

09/00114/R3FUL: PROVISION OF WATERPARK FACILITY AT BRETTON PARK, NORTH BRETTON
VALID: 25 FEBRUARY 2009
APPLICANT: PETERBOROUGH CITY COUNCIL
AGENT: CITY SERVICES, PROPERTY DESIGN AND MAINTENANCE
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: COUNCIL'S OWN DEVELOPMENT
DEPARTURE: NO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the proposal
- The impact of the scale, design and location
- The impact on Health and Safety
- The impact on pedestrian footpath and Public Right of Way
- The impact on traffic

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

T1-The Transport Implications of New Development: Planning permission will be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan.

The proposed water facility is accessible through public transport, hence it is acceptable.

- (b) it will not result in unacceptable impact on any element of the transportation network: The proposed development will not have any impact on existing transportation network in the area.

T2- Development Affecting Footpaths and Public Rights of Way: Planning permission will only be granted for development that affects a footpath or public right of way if the route is satisfactorily incorporated into the development or diverted, unless:

- (a) there is no prospect of the footpath or right of way serving a beneficial purpose;

(b) in the case of a footpath, its closure would be in the best interest of crime reduction; proposed development will not lead to closure of footpath and the proposal will not induce crime.

The proposal will not affect the existing footpaths or public rights of way.

T4- Development Affecting the Cycle Route Network: Planning permission will not be granted for any development that would prejudice the safety of, or cause significant inconvenience to, cyclist using any element of the cycle route network, as shown on the Proposal Map.

The proposed water facility will not prejudice the safety of the existing nearby cycle routes.

LT9- Development of Leisure Facilities : In all locations other than those covered by policy CC4, proposals for leisure development (including extensions to existing leisure facilities) will be subject to the following policy: (a) If the site of the proposed development is within a District Centre or Hampton Township Centre as defined on the Proposal Map, planning permission will be granted provided that the nature and scale of the development would be appropriately related to the catchment area served by that Centre. If the nature and scale of the development would be such that it would serve a larger catchment area, planning permission will be granted if the applicant has demonstrated that a sequential approach to site selection has been applied in accordance with Appendix V1 and that there is no alternative site which is higher in the sequence. If there is such an alternative site, or if the applicant has failed to demonstrate that a sequential approach has been applied, planning permission will be refused.

The proposed water facility is within District Centre catchment area and the proposed scale is appropriately related to the catchment area served by the Centre, hence the proposal is not in conflict with this policy criterion. The proposed water facility is of a limited scale and is located within an existing park. There is no material change of use involved and it is considered that there is no need for the applicant to demonstrate that a sequential approach has been followed.

DA2- The effect of development on the Amenities and Character of an Area- Planning permission will only be granted for development if, by virtue of its density, layout, mass, height it: (a) can be satisfactorily accommodated on the site itself; (b) would not adversely affect the character of the area and (c) would have no adverse impact on the amenities of occupiers of nearby properties.

The proposed water facility will not adversely affect the amenities of the nearby properties and it will not spoil the character of the area. The proposed water facility can be satisfactorily accommodated within North Bretton Park. It will not affect the character or amenities of the area.

DA11- Design for Security: Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

The applicant has confirmed that CCTV will be installed and water park facility will be supervised. Such measures will assist to overcome the concerns raised by the Police Constabulary Architectural Design Officer.

LNE9-Landscaping Implications of Development Proposal: It is considered that there is adequate landscaping in the park and no additional landscaping will be required.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation: The proposed water facility will improve recreation facilities for Children within the District area. It is therefore in accordance with PPG17- Planning for Open Space, Sports and Recreation.

3 DESCRIPTION OF PROPOSAL

Peterborough City Council is proposing to construct a 500sq.m water play facility incorporating 3 water features of various sizes and shape set in multi coloured rubberised soft fall material and treatment and recycling systems for the water used in the facility. The proposal also includes a 2.4m high green powder coated Betafence Securifor 3D security fencing with 2 pedestrian gates (1200mm wide) and a pair of vehicular access gates (3500mm wide). The project will also include connecting into the mains sewage at the front of the existing Pavillion.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The proposed site is located within North Bretton Park near to the football and rugby pitch. It is also bounded to the immediate western side by a footpath and open space area and recreation ground.

5 PLANNING HISTORY

There is no recent relevant planning history in connection with the site although the aim of the proposed water facility is to replace the current Bretton Park paddling pool which has come to the end of its useful life.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – In consultation with Highway Engineers they have raised some concerns regarding the likely traffic generation that could be associated with the use of those visiting the water park facilities. However, in your officer's opinion, given that the site is easily accessible by public transport, cycle routes and pedestrian footpaths the proposed water park facility will not generate any adverse traffic to the area.

Wildlife Officer - I consider that this proposal is unlikely to have an impact upon the features for which this site has been designated a County Wildlife Site.

