

Committee:	Development Control Committee	Agenda Item
Date:	16 January 2008	6
Title:	UTT/0402/06/FUL: Local Equipped Area for Play (LEAP) at Oakwood Park, Little Dunmow	
Author:	M Ovenden: Major Projects Manager Ext 476	Item for decision

Summary

- 1 This report recommends that the Committee agree to amend the original S106 relating to provision of community facilities to remove the requirement to provide a full sized Local Equipped Area for Play (LEAP) and accept in its place the smaller playground constructed last year and to note that Officers have successfully negotiated a sum for its future maintenance.

Background

- 2 Outline planning permission was granted by the Secretary of State in 1998 for the Oakwood Park development. The permission and its associated S106 obligation require the provision of various community facilities including a LEAP. The National Playing Fields Association definition of a LEAP includes that it caters for children of 4-8 years in age, contains at least five types of play equipment and has an activity zone of at least 400 sqm.
- 3 A planning application for a playground on the former bus turning circle was submitted in 2006 and reported to committee in April 2006. Officers were of the view that the playground was additional to other planned facilities but the applicant has since made it clear that this playground would be instead of the full size LEAP previously proposed elsewhere. The playground was acceptable in planning terms and the committee resolved to grant permission subject to revised plans and a S106 agreement for the payment of a sum for future maintenance. Since then the playground has been built but there has been little progress in issuing the permission as the applicant has until recently refused to enter into a S106 agreement to fund maintenance. Its stated position is that it is not necessary to enter into a S106 agreement for maintenance as such funding was not a requirement of the original S106 obligation submitted with the outline planning permission. It still maintains this position but is now keen to resolve the matter and has offered £7000 towards future maintenance. Officers consider this sum to be acceptable. This payment will be part of the S106 agreement which was agreed in the resolution by Members in April 2006.
- 4 It is important for Members to be aware that the playground does not comply with the requirements of a LEAP in that it has an area of 244 sqm rather than the 400 sqm. Therefore the playground cannot be considered to be a LEAP. Officers have been unable to negotiate the construction of an additional

UTT/0402/06/FUL: Local Equipped Area for Play (LEAP) at Oakwood Park, Little Dunmow Development Control Committee, item 6

playground making up the short fall from that required in the S106 agreement. The applicant has suggested that the site could be enlarged by removing landscaping and continuing the playground past the substation but this does not have the support of neighbours, the Parish Council or Oakwood Park Residents Association. In meetings with the Parish Council and Oakwood Park Residents Association it has been made clear to officers that these two groups are content with the existing playground and that it should be accepted as it is. Officers consider that the playground is a useful and useable facility in the development, there are other facilities proposed – the NEAP (Neighbourhood Equipped Area for Play), public open space and playing fields – and do not recommend imposing an unpopular solution of enlarging the playground on residents, the Parish Council or Oakwood Park Residents Association. An amendment to the S106 agreement will be necessary to permit the acceptance of the playground in place of the full sized LEAP.

- 5 The applicant has provided a wooden fence around the playground in accordance with Members previously expressed wishes. No revised drawings have been received showing the revised siting of the equipment required in the resolution. However Officers from Leisure & Community Development have confirmed that the equipment and layout is satisfactory, albeit smaller than a LEAP.

Recommendations

- 6 That the Committee agrees to amend the S106 Agreement dated 25 February 1998 to permit acceptance of the playground as it has been constructed in place of the LEAP and to note that a sum of £7000 will be provided by the applicant for the future maintenance of the playground.

