



**28 April 2015**

**Agenda Item:7**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**REF. NO.: 5/15/00108/CCR**

**PROPOSAL: DESIGN AND CONSTRUCTION OF CONCRETE SKATEPARK**

**LOCATION: CORONATION PARK, PLUMPTRE WAY, EASTWOOD**

**APPLICANT: NCC ENVIRONMENT AND RESOURCES**

**Purpose of Report**

1. To consider a planning application for the construction of a concrete skatepark at Coronation Park, Eastwood. The key issues relate to the visual and noise impacts of the proposed facility on nearby residents, and drainage issues. The recommendation is to grant planning permission subject to conditions.

**The Site and Surroundings**

2. Coronation Park is located in the heart of Eastwood with the main retail area along Nottingham Road being to the north west with further shops at Hill Top to the north east. The park, which extends to around 7.2 hectares, is bordered to the west by Plumpton Way, a dual carriageway with a wide tree-lined central reservation and residential properties on the opposite side approximately 45 metres from the edge of the park; the rear of properties on Sherwood Rise and Seymour Road on the south western boundary; the rear of properties on Linwood Crescent on the southern boundary; and a medical centre, Brookhill Leys Primary and Nursery School, and the rear of some properties on Chewton Street on the eastern boundary (see Plan 1).
3. The park is home to Eastwood Town Football Club and also includes a bowling green and clubhouse, and an area of hardstanding in the centre of the park containing a small skateboard facility and a fenced five-a-side football pitch (see Plan 1). However, the majority of the park is open grassland crossed by a number of paths and there are a significant number of mature trees on the site. The park was formerly Springfield Colliery which is understood to have opened in the late 19<sup>th</sup> Century and parts of the park were also used for the deposit of waste prior to its restoration and the creation of the park.

4. The application site is close to the western boundary of the park formed by Plumptre Way and immediately south of the bowling green. It has previously been the site of a hard surfaced sports pitch/court used for a variety of sports including football and tennis.

## **Proposed Development**

5. It is proposed to construct a concrete skatepark measuring approximately 27 metres by 31 metres which would be accessed from a path, around 30 metres in length, linking to an existing path in the park running to the east of the application site (Plan 2). The skatepark would be constructed from concrete and would be built at ground level, rather than being sunk into the ground as some similar facilities in the county have been. The applicant has cited existing ground conditions as the reason for this with the made ground comprising loose mixed ash and clinker waste.
6. The scheme has been revised through the consideration of the application, having been moved slightly further east away from Plumptre Way within the constraint of a Severn Trent Water surface water drain which cross the site (see Plan 2). In addition to this, the 1.2 metre high western elevation and the 1.8 metre high south eastern corner of the skatepark would have grassed earth mounds rising to the edges of the facility designed to minimise its visual impact, particularly from residential properties on Plumptre Way (see 3-D visualisation on Plan 3). The northern and eastern elevations would simply have vertical walls 1.2 metres high. Adjacent to this wall on the northern edge of the facility, and also along part of the eastern edge, would be an area of hardstanding with ramps and a 'bar' or 'rail' along which skateboarders can slide etc. The grassed earth bund on the western edge of the facility would extend far enough north to screen this area.
7. The proposed development would cost around £240,000 in total and would be funded through a number of sources including the County Council which is contributing around £100,000, Broxtowe Borough Council (£22,000), Waste Recycling Environmental Limited (WREN) (£75,000), plus fundraising work carried out by Supporting Action for Eastwood (SAFE) (£43,000), a local charity. As part of the funding agreement with the County Council, Broxtowe Borough Council has agreed to own and maintain the facility once constructed.

## **Consultations**

8. **Broxtowe Borough Council** does not object to the proposed development in principle but some observations have been made by their Parks and Open Spaces Officer. These relate to the risks of graffiti, safety barriers, drainage, surface water run-off, access to the facility and into the main section of the skatepark itself, and the gradient of the grassed earth mounds.
9. **Eastwood Town Council** has not responded on the application.
10. **The Environment Agency** has no objection to the proposals and welcomes the decision not to disturb made ground and instead create a new concrete base for

the park. The application form states that surface water would be drained via sustainable drainage techniques and soakaway and a condition is recommended requiring no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. This would ensure compliance with the National Planning Policy Framework which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. The Environment Agency notes that the previous use of the site as a brickworks and colliery as well as subsequent infill could mean that contamination is present beneath the site. Any surface water drainage should be constructed in such a way so as not to mobilise any contamination beneath the site.

11. **NCC (Flood Risk Management Team)** considers that the proposals do not raise any concerns from a flood risk management perspective. Photographs provided by a local resident show flooding in the vicinity of the site from a public water sewer that crosses the site adjacent to where the new skatepark is proposed. The sewer is maintained by Severn Trent Water and they are aware of the capacity issues. The skatepark location takes into account the line of the sewer and does not conflict or cause any issues. The option of positively draining the skatepark to the sewer has been explored but these capacity issues prevented this. The proposed skatepark design would have no detrimental effect on flooding from the public sewer.
12. **The Police Force Architectural Liaison Officer** has no concerns regarding the proposal and would support the proposed location within the confines of the park. The park does suffer from small amounts of crime and disorder but it is hoped that the skatepark would deter even these small levels. It is noted from the application that the park is designed for daytime use so it is assumed that no lighting would be provided. However, if there are proposals to provide lighting, it is recommended that these be switched off no later than 9pm to help reduce night-time noise nuisance.
13. **NCC (Landscape)** has no comments to make with respect to landscape and visual impact but has raised concerns regarding the impact on the adjacent bowling green and queries whether the two uses would be compatible.
14. **NCC (Reclamation)** has no objection to the proposal subject to a condition regarding drainage. Coronation Park has been significantly impacted upon by past industrial development and the application site lies above/adjacent to a former brick works and colliery. There are shafts and adits indicated adjacent to the development and intrusive site investigation has proven that this area is underlain by unconsolidated colliery spoil materials.
15. The key issue relates to the effect of drainage run-off from the proposed area of hardstanding infiltrating the underlying spoil materials. This additional input of water around the site has the potential to mobilise contaminants within the subsurface environment which could potentially impact underlying and adjacent

groundwaters. The main priority is therefore to sample the underlying spoils and undertake leachability testing on this material to determine the potential risk to groundwaters from this additional water input.

