

West Area Planning Committee

11 January 2012

Application Number: 11/01473/FUL

Decision Due by: 5 September 2011

Proposal: Demolition of existing timber skate park facilities and construction of new concrete skate park facilities.
(additional information)

Site Address: Recreation Ground Meadow Lane (**Appendix 1**)

Ward: Iffley Fields Ward

Agent: Gray Baynes And Shew

Applicant: Mr Jack Richens

Recommendation: The West area Planning Committee is recommended to grant planning permission subject to the conditions set out in this report.

Reasons:

- 1 The proposal is acceptable in principle in that it would make use of an existing urban site which has excellent access to public transport nodes. The site is presently used for outdoor sporting purposes and the redevelopment of the site to provide improved outdoor sporting facilities is also considered to be acceptable in principle. The Councils Leisure Services has undertaken research into the City's sports facilities and has identified a shortfall in facilities for skateboarding and BMX, in this regard the proposals would seek to meet this shortfall in at a highly accessible location. The proposal would not have an unacceptable impact on the amenities for nearby residential properties in terms of noise resulting from the activities associated with the use. The site would not have an adverse impact upon drainage or flooding. Statutory consultees on Flooding and Ecology raise no objection to the proposals. The application is therefore considered to accord with the policies of the Local Plan and Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give

rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Hours of use
- 4 Landscape plan
- 5 Landscape carry out after completion
- 6 Boundary details before commencement
- 7 Details of acoustic fence
- 8 Maximum Noise Levels
- 9 Develop in accordance with Flood Risk Assessment
- 10 Cycle parking
- 11 Develop in accordance with Ecology Report

Planning Obligations:

The County Council as Highway Authority have requested a contribution of £5,000 towards the implementation of a Traffic Regulation Order in Meadow Lane to mitigate the impact of the proposal upon on street parking.

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS19 - Privacy & Amenity
- NE23 - Habitat Creation in New Developments
- SR2 - Protection of Open Air Sports Facilities
- SR5 - Protection of Public Open Space

Oxford Core Strategy 2026

- CS2_ - Previously developed and greenfield land
- CS11_ - Flooding
- CS12_ - Biodiversity
- CS17_ - Infrastructure and developer contributions
- CS18_ - Urban design, town character, historic environment
- CS19_ - Community safety
- CS20_ - Cultural and community development
- CS21_ - Green spaces, leisure and sport

Other Material Considerations:

PPS 1 – Delivering Sustainable Development
PPS 9 - Biodiversity and Geological Conservation
PPG 13 – Transport
PPG17 - Planning for Open Space, Sport and Recreation
PPS25 – Development and Flood Risk
Regional Spatial Strategy for the South East
Planning Obligations SPD
Parking Standards, Transport Assessments and Travel Plans SPD
Sports and Physical Activity Review (OCC)

Relevant Site History:

04/01408/VAR - Variation of condition 4 of planning permission 97/72/NF to allow extended opening hours of Street Sports Site (09.00 - 19.00 hours daily except Thursday and Friday 09.00 to 21.00 hours) (This application is only to extend hours on Friday.) - Approved

00/01685/VF - Variation of condition 3 of planning permission 97/72/NF in order to allow permanent use of site for street sports & skateboarding - Approved

00/00917/VF - Variation of condition No. 3 of planning permission 97/72/NF in order to allow permanent use of the site for street sports and skateboarding - Approved

99/01013/VF - Variation of condition 4 on planning permission 97/72/NF to allow extended opening hours (09.00-19.00 hrs daily except for Thursday 09:00 - 21:00 hrs) for Oxford Wheels Project - Approved

97/00072/NF - Construction of ramps and street sports area enclosed by fencing for temporary period of 5 years pending provision of permanent facility elsewhere. (Amended plans) - Approved

81/00512/GF - East Oxford Adventure Playground Meadow Lane - Erection of hut to serve as indoor facility for play scheme activities – Deemed Consent

80/00568/GF - Use of land as Adventure Playground – Deemed Consent

Third Party Representations Received: 111 letters of comment have been received, 110 of which are in support of the application. The comments made can be summarised as follows:

- Wonderful idea for children and adults
- Don't want to lose this facility
- City and community in desperate need of improved facilities
- Great facility for people to come together as a community
- Object to Citywide skate park
- Lack of toilets, lighting and shelter at the proposed facility
- Overdevelopment

- Server degradation of environmental quality of site
- Removal of landscaping and trees will be harmful to visual amenity
- Poor access and not car parking
- Noise and disturbance
- Poor drainage

Statutory and Internal Consultees:

Environment Agency Thames Region – Initial ‘holding objection’ withdrawn following submission of a Flood Risk Assessment. Recommendation to support subject to conditions relating to development being in accordance with the Flood Risk Assessment.

Thames Water Utilities Limited – No objection

Thames Valley Police – No objection

Natural England – No objection, would encourage biodiversity enhancement opportunities to be explored

Environmental Health – No objection. Satisfied by details submitted in Noise Assessment. Would recommend hours of use condition.

Highway Authority – No objection subject to conditions relating to cycle parking and drainage. Request £5,000 pound contribution towards a Traffic Regulation Order in Meadow Lane (see below for details).

