

Item No. 13**SCHEDULE B**

APPLICATION NUMBER	MB/08/01968/FULL
LOCATION	PLAYING FIELD OFF, MERLIN DRIVE, SANDY
PROPOSAL	FULL: VARIATION OF CONDITION 11 ATTACHED TO PLANNING APPROVAL 87/01821/OUT(APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING CONSTRUCTION OF A1/SUNDERLAND ROAD LINK ROAD DATED 17/11/1993), TO REMOVE THE REQUIREMENT TO PROVIDE FACILITIES FOR MORE GENERAL SPORTS USE. PROVISION OF PLAY AREAS, AND LANDSCAPING FOR THE SITE.
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllr P Blaine and Cllr N Aldis
CASE OFFICER	David Lamb
DATE REGISTERED	20 October 2008
EXPIRY DATE	15 December 2008
APPLICANT	Twigden Homes Ltd
REASON FOR COMMITTEE TO DETERMINE	CLLR ALDIS: IN VIEW OF LOCAL INTEREST IN THE PROPOSALS FOR THE OPEN SPACE, AND ITS PROXIMITY TO MANY RESIDENTS
RECOMMENDED DECISION	GRANT PLANNING PERMISSION

Site Location:

The application site is a large area of open space located within the Fallowfield residential development which is sited to the north of Sandy. The land is surrounded by existing dwellings to the north, east, and west. To the south of the site is Maple Tree Lower School.

The land is currently grassed, and it can be accessed from Osprey Close, Merlin Drive, and Kingfisher Close. The land is separated from adjoining gardens by timber fencing, and the boundary treatment adjacent to the boundary of the school is a metal palisade fence.

Background To The Application:

Outline planning approval was granted for the Fallowfield development in 1993. Condition 11 of that approval states:

An area of not less than 5 acres shall be provided in a central location on the site for use as a formal public open space. It shall be laid out in accordance with details previously submitted to and approved in writing by the Local Planning Authority, incorporating a formal children's play area and facilities for more general formal sports use within five years of the first occupation of a house on the site.

The Reason given for the condition was:

To ensure adequate land for formal public open space is provided within the development.

Various reserved matters applications were granted by the Council in 1996 and 1997 for the detailed layout of the dwellings. The development which amounts to several hundred properties was substantially complete approximately 10 years ago. The Condition the subject of this application has not been discharged by the authority, and this has been due to a number of reasons. There was initially a significant level of debate between the Council and the Town Council regarding the details of appropriate facilities for the site. These discussions resulted in the submission of a scheme to the Council from the developer seeking the discharge of the condition in 2002. The accompanying plans indicated the provision of a junior football pitch, two play areas, a half basketball court, landscaping and pathways around the site. A small car park of six spaces was also proposed.

Due to local objection to the proposal, the plans for the open space area were considered by the Development Control East Committee at its meeting on 5th March 2002. The Committee resolved to refuse the proposal as it wished to see a senior football pitch, a larger car park, the provision of changing facilities, and more detailed consideration be given to concerns regarding the drainage of the land.

Little progress was made on the provision of the open space over the following few years, although a number of meetings were held with the Town Council and the developer. The outcome of these meetings was the submission of further proposals for the open space area showing a junior football pitch and play areas on the land in 2006. All residents adjoining the land were consulted on the proposals by letter in November 2006, and this resulted in a significant level of public objections to the proposals. The objections primarily related to the provision of the football pitch, its proximity to residents gardens, and the level of disturbance it would generate. A summary of the consultation responses received at that time is outlined below:

- Loss of open space to football
- Increase in traffic generation
- Car parking problems
- Loss of amenity to residents through noise and general disturbance
- There are already adequate playing pitches in Sandy
- Adverse impact on highway safety

A total of 75 letters of objection were received, and also petitions signed by 419 residents. Other objections generated related to the planting proposed around the perimeter of the site and the fact it would prevent maintenance of boundary fences.

As a result of these objections, a number of meetings were held between the Town Council and local residents regarding the site. As a result of those discussions last year, the Town Council wrote to the Council asking for plans for play areas on the open space be progressed, and that any proposal for a football pitch be held in abeyance. However, as condition 11 of planning approval ref: 41/MB/87/1821 requires the provision of facilities "*for more general formal sports use*" as the condition is currently worded the Council could not approve a proposal without a football pitch or other formal sports facility.