16. *No drainage design proposals have been submitted to indicate how the skatepark would be drained, although, from discussions with the applicant, it is understood that a series of eyelets and pipes within the structure would allow water to drain to the surrounding ground surface. Provided the leachability tests prove that the additional run-off from the development would not mobilise contaminants within the deposited spoil materials, then the development would be able to progress, once detailed drainage designs have been submitted. Should the testing prove that additional water input would mobilise contaminants within the spoil then the scheme would have to be reconsidered and an alternative drainage solution found before the scheme could progress.*
17. **Sport England** does not wish to comment on the application.
18. **NCC (Noise)** has not commented on the application given that the Noise Engineer provided the Noise Impact Assessment as part of the application. However, he has provided assistance in the wording of conditions set out in Appendix 1 of this report.
19. **Severn Trent Water Limited** has not responded on the application. Any response received will be orally reported.

## **Publicity**

20. The application has been publicised by means of four site notices at the entrances to Coronation Park and neighbour notification letters sent to 19 properties on Plumptre Way in accordance with the County Council's adopted Statement of Community Involvement Review.
21. 21 letters of objection have been received: 18 from nine properties on Plumptre Way (including eight pro-forma letters); a property on Nottingham Road to the north east of the application site; and two from residents in Newthorpe who appear to be involved with the adjacent bowling green. The issues raised in these objections are as follows:
  - (a) Noise impacts from the use of the proposed skatepark, including on users of the adjacent bowling green;
  - (b) Impacts on the amenity and privacy of local residents;
  - (c) Antisocial behaviour as a result of the proposed development, including drinking, litter and graffiti;
  - (d) There is not a recognised need for the skatepark, highlighted by the lack of use of the existing facility;

- (e) The skatepark should be located elsewhere on the park, either close to the existing skatepark or further south of the proposed location away from the bowling green;
  - (f) The skatepark would be an eyesore and have an adverse visual impact on neighbouring residential properties;
  - (g) There is a need for additional landscaping to screen the facility;
  - (h) If the facility attracts users from further afield, there is insufficient parking in the area;
  - (i) There are drainage issues in the area and potential contamination and the installation of a skatepark would exacerbate these problems;
  - (j) There is a lack of security in the area;
  - (k) Access to the skatepark from Plumptre Way is restricted;
  - (l) Objections have been raised regarding the application being reported to the County Council for 'self-determination'.
22. In addition to these concerns, the eight pro-forma letters have also raised a formal complaint to the County Council's Monitoring Officer regarding the consultation carried out on the scheme prior to the application being submitted. This matter has been forwarded to the County Council's Complaints and Information Governance Team and a response has been provided by the Environment and Resources Department, given that they were involved in that consultation process, although the consultation was actually led by Supporting Action for Eastwood. It is important to highlight that this consultation was not part of the planning process but related primarily to developing the concept of the proposed skatepark as well as a funding bid for the proposed facility. A copy of the letter that has been sent to these eight residents in response to these complaints is attached at Appendix 2 of this report. The consultation process which would be expected as part of the planning process has been carried out in respect of this application and is described in paragraph 20 above.
23. Councillor Keith Longdon has been notified of the application.
24. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Planning policy considerations

25. There are some key policies in the recently adopted (subject to legal challenge) Aligned Core Strategy (ACS) (which covers Broxtowe, Gedling and the City) which are of relevance to this application. Policy 12: Local Services and Healthy Lifestyles states:

*New, extended or improved community facilities will be supported where they meet a local need. In particular, where there is an evidenced need, new or improved community facilities should be provided to support major new residential development (especially in Sustainable Urban Extensions) or in renewal areas. Where appropriate, contributions will be sought to improve existing community facilities provision where the scale of residential development does not merit developers providing community facilities provision directly.*

*Community facilities should:*

- (a) Be located within the City Centre, town centre or other centres, wherever appropriate; or*
- (b) Be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and*
- (c) Where possible, be located alongside or shared with other local community facilities.*

26. Regarding the first part of this policy, there is conflicting evidence insofar as some local residents have suggested that the existing skateboard facility in the park is little used and so therefore there is no need for a new facility. The existing facility has not been monitored by officers in order to clarify this matter but it is understood that it is little used, although it is considered that this is due to the fact that it is a small, dated facility which is not attractive to potential users. Indeed, in the application for funding from Waste Recycling Environmental Limited (WREN), Supporting Action for Eastwood (SAFE), the charity involved in the scheme, states that the existing scheme:

*“Is a very outdated steel based facility that attracts almost no users whatsoever. The poor design and construction prevent any proper (or safe) use and the area is considered a waste of space in what is otherwise a very attractive and well used public park”.*

27. It is therefore queried whether the need for a new facility should be judged on the popularity of the existing facility.
28. As part of the funding bid, SAFE has carried out a lot of work in order to demonstrate that there is indeed a need for the facility. This has included articles in the local newspaper (Eastwood Advertiser), a petition, and fund raising events, including bag packing at a local supermarket which also provided opportunities to garner support and gain feedback on the proposals. All of these initiatives were set out in the funding bid to WREN and, as a result, the bid was successful and WREN has committed £75,000 of the approximate £250,000 cost for the scheme. It is considered very unlikely that WREN would have supported the scheme to this extent had the need for the facility not been demonstrated and so it is therefore considered that the proposed development accords with Policy 12 of the ACS in this respect.
29. Regarding the remainder of the policy, it is considered that the facility would be located in the centre of the town and would be accessible by sustainable

transport modes, in particular by foot which is anticipated to be how most participants would access the skatepark. Being located in Coronation Park, it would also be located alongside other local community facilities within the park.

