

**11. 18/1609/FUL - Replacement of current skate park with new skate park facility at CROXLEY GREEN SKATE BOARD PARK, BALDWINS LANE RECREATION GROUND, BALDWINS LANE, CROXLEY GREEN, HERTFORDSHIRE (DCES)**

Parish: Croxley Green

Ward: Dickinsons

Expiry of Statutory Period: 18/10/2018

Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: The applicant is Three Rivers Leisure

**1 Relevant Planning History**

- 1.1 99/02376/TRREG3 - Erection of fence 3.1metres around existing skate park - 19.06.2002 – Permitted
- 1.2 99/01951/FUL - Erection of external absorptive noise barrier around existing skate park - 07.10.1999 – Withdrawn
- 1.3 98/0704 - Construction of Skate Park - 23.10.1998

**2 Description of Application Site**

- 2.1 The skate park is located at Baldwins Lane Recreation Ground. Baldwins Lane Recreation Ground comprises some 3.7ha of public open space to the south of Baldwins Lane. The recreation ground is predominantly green open space containing sports pitches. On the northern section of the recreation ground, adjacent to Baldwins Lane, there is a public car park, a tennis court, a parkour gym, a skate park and a single storey building containing changing rooms outside of which is another smaller public car park. On the eastern section of the recreation ground is a children's play park. Vehicular access to the recreation ground is taken off Baldwins Lane. Pedestrian access is available off Baldwins Lane and Owens Way.
- 2.2 The skate park itself occupies an area of some 1,700sqm and is located adjacent to the northern boundary of the recreation ground adjoining Baldwins Lane. The park is screened from the public highway by tall trees and dense hedging and is enclosed by a 3.1m high wire fence. The park is entirely laid as concrete and contains equipment typical of a skate park including quarter pipes, a half pipe, wedge ramps, flat rails and pyramids; all of which are also concrete. There is a sheltered seating area within the park and a small flat roofed hut type building. The height of the existing facilities are a maximum of 1.8m, excluding the 1.2m high support fences on the platforms of each ramp.

**3 Description of Proposed Development**

- 3.1 Full planning permission is sought for the replacement of the existing skate park with a new facility.
- 3.2 It is proposed that the existing equipment is removed including the hut building and sheltered area and replaced with new equipment. The new equipment would be predominantly 1.55m in height with a maximum overall height of 1.8m, no higher than the existing. A new shade shelter would be installed adjacent to the eastern site boundary of the park and would have a maximum overall height of 3.0m. The proposed finishes will be the same as existing including concrete with a tarmac surround.
- 3.3 It is proposed that the existing 3.1m high wire fence is replaced with a 1.2m high bow top fence along the northern boundary and a knee high timber fence along the remaining three boundaries.

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Croxley Green Parish Council: [No objection]

*"No grounds for objection."*

#### 4.1.2 Hertfordshire County Council Highways: [No objection]

*"Highway Informative:*

*Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website*

*<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.*

*Comments / Analysis:*

*The application comprises of the replacement of the existing skate park at Baldwins Lane Recreation Ground, Croxley Green.*

*There is no altered access included as part of the application.*

*A construction phase plan has been submitted as part of the application, which is considered to be acceptable by HCC as Highway Authority.*

*HCC as Highway Authority has no objections or further comments on highway grounds to the application, subject to the inclusion of the above informative."*

#### 4.1.3 National Grid: [No response received]

### 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 17                      No of responses received: 3

4.2.2 Site Notice: posted 04.09.2018, expired 25.09.2018

4.2.3 Press notice not required

4.2.4 Summary of responses:

Objections were raised to the existing 3.1m fence proposed to be replaced with a 1.2m high bow top fence along the northern boundary and a knee high timber fence along the remaining three boundaries. The objections stated that the open nature of the fence would allow access to the park at all times which in turn would exacerbate anti-social behaviour and generate noise disturbance.

