

## BRECKLAND COUNCIL - PLANNING COMMITTEE - 17-02-2014

<b>ITEM</b>	<b>3</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2013/1108/F	<b>CASE OFFICER:</b> Paul Took
<b>LOCATION:</b>	CROXTON Off Croxton Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> Y <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Thetford Town Council King's House King Street	
<b>AGENT:</b>	Thetford Town Council King's House King Street	
<b>PROPOSAL:</b>	Erection of concrete skate park with associated lighting & fencing, access from Joe Blunts Lane	

### KEY ISSUES

Principle  
Impact on residential amenity  
Impact on adjacent school  
Impact on character of area and landscape features  
Access arrangements  
Recreation provision  
Health and safety

### DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the establishment of a skate park on land at the rear of the Thetford Academy car park off Croxton Road. The site is an area of approximately 35m x 35m and comprises a variety of concrete banks, half pipes etc to provide a skate park for skate boarding and BMX bikes.

### SITE AND LOCATION

The proposed site lies within the parish of Croxton, adjacent to the parish boundary with Thetford. The site is situated approximately 200 metres east of Croxton Road, at the rear of the Thetford Academy car park in an area of arable field. The site falls towards the east which, together with an embankment of the car park, screens the site from public view. Access to the site is proposed to be gained from Joe Blunts Lane, a public footpath that is landscaped on either side by hedging. The Thetford Academy playing fields are situated the other side, south of the lane

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### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

No relevant site history

### **POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.18	Community facilities, recreation and leisure
DC.19	Parking Provision
NPPF	With particular regard to para. 70

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **THETFORD T C -**

The Town Council are the applicants and therefore have no specific comments to a recommendation.

#### **CROXTON PC -**

Raise objection on the grounds of lack of vehicular access, Joe Blunts Lane is a footpath only and therefore does not provide access for bicycles, lack of provision for parents who may wish to park or supervise younger children, lack of visibility, concern that the park will be self-regulated, existing problems associated with Joe Blunts Lane and also the facilities within the Academy that are known to the police, distance from other areas of the Town and the potential impact on the Academy that are known to have concerns.

They also wish to stress that they support the need for a skate board facility within in town but consider this site unsuitable. It is requested that information on other sites that have been considered is provided.

Thetford Academy letter concerns re impact on standards; intrusions onto Academy site; vandalism and graffiti; parking

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### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Recommend refusal on the grounds that the proposal has failed to demonstrate that suitable facilities are available to safeguard the function of the highway. Concern is raised to the lack of access for bicycles given the nature of the proposal and the fact that the only means of access is via a public footpath that does not allow for cycles. Also the lack of pick-up/drop-off area that would cause potential conflict on the highway.

### **ENVIRONMENTAL HEALTH OFFICERS**

Recommend approval providing the development proceeds in line with the application details in particular the acoustic fencing and its specification, and subject to a condition in respect of timing and nature of the lighting to alleviate environmental concerns.

### **TREE & COUNTRYSIDE CONSULTANT**

This is another piecemeal application in a wider allocation that is proposed as a planned extension (SUE) to Thetford. The future of Joe Blunts Lane is critical; it is currently a PROW Footpath bordered by banks, trees and hedges and is a very important historic landscape feature. The intact retention of this feature is an intention of the planning of the SUE (it has already been mildly compromised by Thetford Academy access arrangements) and it will not sustain vehicular use or unsympathetic surfacing.

The current proposal does not detail the access arrangements to the skate park on its red line plan or by description on the site plan or Design and Access Statement. No details are given of the breaching of the bounding banks or impact on existing trees and hedging.

I am of the opinion that this application cannot be reconciled with policies CP11 and DC12 without serious consideration by the applicant of these issues.

### **ENVIRONMENT AGENCY**

No objections

### **RAMBLERS ASSOCIATION: NORFOLK AREA**

No objection. Concerned to ensure that Croxton FP1 is kept open throughout and any damage to it is repaired without delay.

### **CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

Norfolk Constabulary has no objection to the application in principle but does have significant concerns regarding the location and planned operation of the facility.