30. The final criteria of Policy 13: Culture, Tourism and Sport of the ACS is also relevant and states that “where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported”. The supporting text to this policy confirms that “the role of community level culture and sporting facilities is vitally important in creating sustainable and healthy neighbourhoods”. The provision of a new, upgraded skatepark would improve the facilities within the park as a whole and so it is considered that the proposed development also accords with this policy.
31. Policy 16: Green Infrastructure, Parks and Open Space of the ACS is concerned with the loss of these facilities, as opposed to development on them and so is not considered applicable in the assessment of this application.
32. Policy 10: Design and Enhancing Local Identity of the ACS has a number of criteria relevant to the application and requires development to make a positive contribution to the public realm and sense of place; and to create an attractive, safe, inclusive and healthy environment. The policy requires an assessment of the development in terms of its impact on the amenity of nearby residents or occupiers; the ground conditions of the site, including that arising from land instability or contamination, together with the mitigation/remediation proposed or required; and the incorporation of features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and the promotion of safer living environments.
33. Given the role of Coronation Park in providing a number of recreational and leisure pursuits, including football and bowls to less formal pursuits such as dog walking, it is considered that the proposed skatepark, if well designed, could make a positive contribution to the park’s sense of place and help create a safe, inclusive and, in particular, healthy environment. In addition to this, it is often commented that teenagers and young adults often have little or no organised formal outlet for their spare time and a facility such as a skatepark, again if well designed, would help address potential issues of anti-social behaviour in the area, contrary to suggestions from local residents that the facility would lead to an increase. The Police Force Architectural Liaison Officer considers that the proposed development has the potential to deter any anti-social behaviour that might exist in the area at present.
34. It is therefore considered that there is general Aligned Core Strategy policy support for the proposed skatepark, although it is accepted that this is subject to the facility being well designed in order to minimise its impacts on neighbouring residents. These potential impacts are considered below.

#### Impacts on the amenity and privacy of local residents

35. A major concern of local residents is the impact the proposed skatepark would have on their amenity and privacy through the general use of the facility, the belief that it would be an eyesore and should be screened by additional

landscaping, and through resulting anti-social behaviour, including graffiti, drinking and an increase in litter due to a lack of security in the area. A number of alternative locations for the skatepark have been suggested, including in the centre of Coronation Park where the existing facility is and to the south of the proposed location. However, the County Council as County Planning Authority is required to determine all applications submitted to it and so an assessment has to be made on the skatepark in the location proposed.

36. Regarding residents' suggestions that the skatepark should be developed in the same location as the existing, smaller facility, ground investigations carried out on this location have identified the presence of domestic waste beneath the ground, although the lack of any records held by either the County Council or the Environment Agency suggests that any tipping took place prior to licencing regulations being introduced. The County Council's Reclamation Team considers that this area would be unsuitable for the larger proposed skatepark as the made ground would not provide an adequate foundation for the facility, whilst there would also be the potential for gas generation within the substrate which could be a risk to future site users.
37. Site investigations have confirmed that the application site is on a part of the park which was a former brickworks and colliery but which has not been subject to any infilling with domestic waste. Instead, it is underlain with unconsolidated colliery spoil material which is considered suitable for the proposed skatepark.
38. Through the assessment and consideration of the application, the location of the proposed skatepark has been moved slightly further away from residential properties so that it would be around 60 metres from the front curtilage, and around a further eight metres away from the front façades, of the nearest residential properties. This is a comparable distance to a facility at Lady Bay which is around 75 metres from the front of the nearest residential properties, whilst a facility in Arnot Hill Park, Arnold, is around 55 metres from the rear façades of the nearest properties and only around 40 metres from the end of the rear gardens of these properties. A facility in Netherfield, smaller than that being proposed in Eastwood, is around 45 metres from the rear of the nearest properties and around 40 metres from the end of their gardens. It can therefore be seen that the proposed development would not be setting any sort of precedent in terms of its proximity to residential properties.
39. In terms of its visual impact, the scheme has also been revised through the provision of the earth mound on the western side of the proposed skatepark. This would result in views from the properties on Plumptre Way being predominately of a green ridge, rather than of a concrete wall around 30 metres across, and these views would be partially filtered by the trees on the central reservation on Plumptre Way. A further mound is also proposed in the south east corner of the proposed facility where it is at its highest at 1.8 metres. This would help to reduce the visual impact of the skatepark on other park users. The County Council's Landscape Team has raised no objection to the application and has not recommended any additional landscaping be provided and so it is therefore considered that the proposed skatepark would not have an adverse impact on the visual amenity in the area. A condition would require these mounds to be provided and seeded prior to the skatepark coming into use

and would also require details of the gradient of the mounds to be submitted which should be shallow enough to allow them to be safely maintained.

