

ITEM NO:	<u>Location:</u>	Recreation Ground Swinburne Avenue Hitchin Hertfordshire
	<u>Applicant:</u>	Ms J Felix
	<u>Proposal:</u>	Installation of a new Children's Play Area including play equipment bonded rubber mulch safety surfacing, site furniture, 1m high galvanised steel boundary fencing and access pathway from Swinburne Avenue.
	<u>Ref. No:</u>	19/01748/FP
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 23.09.2019

Reason for Delay

Amended details and Committee cycle

Reason for Referral to Committee

The application has been called in to Planning Committee by Councillor Stears-Handscomb in the wider public interest.

1.0 Background

1.1 Members will recall that this application was deferred from consideration at the Planning Control Committee of 14th November 2019 (the original report is attached as **Appendix A**) for the following reasons:

RESOLVED:

That application 19/01748/FP be **DEFERRED** planning permission for the following reasons:

- ☐ In respect of Condition 4 within the report – CCTV Monitoring - Members requested that they be provided with fuller, in-depth detail and specification with respect to the type of surveillance system proposed, hours of operation and monitoring, positioning and height;
- ☐ In respect of Condition 5 within the report – Members requested that they be provided with more detailed information and specification to include the type of lighting proposed, a programme of maintenance and operation, position and height; and

- Paragraph 3.2 within the report - In light of the concerns raised by the Police Crime Prevention Design Advisor, Members felt that they would be in a position to make an informed decision once they had been supplied with and were satisfied with the outcome of information with respect to CCTV and lighting.

1.2 The applicants have produced a supporting statement and plan regarding lighting and CCTV at the site of the proposed play area (attached at **Appendix B**)

1.3 The applicants consider through their supporting statement and consultation with the Local Planning Authority, the Police and Hertfordshire CCTV Partnership Ltd that they have addressed the issue of lighting and CCTV as raised by the Planning Committee on 14th November. In view of the information submitted and consultations received the application is reported back to the Planning Committee for determination.

2.0 **Policies**

2.1 See original report at **Appendix A**

3.0 **Representations**

3.1 All those notified of the original application, including statutory consultees have been re-notified of the proposed additional information. Responses received at the time of writing this report are set out below. Any further comments will be reported at the Committee meeting.

3.2 **Hertfordshire Constabulary (Crime Prevention Design Advisor):**

Advises as follows:

'Having had consultations with Settle Homes, following my previous concerns with this development a revised solution has been submitted and I can confirm that, in light of this, the Police Crime Prevention design Service now support this application in respect of these revisions.'

3.3 **Hertfordshire CCTV Partnership Ltd (Operations Manager):**

Advises no objections

3.4 **NHDC Environmental Health Officer (Noise):**

Any comments will be reported at the meeting

3.5 **NHDC Service Manager Greenspace:**

Comments as follows:

'The provision of play within the Westmill Estate has always been an issue in that it has never met the needs of the community.'

Development of JBP has resulted in Settle undertaking significant consultation with the residents regarding a number of locations throughout Westmill in the past. Unfortunately this didn't conclude with an agreement. As such this proposal at Swinburne is now the only reasonable alternative still available for a facility of this size.

Without this development there would be no formal play provision on the Westmill Est for the community. This development brings an opportunity to introduce a new facility with a significantly higher play value than to old play area at JBP.

While there is a potential for an impact upon the neighbours to the proposed location, I do not believe that this would be any worse than that already experienced at JBP by the neighbours in that location.

As such, and in the round, I am supportive of the proposal at Swinburne. I would suggest however, that there is still a potential option to introduce condensed facilities at locations previously identified that would meet the needs for young children (toddlers) with their parents and perhaps this aspect needs further consideration.'

3.6 Sport England:

Advise that Sport England do not wish to make any further comments.

3.7 Hertfordshire Highways:

Advise no further comments on highway grounds

3.8 Adjoining residents consultation.

Comments have been received from the occupiers of 78 Swinburne Avenue and No. 112 Swinburne Avenue. Full details of the correspondence can be viewed on the web site however they can be summarised as follows:

- ❑ Strong objection to play area
- ❑ Will be an expensive white elephant
- ❑ Not conveniently located
- ❑ Not what the community wants / no one will use it
- ❑ Query whether the play area will be temporary
- ❑ Query whether Police have been consulted
- ❑ Request the play area is kept in John Barker Place
- ❑ Not the answer
- ❑ Query precise location of the play area
- ❑ Concern at view of pole and privacy
- ❑ Request camera is located to another area of the site