In view of the request received from the Town Council, and given the significant delays in the provision of play facilities on the open space, the Council suggested to the developer that they make an application to vary the above condition to remove the requirement to provide facilities for formal sports use. The suggestion to the developer has resulted in this application now before the Committee.

The Application

The application is seeking a variation of condition 11 of planning approval 41/MB/87/1821 to remove the requirement to provide sports facilities as part of the facilities provided on the open space area at Fallowfield, Sandy. The application is also seeking the approval of the details proposed for the open space including details of a Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP) for the land, along with a basketball net, paths around the perimeter of the land, and landscaping.

Two plans have been provided for the proposal showing the layout of the open space. One of the plans shows the provision a car park for ten cars accessed from Osprey Close, the other plan has no car parking provided. In making the application, the applicant has stated that they see no reason for the provision of the car park as the football pitch has been removed from the scheme. In addition, they highlight strong reservations about providing the car parking as they are concerned that the area will become a congregation area for the local youths and their cars and will encourage anti-social behaviour. The applicant does not want to promote people driving to the play areas and creating unnecessary car journeys and they consider that local residents and the Town Council will be of the same mind. They urge the Council to approve the second set of drawings without the car park.

The two play areas and the basketball net would be located adjacent to the southern boundary of the land, and near to Maple Leaf Lower School. The LAP would be sited partly alongside the school, and partly behind fencing which encloses the rear gardens of houses in The Finches.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering Sustainable Development

PPG17: Planning for Open Space, Sport and Recreation

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005 Policies

DPS5 - The Built Environment
DPS11 - Landscaping
SR5 - Recreational Open Space

Supplementary Planning Guidance

Recreational Open Space Strategy

Relevant Planning History

41/MB/87/1821 Outline application for residential development including construction of A1/Sunderland Road Link Road. Approved 17/11/93

Representations: (Parish & Neighbours)

Sandy Town Council No objections. However, this decision in no way affects any future decision of the Council with regard to adopting the land. The Council asks that conditions be made as to the condition of the grass, car parking and a youth shelter.

Neighbours One letter of objection, and three letters raising concerns (two of which are from the same person) all relating to the landscaping scheme proposed as part of the application. The following issues have been raised:

- Disagrees with the planting scheme proposed for the perimeter of the open space, this was supported by 29 other residents who also signed individual sheets submitted to the Council roughly 18 months ago
- The planting is too aggressive, 7 residents have access gates through to the open space so what consideration has been given in this respect
- How can residents maintain their fences
- Planting will reduce the open feeling provided by the fencing with open slats
- One species has mildly poisonous fruit
- The species detailed could grow to a maximum of 18/20 feet
- Concerns regarding the proximity of trees to dwellings due to the risk of subsidence
- Had the impression that only indigenous trees would be used, and why is American Sweetgum being used, especially as it is such a large tree. Relocation of the trees to the centre of the field would satisfy the concerns expressed

A letter has also been received from the Fallowfield Openspace Residents Committee. It states that the group held information points for residents to view the plans for the open space. The letter states that the overall reaction was very positive with residents expressing how pleased they were to see the content of the LEAP/LAP and removal of the football pitch, changing rooms and car park. Residents were asked to vote on two main points, the inclusion of a car park and the addition of a central path from Merlin Drive to the side gate of Maple Tree Lower School. 325 residents voted which equates to 29% of households on the development, and residents also volunteered to make comments on the proposals. In summary, the remaining issues are outlined below:

- Major works are required to level the open space & install adequate drainage systems
- The perimeter path has been positively received but 99% of residents who voted wanted a central path
- 100% of residents who voted were against any form of car park
- The content & layout of the LEAP/LAP/kickwall were very well received but the location needs to be inside the perimeter path & away from the school boundary fence. Tree planting should also be added to the west side of the play areas to provide shade
- The larger trees should be moved 5m further into the open space away from the boundary fences
- The majority of residents were not in favour of a total dog ban but if one was enforced, who would monitor it ?
- Although not shown on the plans, the idea of a teenage shelter has been raised. Please confirm its location as concerns are that it may become a gathering point and lead to unsociable behaviour

Consultations/Publicity responses

Highways Team Community Safety	Confirmed they have no comments on the application The provision of a car park could encourage people to gather, and encourage people to use it at the wrong times, possibly playing music and revving their cars.
Play & OpenSpaces Officer	No objection
Tree and Landscape Manager	Comments will be reported in the Late Sheet.