40. Regarding the potential increase in anti-social behaviour, including graffiti, drinking and an increase in litter, the planning policy observations above note that a lack of formal organised activities for teenagers and young adults can often lead to such anti-social behaviour, a sentiment echoed by the Police Force Architectural Liaison Officer. The Liaison Officer considers that a facility such as a skatepark could help address these potential issues, although it is accepted that the facility itself would need to be well designed in order to deter such behaviour.
41. The revisions to the scheme to include an earth mound on the western elevation would not only bring benefits to the scheme in terms of its visual impact, by introducing a green mound as opposed to a concrete wall, but would also remove a target for graffiti. However, there would still be vertical walls on the northern, southern and eastern sides of the proposed skatepark which, although not directly visible from these properties, could detract from the rest of Coronation Park if subject to graffiti and this matter has also been raised by Broxtowe Borough Council's Parks and Open Spaces Officer. To this end, discussions have taken place with the applicant regarding the potential for a professional graffiti artist to be employed to decorate these remaining vertical walls. This is an approach that has been used on other similar facilities and has been successful in deterring unofficial graffiti. However, there is a significant cost involved and so a condition is recommended that would require ameliorative action to be taken in the event that unofficial graffiti becomes an issue with the facility, rather than requiring a graffiti artist to be engaged prior to the facility coming into use. Such a condition would protect the amenity of other park users and would accord with Policy 10 of the ACS.
42. Consideration of the noise impact of the proposed skatepark is set out in detail below.

#### Noise

43. The application has been submitted with a supporting Noise Impact Assessment, although as this has been prepared by the County Council's Noise Engineer, any consultee comments on it have been restricted to Broxtowe Borough Council through its Environmental Health Officer (EHO). No objection has been made by Broxtowe regarding the noise impacts of the proposed development, although in response to the original proposal it was noted that there appeared to be scope to push the skatepark further into the park, increasing the distance from residential properties on Plumptre Way to provide some noise attenuation. This change has been made insofar as is possible within the application site and taking into account Severn Trent Water apparatus running through the park and over which the skatepark could not be constructed.
44. Residents living opposite the site on Plumptre Way, in addition to people associated with the adjacent bowling green, have raised concerns about noise and have suggested that, rather than moving the skatepark slightly further away

from their properties, the facility would be better located in the vicinity of the existing smaller skatepark in the middle of the park. However, as already stated, the CPA is required to consider all applications submitted to it on their own merits.

45. The submitted Noise Impact Assessment acknowledges that there are no specific guidelines for assessing the noise impacts of skateparks and so has assessed the proposals against a number of criteria. The World Health Organisation (WHO) Community Noise Guidelines 1999 recommends external environmental daytime and evening noise levels of less than 55dB<sub>L<sub>Aeq</sub></sub> over a 16 hour period between 7am and 11pm to avoid 'serious annoyance' and less than 50dB to avoid 'moderate annoyance'. However, the assessment is cautious about the use of this guidance as the noise levels are averaged out over the 16 hour period, whilst the reality is that the skatepark would have periods of low and high use.
46. The Institute of Environmental Management and Assessment (IEMA) Guidelines for Environmental Noise Impact Assessment 2014 is not designed for a particular type of noise source and the short and long term noise impacts are assessed by considering the basic sound level change. The Noise Impact Assessment undertaken has considered the change in noise level occurring at nearby properties during peak use using the impact scale set out in the table below. The differences between the short and long-term classifications for some of the sound level changes below highlights that when a new noise source is first introduced in an area, its impact is initially perceived as being greater than an equal but gradual sound level increase would over a longer period.

Sound level change	Long-term impact classification	Short-term impact classification
≥ 0dB and < 1dB	Negligible	Negligible
≥ 1dB and < 3dB	Negligible	Minor
≥ 3dB and < 5dB	Minor	Moderate
≥ 5dB and < 10dB	Moderate	Major
≥ 10dB	Major	Major

47. British Standards 4142:2014 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas compares the rating level of a given noise source (the rating level being the predicted noise level generated including a penalty for impulsive or tonal noise where applicable) against the background noise level. A rating level calculated at being 10dB or more above background levels would indicate that complaints are likely; a rating level around 5dB higher than background levels would indicate that complaints are possible; while a rating level 10dB or more below background levels would indicate that complaints are unlikely.

48. Whilst BS4142 is intended for assessing industrial noise sources, it could be argued that the skatepark would predominately generate impact noise from skateboards impacting on the concrete surface of the skatepark, an impulsive noise source typical of industrial activities. The assessment also states that the previous version of BS4142 (dated 1997) has been used for assessing similar facilities elsewhere in the UK but a degree of caution is highlighted as using BS4142 assumes that people have the same level of attitude or tolerance or acceptance of noise from skateparks as they do for industrial processes, which is assumed to be a zero tolerance. Given the number of objections received regarding noise, it is considered safe to assume that this is the case.
49. In order to ascertain the existing background and ambient noise levels, an hour-long noise assessment was carried out by positioning noise equipment in the front garden of 77 Plumtre Way which is directly opposite and approximately 60 metres from the edge of the proposed skatepark. In order to predict the level of noise that the proposed skatepark would generate, data has been used from a noise assessment of a similar facility in Lady Bay which is approximately 75 metres from the front of the nearest residential properties.
50. The assessment states that the Lady Bay facility has some plywood ramps which are considered to generate higher noise levels than concrete ramps, whilst it is an above-ground facility similar to what is proposed in this application. At one of the times that the Lady Bay facility was assessed (on a Saturday), it was very busy with around 20 to 30 skateboard, in-line scooter and BMX bike users. It was also assessed when not in use to establish background and residual levels. The assessment therefore considers that if the Lady Bay noise assessment is used to evaluate likely noise levels from the Eastwood facility, this would represent a 'worst case' assessment of the anticipated impacts.
51. The noise assessment carried out at Plumtre Way established that the background noise level (the level exceeded for 90% of the time) was 44.3 dB<sub>L90</sub>, with the pre-existing ambient noise level being 53.5 L<sub>Aeq</sub>. The noise assessment carried out at Lady Bay, with the equipment placed 10 metres from the facility, established that the ambient noise level (when the skatepark was in use) was 59.5dB L<sub>Aeq</sub> and the residual noise level (when the skatepark was not in use) was 45.5 L<sub>Aeq</sub>.
52. In order to calculate the noise impact of the proposed skatepark at Eastwood, a correction has been made to reflect the greater distance (around 60 metres) between the proposed skatepark at Eastwood and the properties on Plumtre Way, compared to the distance (10 metres) between the Lady Bay facility and the noise equipment used. It is therefore predicted that the specific noise level attributable to the proposed facility at Eastwood at the nearest property on Plumtre Way would be 44dB(A) during peak periods. It is clear from these figures that increasing the distance between these facilities and nearby properties makes a significant difference to the noise impact.
53. This 44dB(A) level is lower than the 50dB(A) level which the WHO guidelines states is the threshold above which moderate annoyance due to noise could result, although it should be noted that the existing ambient noise level at the front of properties on Plumtre Way is 53.5 L<sub>Aeq</sub> due largely to road traffic and

