

<b>Application Number</b>	13/1860/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st December 2013	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	25th February 2014		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Recreation Ground Nuns Way Cambridge Cambridgeshire		
<b>Proposal</b>	The partial removal of an existing, natural gravel BMX track, with plastic ramps atop. Construction of a new reinforced concrete skatepark and new, natural gravel BMX track with associated landscaping. Change of use: There is no change of use for the BMX track. The new skatepark with remain within the similar area of activity.		
<b>Applicant</b>	Mr John Flood Osbourne House 14 Elton Road Canvas Spaces Clevedon Avon BS21 7RG United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"><li>1. The proposals constitute an improvement to the facilities already available on the recreation ground;</li><li>2. The proposals would not lead to a loss of open space;</li><li>3. The proposed facilities would not have a detrimental visual impact; and</li><li>4. As long as the facilities are not lit, the proposals would not have a significant detrimental impact on residential amenity.</li></ol>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The Nuns Way Recreation Ground is surrounded by residential properties on the northwestern, southwestern, and southeastern sides, with an industrial estate bounding the site on the northeastern side. The application site is the site of the existing BMX track, which is situated on the eastern side of the recreation ground. The closest residential properties are 80m away, on Blackberry Way. The site is classified as Protected Open Space in the Cambridge Local Plan (2006)

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought to replace the existing BMX track with a new reinforced concrete skate park and new natural gravel BMX track, with associated landscaping.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/67/0002	Provision of Public Open Space	A/C
C/70/0321	Use of land as Childrens adventure playground	A/C
C/73/0790	Erection of Scout hut and provisioning of Outdoor activity area and car park facilities	A/C
C/96/0356	Portasilo extension unit to existing Sports Pavilion. (Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992).	A/C
C/97/1068	Proposed erection of basketball court and associated floodlight columns (510sqm).	A/C
C/99/0339	Erection of temporary single storey portacabin type building for a period of three years to replace existing building (Regulation 3 application).	A/C
C/02/0006	Erection of new single storey changing/community pavilion together with external works and large play tower.	A/C

## 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/1 3/7 3/11
		4/2 4/4
		6/2

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95
Material Considerations	<u>Central Government:</u>  Letter from Secretary of State for Communities and Local Government (27 May 2010)  Written Ministerial Statement: Planning for Growth (23 March 2011)  National Planning Practice Consultation

## 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

6.1 No comment.

### **Head of Refuse and Environment**

6.2 No objection. It is recommended that the facilities are not lit. A condition is recommended restricting contractor working hours.

### **Head of Streets and Open Spaces (Landscape Team)**

6.3 No objection. A condition is recommended requiring details of tree protection.

6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

7.1 No representations have been received

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity

### **Principle of Development**

8.2 Policy 6/2 of the Cambridge Local Plan (2006) states that 'development for the provision or improvement of a leisure facility will be permitted if it improves the range, quality and accessibility of facilities; it is of an appropriate scale for the locality; and it would not have a negative impact upon the vitality and viability of the City Centre, including the evening economy'. The proposals constitute an improvement to the facilities already available on the recreation ground, and would have no impact on the City Centre. It is therefore my opinion that the proposals comply with parts a) and c) of policy 6/2 of the Local Plan. Part b) of policy 6/2 will be discussed later on in the report.

8.3 In my opinion, the principle of the development is acceptable and in accordance with parts a) and c) of policy 6/2 of the Cambridge Local Plan (2006).

### **Context of site, design and external spaces**

8.4 The recreation ground is classified as Protected Open Space in the Cambridge Local Plan (2006). Policy 4/2 of the Local Plan states that 'development will not be permitted which would be harmful to the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced elsewhere and the site is not important for environmental reasons. The explanatory text for this policy goes on to explain that 'only proposals which respect the character of these areas, and improve amenity, enhance biodiversity, improve sports facilities or increase public access will be supported.'

- 8.5 The proposed BMX track and skate park would cover an area not dissimilar to the area covered by the existing BMX track, in the same location. Therefore, it is my opinion that the proposals would not lead to a loss of open space. The proposed facilities would not be visible from outside the recreation ground and it is my opinion that they are of an appropriate scale for the locality; they would respect the character of the area; and they would not have a detrimental visual impact.
- 8.6 The Landscape Team have raised no concerns, but as the site is close to trees, they have recommended a condition requiring details of tree protection measures.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, and 4/4.

### **Residential Amenity**

- 8.8 The application site is at a considerable distance from residential properties and it is my view that it unlikely that the proposals would have a significant detrimental impact on neighbouring properties. However, if the facilities were lit and in use at night there is the potential for residential amenity to be harmed. It is not proposed that the facilities are lit, and I recommend a condition preventing this without permission. I also recommend conditions restricting contractor working hours and delivery hours to minimise disturbance to neighbours.
- 8.9 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **9.0 CONCLUSION**

- 9.1 The proposals are considered to be acceptable and approval is thus recommended.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. Except with the prior written agreement of the local planning authority, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

4. No lighting shall be erected in relation to the facilities hereby approved without the express consent of the Local Planning Authority.

Reason: To protect residential amenity. (Cambridge Local Plan 2006, policy 3/7)

5. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

6. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.