Background Papers

Application file UTT/0402/06/FUL

Impact

Communication/Consultation	This proposal follows discussions with near neighbours, the Parish Council and Oakwood Park Residents Association.
Community Safety	None
Equalities	None
Finance	A sum will contribute towards future maintenance.
Human Rights	None
Legal implications	The playground will be transferred to

UTT/0402/06/FUL: Local Equipped Area for Play (LEAP) at Oakwood Park, Little Dunmow Development Control Committee, item 6

	Uttlesford in accordance with the requirements of the original obligation. The funding for maintenance will be subject to a S106 agreement.
Sustainability	None
Ward-specific impacts	The future of part of the provision of community facilities will be resolved.
Workforce/Workplace	None

UTT/0402/06/FUL: Local Equipped Area for Play (LEAP) at Oakwood Park, Little Dunmow Development Control Committee, item 6

Copy of report presented to Development Control Committee on 26 April 2006:

UTT/0402/06/FUL - LITTLE DUNMOW

Creation of play area on former bus turning circle

Location: Former Bus Turning Circle Oakwood Park. GR/TL 663-209.

Applicant: Enodis PLC & Enodis Property

Agent: G L Hearn

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 01/05/2006

ODPM Classification: MINOR

NOTATION: Within Oakwood Park policy area.

DESCRIPTION OF SITE: The site is located at the Western end of Baynard Avenue in one of the initial phases of the development. The site was originally designated and developed as a bus turning circle. In recent months this unused turning circle has been broken up and the tarmac surface remains in piles on the site. The site is currently fenced off and in an unsightly condition. To the north and east of the site is modern housing; to the south are an electricity substation and a perimeter landscaped buffer zone whilst to the west are open fields outside of the Oakwood Park development.

DESCRIPTION OF PROPOSAL: The proposal is to remove the broken tarmac, provide perimeter planting and create a 200 square metre Local Equipped Area of Play (Leap). This is an unsupervised area equipped for children of early school age (4-8 years of age) with consideration for the needs of supervised children from birth to 4 years and unaccompanied children slightly older than 8. It should be enclosed by fencing with self-closing gates, overlooked by housing, pedestrian routes or other well used public spaces and be within 5 minutes walking time from home. A LEAP should have at least 5 types of play activity complying with current safety standards, with seating for accompanying adults. A small green with informal planting would contain a bench. Pedestrian access to the fenced play area would be from a new footpath and not directly from the main estate road.

APPLICANT'S CASE: Whilst the details are pursuant to outline consent APP/C1570/A/96/273656 for the redevelopment of the former sugar beet works for residential and associated development. They are submitted as a full planning application at your request.

The design of the proposed play area has incorporated the recommendations put forward by Uttlesford District Council and local residents following a meeting on 30 August 2005 and the representations received during the informal consultation period, which close 10 November 2005. The size of the approved LEAP (Local Equipped Area for Play) has been reduced and replaced by further landscaping.

The area separating the play area from the back edge of the footway is to be landscaped with low to medium level shrubs so as to screen the play area but still provide a degree of surveillance. The level and type of play area equipment to be introduced and whether the Council are in a position to adopt and maintain the area is to be decided in due course.

The locally equipped area for play LEAP was indicated in the most recently approved Masterplan (June 2004) and therefore accords with the approved Masterplan for Oakwood Park. There can therefore be no issue with regard to the use of land in this location for a play area. The principle has been accepted.

UTT/0402/06/FUL: Local Equipped Area for Play (LEAP) at Oakwood Park, Little Dunmow Development Control Committee, item 6

The proposal is also made with regard to the adopted Uttlesford Local Plan (January 2005) and policies LC2 (Access to Leisure & Cultural Facilities), LC3 (Community Facilities), LC4 (Provision of Outdoor Sport & Recreational Facilities Beyond Development Limits), and Oakwood Park Local Policy 1.

The creation of a Local Equipped Area for Play on the former bus turning circle will provide play and recreational facilities and contribute to the development of a mixed and balanced community at Oakwood Park.

In summary, it is considered that the creation of a Local Equipped Area for Play (LEAP) is acceptable in planning policy terms in respects of its impact on the character of the surrounding area but most importantly in terms of securing further recreational and community facilities within the Oakwood Park development.

RELEVANT HISTORY: Outline permission for residential development.

CONSULTATIONS: County highways: To be reported.

Environmental Health: No concerns.

Police/Architectural liaison: To be reported.

Leisure services: To be reported.

PARISH COUNCIL COMMENTS: See letter dated 3 April 2006 attached at end of report.