Determining Issues

The main considerations of the application are;

1. The principle of removing the requirement for sports facilities on the land.
2. The impact of the proposal on the character of the area.
3. The implications of the proposal on the amenities of nearby dwellings.
4. Landscaping.
5. Car Parking.
6. Highway Safety.

Considerations

1. The principle of removing the requirement for sports facilities on the land.

Condition 11 of planning approval ref: 41/MB/87/1821 requiring the provision of public open space, play areas, and outdoor sport facilities was imposed due to the normal planning requirement for residential developments to provide or contribute towards such facilities. In terms of this particular development, all previous proposals for the site have included either a junior or senior football pitch sited in the centre of the land. Whilst condition 11 does not specify a particular sport, the Town Council have historically wanted to see a football pitch provided.

The open space is surrounded by housing on three sides. Given the size, shape of the land, and the fact that play areas must also be provided, the plans proposed previously has indicated the football pitch as little as 13 metres from the rear garden boundaries of adjacent dwellings. It has been a concern locally that in view of the constraints of the site, a football pitch could not be provided on the land without generating a significant level of noise and disturbance for adjoining residents. Moreover, whilst it would be possible to provide some car parking on the site, in order to ensure that the land is used predominantly as open space and adequate play areas are provided, any car parking would need to be limited to 10 or so spaces. This could result in on-street car parking on surrounding roads when matches are being played. For the above reasons, the ability of the land to provide formal sports facilities in a acceptable way appears to be in doubt. It should be highlighted that it has only been through considering detailed layouts for the open space that these difficulties have been established.

It is also important to note the significant and strong objection to a football pitch from many local residents, when they were consulted on such a proposal in 2006. There have been no objections to this application in terms of the removal of the requirement to provide sports facilities on the land. Any concerns received relate to other elements of the proposal. Another factor of relevance is that there are existing football pitches nearby on Sunderland Road.

Having regard to the problems likely to be associated with the provision of formal sports facilities on the land, which principally relates the sites relationship with many adjoining dwellings, it is considered that the principal of removing the requirement on the applicant to provide sports facilities on the site is acceptable.

The approval of the current plans would result in a large area of grass being retained which will still allow local residents to play football and a variety of other sports on an informal basis as is probably the case now. The open space area is an important amenity for local residents which they will be able to continue to enjoy on the implementation of this scheme.

2. The impact of the proposal on the character of the area.

As the original planning approval for the site always intended the provision of play areas on the site and landscaping, it is not considered that the proposal would have an adverse impact on the character of the area. Play areas are not uncommon within residential developments, and the LAP and LEAP would not be harmful to the appearance on the land. The LAP proposes six pieces of play equipment and five are proposed for the LEAP.

The path around the open space will be of benefit to local residents, and it will not have an adverse impact on the locality. The provision of a car park will be discussed later in this report, but a small hard surfaced area accommodating a maximum of ten cars would not be considered to have a harmful impact on the character of the area, neither would the non provision of sports facilities.

The implementation of a comprehensive landscaping scheme would improve the open space, as there is very little landscaping on the site at present. A suitable landscaped setting for the land would be a visual enhancement for the open space, and soften the appearance of the existing buildings around the site.

3. The implications of the proposal on the amenities of nearby dwellings.

As the open space area is surrounded by existing dwellings on three sides, it is inevitable that there will be some impact on the amenities of these properties from any changes to the land. However, it must also be noted that the provision of play areas and public open space on the site has always been an integral part of the outline approval granted in 1993.

In terms of assessing the proposals in detail, the LEAP will be located more than 30 metres away from the nearest dwellings in Osprey Close. The LAP will be sited partly adjacent to the playing field at Maple Leaf Lower School, and partly behind the rear fenced boundary of 21/23 The Finches. Both play areas will be visible clearly from a number of neighbouring dwellings, and there is likely to be increased activity on the land once the facilities have been installed. The impact of the play areas must also be balanced against the benefits they would bring to children living on the development. There have been no objections to the play areas, and given their siting, it is not considered that they would have an overbearing impact on any nearby dwelling.

