
Application Number	09/1128/FUL	Agenda Item	
Date Received	21st December 2009	Officer	Mr Tony Collins
Target Date	15th February 2010		
Ward	Market		
Site	Jesus Green Victoria Avenue Cambridge Cambridgeshire		
Proposal	Permission for existing skateboard facility (following approved application 05/1164/S73).		
Applicant	Mr Declan O'Halloran Recreation Services Active Communities Hobson House 44 St Andrews Street Cambridge Cambridgeshire CB2 3AS		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The skateboard park was originally approved on 7th January 2003 on a temporary basis, which was subsequently renewed. It lies to the south-east of the Jesus Green swimming pool, from which it is screened by a row of tall conifers. Residential properties in Park Parade are 65m to the south-west, student accommodation in Jesus College is 50m to the south, beyond a substantial tree belt along Jesus Ditch, and houses on the north side of the river, on Chesterton Road are 40m to the north-west.
- 1.2 The site is classified as Protected Open Space in the Cambridge Local Plan (2006), and falls within the Historic Core section of the City of Cambridge Conservation Area No.1 (Central).

2.0 THE PROPOSAL

- 2.1 The application seeks permanent permission for the existing skateboard facility, which consists of a 1.5m high quarter pipe, a 1.5m high flat bank, a 1m high driveway and a 650mm high grind

block. The equipment is grouped in a rectangular area measuring 15m by 25m.

2.2 The application is accompanied by the following supporting information:

1. Design and access statement
2. Flood risk assessment

3.0 SITE HISTORY

3.1

Reference	Description	Outcome
02/0982	Skate park – temporary for two years	Approved with conditions
05/0628	Extension of permission for skate park for a further two years	Never made valid
05/1164	Extension of permission for skate park for a further two years	Approved with conditions

3.2 The above list shows skateboard-related applications only. There have been many other applications on the Green, but they are not of relevance to this application.

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system,

and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Guidance 15: Planning and the Historic Environment (1994): This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

5.4 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002): This guidance states that well-designed provision for sport and recreation can help to deliver social inclusion and community cohesion, health and well-being, and sustainable development. It provides guidance on enhancing existing recreational facilities, and provides a typology illustrating the range of open areas which may be of public value.

5.5 Planning Policy Statement 25: Development and Flood Risk (2006): States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.

5.6 Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.7 East of England Plan 2008

SS1 Achieving sustainable development
ENV6 The historic environment

5.8 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context

3/7 Creating successful places
3/11 The design of external spaces
4/2 Protection of open space
4/4 Trees
4/11 Conservation Areas
4/16 Development and flooding
6/2 New leisure facilities

5.9 **Material considerations**

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

Cambridge Historic Core – Conservation Area Appraisal (2005): Provides an appraisal of the Historic Core of Cambridge.

6.0 **CONSULTATIONS**

Cambridgeshire County Council (Engineering)

6.1 No comment.

Head of Environmental Services

6.2 No adverse comment.

Historic Environment Manager

6.3 No objection to continuing use, but should remain temporary.

Principal Landscape Officer

6.4 Questions whether this is the best location.

Environment Agency

6.5 Flood risk assessment details are acceptable to the Agency. Responsibility for safe occupancy remains with the City Council.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.6 No objection, but space beneath ramps encourages anti-social behaviour, and should be bricked in.
- 6.7 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 The owners/occupiers of the following addresses have made representations in support of, or not objecting to, the application:

49 De Freville Avenue
65 De Freville Avenue
5 Park Parade
7 Park Parade
23 Portugal Street

- 7.2 Representations in support have also been received from the Jesus Green Association.