Their concerns relate to lack of surveillance and does not accept the view from the Academy car park (that is not in public use and open only during Academy hours) is appropriate. Major concern regarding safety issues, particularly if a situation relates to a lone user. Lack of any management is considered impractical and suggests that there should be a management responsibility regarding site closure, maintenance etc. Also considers that evidence to the long term viability of the proposal is provided.

### **PUBLIC RIGHTS OF WAY OFFICER**

Reinforces the comments of the Highway Engineer in respect of the status and limitations of Joe

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Blunts Lane.

### **CLLR. ROBERT CHILDERHOUSE**

Request for determination by Planning Committee. Local objections and Parish Council concerns. Unsustainable location, health and safety concerns for users, affect on The Academy and local landscape.

### **CLLR. CARL CLARK**

Position of skatepark is ideal away from populated areas. Youth, children and project should be supported

### **CLLR. TERRY JERMY**

Support. Project would benefit all young people in Thetford and further afield. Location is easily accessible. Management of the site will ensure it is looked after and anti social behaviour kept to a minimum.

### **COUNTY CLLR. IAN MONSON**

Serious concerns regarding siting: Access wholly unsuitable for regular use by children and teens on foot or bicycle; skate park inaccessible to Emergency or public services; out of sight; car park not available to parents to watch children; concerns re incidents of crime; no surveillance; repeats The Academy concerns regarding anti social behaviour

## **REPRESENTATIONS**

The proposal has generated a significant number of representations both in support and objections. 7 letters of objection raise concern at access, lighting, noise and unauthorised access from the Thetford Academy. Over 50 representations in support stressing the length of time that residents have waited for such a facility, the need for the facility for the benefit of the youth of the town and the current lack of recreation facilities in the town.

## **ASSESSMENT NOTES**

\* This application is referred to Planning Committee at the request of the local Member having regard to the high level of local interest.

### Principle and Planning History

\* The provision of a skate park in Thetford has been under consideration for several years with several sites being suggested and resulting in the grant of planning permission for a skate park at land adjacent the Leisure Centre in 2012 (Ref: 3PL/2012//0479). However, this has not been developed due to a failure to secure access.

\* It is acknowledged that Thetford has an open space/recreation shortfall and the principle of the provision of additional recreational play equipment is supported by Policy DC18 and Para 70 NPPF. It is evident from the high level of representations that such a facility would also be

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welcomed by the youth of the town. Therefore, it is considered that the broad principle of a new skate park is supported not only by Policy DC18 but also national planning policy.

### Impact on residential amenity

\* The site is currently part of a larger arable field that forms part of the SUE (Sustainable Urban Extension). The site lies in a relatively isolated location some 250 metres from the nearest dwelling on Croxton Road to the west. The land to the south comprises the Academy sports field which separates it from the residential development beyond. The fall in the land levels results in the site being fully screened from public view other than from the adjacent public footpath. This isolated location, a significant distance from any residential dwellings and the existence of boundary treatments, mitigates any potential impact on residential amenity.

\* Furthermore, in order to prevent excessive noise and disturbance at night, the facility is proposed to be floodlit until the hours of 2100 during BST and 1900 during the winter months. These hours are considered acceptable by the Environmental Health Officer. In conclusion, the proposal is not considered harmful to residential amenity.

### Impact on adjacent Academy

\* The site is adjacent to the Thetford Academy and comments have been received from the Principal who has identified potential concerns relating to this relationship. The proposed facility is not connected to the Academy, however, it is clear that the site will potentially attract many of the students and concerns have been raised that this may be a disruptive influence, therefore impacting on the behaviour and attendance of the students.

\* A further issue of potential concern is the reliance on the Academy to provide an access to the site for construction vehicles/contractors. The submitted plans indicate a temporary road surface in relation to this. The Academy has not agreed to this provision.

\* Furthermore, the Principal raises concern that, regardless of access being proposed via the public footpath (Joe Blunts Lane), access will take place via the staff car park. Neighbours have advised that the boundary fences and gates are already being scaled to use the tennis courts and car park during out of school hours of the Academy.

\* Finally, the Principal has also raised concerns that the site will be self-regulated and, without monitoring, it is possible it will fall on staff from the Academy to be called upon to assist.

\* In summary, it is evident that the scheme has reliance on the Academy for access during construction which it doesn't appear to have approval for. Furthermore, it would appear that the application fails to demonstrate that the skate park would not compromise the safe and effective functioning of the Academy.