The Wildlife Trust - The wildlife Trust has no comments on this application, as although it is within 25 metres of Grimeshaw Wood and Highlees Spinney County Wildlife Site there should be no adverse impact on the wildlife resulting from this proposal.

Natural England - No objection.

EXTERNAL

Senior Architectural Liaison Officer – Has supported the proposal in principle. However the local officers who would have the responsibility of policing the site are warning that it is likely to become a gathering point for teenagers. They are particularly concerned of the danger of anti-social behaviour and damage (broken bottles thrown onto play area) etc, particularly if the site is accessible and un – supervised and at times of low usage by young children. Is there an intention that the site will be formally managed at all times when open? If not then the provision of Citylink, CCTV should be considered. When closed the fencing and gates proposed appear to be to a standard which should provide protection for the site to all but the very determined miscreant. Care must be taken to ensure that locking mechanisms, latches and hinges do not provide climbing aids. The details supplied to me do not show the precise location of fencing design and gates. Perhaps this could be conditioned, giving me the opportunity to make comment when precise details are provided?

This fence should be placed a sufficient distance away from the play area to deter glass bottles being thrown over the fence onto it water area. If CCTV is to be considered than an appropriate lighting scheme should also be designed.

Environment Agency – Has not made any comment and any advice or comments that will arrive later will be included in the update report.

Anglian Water - Has not made any comment and advice or comments that will arrive later will be included in the update report.

ROSPA (Leisure Safety Information Officer) - would like the City Council to consider the following points:

- Dogs – once the play feature is operational it will become an invitation for dogs particularly on hot days, the two main risks you will need to consider are dog bites and dog fouling. This may result in an approach to ban them in this area; however systems will need to be put into place to police this.
- Water Quality - Weil's disease has already been addressed in the documentation, however a process will need to be developed that allows you to shut down the features if the water becomes contaminated, this will obviously incur regular water testing. Additionally, cryptosporidium will also need to be considered as this can be particularly contagious to young children. This is a form of bacteria that is carried in young children and infects the water via diarrhoea and vomit. Waterproof nappies or stopping infected children in the water could be approached to consider.
- Drainage - children can drown in water a shallow as an inch, obviously this is dependent on a number of factors but it is worth noting. With this in mind it is important to have a sustainable drainage system. Obviously if problems do occur with this and bodies of water are formulating, again systems will need to be adopted to shut down the feature.
- Bikes, skateboards and skates – due to the feature being situated in a park and close to other attractions children may at times visit with bikes and skateboards. Consideration will need to be given to how this could be reduced or stopped.
- Wild fowl - similar to dogs a system will need to be put into place to reduce wild fowl particularly Canada geese.

NEIGHBOURS

One letter of objection has been received from local residents at the time of writing this committee report: The issues raised include the following:

- The parkland that we had for recreation has in the past year been lost with the sale of a large piece of Parkland to the Rugby Club.
- The cost associated with the plan for the waterpark would be a disgraceful waste of public money.
- Currently there is a waterpark at the Silver Jubilee pub area, which should be developed if a waterpark is seen as necessary.
- The waterpark will attract anti-social behaviour, graffiti
- The parkland must remain otherwise we will be living in an urban jungle.

COUNCILLORS

No comments have been received from any Councillors at the time of writing this committee report and any comments that are received later will be added to the update report.

7 REASONING

Introduction

This is Peterborough City Council's own development. The City Council has identified the need for a new water park facility at North Bretton Park for children to play in and around water. One of the reasons for this water park facility is because the current Bretton park padding pool has come to the end of its useful life and the cost of it upkeep is becoming prohibitive and has been vandalised on a number of occasions. In consultation with the local ward councillors prior to the submission of this proposed planning application, it has been determined that water play facility would be the best option and can be linked in with any future schemes planned to improve facilities for the local community.

a) The principle of the proposed water park facility

In land use terms the proposed site is within the existing North Bretton Park comprising of open green space, football and rugby pitches and Bretton Park pavilion. Hence, the principle of water facility for children is considered acceptable because it is a use that will not be in conflict with the designated use of North Bretton Park and it will complement other existing land use within the park. It is therefore in

accordance with policy LT9 – in the Adopted Peterborough Local Plan (First Replacement) 2005. The acceptance of the proposed use in principle is also subject to the evaluation of the remaining planning issues below.

b) The impact of the scale, design and location of the water park facility

The proposed design will involve the construction of a 500sq.m water play facility which will be supplied by a specialist contractor with a number of water features set within a multi coloured rubberised soft play surface which is easily accessible for the disabled. The water park facility will incorporate water recycling facilities to minimise water wastage during its use and a series of soakaways to take care of water run off during periods of closure. The site will be surrounded by a high security fence and CCTV to protect the site when not in use.

