

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8 December 2021

REFERENCE: HW/FUL/19/00520

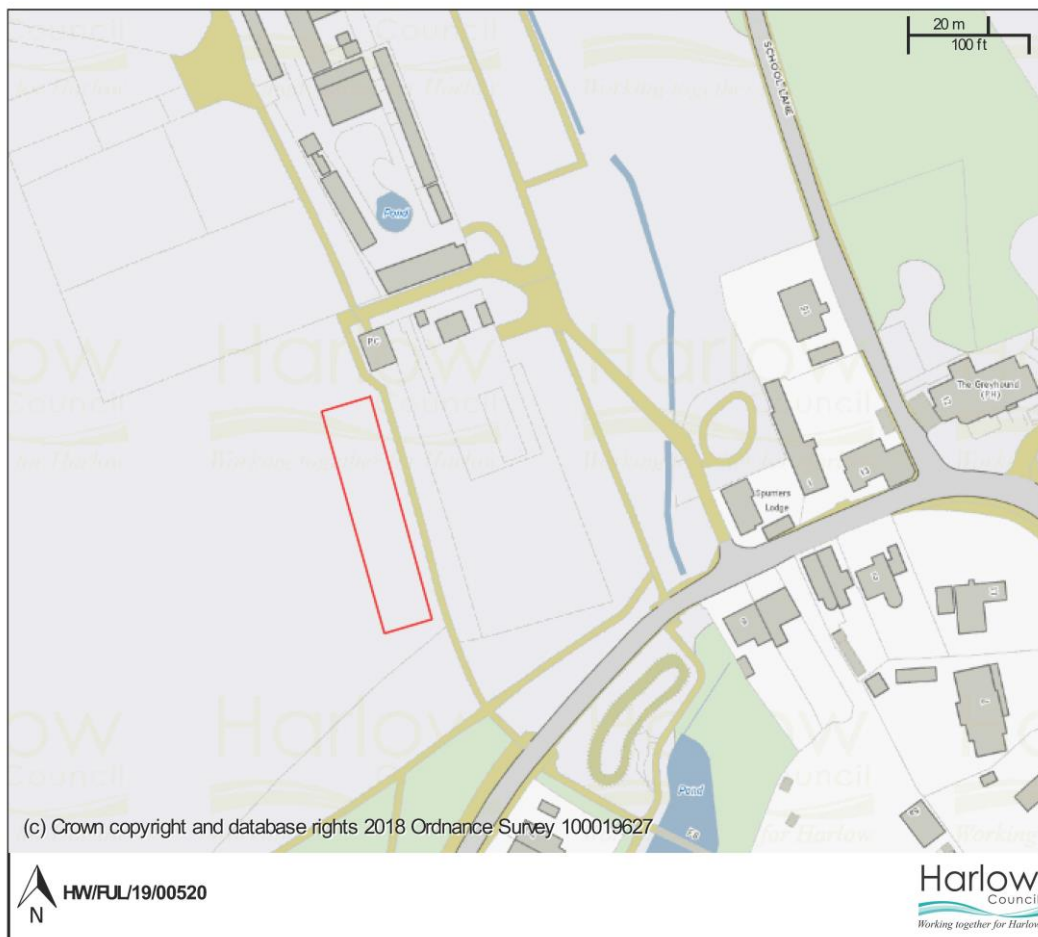
OFFICER: Nicholas Fu

APPLICANT: Mr M Levett

LOCATION: Inclusive Play Area
Town Park
Park Lane
Harlow
Essex

PROPOSAL: Retrospective application for an inclusive play area (Amended description removing fence from proposal)

LOCATION PLAN



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REASON BOUGHT TO COMMITTEE: The application has been made by Harlow Council and more than two representations have been received which are contrary to officer recommendation.

Application Site and Surroundings

The application relates to the open grassland located between the Pets Corner and Park Lane within Harlow Town Park. The Town Park is positioned within a Green Wedge as shown on the Harlow Local Development Plan (HLDP) Policies Map. It is also a Grade II listed site having been added to the list of Register of Parks and Gardens of Special Historic Interest by Historic England.

The application site is located just outside the Town Park & Netteswell Cross Conservations Area, which has the boundary running along the footpath to the rear of the Walled Garden. The residential properties on Park Lane are more than 60m away from the site. The site also sits on a slope such that it is 3.5m above the level of the highway.

Details of the Proposal

The application relates to an inclusive play area. The philosophy of inclusive play area is to enable people with profound and multiple disabilities to use a public play area, and enables all children to play together including family members who might have differing abilities and needs. Although the main focus of inclusive play facility is around special needs and disabilities, it is also designed to provide play opportunities that includes everyone.

