DELEGATED AGENDA NO

PLANNING COMMITTEE

15 JANUARY 2014

REPORT OF CORPORATE DIRECTOR, DEVELOPMENT AND NEIGHBOURHOOD SERVICES

13/2893/LAF

Proposed Skatepark, Preston Park, Yarm Road

Construction of an in-situ sprayed concrete Skatepark and associated landscaping for a multitude of wheeled sports enthusiasts including skateboarders, roller skaters, scooter riders and BMX cycle riders.

Expiry Date 14 January 2014

SUMMARY

The application seeks planning permission for the installation of a wheeled sports skate park suitable for a variety of wheeled sports enthusiasts within the grounds of Preston Park.

The application is submitted by Stockton Borough Council, there have been no objections to the proposal.

Under the Councils scheme of delegation the application must be referred to the Planning Committee for consideration and determination.

The application is recommended for Approval with Conditions for the reasons set out below.

RECOMMENDATION

That planning application 13/2893/LAF be approved subject to the following conditions and informative below;

01 APPROVED PLANS

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number Date on Plan

 UDN2075_001
 19 November 2013

 0883_101_B 131106
 19 November 2013

 0883_301_A 131101
 19 November 2013

Reason: To define the consent.

02. EXISTING AND PROPOSED LEVELS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity of the area, the living conditions of nearby residents or integrity of existing natural features and habitats.

03. MEANS OF ENCLOSURE

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of the erection of any permanent fencing, details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality

04. LANDSCAPING - SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity

05. MAINTENANCE- SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The local planning authority has implemented the requirements of the NPPF.

BACKGROUND

- A need for skatepark facilities was identified by Stockton Borough Council in a cabinet report of 2012 which explored various potential locations for new skate facilities including the need for an accessible destination skate park in the borough with Preston park identified as a potential location for such a facility.
- 2. The final design and layout of the skatepark has been subject to a public consultation event with skater user groups which took place in august 2013.
- 3. Each design incorporated a range of features to suit beginners and advanced skaters, bmxers and scooter riders including jumps, street furniture, a plaza-type facility, rollovers, spines, jump boxes, quarter pipes and grinding rails.
- 4. After careful consideration the 'Wheelscape' skatepark was chosen as the best design boasting a range of innovative features
- 5. The current application seeks planning permission for the winning skatepark design.

SITE AND SURROUNDINGS

- 6. The application site is within the grounds of Preston Hall and Park. The skate park is proposed to be located on the area occupied currently by the crazy golf and adjacent grassed play area.
- 7. Preston Hall is the Borough Museum and its grounds offer a variety of leisure and recreational uses. Recently reopened following a £7million refurbishment including new facilities such as an adventure playground and the restored walled garden and orchard.
- 8. The Hall is a grade II listed building and its associated setting takes in the landscaped grounds.

- 9. To the east of the site lies the café and public toilets and beyond that the Hall and river Tees Yarm Road and residential properties to the West.
- 10. To the south is extensive grounds of the park before Quarry Road with detached residential properties, Preston Lane abounds the north extent of the park.
- 11. The proposed site is heavily planted with shrubs and young trees. The crazy golf has a small cabin building to administer the use and is bounded by a low post and rail fence.

PROPOSAL

- 12. The application seeks planning permission for the construction of an in situ concrete skate park and associated landscaping,
- 13. Occupying a site area of 0.67 of a hectare the skatepark will consist of 3 main sections a street area, central bowl and a flow section. With various jumps, rails and skate features.
- 14. The skate park is intended for multiple users groups including wheeled sports enthusiasts, skateboarders, roller skaters, scooter riders and BMX cycle riders.
- 15. The proposal is to be located on an existing area of the park used for crazy golf and play area.

CONSULTATIONS

The following Consultees were notified and comments received are set out below:-

Sport England

Sport England does not wish to comment on this particular application.

Development And Regeneration

Regeneration & Economic Development fully support the plans for wheeled sport facilities at Preston Park. It must be ensured that throughout the development and ultimately the operation of the park, opportunities are maximised with the local community in terms of jobs and volunteering, as well as encouraging the involvement of local businesses wherever possible.

Head of Technical Services

Highways Comments

Car parking is provided within Preston Park with over flow parking available when required; there are no highway objections.

Landscape & Visual Comments

The development is broadly supported as it will provide a valuable, additional recreational resource for Preston Park. The tree survey information and the tree management strategy submitted as part of this application are acceptable. Details of the trees to be planted around the edges of the site, details of the mounding as indicated on the site location plan dwg ref 0883/101 and details of fencing associated with the site are requested as per the condition wording in the informative section at the end of this memo.

