

UTT/14/3539/FUL (STANSTED)

(Uttlesford District Council is the land owner)

PROPOSAL: Replacement skatepark, including boundary fencing and 6 No. 8m high floodlighting columns.

LOCATION: Stansted Skatepark, Lower Street, Stansted.

APPLICANT: Stansted Mountfitchet Parish Council.

EXPIRY DATE: 5 March 2015.

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

- 2.1 The site is situated at the eastern end of the Lower Street public car park and coach park to the east of the village centre and comprises the Stansted skate park facility consisting of various wooden ramps enclosed by 2m high perimeter fencing on a rectangular footprint comprising 0.06 ha. The mainline railway to London, Cambridge and Stansted Airport runs parallel to the site to the immediate south, whilst Stansted Castle and a residential property known as Moat House are situated on rising land to the north behind a row of existing frontage trees onto the adjacent surface car park. The skate park is accessed via the car park entrance leading off Lower Street at its junction with Chapel Hill, Church Road and Station Road adjacent to which the approved Stansted Health Centre is currently in the course of being built.
- 2.2 The skate park was opened in 2005 and the land upon which the skate park has been constructed is leased from Uttlesford District Council to Stansted Mountfitchet Parish Council on a long term lease. The facility is currently unlit.

3. PROPOSAL

- 3.1 This detailed application proposal relates to the replacement and upgrading of the existing skate park facility with a new "fit for purpose" skate park. The new facility would be constructed of smooth "low noise, low maintenance" concrete incorporating end ramps and various concrete mounded features formed in between and would be enclosed by new 3 metre high anti-climb fencing onto the southern (railway line) boundary and 1.2 metre "Bow Top" fencing around the remainder of the site boundaries. The new park would be lit by floodlights mounted on 3 No. 8 metre high columns which would have sensor and timing mechanisms to enable the park to be used in the evenings during the winter months until 10.00pm where the number of columns has since been reduced to three from receipt of application.
- 3.2 The design and ramp specification for the scheme has also been revised by the applicant since receipt of the application for the reasons as stated in the applicant's email to the Council dated 2 March 2015 whereupon a semi-circular railed end ramped feature shown for the western end of the new facility has been deleted from the scheme due it is understood to cost constraints.

4. APPLICANT'S CASE

4.1 A Design & Access Statement accompanies the application which describes in more detail the design of the new skate park and the rationale behind the proposal, including an explanation of the user profile and reference to initial drivers for the project where it is stated under the Design section that *"Whilst the previous design was biased towards BMX riders at the expense of skateboarders, our proposed design is a more balanced park with lower level technical features to suit everyone"*.

4.2 The Design and Access Statement identifies the following purposes and aims behind the project:

- To replace old and ageing wooden skate ramps with a sustainable facility requiring minimal maintenance.
- To increase awareness of the benefits of a healthy lifestyle and provide a modern sporting facility that fills a gap in the leisure opportunities that are currently available in the village.
- To focus on the needs of children and young people in an area that has some of the most deprived young people in Uttlesford District.
- To encourage end users to take an active role in the development of the village and its facilities by involving them in the design, development, promotion and marketing of the skate park.
- To attract more people to bike and skate sports pursued in a safe family orientated environment.

4.3 It is stated that the current skate park is reaching the end of its economic working life as the cost of maintenance becomes uneconomic where it has been established that the skate park will need to be taken out of commission within a timescale of around six months meaning that there would be no facility within the village and hence the urgent need for the planning application. It is further stated that Stansted has limited public outdoor space for sport and leisure activities and that the skate park is a very well used and valued resource, particularly given the significant population growth of Stansted in recent years, adding that having a skate park results in more respect from local users and lessens the risk of vandalism and that continued demand for a skateboard park in the village has been recognised through the Skate Park Action Group. In terms of use profile, it is stated that the existing skate park initially proved very popular with young people, but that the park has started to show its age and that its usage has declined by around a half as users are now travelling further afield to more attractive and challenging parks which have opened in neighbouring villages and towns.