Members of the public access the site from Osprey Close, Merlin Drive and Kingfisher Close. The plans submitted with the application indicate that new paths will formalise the access onto the land from these highways, and run around the perimeter of the site. The comments provided by the Fallowfield Openspace Residents Committee indicates that 99% of residents they consulted wanted the provision of a further path across the centre of the site. However, a central path does not form part of this proposal, and if it was proposed it could limit the use of the open space for informal sports use in the future. It is not

considered that the absence of a central path would be a material planning reason to refuse the application.

4. Landscaping.

Landscaping proposals are included with the application, which consists of a native hedge mix around the perimeter of the site and tree planting adjacent to the play areas and perimeter path. Concerns have been raised individually by three residents regarding the hedge planting around the site on the basis that it would make it difficult to maintain the existing fences which demarcate the gardens of adjacent residents. Moreover, residents question what consideration has been given to the seven residents who have installed gates within their fences which adjoin the open space. The species detailed could grow to 18/20 feet which will remove the open feeling that residents currently enjoy. Other concerns relate to the planting of non native trees, their proximity to existing houses, and the fact they could cause subsidence and a loss of light.

The provision of a boundary hedge may make it more difficult to maintain the existing boundary fences. However, it is not uncommon in residential areas to only have access to one side of a boundary fence for maintenance purposes. Moreover, this concern must be balanced against the positive aspects of providing a landscaped setting for the site, and other improvements relating to encouraging biodiversity.

The comments of the Council's Trees & Landscape Manager will be contained within the Late Sheet.

5. Car Parking.

The planning application is accompanied with two plans for the open space, one without and one with a car park for 15 cars which would be accessed from Osprey Close. There are a number of dwellings which would be in close proximity to the car park, and the information provided by the Fallowfield Openspace Residents Committee indicates that 325 local residents are opposed to the provision of any car park. The Town Council have stated that the car park should be provided as the facility is for the people of Sandy, not just Fallowfield residents and there ought to be provision for the parking of vehicles other than on the narrow streets.

The requirement for the area of open space and the provision of play areas arises solely from the Fallowfield development. Whilst it may well be that other people in Sandy may visit the site, it is reasonable to assume that the majority of users of the facilities will be from the Fallowfield development and will walk to the site given its central location. If a small number of people do drive to the site there would be some capacity in surrounding roads for some on-street parking.

The Council's Community Safety Team are of the view that the provision of any area where cars can gather could encourage people to use it at the wrong times, possibly playing music and revving car engines. As such, there is the potential for any car park to accommodate anti-social behaviour, which could be harmful to the amenities of nearby residents.

For the above reasons the applicant was asked to remove the car park from the application description which they have agreed to do. A condition on the approval will remove the right of the applicant to provide the car park.

6. Highway Safety.

As the car park has been removed from the application, it is not considered that the proposals would have an adverse impact on highway safety. The Councils Highways Section have confirmed that they have no comments to make on the proposal.

7. Other Issues

The Town Council have requested that any approval granted is conditional on the provision of a youth shelter. However, condition 11 of planning approval 41/MB/87/1821 does not require such a facility and it would therefore be unreasonable to now require such a structure. This would not preclude the provision of a youth shelter in the future by any organisation which adopts the land.

Reasons for Granting

The variation of condition 11 of planning approval ref: 87/01821/OUT and the proposals for the open space would not have an adverse impact on the character of the area or an overbearing impact on the amenities of any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policies DPS5, DPS11 & SR5 of the Mid Bedfordshire Local Plan First Review (2005).

Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **All hard and soft landscape works shall be carried out in accordance with the approved details with the following exception. Provision shall be made for a 1 metre gap in the hedge planting around the site in front of any existing gate on the rear boundary of the dwellings which adjoin the site. The works shall be carried out in the first planting season following the implementation of this planning approval or in accordance with a programme agreed in writing with the Local Planning Authority.**

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

- 3 Notwithstanding any details indicated on the plans hereby approved, this planning approval does not include the provision of any car parking.

Reason: In order to protect the amenities of nearby residential properties and for the avoidance of doubt.

DECISION

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