- 7.3 Issues raised in these representations can be summarised as follows:

- repairs needed
- spaces beneath ramps trap litter and encourage anti-social behaviour
- drainage needs improving
- entrance to the Green from Victoria Avenue needs improving
- skaters should be encouraged to use litter bins

- 7.4 The owners/occupiers of the following addresses have made representations objecting to the application:

85 Chesterton Road
3 Hale Avenue
15 Riverside

7.5 The representations can be summarised as follows:

- ugly
- noisy
- has eroded the grassed area of the Green
- council should not use planning system as avenue for public comment on its proposals

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

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
4. Crime and anti-social behaviour
5. Flood risk
6. Third party representations

Principle of Development

8.2 Paragraph 18 of PPG17 suggests that local authorities should seek opportunities to increase the value of existing sports and recreation facilities. It also states that local authorities should promote better use of the facilities by the use of good design to reduce crime. Paragraph 2 of the Annex lists, as one of the types of facility which can be of public value, provision for children and teenagers, including skateboard parks. In my view, granting permanent permission is in accordance with this guidance, and with policy 6/2 of the Cambridge Local Plan (2006). It will encourage good maintenance of, and investment in, the facility. I note the view of the Historic Environment Manager that the permission should remain temporary in case skateboarding becomes unfashionable. I do not consider that this is necessary, and in my view it would fail the tests for planning conditions set in Circular 11/97.

- 8.3 Paragraph 20 of PPG17 urges that local authorities should promote accessibility by walking cycling and public transport, avoid any significant loss of amenity to residents, and enhance the range and quality of existing facilities. This is a sustainable location, and, as I indicate below, I do not consider that the facility involves any significant loss of amenity to neighbouring residents.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4, 4/2, 4/11 and 6/2 of the Cambridge Local Plan (2006), and with government guidance in PPG17.

Context of site, design and external spaces, and impact on the conservation area

- 8.5 The position of the skateboard park is such that, in my view, the angular shapes of the equipment are not particularly noticeable against the background of the Green. Two representations cite the ugliness of the ramps and railings as a reason for refusal. The Principal Landscape Architect questions whether this is the ideal location, but does not oppose the proposal, and the Historic Environment Manager suggests that there is merit in the facility being grouped closely with the nearby pool, and that the ramps are now an 'accepted' feature of the landscape. In my view, the visual impact of the skateboard park is very limited, and it does not have any significant detrimental impact on the character of the conservation area.
- 8.6 Representations raise a number of issues about the maintenance of the facility and the area around it. In my view, these are not a reason for refusal, but rather issues which are more likely to be addressed if permanent permission is granted. I recommend an informative which alerts the applicant to public concerns on these issues.
- 8.7 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, and 4/11.

Residential Amenity

- 8.8 The application site is at a considerable distance from any residential uses. Only one of the representations received makes any reference to the creation of noise, and the Head of Environmental Services has no concerns on this issue. I do not

consider that permanent planning permission would pose any threat to the residential amenity of neighbours, and I consider that the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Crime and anti-social behaviour

- 8.9 No firm evidence has been put forward to link the existence of the skateboard facility with crime. However, it seems that the space beneath the ramps, as well as accumulating litter, may on occasion provide a venue for drug dealing and rough sleepers. The police do not oppose the application, but urge that the spaces beneath the ramps be bricked in. I am not convinced that brick enclosures are necessarily the best solution; I propose that a satisfactory enclosure of the spaces beneath the ramps be secured by condition.

Flood risk

- 8.10 The Environment Agency is satisfied with the applicants' flood risk assessment. I accept the agency's advice on this matter. In my view, the proposal is in accordance with policy 4/16 of the Cambridge Local Plan (2006).

Third Party Representations

- 8.11 I have addressed all the issues raised other than that concerning the Council's strategy for communicating with the public, and the transparency of its decision-making. This is a general issue about the democratic process in the City, and is not, in my view, of specific relevance to this application. The planning process has been properly complied with in respect of this application, in my view.

9.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. Within three months of this approval, a satisfactory scheme for the effective enclosure of the spaces beneath the ramps shall be submitted to the local planning authority for approval. Implementation of an approved scheme for enclosure shall take place within 12 months of this approval.

Reason: To ensure that the development does not give rise to environmental problems, or foster anti-social behaviour. (Cambridge Local Plan 2006, policies 3/4 and 4/11)

INFORMATIVE: The applicant is advised that the local planning authority considers it important that high standards of maintenance are applied to the facility hereby approved and the surrounding area of the Green.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: policies ENV6 and ENV7

Cambridge Local Plan (2006): policies 3/4, 3/7, 3/11, 4/2, 4/11, 4/16 and 6/2

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.