



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
20 MAY 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00187</b>
<b>Location</b>	Bell Meadow Playing Field Church Hill Woodham Walter
<b>Proposal</b>	Development of land on Bell Meadow to reinstate public playground facility.
<b>Applicant</b>	The Woodham Walter Parish Council C/O Parish Clerk
<b>Agent</b>	Mrs Carolyn Filmer
<b>Target Decision Date</b>	17.05.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Site Area

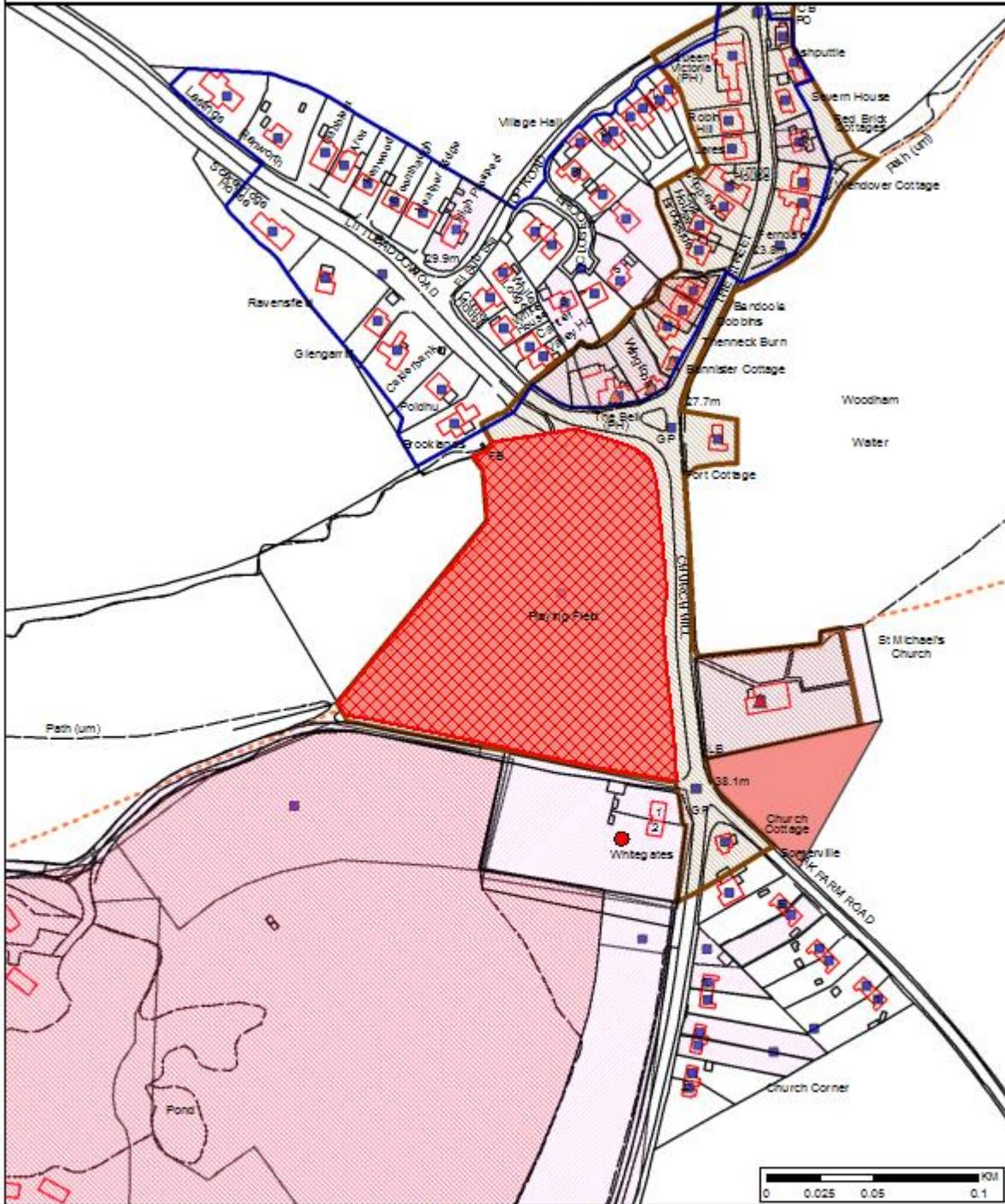
1. **RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see overleaf.