REPRESENTATIONS: 7 letters have been received. Notification period expired 28.3.06.

The following comments were made:

The LEAP should not be illuminated, otherwise it will become an area where youths will congregate in the evening to eat, drink, smoke and cause a general disturbance in a similar manner to what we have previously experienced. The proposed bench outside the LEAP should be removed from the plan as this will be a magnet for youths to congregate at in the evening. This grassed area should be replaced with trees. The LEAP should be moved back further towards the rear footpath with access from it. This would also facilitate deeper planting to the front of Baynard Avenue. We do not want saplings that will take years to grow. There is no landscaping around the electricity sub-station, suggest this is addressed by planting pyracantha around it. We also suggest that the new path has gravel which cannot be kicked around by youths.

At the time of house purchase there was no suggestion that a play area would be situated in front of our properties. In the event that you ignore our views once again and the application is successful who will maintain the landscaped area and the LEAP? The existing path to the rear of the former Bus Turning Circle could easily provide an entrance to the proposed LEAP thus negating the secondary path; this proposed path would encourage people to congregate directly outside our property. The proposed grass area and bench should be removed and replaced with trees. Lastly, what form will the equipment take? We feel that the more 'organic' low level play equipment made from wood would be less of an eyesore than brightly painted metal equipment.

We have experienced many problems with youths in that area regarding their behaviour. This part of Banyard Avenue is becoming congested with cars. The traffic has got busy since the development has got bigger as Banyard Avenue is a link road that runs round the whole of the estate. The area will create unnecessary and unwanted noise and litter. Why have a play area so near the road and residential homes. Who will take care of the upkeep and maintenance. I do not want to be living next to a play area. I and all of the other residents would like the area to be landscaped and not a play area.

UTT/0402/06/FUL: Local Equipped Area for Play (LEAP) at Oakwood Park, Little Dunmow Development Control Committee, item 6

COMMENTS ON REPRESENTATIONS: See the main body of this report.

PLANNING CONSIDERATIONS: The main issues are

- 1) **the impact on local residents (ULP Policies GEN2 & GEN4);**
- 2) **highway safety given the location near the main estate loop road (ULP Policy GEN2) and**
- 3) **whether the development is in accordance with the Masterplan (ULP Local Policy 1).**

1) Much of the objection to the proposal has come from nearby residents who have experienced the unsocial behaviour of youths congregating on the turning circle before its removal and are understandably keen not to experience similar behaviour again. They believe that the play area could be a focus for such behaviour. However these areas are commonly considered acceptable for provision in residential estates and can provide welcome facilities for younger children.

A play area will act as a focus for activity and some noise. If the bus turning circle had remained, its use would have given rise to some level of sporadic disturbance from its use by buses in addition to any informal use for recreation. Advice has been sought from the Police Architectural liaison officer particularly with regard to unsocial behaviour and any comments received will be reported. Advice has also been sought from colleagues in Leisure Services on the suitability of the proposal and any comments received will also be reported.

2) The site is located close to a bend in the main estate loop road. Concern has been expressed by local residents that this location is potentially hazardous. Advice has been sought from County Highway and will be reported at the meeting.

3) The Masterplan 2004 identifies this site for a Local Equipped Area of Play, by way of notion on two landscape plans forming part of the Masterplan. Consequently the development of this area as proposed would be in accordance with the Masterplan as required by Oakwood Park Policy 1.

CONCLUSIONS: Notwithstanding the concerns of near neighbours, in the absence of adverse comments from County Highways, Police Architectural liaison and Leisure Services it is not considered that there are any planning objections to the proposal, subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. Submission of details of equipment.

Background papers: see application file.

Extract from minutes of meeting:

0402/06/FUL Little Dunmow – Creation of play area – Former Bus Turning Circle, Oakwood Park for Enodis PLC and Enodis Property.

Subject to a Section 106 agreement for the transfer and maintenance of the play area.

At the approval of the above item, it was recommended that wrought iron railings be used rather than wooden fencing and that the location of the LEAP be amended.