Officers Assessment:

Site Description and Proposal

1. The application site comprises a 1400m² enclosure located to the west of the Meadow Lane playground. The southern half of the site has some existing timber ramps associated with its authorised permanent skate boarding and BMX use. The remainder of the site is overgrown. Access is presently taken through the playground, although there is a secondary access into the site from the recreation ground to the north. The site has no car parking or cycle parking.
2. The application proposes the removal of the existing timber ramps and the erection of concrete facility which would occupy the entire area. A new access is provided to the north of the site via a new footpath from Meadow Lane adjacent to the playground boundary. The proposal also includes an 2.5m high acoustic fence and earth bund along the south and eastern boundary,
3. Officers consider the main issues of the case to be the development need, principle, visual impact, noise, biodiversity, flooding and drainage, and highways and parking.

Need

4. Sport has an important role to play in sustaining and creating strong communities, it provides a reason for people from different backgrounds to come together. It provides opportunities for people to share experiences

and whether it is through participation, watching or volunteering it encourages participation in community life.

5. The City Council has produced its Sport & Physical Activity Review and Action Plan 2009-2014, within which it has identified 'Focus Sports'. Of the Focus Sports identified in this review skateboarding and other street sports were highlighted. The proposals before the committee are a realisation of this and seek to meet an established need within the community for high quality and fit for purpose skating and BMX facilities.

Principle of Development

6. The site presently accommodates a well used, albeit small and outdated, skating facility and in land use terms the principle of this continued use would not be unreasonable. Core Strategy policy CS21 makes it clear that it is important to provide new facilities where there are gaps in existing provision. The Council will also look to ensure that the new facilities are located in areas that are realistically accessible by walking and cycling and more heavily used facilities should be accessible by public transport.
7. The application site is an existing facility, which is within a highly accessible location with excellent access to public transport nodes. It operates on the edge of a residential area without any Environmental Health record of instances of noise and disturbance in 1999. The proposal would offer the opportunity to better control the site in this particular regard.
8. In the light of the existing use of the site, the policy context, and the Councils identified need for skateboarding and BMX facilities, officers consider the principle of development to be acceptable.

Visual Impact

9. The site is mostly hidden from public view by the trees which surround it on adjacent sites. The proposal will retain these trees and as such there would be limited views of the proposal. The only clear view of the site is from the east where there is a break in the eastern tree line. However, views of the ramps would be entirely obscured by the 2.5m high acoustic fence and earth bund along the eastern edge of the site. The application proposes new planting to soften the visual impact of the acoustic fence.
10. Although there would be a more intensive use of the site, due to the surrounding trees the facility would from the outside retain the same appearance, with the exception of the acoustic fencing, as at present. In this regard officers would not consider it to have an adverse visual impact on the site or area.

Noise

11. The application was accompanied by a Noise Report which assesses the impact of the proposal on the nearby residential properties (closest 50m away). The report concludes that noise arising from the new facility would be a reduction upon that which exists. With this in mind, as well as the other out door activities adjacent to the site, officers would raise no objection to the proposal in terms of noise. Officers would however recommend two noise related conditions, the first to control the opening hours (10am – 9pm weekdays and 10am-7pm weekends), and the second relating to maximum noise levels when measured from the nearest residential property.

Biodiversity

12. The Ecological Appraisal which accompanied the application concludes that due to the existing use and conditions of the site there is no significant ecological constraint to the proposed development. Officers therefore support the recommendations of the Ecological Appraisal but would recommend that any biodiversity enhancement opportunities be explored. Natural England raise no objection to the proposals.

Flooding and Drainage

13. The site is within flood zone 3b which is the functional floodplain. PPS25 – *Development and Flood Risk* states that within flood zone 3b outdoor sports facilities are considered to be acceptable uses. The application was accompanied by a Flood Risk Assessment which concludes that the proposal will not increase flood risk to neighbouring properties and that drainage will be no worse than at present. The Environment Agency have raised no objection to the conclusions of the Flood Risk Assessment. In light of this officers would also raise no objection subject to a condition to ensure that the development accords with the recommendations of the Flood Risk Assessment.

Highways and Parking

14. The existing facility has no car parking and the proposed facility will also have no off street car parking. The site is within a highly accessible location with excellent access to public transport nodes. To this end the Highway Authority raises no objection to the proposal subject to cycle parking being provided. Officers support this approach.
15. The Highway Authority does however have concerns that the intensification of the existing use would potentially result in an increase traffic movements and due to the saturation in on street parking in the area vehicles may park on Meadow Lane. To mitigate this the Highway Authority has requested a contribution of £5,000 towards implementation of a Traffic Regulation Order in Meadow Lane.