4.4 Email from applicant to Uttlesford District Council dated 2 March 2015:

"Further to our telephone conversation this morning, I am writing to confirm we are discussing making some changes to the design we specified in our original application. There will be no changes to the footprint of the park and no increase in the height of any of the ramps. The purpose of the modifications is to ensure the park reflects contemporary trends in skatepark design and make the park more inclusive and to ensure we meet the needs of a wide group of potential users as possible. Our designers are consulting with Network Rail over the positioning of the flood lights, but there will no increase in the number of columns and only minor adjustment to the positioning of the columns".

5. RELEVANT SITE HISTORY

- 5.1 Planning permission was granted in 2003 for the change of use of land at former railway sidings, Lower Street to a skateboard facility and erection of associated equipment (UTT/0123/03/FUL: applicant - Stansted Mountfitchet Parish Council). The principle of the skate park as a local communal recreational facility at this location was therefore accepted under this grant of planning permission.
- 5.2 Planning permission subsequently granted in 2008 for the erection of 4 No. 10 metre high lighting columns with floodlights and a security light for Stansted Skate Park as operational (UTT/1778/08/FUL). The officer report for that application noted that the skate park facility had no time restriction on its usage and that this was controlled by natural factors such as the weather and natural light. The proposed lighting would increase the hours during which the facility could be used and would also enable the Police to be able to view what was going on at the site later in the evening. The officer report also noted that the site was located within a semi-urban environment away from the main built-up core of Stansted village and that there was already some lighting in the car park adjacent to the site, concluding that the proposed floodlights could be used without impacting on residential amenity. A condition was imposed on the grant of permission stating that the floodlighting permitted should be fitted with movement sensors to ensure that the floodlights were only operational whilst the skate park was within use and additionally that the sensors should be fitted to a timing device to ensure that all floodlighting did not operate outside the hours of 8.00am to 9.00pm in order to minimise the impact of the lighting on the character of the rural area and the amenity of neighbouring residential properties.
- 5.3 Preliminary enquiry submitted to the Council in 2014 by Stansted Mountfitchet Parish Council relating to a replacement skate park facility at Lower Street on the site of the existing facility (see current planning application for details).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

- ULP Policy LC2 – Access to Leisure and Cultural Facilities
 - ULP Policy GEN1 – Access
 - ULP Policy GEN2 – Design
 - ULP Policy GEN3 – Flood Protection
 - ULP Policy GEN4 – Good Neighbourliness
 - ULP Policy GEN5 – Light Pollution
 - ULP Policy GEN8 – Parking Standards
 - ULP Policy ENV11 – Noise Generators
- Stansted Mountfitchet Parish Plan (2011).

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council wishes to support its own application.

8. CONSULTATIONS

Environment Agency

- 8.1 The proposed development sits within Flood Zone 3 and is therefore at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals where flood risk is an issue to replace direct case by case consultation with us. This planning application sits within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). We recommend that you view our standing advice in full on our web site before making a decision on this application. Please refer the applicant to our standing advice at the above web address. Applicants should follow the advice and submit a completed form as part of their planning application submission.

Network Rail

- 8.2 The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Network Rail prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works.

Essex County Council Highways

- 8.3 The Highway Authority has no comments to make on this proposal from a highway and transportation perspective as it is not contrary to relevant transportation policies contained within the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

UDC Environmental Health Officer

- 8.4 Light pollution:

While there are few residential properties close to this site at present, there is potential for the lighting to affect Moat House and new developments at 2 Lower Street and Elms Farm.

Recommended Conditions:

Details of the lighting scheme, including the location, angle and light spread of the lumieres, shall be submitted to and approved in writing by the local planning authority before use of the skate park commences, and any lighting installed shall be in accordance with the approved details. The lights shall be fitted with movement sensors and shall be switched off at 10.00pm.

9. REPRESENTATIONS

- 9.1 None received. Neighbour notification period expired 29 January 2015. Advertisement expired 19 February 2015. Site notice expired 10 February 2015.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Design (ULP Policies LC2 and GEN2);
- B Flood Risk (ULP Policy GEN3);
- C Access and Parking (ULP Policies GEN1 and GEN8);
- D Impact on residential amenity (ULP Policies GEN2, GEN4, GEN5 and ENV11).