There will be management supervision by the Park Rangers when the water park facility is in use in order to deter anti-social behaviour and to ensure children safety. The Architectural Design Liaison officer has requested such safety measures including consideration of the installation of CCTV. The character and amenities of North Bretton Park are characterised by vehicular access to the park, open green space, lined trees, foot paths, football and rugby pitches, Bretton pavilion and the green powder coated security fence separating the rugby pitch from the football pitch. The nearest residential properties to the location of the proposed water park facility are between 190m to 200m. Such distances are sufficient to reduce any likely impact such as noise that could be associated with the use of the water park facility. The proposed scale, design and location of the water park facility, are considered to be sympathetic to the character of North Bretton Park, hence, it is in accordance with policies DA2 and DA11 of the Adopted Peterborough Local Plan (First Replacement) 2005. Other measures to secure safety, preventing crime or anti-social behaviour such as the fencing, CCTV and supervision by the Park Rangers will be conditioned so that the Local Planning Authority will ensure that appropriate recommended safety measures are satisfactorily approved by the City Council in consultation with the Architectural Liaison Officer from the Cambridgeshire Constabulary.

c) Health and Safety

The contractor that will be responsible for constructing the water park facility has submitted their risk assessment and method statement that 'to minimise the chances of infection, the only way is to avoid contact with contaminated water and animals, thus avoiding exposure to the bacterium. Part of the construction will include a chamber containing 2 No. divert valves which will be constructed outside of the play area, these valves will divert wash down water to the foul sewer in the event of fouling during operating hours. Rain water will also be diverted during the winter months to a soak away if available or to the ground water system. It is indicated that the complete water system is to be installed in accordance with Health and Safety ACOP L8 and CIBSE guidelines, to minimise the risk of legionella. This ensures adequate provision for flushing, sterilisation and ensuring the systems are cleaned internally before being put into service. The Local Planning Authority is satisfied that health and safety has been addressed, nevertheless the operation of the systems and health and safety measures are controlled by other legislation.

d) The impact on pedestrian footpath and public right of way

The proposed location, layout and design of the water play facility will not affect the existing trees, football and rugby pitches. It will not encroach on the existing footpaths and public right of way within North Bretton Park. The location and design of the water facility has been carefully thought out in order to prevent any impact on the existing recreation facilities or footpaths. Instead the facility has been properly located in order to make it more easily accessible through the existing footpaths within North Bretton Park. Hence, the proposal is in accordance with policies T2 and T4 of the Adopted Peterborough Local Plan (First Replacement) 2005.

e) The impact on traffic

The existing vehicular access to North Bretton Park will not be affected instead the proposed water facility and vehicular access has been carefully designed and located in order to make it easily accessible through the existing vehicular and footpath access onto the Park. The location of the North Bretton Park is also ideal for easy access to public transport, cycle route and footpath hence, the proposed scheme is considered sustainable because it will not generate adverse private vehicles to the site. Given the easy access of the water park facility to public transport routes and footpath it will reduce the number of private car emissions from the site and make the proposal more environmentally

friendly and in accordance with Policy T1 in the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Statement (PPS1) Delivering Sustainable Development.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposed water facility is considered acceptable because it is related to the type of land use that is considered acceptable within the existing North Bretton Park. It is therefore in accordance with both local plan and national policies such as LT9 (Development of Leisure Facilities) of the Peterborough Local plan and PPG17 (Planning Open Space, Sport and Recreation)
- The scale, design and location of the water facility will not distort or spoil the visual character or amenity of the area because such land use will blend with the existing land use within North Bretton Park. The proposed supervision by Park Rangers that will be put in place and the installation of CCTV will assist to reduce and deter crime or anti-social behaviour. The Proposal therefore is in accordance with both local plan policy and national policies such as policies DA2 and DA11.
- The scale and location of the proposed water facility will not affect existing vehicular access to the Park or the existing footpaths or public right of way within the North Bretton Park. It is therefore in accordance with policies T2 and T4 of the Adopted Peterborough Local (First Replacement).
- The proposed water facility will not alter the existing access to Bretton Park. Given that the park is accessible by cycle route, pedestrian footpath and public transport, the scheme is considered to be sustainable because it will attract limited use of private cars to the water facility. The proposal therefore is in accordance with both local plan and national policies such as policies T1, T2 and PPS1.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Prior to the water park being open for use by members of the public, the water park facility shall be gated and fenced with a 2.4m high green power coated Betafence Securifor 3D security fence with 2No. pedestrian gates (1200mm wide) and 1No. pair of vehicular access gates (35000mm wide). Details, included plans, of the location of the fencing and gates shall be submitted to and approved in writing by the local planning authority prior to its installation. The fencing and gates shall be retained as such thereafter and the gates shall be kept locked when the water park is not open for use.**
Reason: In order to secure the safety of the children using the water park facility in accordance with Policy DA11 of Peterborough Local Plan (First Replacement).
- C3 Prior to the water park being open for use to members of the public, CCTV shall be erected at the site and shall be operational in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The CCTV shall thereafter remain operational in accordance with the approved scheme.**
Reason: In the interests of security, safety and prevention of crime and ant-social behaviour in the locality of the water park facility, in accordance with Policy DA11 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Morley, Fitzgerald, Nash

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