The play area and facilities have been constructed and are therefore seeking for retrospective permission. For the most part, the facility could be considered as permitted development under Schedule 2 Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The installations which fall outside of the permitted development provision are those with height more than 4m, including the bridge at 4.1m and tree house at 4.7m.

The play area is a long rectangular size including ranges of play equipment. It is surrounded by 1.1m tall railings fence. The existing trees within the site are retained and incorporated into the landscaping.

The proposal previously also includes the installation of an acoustic fence. This is however removed from the current application due to concerns on trees and heritage. It is understood that the applicant is intended to address the concerns on noise impact with a separation application. The current application, therefore, only deals with the retrospective permission for the inclusion play area. .

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS:

Internal and external Consultees

HDC - Consultant Arboricultural Officer

No objections. The trees on site have been retained as part of the play area, but it is impossible to know retrospectively how the work undertaken may have affected the trees. The trees are protected as being within a Conservation Area. Any subsequent removal of trees would require consents from the Council and suitable replacement planting would be expected.

Essex County Council - Highways

No Objections - From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council - Heritage

Objection - The setting of the conservation area incorporating the Harlow Town Park has remained purposefully undeveloped, open green space and contributes positively to the significance of the conservation area, which serves to preserve the old hamlet.

The construction of a play area in this location has altered the setting of the Town Park from open to developed land.. This is considered to result in direct harm to the Harlow Town Pak, which is a registered park and garden, and indirect harm to the setting of the Conservation Area and surrounding listed buildings.

It is considered that the development would result in less than substantial thus paragraph 202 of the NPPF is relevant.

Neighbours and Additional Publicity

Number of Letters Sent: 13

Total Number of Representations Received: 10

Date Site Notice Expired: 1 October 2021

Date Press Notice Expired: 7 October 2021

Summary of Representations Received

Six objection and three observation letter (excluding duplicated submissions) were received from local residents. The following concerns regarding the inclusive play area are raised.

- This is a retrospective application, and there was a lack of consultation prior to the construction
- Impacts on neighbour amenity, including noise and overlooking
- The facility is very close to a road which would result in highway safety concerns
- The play area invites unauthorised on-street parking on Park Lane
- There are better locations within the Town Park

PLANNING POLICY:

The following polices of the Harlow Local Development Plan (2020) are relevant to this application:

PL1: Design Principles for Development

PL2: Amenity Principles for Development

WE2: Green Belt, Wedges and Green Fingers

PL5: Green Wedges and Green Fingers

PL7: Trees and Hedgerows

PL8: Green Infrastructure and Landscaping

WE5: Heritage

PL12: Heritage Assets and their Settings

IN3: Parking Standards

PLANNING STANDARDS:

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)

PLANNING ASSESSMENT:

The key issues for consideration in the determination of this application include the principle of development, its impact on the character and appearance of the area including to the Green Wedge and the nearby Conservation Area and Listed Buildings, neighbouring amenity and parking and highway safety.

Principle of Development

Policy PL5 of the Harlow Local Development Plan (HLDP) states that small scale development proposals, which do not have an adverse impact on the roles of the Green Wedge, could be permissible. The supporting text to the policy suggests that community uses can classify as small scale development. It is considered that the inclusive play value would be of considerable community value, to provide inclusive facility, and to support the accessibility of the Town Park. It is therefore considered that the proposal is an acceptable form of development within Green Wedge. The impact on the roles of the Green Wedge is discussed later in this report.

The provisions for leisure and recreational facilities and improvement of the overall health and well-being of local residents are amongst the main objections of the HLDP, and supported by Policies L1 and L4. The principle of providing inclusive and accessible environment is also echoed across the NPPF, the HLDP and the Harlow Design Guide. This application provides an inclusive play area which was previously lacking within the Town Park, which is an important material consideration in favour of the application.

The principle of providing inclusive play facilities within the Town Park is therefore considered acceptable, subject to the compliance with other relevant policies and supplementary documents.

Character and appearance

The play area is more than 40m from Park Lane and not readily visible from the highway due to the existing trees and shrubs. It is located behind the Walled Garden and the Pets Corner public toilet and not visible from the east.

The majority of views would be from the west, which is open grassland with no obvious feature to provide any screening. The development results in hard landscaping and structures on the land which would otherwise be part of the grassland. Nevertheless, despite the lack of screening feature, the play area is not visible from the distance (for example from Fifth

Avenue) due to the topography of the Town Park. Moreover, the site is located towards the eastern end of this grassland and adjacent to the Walled Garden, Pets Corner and Bandstand. This inclusive play area could be seen as part of the existing built-up cluster of the Town Park. The site is served by existing footpath and within close distance to existing facilities, which is a reasonable location for an inclusive facility. It is therefore considered that the development would be in keeping with the character of the Town Park.

