



Report to Buckinghamshire Council – (Central) Planning Committee

Application Number:	22/03583/APP
Proposal:	Installation 5.61M High, Multi-Play unit
Site location:	Vale Park, Park Street, Aylesbury, Buckinghamshire,
Applicant:	Buckinghamshire Council
Case Officer:	Dayna Simmons
Ward affected:	AYLESBURY NORTH
Parish-Town Council:	AYLESBURY
Valid date:	2 May 2023
Determination date:	27 June 2023
Recommendation:	APPROVAL

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application seeks a full planning permission for the installation of new play equipment at Vale Park, Park Street in Aylesbury.
- 1.2 The works would comprise the installation of a Koplán Ltd 'Man O War' a 5.61m high multi play unit as part of the new play space to be installed next to the existing play area at Vale Park, Aylesbury.
- 1.3 This application has been considered with regards to the adopted Development Plan and it is concluded that the development is acceptable in terms of its impact on the wider area, residential amenity and parking and would comply with Policies, BE2, BE3, I2, I3 and T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework 2021.
- 1.4 The application is referred to the Planning Committee because Vale Park is owned and maintained by Buckinghamshire Council and the application has been submitted by Buckinghamshire Council. In accordance with the Council's Scheme of Delegation, such planning applications must be determined at the relevant Area Planning Committee to ensure openness and transparency.
- 1.5 The application is recommended for approval subject to appropriate conditions.

2.0 Description of Proposed Development

- 2.1 Site Location
- 2.2 The application site is part of an established recreational area located off Park Street, in

Aylesbury. The park includes a children's play area, a leisure centre, tennis courts, five a side football pitches, multi ball courts, an outdoor gym area, a skatepark and an open grassed area.

- 2.3 The site features a vehicular access off Park Street with car parking available for up to 100 vehicles.
- 2.4 To the east, south and west of the site there are residential dwellings and to the north there is Vale Retail Park. The site boundaries are marked by mature vegetation and approx. 1.8m high metal railings.
- 2.5 Site Constraints
- 2.6 The site is located within an Amber Impact Zone for Great Crested Newts, Flood Zone 3 and an area more susceptible to surface water flooding.
- 2.7 Proposal
- 2.8 Full planning permission is sought for the installation of new play equipment at Vale Park. The works would comprise the installation of a Koplun Ltd 'Man-O-War' 5,61m high multi play unit as part of the new play space to be installed next to the existing children's play area at Vale Park, Aylesbury.
- 2.9 As a result of the proposed works the other facilities offered on site would not be affected.
- 2.10 The new equipment would require safety surfaces in wetpour rubber to be installed.
- 2.11 The application is accompanied by:
- Application Form received on 20 October 2022
 - (Unnumbered) Location Plan – received 25 November 2022
 - (Unnumbered) Vale Park Play Area Design Plan – received 23 May 2023
 - Drawing No. PCM113221 Man-O-War Specification - received 20 October 2022
 - Drawing No. CAS-169737-B3X5D1 Block Plan - received 31 October 2022
 - Drawing No. CAS-169737-B3X5D1 Site Plan/Location Plan (satellite imaging) - received 31 October 2022
 - Drawing No. CAS-169737-B3X5D1 Proposed Elevations - received 23 May 2023
 - Flood Risk Report – received 03 May 2023
 - Vale Park Management Plan 2022/23 – received 23 May 2023
 - Vale Park Improvement Plan 2022/23 – received 25 May 2023

3.0 Relevant Planning History

Reference: 01/00904/APP

Development: Erection of sculpture

Decision: APPROVED Decision Date: 21 June 2001

Reference: 89/02641/ADC

Development: All weather playing surface perimeter fencing and flood lighting

Decision: APPROVED Decision Date: 30 April 1990

Reference: 97/01728/AOP

Development: Demolition of existing vale park open air pool. construction of new two storey swimming complex comprising 25m pool plus spectating for approx. 350, 125 sqm training pool and 300-350 sqm of indoor/outdoor

Decision: OUTLINE PERMISSION APPROVED Decision Date: 23 October 1997

Reference: 98/02198/APP

Development: Demolition of existing swimming pool construction of new swimming complex

Decision: APPROVED Decision Date: 17 December 1998

Reference: 13/01813/COMM

Development: New external signage

Decision: NO OBJECTION Decision Date: 17 October 2013

Reference: 14/01667/ADC

Development: Removal of grass bowls greens and replacement with 2no. five-a-side artificial surface football pitches and provision of 6no. 10m high floodlights

Decision: APPROVAL Decision Date: 4 August 2014

4.0 Representations

4.1 Ward Councillor Comments (Aylesbury North)

No comments received at the time this report was written.

4.2 Town Council Comments (verbatim)

Aylesbury Town Council has no objection to this application.

4.3 Environmental Agency

Comments: No comments received at the time this report was written.

4.4 The Canal and River Trust

Comments: No comment to make.

