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| <b>Date of Meeting</b>     | 14 <sup>th</sup> August 2014   |
| <b>Application Number</b>  | 14/04682/FUL   |
| <b>Site Address</b>        | Land at the Junction of Church Street and the road leading to Woodyates,<br>Bowerchalke<br>Salisbury<br>Wiltshire<br>SP5 5DA |
| <b>Proposal</b>            | Change of Use to children's play ground and the erection of various play equipment   |
| <b>Applicant</b>           | Bowerchalke Parish Council   |
| <b>Town/Parish Council</b> | BOWERCHALKE  |
| <b>Ward</b>                | Fovant and Chalke Valley   |
| <b>Grid Ref</b>            | 401373 122517  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Becky Jones  |

### Reason for the application being considered by Committee

The Division Member, Cllr Jose Green, requested the consideration of this planning application at a Planning Committee on the grounds of local interest in the application and environmental / highway impact.

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be **REFUSED for the highway and pedestrian safety reasons detailed below.**

#### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

1. The principle of the development and change of use to playground
2. Scale, design and the impact of the proposal on the character and appearance of the surrounding area
3. The impact that the proposal would have on residential amenity
4. Impact on highway and pedestrian safety
5. Archaeology, trees and ecology

#### 3. Site Description

The site is located at the junction of Church Street with the road leading to Woodyates, in Broadchalke. The site is generally laid to grass, with a gravel parking area. It includes a number of trees and two benches. A public right of way traverses the north section of the site. The site slopes upwards towards the north.

The surrounding area is predominantly rural in character. Dwellings lie to the north (Little Misselfore), south (Misselchalke cottage and others) and south west (Craigleith and others). These properties front onto the roads and have fields to the rear.

The proposal site lies within the Housing Restraint Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and Area of Special Archaeological Significance. The site does not lie within Flood Zone 2 or 3.

#### **4. Planning History**

None

#### **5. The Proposal**

Under the current application, the applicant is seeking to change the use of the land to provide a formal playground, and to provide the following:

- Install 11 groups of play equipment items, constructed mainly from timber, including swings, walks, seesaw, bridge and tower. Colours include green, brown and yellow. Detailed drawings with full dimensions have been provided.
- Retain the existing parking area (approx 17m long)
- Provide post and rail timber fencing 1.2m high (with 25mm mesh below the first of the two rails) and two picket style gates 1.09m high (to meet ROSPA requirements).
- Retain the existing footpath through the site

#### **6. Planning Policy**

##### **National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance**

This Framework sets out the Government's planning policies for England. The Framework repeats that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004).

Para 109 and 115 give weight to the conservation of landscape, scenic beauty, wildlife and cultural heritage in AONBs.

The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. (Paragraph 215 at Annex 1). The following policies are relevant to the determination of this application and are considered to align with the principles, aims, objectives and intentions of the NPPF. These policies are therefore considered to carry significant weight.

**Salisbury District Local Plan (which are ‘saved’ policies of the adopted South Wiltshire Core Strategy):**

G2: General criteria for development

C5: Small scale development proposals within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

H19 Housing Restraint Area

R1A, R1C New indoor and outdoor sports and recreation facilities

R2, R4 Protection of open space facilities

R17 Public Rights of Way (encourage increased use)

C12 Protected Species

TR11: The provision of off street car parking spaces

**South Wiltshire Core Strategy:**

Core Policy 21 Protection of community services and facilities

**Wiltshire Core Strategy:**

Core Policy 33 Wilton Community Area

Core Policy 1 and 2 (small villages)

Core Policy 48 Supporting rural life

Core Policy 51 Landscape (AONB)

Core Policy 62 Transport and Development (safe access)

**7. Consultations**

**Highways – objection** on the grounds that the development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street.

**Landscape and Planning Advisor (AONB)** – the proposal does not appear to be in a sustainable location and the scheme would substantially change the rural character of the site.

**Archaeology – no objection**, the development is unlikely to disturb significant archaeological remains

**Trees – no objection**, the trees are not of sufficient quality to warrant formal protection.

**Public Protection – no objection**, the development is unlikely to have a significant impact on adjacent properties. Very low risk of ground contamination from previous uses.

**Rights of Way –no objection**, the public footpath (BOWE3) has been accommodated satisfactorily.

**Sport England – no comment**

## 8. Publicity

This application was advertised via site notice and letters of consultation. 12 letters of support/observation and 4 letters of objection have been received.