this is a level which could give rise to moderate levels of annoyance. This figure would not increase with the skatepark in place and so it is considered that the skatepark would not increase the level of annoyance for local residents.

54. Assessing the noise impacts of the skatepark against the IEMA guidelines requires a comparison to be made between the existing and predicted ambient noise levels, taking into account the addition of the proposed skatepark. The predicted ambient noise level is calculated to be 54dB(A), an increase of only 0.5dB(A) on the existing level which is considered to be a 'negligible' impact, as detailed in the table above.
55. In accordance with the BS4142 guidelines, the Noise Impact Assessment has applied a 6dB penalty to the 44dB(A) calculated specific noise level to reflect the clearly audible impulsive noise that the use of the skatepark would generate and which would be audible at nearby properties. This penalty is considered the worst case scenario that can be applied. Given that the background noise level at 77 Plumptre Way has been measured at 44.3dB(A), the rating level of the proposed facility has been calculated at the background level plus 5.7dB, an increase of 'marginal significance' which could possibly result in complaints.
56. The County Council requires recreational development of this type, when assessed using BS4142, to result in maximum noise levels of no more than the background level plus 10dB between 7am and 11pm. The levels calculated (background plus 5.7dB) are therefore considered acceptable, although when an increase of 'marginal significance' is predicted then it is considered that all reasonable steps should be taken to minimise the risk of noise complaints being made.
57. The County Council's Noise Engineer has studied the proposed development and considers that improvements could be made by either rotating the skatepark clockwise through 90°, or by providing a one metre high earth bund along the western edge of the facility, in order to screen the facility, including the hardstanding area on the western edge with the bar/rail. With either one or both of these measures in place, it is considered that the predicted noise levels would be lower than those presented in the Noise Impact Assessment and should further reduce the risk of audibility and complaints from nearby residents. The proposed development has been revised through its assessment in order to provide the earth bund described and the facility has been moved slightly further away from Plumptre Way and the nearby residential properties.
58. The Noise Impact Assessment also includes a qualitative assessment of the key noise types likely to be generated by the proposed skatepark, namely the rolling noise of skateboards and scooters on the ground; the impact noise caused by skateboards and scooters when performing flips and jumps; and the noise from raised voices. The noise monitoring undertaken at Lady Bay confirmed that the underlying noise levels were generated by the rolling noise from skateboards and scooters with occasional bangs from impacts and raised voices. The noisiest activities were from skateboarders performing flips on the ground and turns on the ramps, with scooters being less audible due to their rubber wheels.
59. The Noise Impact Assessment considers that some noise from the proposed skatepark would be audible from the front gardens of properties on Plumptre

Way, mainly in between passing road traffic. Impulsive noise from bangs and impacts might be faintly audible in the front rooms of these properties with windows open, although passing traffic would again be louder and more frequent. Noise from the skatepark is unlikely to be heard inside these properties when windows are closed or in the rear gardens of these properties. The assessment also notes that whilst these facilities can be well attended, particularly soon after being opened, this does not necessarily mean greater levels of noise as the space constraints of the facility itself means that only a certain number of users can be on it at any one time.

60. It is considered that the proposed development has been rigorously assessed in terms of its noise impacts, using a number of assessments and guidance given that there is no specific noise guidance for this type of development. Against all three types of assessment, the proposed development is considered to be acceptable, particularly as it has been amended to provide a landscaped bund on its western elevation which, in addition to softening the visual impact of the facility, would also help to screen noise generating activities on its western edge.
61. A condition would be attached to any planning permission granted requiring this bund to be in place prior to the skatepark being brought into use. In addition to this, and to deal with any levels of noise over and above what have been predicted through the Noise Impact Assessment, a condition is recommended which would require further ameliorative measures to be undertaken if, in response to justifiable complaints, a further noise survey identifies that the skatepark is resulting in noise levels which are 10dB above background levels at residential properties on Plumtre Way. Given that the predicted levels are expected to be 5.7dB above background levels when the facility is in use, justifiable complaints are not anticipated but a safety net of such a condition is considered appropriate given the concerns raised by local residents.
62. With these conditions in place, it is considered that the proposed skatepark would not have an adverse noise impact on local residents and would accord with Policy 10 of the ACS. As there are no floodlights proposed as part of the application, the facility would be used during daylight hours only and so a condition regarding the hours of use is not considered necessary. Regarding concerns raised about the compatibility of the facility given the close proximity of the bowling green, it should be noted that Eastwood Town football ground is also close by and is likely to be a source of noise, albeit on a less frequent basis. In addition to this, the area proposed for the skatepark has previously been used as a floodlit synthetic football pitch which would also have been a source of noise and so it is considered that the construction and use of a skatepark into this location would not introduce a level of noise which has not been generated in this location in the past.