4.0 Discussion

- 4.1 The supporting statement and plan address the issue of lighting and CCTV provision at the proposed Play Area on the Swinburne Recreation Ground:

4.2 Lighting

Following the Committee resolution in November 2019 the applicants produced a lighting plan for the play area in consultation with Herts Police Crime Prevention Design Advisor. The lighting plan was considered by officers and following further consultation with the Police and the Hertfordshire CCTV Partnership Ltd the lighting scheme is no longer proposed for the following reasons:

- ☐ The site is within the green belt and lighting would negatively impact the rural character of the area
- ☐ The play area is close to residential properties and will affect residential amenity
- ☐ Potentially negative impact of lighting on wildlife as the site is close to Oughton Nature Reserve which has protected species
- ☐ Lighting may encourage anti-social behaviour rather than deter.

4.3 The above concerns are understandable and reasonable and the combination of such adverse impacts make a fairly compelling case against a lighting scheme for the play area. It is not usual for play areas in public parks or recreation grounds to have directly associated lighting and given the concern over potentially attracting anti-social behaviour it is considered that a lighting scheme should not form part of the proposals in this case.

4.4 CCTV

A single infra-red camera installed on 5 metre pole overlooking the play area is proposed. In view of the concerns regarding privacy raised by a resident above the applicants advise that the camera would be directional and would be positioned to provide coverage of the play area without overlooking residential properties. Full details are shown in Appendix B and on the application documents on the Council's Web site.

4.5 In visual amenity terms it is considered that the camera installation and pole at only 1 metre higher than the highest piece of play equipment proposed for the site, will have limited adverse impact on the character and appearance of the area.

4.6 The principle of using CCTV cameras at play areas within the district is already established e.g. cameras are in place at the play area sites at Howard Park and Avenue Park in Letchworth and at King George V recreation ground in Hitchin.

4.7 The Hertfordshire Police's Crime Prevention Design Advisor now supports the proposals.

5.0 **Conclusion**

- 5.1 The proposed Play Area is intended to provide a high quality, fit for purpose facility for the Westmill estate. Following the revisions to the regeneration scheme at John Barker Place which now includes a re-provided local play area, the proposed facility at Swinburne Recreation Ground will deliver additional play provision for the estate. It will meet the growing recreational needs of the community and specifically the Hitchin Oughton Ward which is underprovided for in terms of children's play facilities.
- 5.2 The provision of the Play Area would complement the existing Swinburne Recreation Ground providing a more inclusive range of recreational facilities particularly for younger children.
- 5.3 The Play Area would be provided in a safe and healthy environment easily accessible by cycling, walking and those using public transport.
- 5.4 No objections to the development have been received from the statutory consultees including the Police Crime Prevention officer
- 5.5 To address the concerns regarding privacy an additional condition is recommended requiring the CCTV camera to provide surveillance over the proposed play area only.
- 5.6 The new play area is deliverable now as the first part of the John Barker Place regeneration scheme and would compensate for the loss of the existing facility during the construction period.

5.6 **Alternative Options**

A smaller play area is proposed as part of the John Barker Place regeneration scheme.

5.7 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

6.0 **Legal Implications**

- 6.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

7.0 **Environmental / Sustainability implications**

- 7.1 This section of the report draws attention the broad range of environmental matters that I have considered and identifies appropriate mitigation that can be secured by means of suitably worded planning conditions

7.2 To this end recommended condition 3 deals with management and maintenance. Condition 4 deals with the reinstatement of the land if required. Condition 2 (approved plans) seeks to ensure that the pedestrian route from the development to Swinburne Avenue is secured and therefore encouraging less reliance on the private car.

8.0 Recommendation

8.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the commencement of the use of the Play Area hereby approved details of the management and maintenance of the facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of health and safety and the visual amenities of the locality

4. The proposed play area hereby permitted shall be used only for recreational purposes and shall not be used for any other purpose without the specific grant of planning permission. In addition, within 12 months of the first use of the Play Area hereby permitted a scheme for its decommissioning and removal (including any hardstanding and associated fencing) shall be submitted to and approved by the Local Planning Authority. The decommissioning and removal scheme shall thus be observed as approved at such time that the Play Area is no longer required for the stated purpose.

Reason: To safeguard the character and appearance of the area.

5. The proposed CCTV camera shall be installed and operated so as to prevent any loss of privacy to the adjacent residential occupiers.

Reason: In the interests of residential amenity

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.