4.5 BC Landscape

Comments: There is a masterplan for this park, which was agreed by Aylesbury Vale District

Council, which sought (amongst other things) to maintain the openness of the central area of the park, which is also used regularly for events, and keep development (including formal play) away from this central area. The proposed development could better accord with this masterplan, and we believe there are better alternative locations for it within the site. We need to understand and agree the entire proposal for play, including access, surfacing and all equipment, with a preference for a 'forest play' approach, using natural materials, rather than an off-the-shelf manufactured product.

4.6 **BC Parks and Recreation**

Comments: I fully support this application which will provide increased play value to a wide range of users.

The proposed location of this additional play space, as well as being directly adjacent to the existing play area is also adjacent to Aqua Vale Leisure Centre, both of which will encourage more people to visit and stay longer in Vale Park.

4.7 **BC Ecology**

Comments: No objections

4.8 **Public Representations:** At the time of writing this report, no public representations have been received.

5.0 **Policy Considerations and Evaluation**

5.1 The starting point for decision making is the development plan i.e., the adopted Vale of Aylesbury Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2021) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither changes the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

5.2 **The Development Plan**

Vale of Aylesbury Local Plan (Adopted September 2021) ("VALP")

Policy BE2 Design of new development

Policy BE3 Protection of the amenity of residents

Policy NE1 Biodiversity and Geodiversity

Policy I2 Sports and recreation

Policy I3 Community facilities, infrastructure, and assets of community value

Policy I4 Flooding

Policy T6 Vehicle Parking

Neighbourhood Plan

Aylesbury does not have a 'made' neighbourhood plan.

Supplementary Planning Guidance (SPG)

VALP Appendix B Parking Standards

Buckinghamshire Minerals and Waste Local Plan (July 2019)

Policy 1: Safeguarding Mineral Resources (exception for extensions to existing dwelling house)

5.3 National Policy

National Planning Policy Framework 2021 (NPPF)

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding, and coastal change

In addition, the Planning practice Guidance (PPG) is also a material consideration

5.4 Main Issues:

Principle of Development

Design, character, and appearance

Residential amenity

Highways and parking implications

Other matters

Principle and Location of Development

- 5.5 VALP Policy I2 Sports and recreation is supportive of proposals which involve the provision of new sport and recreation facilities that are accessible by pedestrian and cyclists and public transport subject to complying with criteria as set out and Policy I3 offers a protection of Community Facilities. The thrust of policy is one of support.
- 5.6 The proposal involves no changes to the current uses on site, the children's playground equipment is to be expanded to cater for a wider age range of children which in turn would provide improved facilities in accordance with VALP Policy I2. The introduction of additional equipment within the immediate locality is acceptable.
- 5.7 Nonetheless, the impacts of the proposed scheme must be further assessed against relevant policies in order to identify any potential harm. In this location, the further areas of assessment would include matters such as impact on visual amenity, residential amenity, transport, and biodiversity.

Raising the quality of place making and design

- 5.8 The application site is part of a long-established recreational area located off Park Street, in Aylesbury. The park includes a children's play area, a leisure centre, tennis courts, five a side football pitches, multi ball courts, an outdoor gym area, a skatepark and an open grassed area. The site features a vehicular access off Park Street with car parking available for up to 100 vehicles. To the east, south and west of the site there are residential dwellings and to the north there is Vale Retail Park. The site boundaries are marked by mature vegetation and approx. 1.8m high metal railings.
- 5.9 The Man-O-War equipment would measure 5.6m in height. Because of the proximity to the existing play area and relative ease of access to the existing car park to the northeast the proposed works are in an area of the site that already has extensive play activity taking place. With existing mature vegetation being retained properties in Park Street and Hilda Wharf will not suffer adverse impact. The impact upon the character and appearance of the streetscene would not be unacceptable.
- 5.10 Whilst it is proposed to install additional items over and above this piece of equipment, they are not included within this application, as they do not require planning permission for installation. However, having sight of the wider vision the overall appearance of the playground would not be substantially changed. Overall, it is considered that the play equipment would reflect the local setting and would therefore retain its visual appearance.
- 5.11 Whilst the comments received from the Landscape Team in relation to the proposal are noted, It is felt that moving the proposal away from the existing play area elsewhere within the site away for parking and/or introducing timber framed equipment would appear incongruous. The vision of the park is to maintain open areas for community activities, it is considered that this proposal continues to achieve this aim, the close link to the existing play space would ensure practicability of use for families who might have a range of children ages. The location has been chosen by the design team to allow the heavily used open areas of the site to remain unimpacted. Regarding materials, there is a general move on the side of delivery teams nationally away from timber framed equipment because such material often comes with a significant maintenance burden and by its nature more prone to damage under times of heavy use. Timber equipment also has a shorter life expectancy because of general wear and tear. While timber might be more desirable in more rural locations, this is an urban park, where modern materials are not objected to and on a day-to-day operational basis make sense.

Amenity of existing and future residents

- 5.12 The closest residential dwellings are approximately 38m to the south of the proposal site with mature vegetation and Bearbrook in between.
- 5.13 It is noted the total height of the proposal would be 5.6m however this includes the decorative flag poles at the top of the ship structure. The ship would not be significantly taller than the existing play equipment on site and would not be considered to cause a reduction in privacy to neighbouring dwellings when considering the existing situation. With

equipment already in the area, the noise of children playing is already well established. No public objections have been received in relation to the proposed works.