### Impact on character of the area, including Joe Blunts Lane

\* The site is well shielded from public view by the fall in the land therefore its impact on the wider area is limited. Given that the access via the Academy would only be during construction periods, the only formal point of access would be from Joe Blunts Lane. This is currently an unsurfaced narrow footpath, restricted in width by high hedging.

\* The Thetford Area Action Plan identifies the need to upgrade this lane as a cycleway but there are no proposals within the submission to create such improvements. The use of the footpath as the main and only means of access has the potential of changing the character of this part of the lane without proper consideration to details of surface and edging treatment.

\* In light of there being no details relating to this, the applicant has failed to demonstrate that the distinctive nature and appearance of Joe Blunts Lane would not be compromised.

### Access arrangements

\* As mentioned above, the only permanent means of access proposed is via a narrow, unmade

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footpath (Joe Blunts Lane) some 200 metres from the roadside. It is acknowledged that the majority of users of the skatepark will (and should be encouraged to) walk or cycle to the site, however it is likely a number will be dropped off or picked up by parents in cars and without any form of parking provision this could lead to nuisance or highway safety issues, particularly immediately outside the school.

The Highway Authority has raised significant concerns regarding the above and also to the lack of access for construction vehicles in the event that access via Thetford Academy cannot be secured as has been indicated, given the status of Joe Blunts Lane. It is for these reasons and the fact that insufficient details have been provided that addresses these concerns, a recommendation of refusal has been made. The concerns have been reinforced by the Rights of Way Officer and the Ramblers Association. A number of public representations have also voiced these concerns.

### Health and Safety

\* By the very nature of the proposed skate park there is an inherent safety risk. The police response has identified this issue as a significant cause for concern. The relatively remote nature of the site, poor surveillance and poor access have the potential for significant safety issues. Furthermore, Joe Blunts Lane is only a narrow, unmade footpath some 200 metres from the roadside and provides difficult access for emergency personnel.

### Conclusion.

\* The proposed recreational facility is broadly in accordance with Policy DC 18 of the Core Strategy, however, this has to be balanced against other issues in terms of sustainable location, impact on residential amenities, impact on the adjacent Academy and access.

\* Amongst other things, it would also appear this site was initially chosen as it was actively supported by the previous Principal of the Academy, however this situation has changed and the current Principal has raised genuine concerns to the location and the potential impact the use could have on the function of the Academy.

\* It is considered that the scheme fails to provide an adequate access, would be detrimental to the character of Joe Blunts Lane, and would compromise the safe and effective functioning of the school.

\* The application is recommended for refusal on the following grounds:-

The Local Planning Authority accepts that the provision of a skate park in Thetford would meet an acknowledged shortfall of recreation provision in Thetford and, as such, complies with the broad principles of DC18.

Notwithstanding this, it is evident that the following concerns make this particular scheme unacceptable in planning terms.

The application is not supported by sufficient highways and / or transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway / highway safety.

The only means of access is proposed via Joe Blunts Lane, a public footpath only and a designation that does not allow for the provision of cycles. The site therefore has no means of access for the intended use. Furthermore, the only means of access, the Joe Blunts footpath, is incapable of providing access for construction traffic. The proposal has not included sufficient information to address this requirement.

The applicant has failed to provide evidence to demonstrate that the scheme would not compromise the safe and effective functioning of the Thetford Academy by virtue of increase

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activity not associated with the Academy. Moreover, the isolated location with limited surveillance could create both security and safety issues compounded by the fact that emergency access is only available from the restricted public footpath.

In the opinion of the Local Planning Authority, the proposal for a skate park in this location fails to provide sufficient details on the provision of an adequate access and, without suitable provision, the use would be detrimental to the character of Joe Blunts Lane contrary to the aims of policies DC1 and DC16 which seek to safeguard the character and appearance of a location, and fails to provide a safe and suitable access for users of the skate park.

**RECOMMENDATION** Refusal of Planning Permission

### **REASON(S) FOR REFUSAL**

- 9900** Complies with DC18 but unacceptable on following grounds
- 9900** Insufficient information - highways
- 9900** Compromise safe and effective function of Academy
- 9900** Provision of access/detrimental to Joe Blunts Lane