16. Officers appreciate the concerns of the Highway Authority, however the applicant is relying on funding from several organisations in order to implement the proposals and the proposed contribution is not accounted for nor is it considered to be fair as there is no evidence of vehicular traffic generation from the existing facility. In view of this the Committee is advised that as the determining authority the City Council is not obligated to accept the request of the Highway Authority, and should consider such requests for against the guidance set out in CLG Circular 05/2005 *Planning Obligations*. The Circular advises that planning obligations should only be sought where it would meet the below tests. The obligation should be:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

17. While planning officers are sympathetic to the position of the Highway Authority, it is their view that if the above tests are strictly applied then the contribution is not justified. In view of this above officers would recommend that if planning permission is granted the Committee resolve to not endorse the request for a financial contribution towards a Traffic Regulation Order.

Conclusion: The development would make a more efficient use of an existing site which is within a highly accessible location. The intensification of the use would not adversely affect the amenities of the nearest residential properties and it would not increase the risk of flooding. The development would be mostly hidden from public view by trees and where visible landscaping would be provided to soften the visual impact of the acoustic fencing.

Officers therefore conclude that the application is acceptable and would recommend that planning permission is granted subject to the conditions set out above. If the Committee resolve to accept the Highway Authority's request for a contribution towards a Traffic Regulation Order then officer would further recommend that authority be delegated to officers to issue the notice of permission on completion of a legal agreement to secure the contribution.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/01473/FUL

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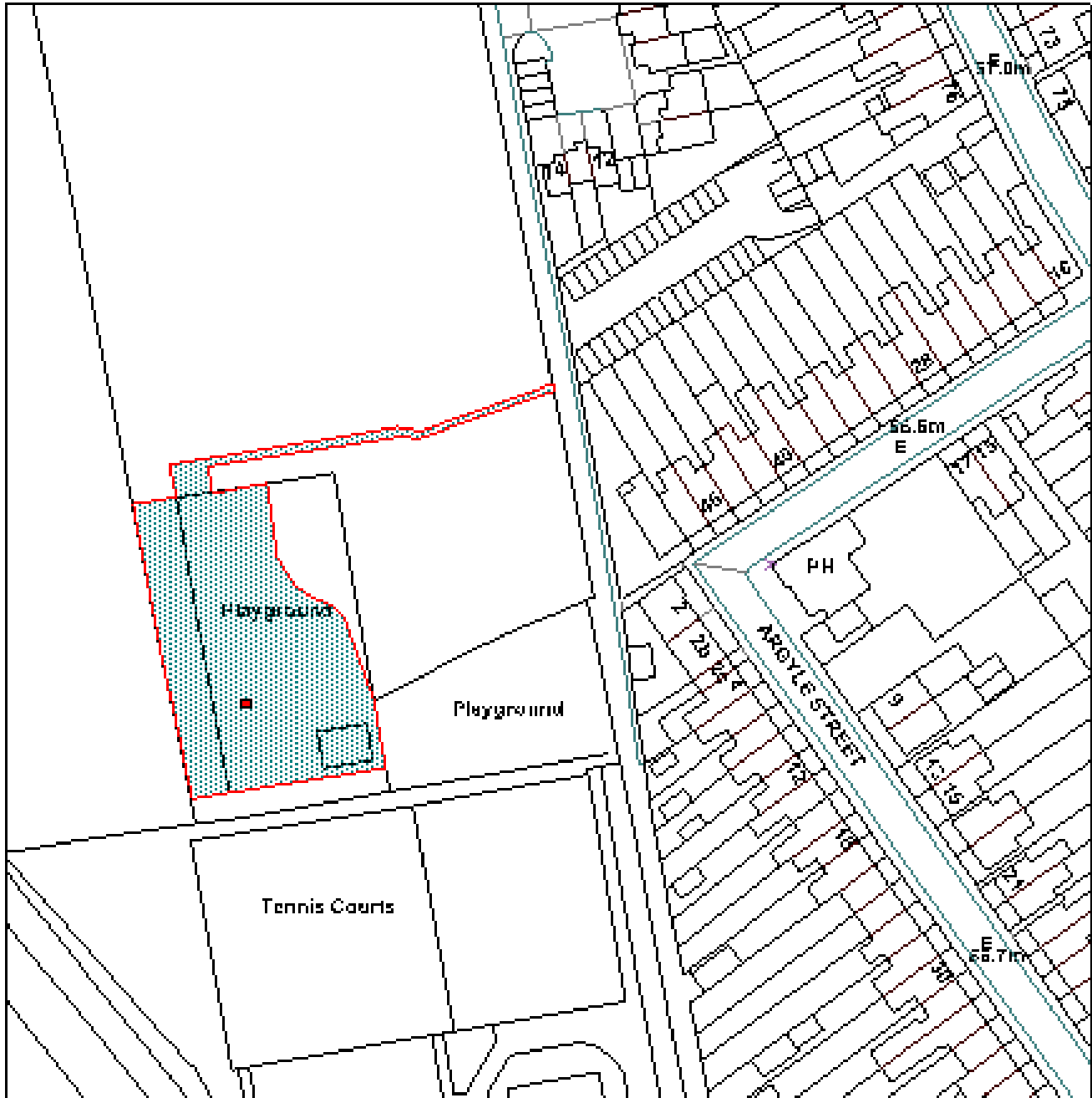
Date: 19 December 2011

Appendix 1

11/01473/FUL - Recreation Ground, Meadow Lane



OS 2500 100000



Scale : 1:1000

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