#### Drainage and surface water run-off issues

63. A local resident has provided a photograph of an overflowing manhole cover on the park close to where the proposed skatepark would be located. The resident has stated that the manhole cover overflows whenever there is a heavy downpour and the overflowing water then flows down the adjacent ridge and

then along the edge of the park adjacent to Plumtre Way. There are concerns that the construction of a skatepark could exacerbate these problems and it is understandable why such concerns have been raised given that the skatepark would result in an increase in hardstanding in the area. This photograph has been forwarded to the Environment Agency, Severn Trent Water and the County Council's Flood Risk and Reclamation Officers for consideration.

64. It is disappointing that Severn Trent Water has not responded on the application and the specific issue regarding overflowing drains, given that it is their apparatus that is causing the issues that have been witnessed by residents. However, the County Council's Flood Risk Team has stated that Severn Trent is aware of this issue and it can only be assumed that they have no concerns about the application. Despite this, and given the close proximity of this manhole cover and associated drains to the footprint of the proposed skatepark, it is considered appropriate to attach a condition to any planning permission granted requiring the line of the surface water drain, as highlighted on Plan 2, to be clearly marked out prior to any construction works commencing to ensure a suitable stand-off is provided.
65. The proposed development does not seek to divert surface water run-off from the proposed skatepark into these drains. Instead, the drainage system being proposed is a sustainable drainage system and natural soakaway, although Broxtowe Borough Council's Parks and Open Spaces Officer has raised concerns that surface water run-off could make the surrounding grassland muddy etc and has also suggested that any drainage holes on the skatepark itself would need to be serviceable to prevent any blockages and subsequent water logging.
66. In light of the site's previous use as a colliery and as a result of the potential contamination risks that are present at the site and which led to the present proposal of a ground level facility, rather than one dug into the made ground, the Environment Agency has recommended a condition be attached to any planning permission granted regarding the infiltration of surface water from the proposed facility into adjacent ground. The condition would require a scheme to be submitted which would need to demonstrate that surface water drainage from the facility would not mobilise any contamination beneath the site and cause any risk of contamination to controlled waters. The addition of this condition to any planning permission granted is also recommended by the County Council's Reclamation Team and would require samples of the underlying made ground to be undertaken and the results submitted. It is also considered appropriate to add references to the matters raised by Broxtowe in this condition so that all matters of concern are dealt with.
67. With this condition in place, it is considered that the proposed development would accord with Policy 10 of the ACS and the National Planning Policy Framework which prevents new development from contributing to unacceptable levels of water pollution.

#### Accessibility

68. Concerns have been raised regarding the potential for the proposed skatepark to attract users from further afield, resulting in parking issues on Plumptre Way and other residential roads nearby. It is anticipated that the facility would primarily be used by local people accessing the site either on foot or on the scooters or bicycles they intend to use on the facility. Whilst there is the potential for users from further afield, it should be noted that the site is close to Nottingham Road which runs through Eastwood and which is served by regular bus services.
69. Regarding access to the site by foot, it is considered that an additional improvement could be made in this respect by providing a short path from the southern edge of the nearby car park (as seen on Plan 2) to the proposed skatepark to complement the path already proposed from the other side of the facility. It is anticipated that access directly from Plumptre Way would be frequent and this could lead to the grass in this area being damaged. A condition to this effect is considered appropriate and the path would need to be in place prior to the facility coming into use.
70. With respect to accessing the main bowl of the proposed skatepark itself, it has been highlighted by Broxtowe Borough Council's Parks and Open Spaces Officer that there appears to be no steps into the facility so it would appear that users would have to climb up one of the 1.2 metre high walls to access the bowl. The applicant has confirmed that the provision of an access gap is being considered and a condition requiring details of this to be provided is recommended. The condition would require the access gap to be provided on either the northern or eastern side of the skatepark (most likely the northern as this would be the most obvious location given the location of the paths leading to the facility), but not the western side as this would break up the earth mound designed to screen views of the facility from properties on Plumptre Way.
71. Finally, it is proposed to install safety hand rails on the northern and eastern sides of the bowl adjacent to the 1.2 metre vertical drops. However, no hand rails are proposed on the western side facing Plumptre Way given the adjacent grass bank. With a condition requiring the submission of details of these rails, it is considered that they could be provided without any material increase in the visual impact of the facility.

### **Other Options Considered**

72. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered although the applicant did consider other locations within Coronation Park for the proposed skatepark, in addition to other options on the actual application site.

### **Statutory and Policy Implications**

73. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment,

and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Financial Implications

74. The County Council is committed to providing £100,000 towards the cost of the proposed skatepark. However, Members are advised that this has no bearing in considering the merits of the planning application.

#### Equalities Implications

75. The northern side of the facility outside the main bowl of the skatepark could be accessible to people with disabilities.

#### Crime and Disorder Implications

76. The Police Force Crime Liaison Officer considers that the proposed development could help reduce crime and anti-social behaviour in the area and amendments have been made to the proposed scheme to reduce the risk of graffiti.

#### Human Rights Implications

77. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the impact of the proposed skatepark on residential amenity. The proposals have the potential to introduce impacts such as noise and anti-social behaviour. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as providing a quality recreation facility for the local community. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.
78. In addition to this, some local residents have commented on the application being self-determined by the County Council but it is considered that Planning and Licensing Committee is an independent and impartial tribunal established by law and it should be highlighted that the application has been subject to consultation and publicity in line with Government regulations and local residents have been individually notified in accordance with the County Council's Statement of Community Involvement Review.

#### Safeguarding of Children Implications

79. The proposed skatepark would provide an organised formal recreational facility in a public park environment and so it is considered that there would be no safeguarding of children implications.

#### Implications for Sustainability and the Environment

80. These are considered in the Observations Section of this report.
81. There are no service user or human resource implications.

#### **Statement of Positive and Proactive Engagement**

82. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant policies in the Aligned Core Strategy and all other material considerations; and considering consultation responses and all valid representations that have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

83. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

#### **Constitutional Comments [DWK 14/04/2015]**

Planning and Licensing Committee is the appropriate body to consider the content of this report

#### **Comments of the Service Director - Finance [SES14/04/15]**

The financial implications are set out in the report.