In summary, the grounds of support/observation related to the following:

Facilities needed for over 80 village children, good use of scrap common land, parking available

Young children would not be left unattended and site would be fenced.

There is local support for the scheme

Normally, traffic levels generally low, speeds limited and visibility good. Risk is sufficiently low to be acceptable. Farm vehicles and No 29 bus sufficiently loud/visible to react to.

Would give impetus to footpath improvements

In summary, the grounds of the objection related to the following:

Site too isolated, unsustainable, remote from village centre and unsafe for children

Loss of open space, detract from rural appearance

Noise impact, disturbance to residents

Footpath is unsuitable for pushchairs, bicycles or wheelchairs. Overgrown, muddy, sets of steps, slopes, tree roots, gates. Needs upgrading to good standard – impose suitable condition to ensure path is upgraded before use commences.

Road too dangerous for pedestrian use – no refuge, speed of traffic, blind bend and used by agricultural vehicles to access grain drier (tractor triangle). Site located on a junction. Danger from heavy vehicles. Unacceptable risk to child safety.

No local support for a playground

Detrimental impact on landscape setting, AONB, equipment would be an alien feature in landscape, visual impact in winter when trees shed leaves.

Contrary to SWCS Strategic Objective 01 (Officer note – Policy H19 is saved by Appendix A of the SWCS and is still in force. The site lies within the settlement boundary and is not open countryside).

Contrary to SWCS SO4, 07 and 08 – no need has been demonstrated for the site and no safe or adequate access is proposed.

Contrary to Wiltshire Core Strategy CP1 (see officer note above, the WCS is still emerging and settlement boundaries still apply to this application).

Contrary to WCS CP2, CP3 as it extends the built form of the village and is not infilling (see officer note above)

Contrary to WCS Policy 50, 51 and 61.

## **9. Planning Considerations**

### *9.1 The principle of the development and change of use to playground*

Policy R1A, R1C, R2, H19 and Policy C5 of the Salisbury District Local Plan are saved by Appendix A of the South Wiltshire Core Strategy.

Policy R1A states that new indoor and outdoor sports and recreation facilities will be permitted within or on the edge of settlements subject to there being no adverse landscape implications and provided they are accessible by means of public transport and other sustainable modes of transport.

Policy R1C indicates that:

“In the countryside, proposals for new outdoor recreation facilities will be subject to the following considerations:

(i) where the proposal involves the Area of Outstanding Natural Beauty, a Site of Special Scientific Interest, an Area of High Ecological Value, an Area of Archaeological Significance or the Landscape Settings of Salisbury and Wilton, such development will be permitted only if there would be no adverse impact on these designated areas;

(ii) elsewhere in the plan area, outdoor recreation facilities will be allowed provided there will be no significant adverse impact on the surrounding landscape or nature conservation value of the area, there is a satisfactory means of access, the local highway network is adequate, and appropriate services can be made available;

(iii) the proposal is not dependent upon the construction of large buildings or other large structures; and

(iv) there is no adverse impact on the amenities of residents or other recreational users.”

Subject to its approval in the future, the Wiltshire Core Strategy would designate Bowerchalke and Misselfore as a small village. Under CP1, development in small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Under Policy CP2, development will be limited to infill within the existing built area and will be supported where proposals seek to meet housing needs of settlements or provide employment, services and facilities provided that the development accords with all policies of the development; plan and:

- i) respects the existing character and form of the settlement
- ii) the proposal does not elongate the village or impose development in sensitive landscape areas, and

iii) does not consolidate an existing sporadic loose knit areas of development related to the settlement

The site is currently open space within the Housing Restraint Area (ie within the settlement boundary and within the *built area* for the purposes of the emerging WCS). The proposed change of use to provide a community facility or play area is therefore acceptable in *principle*, subject to the landscape and accessibility considerations set out in the Local Plan.

### *9.2 Scale, design and the impact of the proposal on the character and appearance of the surrounding area*

The proposal seeks planning permission to install 11 groups of play equipment items, constructed mainly from timber, including swings, walks, seesaw, bridge and tower. Colours include green, brown and yellow. Post and rail timber fencing 1.2m high (with 25mm mesh below the first of the two rails) would enclose the play area and two picket style gates 1.09m high would be provided to meet ROSPA requirements. The equipment would be sited 10.7m from the Woodyates road and 14m from Church Street.