<u>Informative</u>

UDLV02 EXISTING AND PROPOSED LEVELS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity of the area, the living conditions of nearby residents or integrity of existing natural features and habitats.

UDLV03 ENCLOSURE

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of the erection of any permanent fencing, details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

UDLV06 LANDSCAPING – SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

UDLV11 MAINTENANCE- SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be

replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

PUBLICITY

Neighbours were notified by means of letter, site notice and press advert and no comments were received.

PLANNING POLICY

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planmaking and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- -any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- -specific policies in this Framework indicate development should be restricted.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 provides that in considering whether to grant permission for development which affects a listed building or its setting, the decision maker should pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

- 8. Additionally, in designing new development, proposals will:
- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
- 9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy (CS6) - Community Facilities

- 1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.
- 2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.
- 3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.
- 4. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.
- 5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

- 1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.
- 2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
- 3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii) Green wedges within the conurbation, including:
- _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
- _ Leven Valley between Yarm and Ingleby Barwick;
- _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- _ Stainsby Beck Valley, Thornaby;
- _ Billingham Beck Valley;
- Between North Billingham and Cowpen Lane Industrial Estate.
- iii)Urban open space and play space.
- 4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.
- 5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.
- 6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.
- 7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:
- i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
- ii) Tees Heritage Park.
- 8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).
- 9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment
- 10. When redevelopment of previously developed land is proposed, assessments will be required to establish:
- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

Saved Policy EN28 of the adopted Stockton on Tees Local Plan

Development which if likely to detract from the setting of a listed building will not be permitted.

MATERIAL PLANNING CONSIDERATIONS

16. The main considerations of the application are the principle of the development, effect of the proposals on the significance of the heritage asset Preston Hall and its associated grounds, the visual impact of the skate park on the amenities of the area, the impact on the users of Preston Park and the existing leisure offer and the impact on the amenity of neighbouring properties.

Principle of Development

- 17. The skate park proposal has developed as a result of an identified need for skate and wheeled sports provision in the borough with a similar proposal being developed north of the borough at John Whitehead Park in Billingham.
- 18. The proposal relates to a sports facility in an existing park within the limits to development as defined by the saved Local Plan. The site is located within walking distance of a large number of residential properties and close to public transport routes. As such it is considered that the proposal accords with the general provision of the National Planning Policy Framework and is in a sustainable location in terms of public transport provision and accessibility for neighbouring residential properties.
- 19. With respect to the requirement for the skate and wheeled sports facility, the preamble to Core Strategy Policy CS6 (Community Facilities) notes;
- 20. Provision of and access to facilities underpin a number of sustainable community strategy strands. Promoting health, well-being and achievement of children and young people involves good quality education and training facilities, together with chances for young people to enjoy culture, sport and leisure opportunities. Encouraging residents to live a healthy lifestyle involves the provision of facilities to encourage regular exercise taking and to maximise the opportunities provided by the natural landscape of the Borough to improve their health."

As such, the criteria policy CS6 states that:

- 1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities.
- 2. Opportunities to widen the boroughs cultural, sport and recreation and leisure offer;
- 3. The quantity and quality of open space, sport and recreation facilities throughout the borough will be protected and enhanced;
- 4. Existing facilities will be enhanced, and multipurpose use encouraged to provide a range of services
- 21. Within the Council's Open Space, Recreation and Landscaping Supplementary Planning Document (2009), Eaglescliffe is identified as meeting the quantity standards for play/young people's areas.
- 22. Furthermore and as part of a strategic Council scheme, the Green Infrastructure Delivery Plan shows a wide range of projects which could be delivered by Stockton Borough Council or other organisations, to address the objectives set out in the Stockton-on-Tees Green Infrastructure Strategy.
- 23. The development of a wheeled sport facility in this location was also supported by a Cabinet Decision for the provision of wheeled sports facilities within the Borough (report dated 8th March 2012) which explored various potential locations for new skate facilities.

- 24. It was recognised in this report that apart from a small BMX track at Tilery Park there are no purpose-built permanent facilities for these wheeled sports within the Borough. However, informal activity does take place in several locations.
- 25. Subsequently planning permission for a skatepark has been granted north of the borough at John Whitehead Park.
- 26. It is intended that this skatepark will be a 'destination' skatepark within the Borough fitting with the wider aspirations of Preston hall and Grounds as a destination park. The report went further to stipulate that the destination skatepark should meet the following criteria:
- 27. "Any facility, especially a larger 'destination' park, should be easily accessible by public transport (bus or train), on foot or bike (traffic free routes preferred) and by car. Outdoor skate parks are also best located in safe and secure environments, and away from residential areas to minimise disturbance due to noise or other factors. They also benefit from having supporting infrastructure on site (e.g. toilets, café, shop, parking for vehicles and bikes) and complementary facilities (e.g. other play and sports provision and open space)".
 - It is therefore considered that Preston Park meets with these wider sustainability criterions.
- 28. In view of the above Policy considerations and other material considerations, it is considered that the proposed scheme would be located within a suitable location and that the proposal would satisfy the provisions of Core Strategy CS6 in terms of providing recreation facilities and the principle of development is therefore considered to be acceptable, subject to the proposed scheme satisfying other material considerations as set out below;

Impact on neighbours/character and appearance of the site and surrounding area.