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division and Member Affected**

Eastwood                      Councillor Keith Longdon

Report Author/Case Officer

Jonathan Smith

0115 9932580

For any enquiries about this report, please contact the report author.

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**RECOMMENDED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

*Reason: To enable the CPA to monitor compliance with the conditions of the planning permission.*

3. The development hereby permitted shall be carried out in accordance with the following details:

- (a) Planning application forms received by the CPA on 28 January 2015;
- (b) Design and Access Statement received by the CPA on 21 January 2015;
- (c) Supplementary Design and Access Statement received by the CPA on 19 March 2015;
- (d) Drawing Number H/PELJ.50000.15/01 – Site Location Plan received by the CPA on 21 January 2015;
- (e) Aerial photograph entitled ‘Revised Site Plan’ received by the CPA on 19 March 2015;
- (f) 3-D visualisations entitled ‘Eastwood Skatepark’ received by the CPA on 19 March 2015.

*Reason: For the avoidance of doubt and to enable the CPA to monitor compliance with the conditions of the planning permission.*

4. Unless in the event of an emergency when life, limb or property is in danger, no construction work shall be carried out or plant operated other than between the following hours:

07.30 hrs to 18.00 hrs Monday to Friday;

07.30 hrs to 13.00 hrs Saturdays.

There shall be no construction work undertaken on Sundays, Public or Bank Holidays.

*Reason: In the interest of local amenity.*

## APPENDIX 1

5. No development shall commence until details of contractors' access and site working arrangements have been submitted to, and been approved in writing by, the CPA. The details shall specify the following:
- (a) The size and location of the works compound(s);
  - (b) The number, size (including height) and location of all contractors' temporary buildings;
  - (c) The location(s) and means of access to the site and routing for construction traffic;
  - (d) Provision for contractors' parking;
  - (e) Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction operations in any part of the site and maintained for the duration of construction operations;
  - (f) Measures to protect any trees or shrubs which are being retained;
  - (g) Arrangements for the use/disposal of surplus soil materials including any temporary soil storage arrangements;
  - (h) Measures to ensure that dust emissions are minimised;
  - (i) Measures to ensure that no vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway;
  - (j) Measures to minimise disturbance from noise which may include but not necessarily be restricted to the following:
    - (i) Cladding, insulation and operation of plant and machinery in accordance with manufacturers' recommendations;
    - (ii) Erection of noise attenuation bunds and fencing;
    - (iii) Additional restrictions on hours of working to those specified in Condition 4 above.

The site contractors' access and working arrangements shall be carried out in accordance with the approved details.

*Reason: The development cannot commence until the contractors' compound is in place and all potential impacts associated with the compound and the contractors' working arrangements require consideration in the interest of protecting local amenity.*

6. No development shall commence until a scheme for the drainage of surface water from the skatepark hereby approved has been submitted to, and approved in writing by, the CPA. The scheme shall include:

## APPENDIX 1

- (a) Details of how surface water on the skatepark will be removed without making surrounding areas waterlogged;
- (b) How any drainage facilities within the construction of the skatepark would be maintained to prevent blocking; and
- (c) Provide details, including the results of samples of the underlying made ground, which demonstrate that any infiltration of surface water drainage into surrounding ground will not mobilise any contamination that might exist beneath the site and the surrounding ground and result in unacceptable risks to controlled waters.

The development shall be carried out in accordance with the approved details.

*Reason: The development cannot commence until full drainage details have been submitted which ensure the adequate drainage of the facility and ensure that the development does not contribute to unacceptable levels of water pollution in accordance with Policy 10 of the Broxtowe Aligned Core Strategy.*

7. The development hereby permitted shall not be brought into use until an additional footpath linking the skatepark hereby approved with the car park to the west of the bowling green has been constructed in accordance with details previously submitted to, and approved in writing by, the CPA. The details shall include the location of the footpath and the materials to be used in its construction. The footpath shall be constructed in accordance with the approved details.

*Reason: To provide a suitable means of access to the skatepark.*

8. The construction of the skatepark shall not commence until the section of the line of the public surface water drain which runs across the park in close proximity to the footprint of the skatepark hereby approved has been marked out in accordance with details previously submitted to, and approved in writing by, the CPA. The line of the drain marked out shall be restricted to that which falls within the application site as identified on Drawing Number H/PELJ.50000.15/01 – Site Location Plan received by the CPA on 21 January 2015 and shall be marked out in accordance with the approved details and thereafter maintained throughout the construction period.

*Reason: To maintain the integrity of surface water apparatus on the site.*

9. The skatepark hereby permitted shall not be brought into use until the landscaping bunds detailed on the 3-D visualisations entitled 'Eastwood Skatepark' received by the CPA on 19 March 2015 have been constructed with gradients which allow for their safe maintenance, and seeded with a seed mix, both of which have been previously submitted to, and approved in writing by, the CPA. Provision shall be made to restrict access onto these bunds until a suitable grass sward has been established to the satisfaction of the CPA.

*Reason: To protect the amenity of the local area in accordance with Policy 10 of the Broxtowe Aligned Core Strategy.*

## APPENDIX 1

10. The skatepark hereby permitted shall not be brought into use until a suitable access gap into the main bowl has been provided in accordance with details previously submitted to, and approved in writing by, the CPA. The access gap shall provide access from the northern side of the skatepark and shall be constructed in accordance with the approved details.

*Reason: To provide a safe access into and out of the skatepark.*

11. The skatepark hereby approved shall not be brought into use until safety hand rails have been constructed on the northern and eastern side of the facility in accordance with details previously submitted to and approved in writing by the CPA. The safety hand rails shall be constructed in accordance with the approved details.