The AONB landscape and planning advisor has raised a number of concerns in his letter:

- Design and Access statement makes no mention of existing natural features (officer note – the pond is no longer present on the site and appears to be laid to grass).
- No information on necessary safety surfaces
- The site seems aimed at fairly young children who would need transporting by cars. This is not sustainable in a remote rural area, without adding to carbon dioxide production.
- No argument put forward for the play equipment or remoteness of site from main part of village
- Formal town park style equipment proposed in a very rural situation. The proposed fence would be urban in style
- Highway features and bollards would also urbanise the area, contrary to AONB principles to declutter (officer note – these are not proposed under this application)
- As submitted, the proposal does not appear to be in a sustainable location and the scheme would substantially change the rural character of the site.

Policy C5 of the Local Plan sets out the criteria for development within the AONB. Small scale development proposals will only be permitted provided that the siting and scale are sympathetic to the landscape in general and of the particular locality and standards of landscaping and design are high, using materials which are appropriate to the locality and reflect the character of the area.

The site is within the settlement boundary and currently provides open space with a couple of benches and a gravel parking area. There are trees lining the north, south and west boundaries and the ground is laid to grass. The pond is not apparent on the site. It appears to be gone and is now laid to grass. The setting of the site within

the village is created by glimpses of adjacent dwellings (Misselchalke Cottage and Little Misselfore) and the presence of the road junction. The existing gravel parking area encroaches into the grassed area and a number of wooden posts have been put into the ground. Two benches are on site. The site appears to form a natural opening between the Church Street junction and Misselchalke Cottage, and is enclosed by trees on three sides.

Given the enclosed character of the site, officers agree with the AONB office that the introduction of play equipment would change the rural character and appearance of the site. However, officers do not feel that the proposed play equipment or fences would *harm* the character or appearance of this part of the village or have an *adverse* landscape impact. The equipment and fence enclosures are likely to appear acceptable within the setting, given the natural enclosure of the site on three sides. The proposed materials would predominantly be wood, with natural colours (green, brown, yellow), which would help ensure that the equipment would not appear incongruous. Trees on the boundary of the site would be retained, which would help to preserve the rural setting and appearance of this part of the village, even in winter after leaves have been shed. Arguably, the play area would have a pleasing visual impact in preference to the Wilts and Dorset (overnight bus parking) outstation, which has been cited as an historic use.

In conclusion, whilst it is acknowledged that the character and appearance of the site would change following the development, the proposed play equipment and fences are unlikely to *harm* the character or appearance of this part of the village or the landscape and scenic beauty of this part of the AONB. The proposal would therefore comply with Policy C5.

### *9.3 The impact that the proposal would have on residential amenity*

Policy G2 of the Local Plan seeks to ensure that development would avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of the occupiers.

Neighbours of properties immediately adjacent to the site have not objected on these grounds. The public protection officer has suggested that in an area of a large population, the Council would be concerned about the impact of the play ground on the two properties immediately adjacent. However, bearing in mind the small local population, which is likely to limit both the intensity and duration of use of the playground, officers think it is unlikely to have a significant impact on amenities. No objection is raised under Policy G2.

### *9.4 Impact on highway and pedestrian safety*

There has been local concern expressed at the safety of the access to this site, and the Council's Highways officer has commented as follows:

*“Whilst I would not wish to raise a highway objection to the proposed playground on the basis that it would be for the use of children in the immediate vicinity of the site, I note that the site is some considerable distance from the main part of Bowerchalke. The unlit road leading to the site from the main part of the village is, in my view, by*

*reason of its narrow width and lack of separate pedestrian facilities or usable highway verges, inadequate and unsuitable to serve as a means of access to the playground. Whilst I acknowledge that there is a public footpath which runs parallel to Church Street, its surface is unmade with level differences and with restricted visibility at its western end, which, in my opinion, would discourage its use, particularly in inclement weather and by pushchairs etc. thereby encouraging pedestrians to walk along Church Street.*

*It is considered that the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street and I recommend that this application be refused on highways grounds for this reason”.*

Policy G2 (ii) seeks to ensure that development would avoid placing an undue burden on existing or proposed services and facilities, the existing or proposed local road network or other infrastructure. Policy R1A provides for new outdoor recreation facilities within settlements provided they are accessible by means of public transport and other sustainable modes of transport. R1C seeks that such play areas have a suitable means of access.