# Bell Meadow Playing Field Church Hill Woodham Walter



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	
	Date:	01/05/2019
	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 The application site is located on the western side of Church Hill, and forms part of the eastern side of the playing field known as Bell Meadow; which is open to members of the public. It is located just outside of the settlement boundary but within the conservation area of Woodham Walter.

3.1.2 Planning permission is sought for a playground with six pieces of play equipment. The proposed equipment is as follows:

- 'Young Explorer' climbing frame with two platforms, a slide and climbing feature. It would measure 3.7m in length, 3.9m in width and 2.5m in height.
- A Tractor Springer which measures 0.75m in length, 0.325m in width and 0.865m in height.
- Bird nest swing which measures 3.06m in length, 3m in width and 2.57m in height.
- Timber climber which measures 4.76m in length, 3.12m in width and 1.9m in height.
- Rotaweb climber which measures 2.1m in diameter and 2.4m in height.
- Fitness agility trail which measures 11.5m in length, 1m in width and 2.34m in height.

#### **3.2 Conclusion**

3.2.1 The proposed development is a community facility which is directly supported within policy E3 of the Maldon District Local Development Plan (MDLDP). The proposed play area is considered to cause no harm to the application site or the surrounding conservation area and listed buildings and would not detrimentally impact highway safety or the amenity of occupiers of the residential dwellings within the vicinity of the site. Therefore, it is considered that the proposed development complies with policies S8, E3, D1, D3 and T2 of the MDLDP.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside

- Policy D1 – Design Quality and Built Environment
- Policy D3 - Conservation and Heritage Assets
- Policy E3 - Community Services and Facilities
- Policy H4 – Effective Use of Land
- Policy T2 – Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The application site lies outside of the settlement boundary of Woodham Walter. Policies S1, S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and where it is for one of the thirteen listed acceptable forms of development within the countryside. One of the acceptable forms of development is community services and facilities to meet local need (in accordance with Policy E3); it is considered that the proposal meets this criterion as the proposed play area is a community facility.

5.1.2 Policy E3 supports community services and facilities, it states that ‘The Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community.’ The proposed play area would be open to members of the public. Therefore, it is considered that the proposed development would provide a public benefit and a play area in the proposed location can be supported in principle.

5.1.3 Other material considerations are discussed below.

#### **5.2 Design and Impact on the Character of the Area**

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

- 5.2.3 *“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”.*
- 5.2.4 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*
- 5.2.5 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.2.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.8 The application site is located within the conservation area of Woodham Walter and is in relatively close proximity to the grade II\* listed church of St Michael. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.
- 5.2.9 The application site is currently a public open space which is utilised by the community. It is not considered that the principle of a play area, which is a common

feature found in public open spaces, such as Bell Meadow, would detract from the open setting or appear out of place.

- 5.2.10 The proposed play area is considered to be of a modest scale and has been positioned in a discreet location, enclosed within the established boundaries of Bell Meadow. None of the structures exceed 2.57m in height. It appears consideration has been given to the design of the quality of the equipment and in terms of materials, they appear to be largely traditional. These views are in line with those of the Council's Conservation Officer, who recommended the application for approval with no suggested conditions. Therefore, it is not considered that the play area would cause harm to the application site and preserves the character and appearance of the conservation area in compliance with policies D1 and D3 of the MDLDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is a minimum of 75m from the closest residential dwelling and is currently a public open space. The proposed play area would be within the enclosed perimeter of Bell Meadow. Given the low level of the development and the distance from the residential dwellings within the vicinity of the site, it is not considered that it would give rise to overlooking, a loss of light or domination to the detriment of the neighbouring occupiers.
- 5.3.3 The proposed development would intensify the existing use as public open space, which may lead to increased activity and noise at the application site.
- 5.3.4 However, considering the existing use, as public open space, and its siting which is a significant distance from the existing residential development within the vicinity of the site, it is not considered that the intensified use would generate a significant amount of activity or noise that would detrimentally impact the occupiers of the neighbouring dwellings.
- 5.3.5 Therefore, it is considered that the proposed play area is in compliance with policy D1 of the MDLDP in this respect.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government

guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 The access to the play area is through Bell Meadow, which is accessed by foot.
- 5.4.4 The Vehicle Parking Standards SPD states that a D2 use should provide 1 car parking space per 22m<sup>2</sup> of gross floor space. The floor space of the enclosed area for the play equipment is around 480m<sup>2</sup> which results in a requirement of 19 car parking spaces and it is noted that there is no parking provision proposed. However, 19 car parking spaces are considered excessive when considering the proposal for a play area with six pieces of equipment ancillary to the wider use of the playing field. Further, Bell Meadow is situated just outside of the village boundary with residential development to the north and south, and a public footpath passes along the western boundary. Due to the proposed location of the playground it is considered likely to be utilised primarily by local residents travelling by foot. Furthermore, for visitors to the village there are existing public car parks that can be utilised, one of which is located along Church Hill. Therefore, it is considered that a lack of specified parking provision would not result in an undue impact on highway safety or the free flow of traffic.
- 5.4.5 The proposal is considered to have a limited impact on the public highway, and whilst a response from the highways authority has not yet been received, it is considered unlikely that an objection would not be raised in this respect. Any response received will be provided to Councillors via the members update or verbally at the meeting.

## **5.5 Landscaping**

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.
- 5.5.2 The proposed dwelling would have a private rear amenity space in excess of 100sq.m which would accord with the standard set out within the Essex Design Guide.
- 5.5.3 The proposed playground will result in a minimal loss of soft landscaping. The landscaping details provided state that a grass matting surface will serve the play area and a 0.9m high picket fence will enclose it. It is also intended to provide a bench within the play area. Due to the location of the proposed development and the limited details which do not include the proposed locations of the equipment, it is considered necessary to condition the application, if approved, to ensure comprehensive hard landscaping details are submitted for approval by the LPA.

## 5.6 Other Material Considerations

- 5.6.1 It is noted that there is evidence of a historic playground that was erected in the 1960s and removed in the 1990s, due to poor condition. This playground was located just to the south of the site, opposite the Church of St Michael. However, due to the years that have passed this can only be given limited weight.
- 5.6.2 Within the design and access statement it states that the play area will be maintained by the chosen supplier of the play equipment, to ensure the play area is well looked after.
- 5.6.3 Conditions requiring daily inspections of the play area and to prevent dogs entering the area have been suggested. However, it is not considered that such conditions would meet the six tests.

## 6. ANY RELEVANT SITE HISTORY

- No relevant planning history

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter	We recommend the granting of planning permission, for the reasons listed below: Councillors support the application.	Noted, but the interest of this contributor should be noted.

### 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to a condition.  There were concerns with the former playground being used outside of normal hours.	Noted. However, it is not considered that the introduction of play equipment on an already public open space would generate a significant amount of anti-social behaviour.
Conservation Officer	Recommend approval with no conditions.	Noted.

### 7.3 Representations received from Interested Parties

- 7.3.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
The cost - it is a huge amount of money & there will be ongoing expenses to be met.	This is not a material planning consideration.
Parking - no off road parking available & none planned, highways safety concerns.	See section 5.4 of this report.
Anti-social behaviour - one of the reasons for the school playground being closed was anti-social behaviour.	Noted. However, it is not considered that the introduction of play equipment on an already public open space would generate a significant amount of anti-social behaviour.
Bunsay Downs - there is already a playground here with off road parking & a safe distance from the road so it would be a safer environment for children. There are also refreshments available there as well.	Noted.
Out of keeping with conservation area.	See section 5.2 of this report.

## **8. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 101, 201, 301, 401, 501 and 601.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the play area equipment hereby approved shall be as set out within the application documents.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 Full details of the provision and subsequent retention of hard landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
  - 1) Details of fencing, construction design and dimensions
  - 2) Details of ground surfacing, with materials finishing and edgings
  - 3) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

REASON In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.