

## CHERWELL DISTRICT COUNCIL

### Pre-Application Report

<b>Pre-application Reference No:</b>	15/00278/PREAPP
<b>Proposal:</b>	Timber style play equipment for village use
<b>Site Address:</b>	Land off West Close to the south of 'Bay Trees' Murreys Lane Barford St Michael Oxfordshire
<b>Applicant:</b>	Mrs Lisa Styles (The Barfords Parish Council)

### TECHNICAL ASSESSMENT

#### Internal Consultations

**Conservation Officer:** No comments received at the time of writing.

**Ecology Officer:** No comments received at the time of writing.

**Recreation Officer:** No comments received at the time of writing.

**Any comments received after issuing this report will be forwarded on to you at the earliest opportunity.**

#### External Consultations

**Footpaths Officer:** No comments received at the time of writing.

**Flood Risk:** The site is in Flood Zone 1 which is the zone of lowest flood risk. In this context the proposal is considered unlikely to raise issues or concerns regarding flood risk.

**EIA Screening Opinion Required?** No.

#### **Committee or Delegated Matter?**

The matter is likely to be delegated unless it is requested to be brought to Committee by a Member of the Council.

**Relevant Planning History:** 04/00558/F - Erection of 1 No. two storey dwelling and change of use of paddocks to public recreation area – Refused, allowed at appeal.

## **Policy**

### **Development Plan Policy**

Cherwell Local Plan 2011-2031 (Part 1)

BSC10: Open Space, Outdoor Sport and Recreation Provision  
ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28: Layout, design and external appearance of new development  
C31: Compatibility of proposals in residential areas

### **Other Material Policy and Guidance**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

**You should be aware of the following matters/issues/designations which have been identified as particular constraints at this site:**

- The site is located in the Barford St Michael Conservation Area.
- The site is located within 25m of a Grade II Listed Building.
- A number of Protected Species have been found nearby, including Great Crested Newt, Grass Snake, Common Swift, Common Pipistrelle and Common Frog.
- There are a number of Public Footpaths located near to the site, including FP 121/17/10, 121/17/20, 121/16/10, 121/16/20, 121/15/10 and 121/15/20.

## **PROFESSIONAL ASSESSMENT BY CASE OFFICER**

It is considered that the main issues relating to your proposal are:

- Principle of development;
- Visual Amenity;
- Residential Amenity;
- Impact on footpaths.

### **Principle of development**

The recreation area at Barford St Michael was given to the Parish Council as open space in 2005 as part of the appeal decision for the application 04/00558/F. The application was for a new dwelling, within the curtilage of 'Brambles' and the change of use of the paddocks to a public recreation area. The application was refused permission by the Local Planning Authority, but was allowed at appeal by the



Planning Inspectorate.

Condition 11 of the appeal decision stated that 'no play equipment shall be installed, erected or placed on the public recreation area without the prior express consent of the Local Planning Authority'. This condition was put in place to ensure that the character and appearance of the conservation area was maintained through the control of the erection of play equipment. Parish Councils can - under Part 12, Class A of the General Permitted Development Order 2015 – erect play equipment that does not exceed 4m in height on land that is owned or maintained by the Parish Council for the purpose of recreation without seeking planning permission. Though the condition of the appeal decision does not specifically refer to the General Permitted Development Order, it is considered that the condition was put on to limit the Parish Council using their powers to erect play equipment without seeking planning permission.

The recreation space is established as such and therefore it is considered that the erection of play equipment is acceptable in principle as an enhancement of this recreational facility subject to other material planning considerations, principally the impact on the visual amenities of the Barford St Michael Conservation Area, along with the residential amenity of the local neighbours and the impact on public footpaths.

### **Visual Amenity**

Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be expected to meet high design standards. Development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new development to ensure that the standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of that development.

Saved Policy C30 of the Cherwell Local Plan 1996 exercises control to ensure that new housing development is compatible with the appearance, layout and density of existing dwellings in the vicinity.

No plans have been provided as part of this pre-application enquiry giving the precise location, amount, height or proposed elevations of the equipment. During the site meeting with the applicant, it was highlighted that the most likely area for the siting of the play equipment would be the southwest corner of the site, near to Murreys Lane.

The site lies within the Barford St Michael Conservation Area and the site forms an important area of open space within this. The play equipment would need to be of a siting and design and constructed of materials that respect this. The application description states that timber will be used, which would be acceptable. The use of natural materials would be encouraged, finished in traditional or neutral colours and the amount of equipment to be provided should be limited in order to not affect the openness of the recreation and negatively impact on the conservation area. It is also important to avoid any harm to the existing hedgerow along Murreys Lane, which would screen the play equipment. Without any further details it is not possible to comment on the acceptability of this element of the proposal.

### **Neighbour Amenity**

Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.

The most likely siting of the play equipment would be in the southwest corner of the site, which is near to Murreys Lane to the west. There a number of residential properties located along Murreys Lane and the site of the proposed play equipment would be approximately 25m away from the nearest property.

No detailed information regarding the amount, type or scale of the proposed play equipment has been provided and therefore it is not possible to give detailed comments on the impact that the play equipment would have on these neighbouring properties. However any play equipment in close proximity to residential properties may raise concerns about the potential to attract anti-social behaviour and cause nuisance to neighbours. The planning application should seek to anticipate these concerns and include measures to minimise the potential for disturbance to neighbours to occur.

### **Impact on footpaths**

Public Footpath 121/17/10 runs diagonally from southwest to northeast across the site and Public Footpath 121/16/20 runs diagonally from southeast to northwest. Any proposed siting of the play equipment would be expected to not affect the footpaths. The proposed siting discussed on site, in the southwest corner, would not impact on either of the public footpaths and would be considered acceptable in this respect.


### **Conclusion**

The principle of play equipment on the recreation area is acceptable. The lack of detailed information provided as part of this pre-application enquiry does make it possible to give a definitive answer on whether the proposal would be acceptable in terms of visual amenities, residential amenity and impact on footpaths. I would recommend that you seek follow-up pre-application advice, including these details, in which an officer will be able to comment on the acceptability of the proposal in these matters.

The fee for this planning application would be £195.

**Date of Report: 21<sup>st</sup> December 2015**

**Case Officer: Matthew Chadwick - Planning Officer**

**Signed:** 

### **DISCLAIMER**

The above advice represents the professional views of Council Officers and although



given in good faith, it cannot prejudice any decision with the Council, as Local Planning Authority, may make at either Planning Committee or delegated officer level.