It is clear from the highways officer comments that there may be an issue with pedestrian safety in relation to accessing this site. The proposal is therefore contrary to the highway and accessibility aims of Policy G2 and R1A, and R1C.

However, as well as local concerns regarding this matter, other third party representations have highlighted the need for the new playground. Consequently, whilst officers have recommended refusal on highway safety grounds, Members will need to consider whether the need for the local play facility is outweighed by the possible highway safety concerns.

Policy R17 seeks to encourage the improvement and increased use of public rights of way. Wherever possible, local extensions and improvements to rights of way will be sought as part of development proposals. It is noted that improvements to the right of way are not included as part of this application, but the development is likely to result an increase in the use of the public footpath BOWE3. The footpaths officer is satisfied that the footpath has been satisfactorily accommodated within the site layout.

### *9.5 Archaeology, Trees and Ecology*

The archaeologist considers that on the available evidence, it is unlikely that significant archaeological remains would be disturbed by the proposed development.

The arboricultural officer has considered the information submitted regarding the type, size and position of trees on the site and their distance from the proposed equipment. The applicant has stated that some excavation for the footings of the equipment would be necessary (750mm deep by 450mm wide by 450mm long). There are no proposals for excavations for any new drains, as surface water would drain into the watercourse adjacent to Church Street. (Any existing drains running



under the site towards the former pond are a private, civil matter between the owners).

The tree officer considers that the play equipment is positioned close to the southern boundary of the site which means that adjacent trees could suffer a degree of root damage. It is unclear who owns the trees, because the boundary is not distinct. However, if the trees are to be retained, care should be taken to avoid damage to any structural roots, which could potentially destabilise the trees. The line of trees provide a reasonable screen but they are not of sufficient quality to warrant formal protection.

In conclusion, an informative should be placed on any permission to advise the developer to exercise caution and use a hand digging method when excavating near trees, to avoid root damage which could cause instability.

The former pond on the site is no longer evident, and the site is mainly laid to grass, which has evidently been cut. Existing trees and boundary hedges would be retained and large areas of the site would be undisturbed. The development is therefore considered to present a low risk to any protected species that may still be present in the mown grass in the areas to be disturbed. However, an informative should be placed on any permission to ensure that if any bats or protected species are found during the works, work should stop immediately and Natural England contacted.

## **10. Conclusion**

The development would change the use of an existing open space within the village of Bowerchalke, to provide an enclosed play area for children, with parking. Whilst the development would change the appearance of this open space, the introduction of wooden play equipment enclosed by a fence within an area enclosed on three sides by trees is unlikely to adversely affect the visual quality of the landscape in this part of the village or the AONB.

The potential impact on neighbouring amenities is considered to be acceptable, and neighbours are unlikely to be unduly disturbed, given the small local population.

There would be no material impact arising from the development on archaeology, the risk to any protected species that may be found on the site is considered to be low and the trees are not of sufficient quality to warrant formal protection, subject to care being taken not to damage tree roots during excavations for footings.

However, whilst the existing footpath would be retained, the development is likely to increase its use, and the site is located away from the main centre of the village and would be served by a narrow, unlit and unsuitable road. The development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street. Consequently, despite the obvious enhancement to the open play space provision serving the village, officers are must advise members that in this instance, such enhancement is outweighed by the likely conflict likely to arise between pedestrian and vehicular traffic.

## **RECOMMENDATION**

### **Planning Permission should be REFUSED for the following reasons:**

1. The site is some distance from the main part of Bowerchalke. The unlit road leading to the site from the main part of the village is, by reason of its narrow width and lack of separate pedestrian facilities or usable highway verges, inadequate and unsuitable to serve as a means of access to the playground. Whilst it is acknowledged that there is a public footpath which runs parallel to Church Street, its surface is unmade with level differences and with restricted visibility at its western end, which would discourage its use, particularly in inclement weather. Given the condition of the path, it is unlikely to be suitable for use by pushchairs or wheelchair users, and this would encourage pedestrians and others to use Church Street.

Consequently, it is considered that the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of Church Street. The proposal is therefore contrary to the accessibility aims of Policy G2 and R1A & R1C of the Salisbury District Local Plan, which are saved by Appendix C of the South Wiltshire Core Strategy.