4.2.5 Material planning considerations are addressed in this report.

## 5 Reason for Delay

5.1 None.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

### **6.2 The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6, DM11 and DM13.

### **6.3 Other**

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## **7 Planning Analysis**

### **7.1 Principle of Development**

7.1.1 Strategic Objective 11 of the Core Strategy is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy

lifestyles and identifies that the provision of suitable open space, children's play space and sports facilities can increase opportunities to exercise as part of a healthy lifestyle.

- 7.1.2 Policy DM11 of the Development Management Policies document refers specifically to Open Space, Sport and Recreation Facilities and Children's Playspace and states that open spaces, sports and recreation facilities and children's play spaces perform important functions within communities and contribute significantly to quality of life. The Policy advises that proposals for new open space, sport and recreation facilities and Children's playspace will be encouraged if located in the main urban areas subject to the protection of the character of the area and amenity.
- 7.1.3 The proposed skate park would be replacing an existing skate park. It is therefore not considered that the development would result in change of use of the land.
- 7.1.4 The skate park would serve the local community and would improve and enhance an existing play and open space area. Impact on character and amenity are discussed below but in principle, the proposed development would be in accordance with Core Strategy Strategic Objective 11 and Policy PSP2 of the Core Strategy (adopted Oct 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).
- 7.2 Impact on Character & Appearance, Residential Amenity, Safety and Accessibility
- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.2.3 Policy CP12 of the Core Strategy states that development should design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places, and that it should be accessible to all potential users
- 7.2.4 In terms of the visual appearance of the proposed new equipment, it is not considered that the proposal would result in any additional visual harm over and above the existing situation. The proposed equipment would be of a similar scale and maximum overall height and would be constructed with the same materials as those which are currently in place. It is also considered that the removal of the hut building would provide an improvement to the visual appearance of the site whilst the proposed new shade shelter, although of different design, would be of similar scale and would not cause additional harm in terms of visual impact. It is further considered that the proposed design and material of the new equipment would not generate additional noise to the detriment of neighbouring amenity.
- 7.2.5 With regard to the proposed removal of the existing fence, the existing skate park was granted planning permission in 1998 and a planning condition was imposed which stated the following:

C2 *Before the development hereby permitted commences details of the type and colour of proposed boundary fencing shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interests of the visual amenities of the area.*

- 7.2.6 It was noted in the officer's report at the time that ten letters of objection were received during the application, objecting on ground that the use of the park would, amongst other things, lead to equipment being vandalised; noise and disturbance to nearby adjoining residents; and general anti-social behaviour. It was considered in the analysis section of the report, given the distance to the nearest properties and the existing tree screening, that the proposal would not result in an adverse impact on residential amenities. It is also noted from the officer's report that the equipment was constructed with a combination of wood and steel however has since been upgraded to concrete equipment which has a lesser impact in terms of noise generation.
- 7.2.7 A subsequent application was submitted in 1999 for the erection of an external absorptive noise barrier around the existing skate park however this application was withdrawn. A further application for the erection of a 3.1m high fence around the skate park was permitted in 2002 which remains in place today.
- 7.2.8 A total of three public comments were received during the course of this current application, from two addresses. Objections were raised to the removal of the existing 3.1m fence and its proposed replacement with a 1.2m high bow top fence along the northern boundary and a knee high timber fence along the remaining three boundaries. The objections state that the open nature of the fence would allow access to the park at all times which in turn would exacerbate anti-social behaviour and generate noise disturbance.
- 7.2.9 A statement was prepared by Freestyle, the designers of the proposed skate park, which was submitted in support of the application to justify the removal of the fence. The statement outlines that the removal of the existing 3.1m high wire fence would improve the atmosphere and aesthetics of the skate park by lowering the barriers to entry and creating a more socially cohesive and less segregated social environment; improve the safety of the park by reducing the risk of accidents associated with the collision of skate park users and the fence; and reducing general maintenance costs of an enclosed fence including vandalism and the accumulation of litter within the park.
- 7.2.10 The supporting statement prepared by Freestyle appends a report published by Play England which discusses what purpose is being achieved by fencing parks and, whilst not directly concerned with skate parks, provides some useful insight. The report from Play England considers that fencing around parks tends to make their users feel segregated from their surroundings and there is a growing view that the presence of fencing can discourage other users and provide a sense of detachment from the public domain. The report also discusses that the main benefit of a low fence or barrier would be to prevent small children exiting or dogs entering the park.
- 7.2.11 Also appended to the statement is an article published by Spohn Ranch, a leading skate park design and construction firm based in California. The article discusses, in more detail, the issues relating to fencing skate parks. The article highlights that fences would not regulate the hours of use to its users as skateboarding is an activity which would naturally cease in the later hours of the day as the level of daylight reduces. The article further considers that fences do not necessarily prevent non-users entering during late hours. The article similarly discusses that fences create a physical barrier of separation with an uninviting aesthetic and, in some ways, an enclosed, out-of-sight environment which is more inviting to anti-social behaviour. As outlined by Freestyle in their statement, the issues of safety, vandalism and maintenance costs relating to fencing are also discussed in this article.