The equipment sits below the existing trees and is not visually intrusive due to the “roofless” design and hollow appearance. The low level fence is painted green to mitigate its impact on the appearance of the grassland beyond. The development incorporates existing trees into its design assisting in softening the appearance and ensuring the environmental quality of the Town Park is not compromised. Overall, it is considered that the play area is sympathetic to the character and appearance of the Town Park and acceptable in terms of design.

The development is therefore considered to be in compliance with Policy PL1 of the HLDP and the Harlow Design Guide SPD.

Trees

The playground has incorporated trees and landscaping into its design. The Council's Consultant Tree Officer pointed out that it would be impossible to know retrospectively how the work undertaken may have affected the trees.

The trees are protected as being within a Conservation Area. Any subsequent removal of trees would require consents from the Council and suitable replacement planting would be expected.

Notwithstanding the above, a more recent inspection from the Town Park Manager found that there are two dead trees in the middle of the play area. While it is unclear whether this was caused by the construction of the play area in retrospect, a tree works application HW/TP/21/10052 has been submitted including 2 replacement trees. This application is still under consideration.

Green Wedge

Policy WE2 seeks to protect Green Wedge and Policy PL5 prevents inappropriate development within Green Wedge.

Policy WE2 sets out the roles for Green Wedge are to:

- (a) provide physical, visual and audial separation between neighbourhoods and between residential and industrial areas;
- (b) provide Green Infrastructure, including open spaces for sport, recreation and quiet contemplation; wildlife corridors; footpaths, cycleways and bridleways; and rivers, canals, ponds, lakes and other bodies of water;
- (c) protect and enhance natural habitats, ecological assets and landscape features;
- (d) protect existing uses which have an open character;
- (e) provide settings which preserve the character of historic/cultural sites and areas; and
- (f) provide opportunities for Sustainable Drainage Systems (SuDS)

The development, which this application relates, is located in the middle of the Town Park and occupies a relatively small portion of the large open grassland. The inclusive play area is considered to be an appropriate feature within the Town Park, and would enhance the function

of the Town Park by providing inclusive and accessible facility. It is therefore not considered to conflict with the roles of the Green Wedge, but rather seeks to ensure that this Green Wedge is maintained to provide a landscape design feature for the town and to protect and enhance the qualities of the landscape. The development would not harm the open character of the Town Park and is considered to be of benefit to the amenities of local residents. It is therefore considered that the development is in compliance with Policies WE2 and PL5 of the HLDP.

Conservation Area and Listed Buildings

The Harlow Town Park is a Grade II Listed Park and Garden. The site is positioned just outside the Town Park & Netteswell Cross Conservation Area. There are a number of Listed and Locally Listed Buildings within the Town Park. The closest Listed Building is the Grade II Listed Greyhound Public House which is 150m east of the site, and nearest Locally Listed Buildings are 6 Park Lane which is 80m southeast and the Y.H.A which is 130m east of the site. There is significant vegetation separating the site from these heritage assets.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy PL12 seeks to protect the significance of heritage assets. Where development affects a heritage asset or its setting, the level of impact should be assessed on the following criteria:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset;
- (e) any public benefits of the development.

The play area introduces hard surfacing, playing equipment and fencing to the otherwise undeveloped piece of open green space. Essex County Council's Heritage Officer considers that the construction of the play area results in direct harm to the Town Park and indirect harm to the setting of the Conservation Area and nearby listed buildings. The level of harm identified would be "less than substantial harm". Paragraph 202 of the NPPF states that where a proposal would result in "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed development.

As discussed before, the play area is not readily visible from the highway and nearby buildings, and therefore its impact on the character and appearance of the Conservation Area and Listed Building would be indirect.

The application site is part of the largely undeveloped open green space on the western side of the Town Park, and the construction of this play area "chipped away" part of the openness and alters the way in which this wider greenspace is appreciated. The development would therefore result in direct harm to this Grade II Listed Park.

Nonetheless, the Heritage Officer accepts that some form of play area would not be objectionable given the function and nature of the Town Park. The application site constitutes a relatively small portion of the larger greenspace, and it is located at the eastern end of this grassland adjoining the existing developed area of the Town Park. From a distance, the playground is viewed against the Pet Corner and the toilet building, and the tall and dense trees in the background provide a defined visual boundary limiting the developments in this location. As a result, it is considered that the playground relates well to surrounding developments and can be viewed as part of the existing developed cluster within the Town Park.

