

Development Control Committee 2 March 2022

Planning Application DC/21/2514/FUL – Playground A, Skate Park, St Johns Close, Mildenhall

Date registered:	29 December 2021	Expiry date:	23 February 2022 EOT 03 March 2022
Case officer:	Jo-Anne Rasmussen	Recommendation:	Approve application
Parish:	Mildenhall	Ward:	Mildenhall Great Heath
Proposal:	Planning application - concrete skate park to replace the existing		
Site:	Playground A, Skate Park, St Johns Close, Mildenhall		
Applicant:	Mr Damien Parker		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

1. The application is before committee because the applicant is West Suffolk Council. No objections have been raised to the scheme and the recommendation is one of approval.

Proposal:

2. The application seeks permission for the construction of a 226 square metre concrete skate park, which will replace the existing facility adjacent.
3. The application includes the removal of the existing skate park, which is currently in a state of disrepair. The applicant has confirmed it is beyond economic repair and has been patched up for a number of years to keep it in use.

Site details:

4. To the north of the site is the recreation ground and footpaths. Beyond this is a community centre. To the south of the site is open recreation ground, currently used as a football pitch. To the east of the site is a tree lined footpath and beyond this is a church. To the west of the site is open recreation ground, with MUGA pitches to the north west. The nearest residential property is approximately 100m away from the proposed development.

Planning history:

5. None

Consultations:

6. Public Health and Housing – no objection

Natural England – refer to standing advice

Suffolk County Council Highways – no objection subject to a condition to secure cycle stands

Representations:

7. No comments received.

Policy:

8. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

9. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM10 Impact of Development on sites of biodiversity and Geodiversity importance

Policy DM11 Protected species

Policy DM12 Mitigation, Enhancements, Management and monitoring of biodiversity.

Policy DM13 Landscape Features

Policy DM41 Community Facilities and Services

Policy DM42 Open Space, Sport and Recreation Facilities

Policy DM46 Parking Standards

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 – Natural Environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other planning policy:

10. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

11. Suffolk Parking Guidance document, 2019

Officer comment:

12. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on amenity
- Impact on the character of the area
- Ecology Matters
- Impact on Highway Safety

Principle of the Development

13. Policy DM42 states that proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in this and other adopted local plans. Any replacement provision should take account of the needs of the settlement where the development is taking place and the current standards of open space and sports facility provision adopted by the Council.
14. Policy DM41 states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities.
15. Policy DM43 states that planning applications for new leisure or cultural facilities or improvements and extension to existing facilities, will be permitted provided that the proposals are connected to and associated with existing facilities or located at a site that relates well to a settlement that can be easily accessed, that there would be no unacceptable impacts on the character, appearance or amenities of the area, the design is of an acceptable standard, and that vehicle access and parking is provided to an appropriate standard.
16. Paragraphs 98-103 of the National Planning Policy Framework (2021) refers to open space and recreation. Paragraphs 98-99 in particular are most relevant to this application. Para. 98 states that there should be access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Para. 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
17. This application is for a new skate park which will replace the existing facility. The reason for this is because the existing facility is now beyond economic repair. The works will not involve the loss of a sports facility and will in fact enhance the existing facility by being of a better quality, in line with paragraph 99 of the NPPF.
18. Overall, the principle of the replacement skate park is considered to be in compliance with the relevant planning policies and is acceptable in principle.

Impact on amenity

19. Policy DM2 seeks to ensure that proposals for all development should not adversely affect residential amenity, nor the amenities of adjacent areas by reason of noise, smell, vibration, overshadowing, loss of light or noise.
20. The skate park will be located on the St Johns Close recreational area, which is an open, public grassed area currently used for recreational and sports purposes. There still remains a suitable separation distance from residential

properties, and it is not considered that any additional amenity impacts will arise as a result of the replacement skatepark.

21. Given the separation distance from residential properties, no adverse noise impacts are considered to arise. The proposed use is also suitable within its context, where noise to a degree would be expected.
22. Given the nature of the proposed development, no overlooking or overshadowing impacts will arise. The proposal is therefore considered to comply with policy DM2.

Impact on the Character of the Area

23. Policy DM2 also states that proposals for all development should, as appropriate, recognise and address the key features and characteristics of an area, maintain or create a sense of place, and do not involve the loss of important open, green spaces which contribute towards the character of an area.
24. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.
25. The proposal includes the loss of an area of open green space and replaces it with a sports / recreational facility which will be open for public use. The former site will then be reinstated back to a grassed area of open space. As a result, minimal loss of open space will arise given that there is an existing facility.
26. The site is not considered to be of any considerable wildlife value however does provide amenity value and a sense of openness within an otherwise built up, suburban area.
27. The proposal is not considered to be visually intrusive given the design with re-profiled grassed areas to the top of the raised areas of the skate park. The proposal is not considered to cause any detrimental impacts to the character or appearance of the wider area.

Ecology Matters

28. As required by the National Planning Policy Framework (2021) at paragraphs 8c, 170 and 179 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.
29. The National Planning Policy Framework (2021) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 179). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve, and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.

30. In this instance, the site is within an established recreational open space, with the site being laid to grass and as such, a formal ecology report is not necessary. No valued or protected landscapes or habitats will be affected by the proposal, which is not considered to be at odds with the above identified policies.

31. Whilst the application site is located within the SSSI impact risk zone, due to the nature of the proposal it is not considered to have an adverse impact upon the SSSI.

Impact on Highway Safety

32. Policy DM46 states that all proposals should be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles.

33. There is an existing car park which serves the nearby community centre and shop and no additional vehicular parking spaces are required as a result of this proposal.

34. Paragraph 3.2 of the Suffolk Parking Guidance document states that cycle parking should be incorporated into the design of all new developments. The Highways Authority note that the scheme does not include any cycle hoops at the skate park, and to be consistent with the Suffolk Parking Guidance it is recommended that an appropriate number of cycle hoops are provided in close proximity to the facility, which has been recommended and can be secured by condition.

35. Overall the Highways Authority do not wish to restrict the grant of permission and no adverse impacts to highways safety are considered to arise as a result of the development. The proposal is therefore considered to comply with policy DM46.

Conclusion:

36. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

37. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
(-)	Location plan	24 December 2021
583-S01-02	Construction Details	24 December 2021
583-P01-01 A	Proposed block plan	24 December 2021

Reason: To define the scope and extent of this permission.

- 3 The hours of site preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site preparation or construction activities shall take place at the development site on Sundays, Bank or Public Holidays.

Reason: to protect the amenity of occupiers of properties in the vicinity.

- 4 Following completion of the development hereby approved, the existing skatepark, as show on drawing 583-P01-01 A shall be removed and the land be reinstated to grass, within 26 weeks of completion of the skate park hereby approved.

Reason: To ensure removal of the existing facility and the continued use of the area for recreational purposes.

- 5 Before the development is commenced, details of the areas to be provided for the locking of cycles shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site cycle locking facilities.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2514/FUL](https://www.dorsetcouncil.gov.uk/DC/21/2514/FUL)