

Item 4b **14/00226/FUL**

Case Officer **Mrs Nicola Hopkins**

Ward **Chorley South East**

Proposal **Construction of an area of public open space incorporating pathways, a children's play area, associated landscaping and trees. Amendment to the previous reserved matters approval 07/01227/REMMAJ**

Location **Formerly Lex Site David Wilson Homes Pilling Lane Chorley**

Applicant **David Wilson Homes North West**

Consultation expiry: 17 April 2014

Application expiry: 16 May 2014

Delegated		Delegated following Chairs Brief		Committee	X
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	Case Officer	Authorising Officer
	NCH	
Date	9 th April 2014	

Proposal

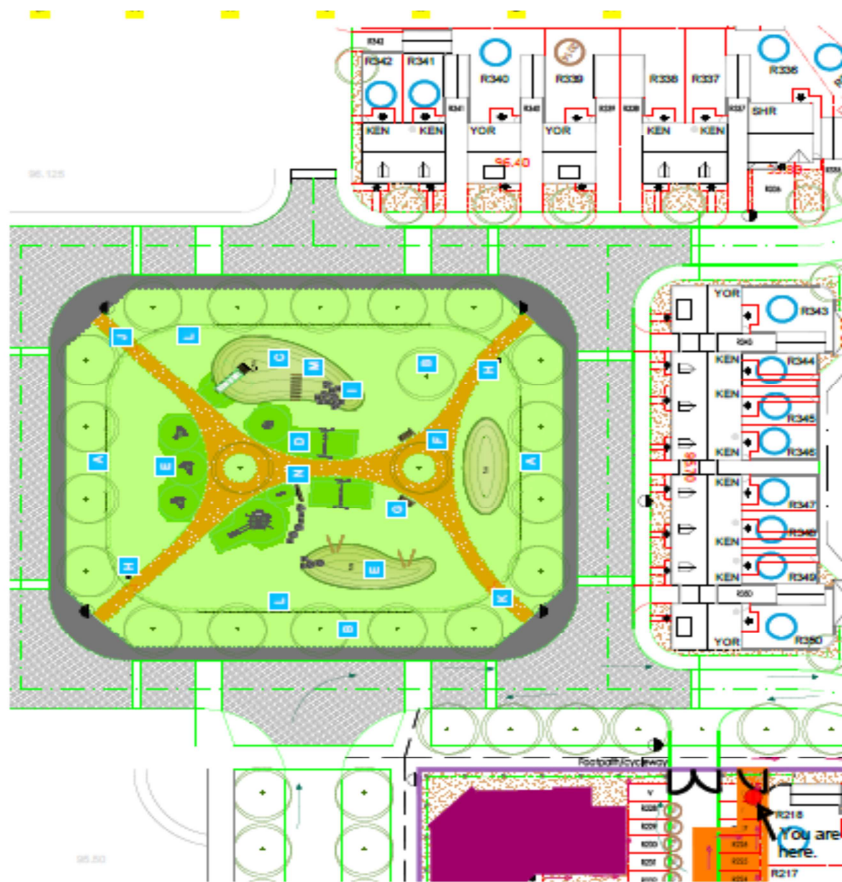
1. The application relates to the construction of an area of public open space incorporating pathways, a children's play area, associated landscaping and trees at the former Lex site on Pilling Lane which is currently being developed by Redrow Homes, David Wilson Homes and Barratt Homes.
2. Outline planning permission was granted in April 2005 for the residential redevelopment of the site (04/00934/OUTMAJ). The outline application dealt with the principle of residential redevelopment and access to the site. Subsequently reserved matters approval was granted for the formation of the children's play area and main access route into the site on the middle section of the site (07/01227/REMMAJ). This application seeks to amend the central play area previously approved.

Recommendation

3. It is recommended that this application is granted conditional planning approval subject to an associated Section 106 Agreement

Executive Summary

4. The key issues to consider in respect of the proposals are the principle of creating an equipped play area in accordance with the layout now proposed within the central location as part of the wider residential development and the crime and safety issues related to such a development.