- 29. The proposed development is contained within the grounds of Preston Hall and there are no directly adjoining neighbours to the proposed facility although there are residential properties bounding the park. As the facility is very much a facility, within an existing recreational facility the impact on neighbouring land users will be limited. The skatepark will be well screened by existing planting and situated as not to cause any direct nuisance to neighbouring properties.
- 30. There is an existing belt of trees proving screening of the crazy golf facility and this will be largely retained through the development and supplemented by additional planting to ensure the facility is not highly visible in the wider area.
- 31. The design of the facility including screening and banking is to ensure other users of the park are not adversely impacted by users of the facility but can still visually integrate and interact as required such as families with children using the facility and nearby seating.
- 32. Furthermore, in view of the scale and design of the scheme, which is considered to respect the proportions and layout of the established park setting, it is considered that the proposal will not result in an adverse loss of visual amenity or adversely affect the character and appearance of the park or surrounding areas. It is further considered that the siting of the

- wheeled sports facility is logical in terms of its proximity to other facilities such as the café, toilets and car parking.
- 33. A variety of complimentary materials and colours have been integrated into the design. The surrounding amenity areas will maintain a degree of separation that have the potential for use by riders but also maintaining a degree of separation to allow safe enjoyment by families and spectators when required.
- 34. It is recognised that the skate park is a modern installation within a historic parkland setting.
- 35. The construction of the facility as a spayed concrete is necessary for the intended use and the visual impact shall be mitigated by mounding, screening and planting to soften the visual impact and help the facility to blend into its verdant surroundings.
- 36. The applicant has undertaken discussions with the Council's Principal Tree and Woodland Officer and a visual tree survey has been undertaken in the immediate vicinity of the site in which the. The Council's Landscape Officer has therefore raised no objections to the scheme. Notwithstanding the necessary tree removal, planning conditions are recommended to ensure appropriate landscaping is incorporated into the development.
- 37. In view of the above considerations, the siting of the scheme considered to be acceptable and will not cause significant harm to the character of the surrounding area including landscaping features.

Impact on heritage asset

- 38. Preston Hall is a grade II listed building set in Victorian parkland. The Hall has recently undergone major refurbishment with incremental improvements taking place within the historic grounds including the reestablishment of the walled garden and orchard and modern facilities such as the new play area which has proved immensely popular with park users.
- 39. It is recognised that although the Hall is a grade II listed building which has been carefully restored and enhanced the park and grounds serves a variety of functions for multiple park users.
- 40. To enable the park to serve these modern needs changes to the grounds have and will continue to take place.
- 41. The skatepark is to be located on an existing area of crazy golf which is a modern intervention within the park and considered to be a less sensitive area of the park with other modern facilities adjacent including the café, toilet block and car parking area.
- 42. In addition the facility will be well screened from main visas towards the hall and will not be highly visible in the immediate setting of the Hall. Furthermore, in view of the scale and design of the scheme, which is considered to respect the proportions and layout of the established park setting, it is not considered that the proposal will not result in an adverse impact on the setting of the listed building or the wider historic parkland.

43. Consequently it is considered that a modern intervention will be replaced with an alternative facility and no additional harm to the setting of the listed building will occur the application is therefore considered to accord with saved policy EN28.

CONCLUSION

- 44. It is considered that the skatepark proposal will not result in any significant harm to the amenities of Preston Park or the grade II listed Preston Hall, the amenities of neighbouring properties or users of the park and is therefore in accordance with Adopted Stockton on Tees Core Strategy and the Saved Policy EN28 of the Adopted Stockton on Tees Local Plan.
- 45. It is recommended that the application be Approved with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services Contact Officer Mrs Fiona Bage Telephone No 01642 526271

WARD AND WARD COUNCILLORS

Ward Eaglescliffe

Ward Councillor Councillor A L Lewis

Ward Eaglescliffe

Ward Councillor Councillor Mrs M. Rigg

Ward Eaglescliffe

Ward Councillor Councillor Phillip Dennis

IMPLICATIONS

Financial Implications: As report

Environmental Implications: As report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

Planning Listed Buildings and Conservation Areas Act 1990 Core Strategy Development Plan Document 2010 Stockton-on-Tees Local Plan 1997 NPPF