area as it would create a concentration of activities in the vicinity of the junction. The layout of the play area is typical for this kind of development and is also acceptable. In terms of scale, form and appearance, it is normal to see equipment, fencing and surfacing in an equipped area of play and the proposal is acceptable in these regards. Whilst it is noted that currently the area is open, the addition of playing equipment in a

public open space is considered appropriate given that this is where such equipment would be expected to be installed. The proposed materials are sympathetic for the type of development and would not materially harm the character and appearance of the site or the wider area. On this basis, the proposed development is considered acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.10 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.11 Given the separation distance between the proposal and the nearest residential properties on Waterford Road (some 50m away from the play area) and Leitrim Avenue (more than 100m from the play area to the dwelling), it is not considered that the proposed development would have a material impact upon those residents' amenity in terms of overlooking, overshadowing, loss of privacy, loss of light, loss of outlook, sense of enclosure or creation of an overbearing relationship. It is noted that concerns have been raised about potential noise and disturbance arising from the development.
- 7.12 The area is open and there is the potential for any noise to travel uninterrupted. However, the location of the site is not within an area of low ambient noise levels. There is a relatively busy highway junction, a public house and other recreational facilities in the area that contribute to the background noise levels. Furthermore, the site and the surrounding public open space are already in use as a public amenity space in which the creation of a degree of noise can be expected. Whilst it is accepted that there would be some concentration of activity on the application site, it is not considered that the noise and disturbance arising from the play area designed for use by children up to 14 years old would be of such nature or to such a degree as to be materially harmful to the amenity of residential occupiers. Environmental Health raised no objection. The proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.13 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. There is no specific standard for play areas.
- 7.14 It is not considered that the play area would create significant amounts of additional vehicular traffic. There is existing provision of public parking in the area. This is considered to be adequate to accommodate any additional need generated by the proposal. The area is also well served by cycling facilities. The highways team raised no objection. On this basis, the proposal is acceptable and policy compliant in terms of its impacts in the above regards.

Flood Risk

- 7.15 The site is located within Flood Zone 3, the highest probability zone. Paragraph 155 of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided and directed to areas with lower risk. A similar approach is taken by policy KP1 of the Core Strategy.
- 7.16 Table 2: Flood Risk vulnerability classification¹ of the PPG states that amenity open space, outdoor sports and recreation facilities are water-compatible development. Details to ensure adequate drainage on site will be secured through conditions in order to reduce the probability of exacerbating the flood risk elsewhere as a result of the development. On this basis, the development is considered acceptable and policy compliant in relation to risk from flooding.

Ecology and Impact on Natural Environment

- 7.17 The proposed play area is located in close proximity to a designated Local Wildlife Site and part of the application site, the access to the play area, is within that Local Wildlife Site. Paragraphs 174 to 177 of the NPPF seek to protect and where possible enhance sites important for biodiversity. Similarly policy KP1 of the Core Strategy highlights the importance of safeguarding the biodiversity importance of the foreshore.
- 7.18 The Local Wildlife Site is already an open public space which is used by the public. The provision of the play equipment outside of the designated site may draw some activity away from the protected site. The area where the play equipment is proposed to be located is surfaced with low grass which is of limited ecological value. It is considered that the proposal would safeguard the ecology and biodiversity of the site and the surrounding area. Its impact on the natural environment would not be materially harmful. Natural England raised no objection to the proposal. The development is considered acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.19 The proposed development equates to less than 100m² of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the representations received, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant paragraphs of the NPPF, development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. Furthermore, the proposal is considered a water-compatible type of development and safeguards the ecology and biodiversity value of the site and the area. This application is therefore recommended for approval subject to conditions.

¹ Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby approved shall be carried out in accordance with the approved plans: SCN/PA/02, Location Plan, Surfacing, Fencing, Elevations, 3D Views.**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 The materials used on the external surfaces of the structures hereby approved shall be in accordance with the details stated on the submitted application form and on the approved plans (referenced Location Plan, Surfacing, Fencing and Elevations).**

Reason: To safeguard the character and appearance of the area and the Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 04 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction above ground level shall take place unless and until a drainage and surface water management strategy incorporating SUDS principles has been submitted to and approved in writing by the local planning authority. The drainage and surface water management strategy must be implemented in full accordance with the details approved under this condition before the development hereby approved is brought into first use.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

Informatives:

- 1 You are advised that as the proposed development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**