Representations

In total 29 representations have been received which are summarised below		
Objection	Support	Not specified
Total No. received: 13	Total No. received: 15	Total No. received: 1
<ul style="list-style-type: none"> ▪ Includes unsightly, bright, extensive climbing frames and other play equipment and this isn't a desirable first impression. ▪ There is adequate provision within 2 minutes' walk on Rangletts Recreation Ground. ▪ Would benefit from more soft landscaping, trees and planting with some seating to create a community space ▪ Should avoid any 'no ball games' signs and CCTV ▪ Were assured that the play area would not be going ahead. ▪ The green is a good place for our children to play ball games ▪ The field is water logged. ▪ Will attract undesirables. Who will repair damage done and make good any vandalism caused by these not rights which will inevitably happen? ▪ We're not told about the plans when bought house. ▪ It will be like a park on a round about ▪ Not needed. ▪ Already been opposed successfully 	<ul style="list-style-type: none"> ▪ The plans look very good ▪ Wanted and needed for over 4 years now ▪ As long as the area is well lit, with the CCTV problems with older teenagers at night will be no worse than they are now. ▪ It is not a multi coloured ugly play park ▪ Pilling Lane is too busy for younger children to cross ▪ Trees will give the estate a more established feel. ▪ Parents can take their young children to play. ▪ Tree lined entrance has not yet been done. ▪ Trees to a substantial height should be planted ▪ Odd that a road was built but then blocked off at Sandgate only leaving one entrance/exit to the estate. Is the anyway that this can be undone? ▪ The current field is always badly water-logged ▪ Prefer less landscaping and more climbing frames. ▪ The whole development is full of 	<ul style="list-style-type: none"> ▪ Will be of benefit to the large number of families on the estate. ▪ The following planning conditions should be imposed: <ol style="list-style-type: none"> 1. The grass area should include drainage 2. Several areas of pavement around the green should be lowered to allow access for buggies and wheelchairs 3. Speed bumps should be installed around the green. 4. CCTV and signs must be installed to protect against attracting the wrong sorts. 5. Seating areas should be provided for parents. 6. Rubbish bins should be provided. 7. Mature plants should be used as part of the build to ensure screening from the start. ▪ Play equipment for 5-12 year olds and an area for football should be provided

<ul style="list-style-type: none"> ▪ Will become a meeting place for teenagers in the evening and not what it is intended for ▪ Devalue properties ▪ Social housing has been constructed ▪ Increased noise and disturbance ▪ Reduced sight lines for drivers ▪ Devaluation of houses 	<p>families and they need somewhere safe to play</p> <ul style="list-style-type: none"> ▪ Dog bins would be a good idea ▪ All of the paths should be tarmac ▪ Should include a dual 5 a side football/ basketball court ▪ New Ranglett's skate park area will reduce the concern that the Spurrier development will attract anti-social behaviour 	
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Consultees

Consultee	Summary of Comments received
Architectural Liaison Officer	<p>Has confirmed that the location of the open space is well overlooked from the surrounding properties. This is essential to deter nuisance, anti-social behaviour and costly criminal damage to the equipment. The Officer has</p> <p>Have suggested ways to deter problematic behaviour in the future.</p>
Parks and Open Spaces Officer	<p>The proposed play area provides a more natural design approach to play provision which is targeted at younger children and is more sympathetic to the setting of the overlooking properties when compared to the previous design approved under 07/01227/REMMAJ. The proposed development of extensive play provision on Ranglett's Recreation Ground, which will make provision for older children, supports the focus of this play area on toddlers and younger children.</p> <p>There is contrasting opinion on play provision throughout the local residential area and overlooking properties, which was evident at the public consultation events undertaken in 2012. Given this difference in opinion, the proposed play area with its softer landscape led approach and toddler focused equipment offers a suitable and appropriate alternative to the play area design with existing reserved matters approval.</p>

Assessment

Principle of the Development

5. This application relates to the central square that is linked by green space along the Pilling Lane frontage to Rangletts Recreation Ground. The site known as Spurrier Square has been previously excavated out to form a flat platform. There is currently public access and a pathway that surrounds the site with a number of properties which look out towards Spurrier Square.
6. When outline planning permission was granted for the redevelopment of this site it was always envisaged that there would be a central play area as detailed on the illustrative layout submitted at that stage:



7. Condition 11 of the outline planning approval stated:

The application for approval of reserved matters shall be accompanied by a scheme for the provision of public open space and play area. The scheme to be submitted shall include full details of all play and other equipment to be provided. The approved scheme shall be implemented in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of the development.

Reason: To ensure adequate provision for public open space and play area within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

8. Additionally clause 5 of the associated Section 106 Agreement requires the developers to lay out a play area and pay a commuted sum for its maintenance if the owner elects to transfer the play area to the Council for adoption (it is the developers' decision whether they elect to dedicate the play area to the Council).
9. As such the acceptability of the principle of a play area on this piece of land has been established since 2005 and the reserved matters approval for a play area on this piece of land is still extant. As such the play area could be constructed in accordance with the approved details. However following the construction of the dwellings on this site and the proposals for improvements to Rangletts Recreation Ground the type of play area on this site has been reconsidered by the developers and officers of the Council.
10. This has involved consultation with residents in the area surrounding the proposed play area. A resident's consultation meeting took place on Tuesday 9th October 2013. From the consultation 64% of the households submitting questionnaire responses were supportive of a play area and 67% of Spurrier Square household responses were supportive of a play area and were in favour of the new 'revised' proposal as opposed to the 'approved' proposal.