A lot of the play equipment and the low level railing fence are coloured in green, and the development incorporates landscaping features and existing trees. These design choices has assisted in softening the appearance and ensuring the environmental quality of the Town Park is not compromised. It is considered that the play area demonstrates a reasonable design quality, in which it is a noticeable but not an obtrusive installation.

The proposal provides an inclusive play area which is previously lacking within the Town Park, and is considered to be of significant public benefits. It is also considered to have contributed and strengthened the function and role of the Town Park as a valuable public leisure and recreation space for local residents of differing abilities and needs.

Although the installations would detract from the character and setting of designated heritage assets, the level of harm is identified as "less than substantial". In pursuit of paragraph 202 of the NPPF, it is therefore considered that, in this instance, the public benefit on providing inclusive and accessibility facility would outweigh the less than substantial harm on heritage assets.

Neighbour Amenity

There are no residential properties within the immediate vicinity of the site. There are some dwellinghouses on the other side of Park Lane, with the closest property being 60m away from the site, and separated by trees and shrubs and the highway. The play area is located on a higher ground level than the dwellinghouses on Park Lane, which raises concern regarding overlooking and privacy. This is however considered acceptable due to the separation distance of over 60 metres and vegetation in between.

The local residents also raised concerns regarding noise generated from the playing facility. The play area is more than 60m away from the neighbouring residential units, and noise could be screened by the existing landscape to some extent.

These dwellinghouses are located within the centre of the Town Park, which is a popular destination for leisure and casual recreation activities, and there are some degrees of existing disturbance.

The proposed play area is located adjacent to existing facilities within the Town Park, and given the relatively small scale of the development it is considered the existing residential amenities enjoyed by the occupiers would not be adversely affected.

It is considered the proposal would have an acceptable impact on neighbour amenity. The proposal previously includes the installation of acoustic fence. However, due to unresolved issues relating to tress and heritage preservation, the acoustic fence has been taken out of the current application. It is understood that the applicant is intended to address the concerns on noise impact with a separation application.

Highway and Parking

The local residents are concerned about the parking and highway safety.

Essex County Council's Highway Engineer has been consulted and has no objection to the development.

There are three public car parks within the Town Park, which are located near the Greyhound Public House, which is less than 200m from the site; off Fifth Avenue, which is less than 250m from the site; and at the rear of Tanyard Place, which is 300m away. In terms of the concern on street parking, this part of Park Lane is marked with single yellow line with parking restriction between 8am and 8pm.

In terms of public transport, the Town Park is surrounded by bus stops with multiple and regular routes. The Harlow Train Station is located 400m from the site and the Town Centre 700m away.

Although the proposal does not provide any additional parking space, given its sustainable location and the public car parks available within the Town Park, it is not considered the application should be refused on parking grounds.

The existing footpaths are set back from Park Lane, and there are existing barriers along the highway and designated crossing locations to protect users of the Town Park. The site is located 40m away from the highway, and given there are existing recreational facilities with the Town Park, it is considered the proposed facility would not worsen the existing highway situation.

Other Matters

Some local residents consider there are other more suitable locations within the Town Park for the inclusive play area. However, an application cannot be refused on the basis that there are other more suitable location unless there is a clear material justification, such as policy support. There is no planning policy suggesting the inclusive play area should be placed elsewhere in this instance. Other material planning consideration, such as impact on character and appearance and neighbour amenity, has been discussed in the relevant section of this report.

CONCLUSIONS:

Whilst the proposal would result in "less than substantial harm" to nearby heritage assets, it is considered that the public benefit of providing inclusive facility would outweigh the harm.

In addition, it is considered that the development would have an acceptable impact on the character and appearance of the surrounding area, the roles of Green Wedge, neighbour amenity, parking and highway safety. It is therefore recommended that planning permission is granted subject to condition.

RECOMMENDATION:

That Committee resolve to: GRANT PLANNING PERMISSION subject to the following condition

- 1 The development hereby permitted shall be retained in accordance with the approved details as shown in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

Drawing Reference	Plan Type	Date Received
GIM4410-130B	Site Location Plan	20.12.2019
06UJ9A003K5Z	Proposed Plan	20.12.2019
13620RP REV F0	Section	24.11.2020
13620RP REV F0	Topographical Survey	24.11.2020

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. It is advised that the applicant shall actively engage with the Planning Department and Essex County Council's Historic Environment Team in addressing the noise impact in an acceptable way which would not result in due harm to the surrounding landscaping and the setting of heritage assets.