*Reason: To ensure that users of the skatepark can use the facility safely.*

12. Should, at any time, the skatepark hereby approved be subject to levels of graffiti which the CPA considers results in an unacceptable impact on the amenity of the surrounding area, then, within one month of a written request from the CPA, details of a scheme to remove the graffiti and replace it with professional art shall be submitted to the CPA for its approval in writing, including a timetable for its implementation. The scheme shall be implemented in accordance with the approved details.

*Reason: To protect the amenity of the local area in accordance with Policy 10 of the Broxtowe Aligned Core Strategy.*

13. In the event of a noise complaint being received by the CPA regarding the skatepark hereby permitted which, in the considered opinion of the CPA may be justified, the applicant shall, at the first practicable opportunity following a written request from the CPA, carry out a noise impact survey which shall be submitted to the CPA for its written approval. Should the submitted survey demonstrate that the level of noise generated by the skatepark is 10dB or more above background levels at the front curtilage of properties on Plumptre Way, thereby justifying the noise complaint received, the survey report shall specify additional mitigation measures and details of their timing to overcome any unacceptable noise impact and such measures shall be implemented thereafter in accordance with the approved details and timetable.

*Reason: In the interest of residential amenity and to accord with Policy 10 of the Broxtowe Aligned Core Strategy.*

This matter is being dealt with by:

**Kevin Sharman**

Reference: NCC-016389-14

T 0115 977 2970

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W [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)



7 April 2015

Dear

### **Re Eastwood Skatepark Proposals**

Thank you for your letter of complaint to the County Council's Monitoring Officer regarding the consultation carried out on the proposed skatepark at Coronation Park, Eastwood. In your letter you state that the County Council has totally changed the siting, location, design and therefore impact of the proposed skatepark and therefore a consultation should be held on the current proposal so that the full implications can be heard at a local level.

It is important to understand that the consultation process to which you refer and which was carried out on the original proposed skatepark (before any planning application was submitted), was not a statutory requirement and did not form part of the formal planning application now under consideration. In fact, and as detailed below, that consultation process was not instigated by the County Council.

The issues you raise in points 2-5 of your letter details a number of concerns you have regarding the submitted application, including impact on amenities, noise, traffic, litter, graffiti, and anti-social behaviour and these matters, whilst not covered in this response to your complaint, will be taken into account by the County Council as the County Planning Authority in the determination of the application. As a result of further concerns raised by consultees and local residents through the formal planning process over issues such as noise, visual intrusion, and water contamination, amendments have been made to the scheme including moving the facility slightly further away from Plumtree Way and by providing earth mounding to effectively simulate the earlier sunken proposals and to help screen the facility and I understand that you have also been formally consulted on these revised details as part of the planning process. It is anticipated that the application will be determined by the County Council's Planning and Licensing Committee at the end of April. All responses received regarding the planning application, and as previously stated including the issues raised in the remainder of your letter, will be taken into account as part of the determination of the application.

In order to address your complaint, it is considered important to set out details of the entire consultation process which has been undertaken, both statutory and non-statutory, regarding this proposal.

This project is supported by and funded through a number of organisations, including Nottinghamshire County Council (NCC), Broxtowe Borough Council (BBC), Eastwood Town Council (ETC), WREN (Waste Recycling Environmental Limited) and SAFE (Supporting Action For Eastwood) and these organisations / funding streams require evidence that any such proposal has local community support. The initial consultation, which did not form part of the formal planning process, was a scoping exercise to assess local support to the concept of an improved facility

Transport Planning and Programme Development, Nottinghamshire County Council, Trent Bridge House, Fox Road, West Bridgford Nottingham NG2 6BJ

within the park (Coronation Park), rather than being a consultation on a specific proposal. The initial consultation was led by SAFE (a community group) and not by NCC and was a means to secure funding for this project from a number of funding organisations, and in particular WREN and NCC. Therefore, this initial consultation was not carried out to determine the suitability of the proposed scheme from a planning perspective.

Once the project concept had been agreed and a funding package secured then the project went through a number of iterations to find the most suitable / deliverable solution within this location. This work included consideration of a number of sites within the park and a number of different designs. As a result of this process, a planning application was submitted for a skatepark sunk into the ground but this was returned to the applicant due to serious contamination concerns from the County Council's Reclamation Team regarding the need to excavate into the ground, given that the application site is part of a former colliery.

Following revisions to the design of the facility to allow it to be sited at ground level to remove the need to excavate into the ground, a new application was submitted to the County Council as the County Planning Authority and this application is progressing through the formal consultation process in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the County Council's Statement of Community Involvement Review. This is the stage we are currently at and as mentioned above the other issues set out in your letter form part of that process and will be taken into account when the application is determined.

Whilst it could be queried why the County Council is dealing with an application for which it is also the applicant, it can be confirmed that the application has been submitted to the correct authority for determination. Planning authorities are responsible for determining applications for their own development and so the County Council often receives applications for school, library and road developments, whilst district councils deal with applications for its own development, such as leisure centres etc. The application for the skatepark is being part-funded and managed by the County Council, hence why the application has been submitted to the County Planning Authority for determination. Applications for the County Council's own development are subject to the same scrutiny as any other application submitted to us and are assessed against relevant planning policies and other material considerations.

In summary, you have raised a complaint with the Monitoring Officer regarding consultation that was carried out outside the formal planning process and which was led by a community group (SAFE), not the County Council. SAFE was under no obligation to carry out this consultation from a planning perspective but needed to do it to secure the necessary funding for the proposal. All consultation carried out by the County Council as part of the planning application process has been carried out in accordance with the relevant statutory regulations.

Yours sincerely

Kevin Sharman  
**Team Manager – Transport Planning and Programme Development**