- 7.2.12 The applicant contacted the relevant departments of the Council for information on reports of public disturbance and anti-social behaviour relating to the skate park. These departments include the Three Rivers Grounds Maintenance Manager and Three Rivers Community Safety Intervention and their comments are summarised below.

Community Safety Intervention Officer

*"I have no objections or concerns around an influx in noise or Anti-Social Behaviour at the park with regards to the fencing. Overall, Three Rivers have low level issues with youths in parks and open spaces across the district. Mainly around youths gathering in parks late at night, smoking and littering more than anything. The Community Safety Partnership are aware of the new fencing and the park will remain part of the Police patrol plan as normal."*

Grounds Maintenance Manager

*"I believe the skate park has been left unlocked at night for about 3 years and I'm not aware of any ASB issues since. Since the skate park has been left unlocked we have had no damage to the fence from youths trying to gain entry."*

- 7.2.13 Whilst the condition was imposed on the original planning permission for the skate park (98/0704) in the interests of the visual amenities of the area, it is important to take into account the considerations of the previous application and the objection comments received in this application relating to the fence preventing anti-social behaviour and noise disturbance to local residents.
- 7.2.14 It is considered that the replacement of the existing 3.1m high wire fence with low fencing would make for a more socially cohesive and less segregated social environment and would represent a betterment to the overall character and visual appearance of the recreation ground as a whole. The arguments put forward in the supporting information with regard to the fence not being a deterrent to anti-social behaviour, when considered with the comments stating that the fence has not been locked for at least three years and that there are no recorded reports of anti-social behaviour, it is considered that, on balance, the replacement of the existing tall fence would not be detrimental to local residential amenity or exacerbate levels of anti-social behaviour. It is also considered that a lower fence would also reduce danger to park users in terms of collision and preventing dogs and small children entering the park at times of use.
- 7.2.15 The proposal is therefore considered acceptable in terms of character and appearance, impact on residential amenity and safety and accessibility in accordance with Core Strategy Policy CP12.

7.3 Wildlife and Biodiversity

- 7.3.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application.

#### 7.4 Trees and Landscaping

7.4.1 The proposals would not impact upon any trees within the site and as such it is considered that the proposed development would be acceptable in this regard.

#### 7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. Policy DM13 of the Development Management Policies Document states development should make provision for parking in accordance with the parking standards set out in Appendix 5.

7.5.2 It is not considered that the upgrading of the equipment of an existing public facility would give rise to any additional need for parking over and above the existing situation. The proposals are therefore acceptable in this regard.

#### 7.6 Flood Risk and Drainage

7.6.1 The application site is within flood zone 1. Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding. Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

7.6.2 A Flood Risk Assessment has been submitted as part of the application which concludes that the site is at low risk of flooding from all sources. As a result, it states that no flood mitigation measures are considered necessary for the redevelopment of the site.

### **8 Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED, 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 pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC0001 (Location Plan), TRCG-PSP02, TRCG-PSP01 REV A, TRMH-SCP01 REV A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies PSP2, CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM11 and DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 The development shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as detailed on the application form and shown on the approved plans and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## 8.2 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.