- 5.14 Overall, given that there is no significant change in the use of the site and the location of the proposed play equipment relative to the neighbouring properties, the existing boundary treatment, the proposed scheme would not have an adverse impact upon their residential amenity.

Transport matters and parking

- 5.15 The park benefits from a car parking area located to north east of the children's playground. There are no changes proposed in regard to the existing arrangements and it is therefore considered that the proposed scheme would continue to be in compliance with the parking standards.

Ecology

5.16 Great Crested Newt Habitats

The application site is set within an amber impact zone for Great Crested Newt Habitat which means that there is moderate habitat suitability and Great Crested Newts might be present. However, it is considered that given the nature of the proposed works, these are unlikely to impact upon the protected species.

Flooding

- 5.17 The site is located within an area more susceptible to surface water flooding and is within Flood Zone 3. However, applicant has submitted a detailed Flood Risk Assessment which demonstrates that the proposal is unlikely to greatly impact upon flooding and together with the limited scale of the development and the large area of permeable ground remaining around the site it is considered that the proposal would not exacerbate the risk of flooding within the site.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,

c. Any other material considerations

- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.4 As set out above it is considered that the proposed development would accord with development plan policies BE2, BE3, NE1, I2, I3, I4 and T6 of the Vale of Aylesbury Local Plan (Adopted September 2021) and with the National Planning Policy Framework 2021.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance the application was acceptable as submitted and no further assistance was required.

8.0 Recommendation

- 8.1 The recommendation is that permission be granted, subject to the following conditions and reasons:

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

Reason – To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and with the National Planning Policy Framework 2021.

2. The development shall be carried out in accordance with the details contained in the planning application hereby approved and plans:
 - (Unnumbered) Location Plan – received 25 November 2022
 - (Unnumbered) Vale Park Play Area Design Plan – received 23 May 2023
 - Drawing No. PCM113221 Man-O-War Specification - received 20 October 2022
 - Drawing No. CAS-169737-B3X5D1 Block Plan - received 31 October 2022

- Drawing No. CAS-169737-B3X5D1 Site Plan/Location Plan (satellite imaging) - received 31 October 2022
- Drawing No. CAS-169737-B3X5D1 Proposed Elevations - received 23 May 2023

And in accordance with any other conditions imposed by this planning permission.

Reason – For avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the guidance within the National Planning Policy Framework 2021.

3. The materials to be used in the development shall be as specified on the submitted application form and unnumbered ‘Vale Park Play Area Design Plan’ – received by the Local Planning Authority on the 23rd May 2023.

Reason – To ensure a satisfactory appearance to the development and to comply with policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

Informative(s):

1. Great Crested Newts (European Protected Species)

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfields sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for an EPS mitigation licence from Natural England or the district licence distributed by Buckinghamshire Council. If a great crested newt is encountered during development, works must cease, and advice should be sought from a suitably qualified ecologist.

2. The onus is on the applicant to ensure that the development hereby permitted meets the latest industry standards and is as safe as necessary. As such, a post installation inspection report must be carried out by a member of the Register of Play Inspectors International with any identified snags addressed before the play area is opened for public use.

List of approved plans:

Plan Reference	Received
<i>(Unnumbered) Location Plan</i>	<i>25 November 2022</i>
<i>(Unnumbered) Vale Park Play Area Design Plan</i>	<i>23 May 2023</i>
<i>PCM113221 Man-O-War Specification</i>	<i>20 October 2022</i>
<i>CAS-169737-B3X5D1 Block Plan</i>	<i>31 October 2022</i>

CAS-169737-B3X5D1 Site Plan/Location Plan

(Satellite Imaging)

31 October 2022

CAS-169737-B3X5D1 Proposed Elevations

23 May 2023

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Ward Councillor Comments (Aylesbury North Ward)

No comments received at the time this report was written.

Town Council Comments (verbatim)

Aylesbury Town Council has no objection to this application.

Consultation Responses

Environmental Agency

Comments: No comments received at the time this report was written.

The Canal and River Trust

Comments: No comment to make.

BC Landscape

Comments: There is a masterplan for this park, which was agreed by Aylesbury Vale District Council, which sought (amongst other things) to maintain the openness of the central area of the park, which is also used regularly for events, and keep development (including formal play) away from this central area. The proposed development could better accord with this masterplan, and we believe there are better alternative locations for it within the site. We need to understand and agree the entire proposal for play, including access, surfacing and all equipment, with a preference for a 'forest play' approach, using natural materials, rather than an off-the-shelf manufactured product.

BC Parks and Recreation

Comments: I fully support this application which will provide increased play value to a wide range of users.

The proposed location of this additional play space, as well as being directly adjacent to the existing play area is also adjacent to Aqua Vale Leisure Centre, both of which will encourage more people to visit and stay longer in Vale Park.

BC Ecology

Comments: No objections

Representations

Other Representations

At the time of writing this report, no public representations have been received.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2020. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA Licence Number 0100062456