11. A letter was sent to the local residents from the developers on the 26th November 2013 to inform them of progress. The design and layout of the play area has been revised to incorporate the issues raised by residents which include the scaling down of the design, removing equipment that was considered to attract older children and more consideration to the robust boundary treatment and gates and no dog signs should be included.
12. It is considered that this play area should be aimed at younger children (upto 5 year olds) as older children have opportunities elsewhere including the proposed works at Rangletts Recreation Ground currently under consideration by the Planning Service.
13. The whole site is allocated for housing development within the emerging Local Plan ([Policy HS1.3](#) page 21) with the central portion of the site, the part subject to this application, allocated under Policy HW2 of the emerging Local Plan as an area of open space. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
14. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
15. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
16. The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013 and it is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. [Policy HW2](#) (page 60) of the emerging Local Plan relates to the protection of existing open space, sport and recreational facilities and seeks to protect such facilities. The current proposals would ensure this area is maintained as open space along with providing an equipped play area which was identified as an important element of the whole scheme when outline planning approval was granted at the site.

Crime and Safety

17. Concerns have been raised that the play area will attract vandalism and antisocial behaviour. It is important to note that planning permission has previously been granted (13/00795/CB3) for pole mounted CCTV cameras in the area including one at the corner of Factory Way/ Spurrier Square which will have views of the play area.
18. The Architectural Liaison Office has been consulted on the proposals and considers that location assists in deterring anti-social and criminal behaviour and has commented that the proposed gating arrangement should reduce the risk of ‘mini moto’ (small motorbikes, quad bikes etc.) type nuisance as although it may not make it impossible to enter, it would most certainly impede a hasty getaway should a police response be required, therefore making it a less attractive option in the first place.
19. The Officer has made the following suggestions however which can be addressed via informative/condition:
 - The proposed trees should be placed only where they do not obscure street lighting.
 - The proposed hedges should be kept to a low height of below 600mm, to keep the views across the facility open.
 - Where possible, anti-vandal surfaces should be introduced to reduce the risk of graffiti.

Other matters

20. Comments have been received requesting that the area is accessible to all people. This could be addressed by the inclusion of dropped kerb access points which can be controlled by condition. The proposals detail bin provision, a 'No dog' sign and seating which the residents have suggested would be preferred. The suggestion for speed bumps would be assessed by the Highways Authority as part of the S38 adoption agreement at this site.

Section 106 Agreement

21. As the original Section 106 Agreement incorporated clauses in respect of this play area and this is not a reserved matters application (the timeframe for submitting reserved matters has expired) this application requires a supplemental S106 Agreement to tie any approval into the original obligations.

Overall Conclusion

22. The [Central Lancashire Open Space and Playing Pitch Supplementary Planning Document](#) (SPD) confirms that provision for children and young people (equipped play space) will be made on all residential schemes with 100 plus dwellings. Although this SPD was only adopted last year the requirement to incorporate equipped play space on larger residential schemes has been in place for a number of years now hence why a play area was provided on this site at outline stage.

23. The introduction of a central area for recreation is considered to be most appropriate solution for this development as it will serve the whole site and already benefits from natural surveillance. It is acknowledged that the open space area is surrounded by highways however the use of materials on this highway along with the layout deters high speeds. In addition to this the footways/ cycleways bisect the open space area. Therefore the recreation space is accessible from the whole site.

24. It is considered that the amended layout represents the most appropriate solution for this site aimed at younger children as there are opportunities for older children elsewhere.

25. The timescale for providing this area of play was specified at reserved matters stage in that it was required prior to the occupation of the dwellinghouses on the neighbouring parcels of land. This clearly hasn't happened and the development of this site is well advanced. As such it is considered reasonable to detail a shorter time scale than typical for implementation of the play area to ensure the provision is on site within the next year.

Non-Material Considerations

26. Comments have been raised by neighbours which are not material to the consideration of this application. The tree lined entrance to the site was secured as part of reserved matters approval 07/01227/REMAJ as the trees are detailed on the approved plans. The developers will be advised that this tree planting should be undertaken when the tree planting for this scheme is undertaken.

27. The emergency access route onto Sandgate is part of the ongoing discussions with Lancashire County Council in respect of the S278 works.

Planning Policies

28. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

04/00934/OUTMAJ- Residential development including roads, sewers, open space, landscaping and associated works. Approved

07/01226/REMAJ- Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works. Approved

07/01227/REMAJ- Reserved Matters Application for the construction of access road, public open space, children's play area and associated landscaping. Approved

07/01228/REMAJ- Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works. Approved

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. The proposed development must be begun not later than one year from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*

2. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site and those areas to be seeded, paved or hard landscaped. (Please note the proposed trees should be placed only where they do not obscure street lighting and the proposed hedges should be kept to a low height of below 600mm).

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. *Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Received date
Play Space, Pilling Lane	4 th March 2014
Location Plan	4 th March 2014

Reason: For the avoidance of doubt and in the interests of proper planning