A Design (ULP Policies LC2 and GEN2).

- 10.1 As previously mentioned, the current skate park at this location is beginning to age and is considered by the Parish Council and other stakeholders to be less challenging than other, newer skate parks which have subsequently opened within the district and beyond where older youngsters as previous users are now travelling to in order to skate. Furthermore, the park by reason of its design and features is considered to be unrepresentative to all potential users in terms of demographics and user profile.
- 10.2 The proposed new facility has been designed involving all of the relevant skate park stakeholders in the pre-application process and it is considered that the design of the proposal would be acceptable for the site as a more inclusive skate park facility where it would be on the same scale as the existing facility, but with new surfaces and features. The perimeter fencing, which would comprise RoSPA compliant 1.2 metre high bow top metal fencing with similar style entrance gate with 3 metre high security fencing onto the railway line would also be acceptable, as would the proposed perimeter floodlight columns, which would comprise galvanised tubular steel with semi-domed lights. The proposal would therefore comply with ULP Policies LC2 and GEN2.

B Flood Risk (ULP Policy GEN3).

- 10.3 The site lies parallel with Stansted Brook which runs along the southern side of the adjacent railway line and is situated within a Flood Zone 2/3 zone as defined on the Environment Agency Flooding Maps. The Environment Agency has been consulted on the application and has stated that the site is at risk of flooding because of the adjacent Stansted Brook, although considers the proposal to constitute a “lower risk” development in view of its particular nature and has requested the local authority to refer to its Flood Risk Standing Advice (FRSA) and to advise the applicant to refer to this also and provide relevant information to show how flooding would be addressed at the proposal site.
- 10.4 The applicant (Stansted Parish Council) has provided the following details regarding the same;

“The current site has suffered from some surface flooding due to its poor design and construction, which has shortened the life of the wooden ramps and created maintenance problems. The new skate park will be built to a higher specification with improved drainage provision so we do not anticipate any problems from surface water in the park and any potential impact on the surrounding area will be reduced. The fact that the new ramps will be constructed in concrete means that the ramps will just need

to be cleaned should any flooding occur and the park can be in operation as soon as flooding recedes. A detailed Flood Risk Assessment [FRA] which covered the area where the skate park is located was submitted with the planning application for the Castle Lotus development in Lower Street under ref; UTT/1522/12/FUL”

- 10.5 The applicant has advised the Council that the site has never flooded notwithstanding its close proximity to Stansted Brook on the other side of the railway line and that any standing water which occurs is as a result of natural pooling after heavy rain. Surface water run-off measures as proposed by the applicant as part of the design of the new park as referred to above are considered appropriate in terms of dealing with surface water run-off where the applicant has subsequently confirmed that the drainage has been designed so that any surface water would flow towards the roadway that links the two sections of the car park and has consulted with the construction company which is building the nearby health centre and responsible for reconfiguring the car park who has stated that it is happy to set its levels to enable the water to flow into its drainage provision. The proposal by reason of its design would therefore not be contrary to ULP Policy ENV3.

C Access and Parking (ULP Policies GEN1 and GEN8).

- 10.6 The new skate park would continue to use the existing public car park access from Lower Street. This access is due to be modified at the northern boundary line of the skate park where it is separately proposed to slightly widen the width of the existing access road along the length of this boundary to facilitate an extension of the existing Pay and Display Car Park beyond the site to the immediate east, which is currently being used as a temporary plant and storage compound in connection with the Stansted Health Centre currently under construction. The skate park site layout reflects this slight boundary alignment change to increase the access road width, although this requirement does not in itself affect the footprint of the skate park. No objections therefore arise under ULP Policy GEN1.
- 10.7 The new skate park would take advantage of its edge of village centre location, which is within walking and cycling distance of nearby residential developments and also its immediate proximity to a large public car park. Whilst it is the applicant's hopes that the upgraded facility will have an increased community usage, it is considered that there would not be any need for any additional parking provision to be provided for the new skate park itself given these relevant factors and that the status quo can prevail in this respect. Given the fact that the footprint of the park would not be increasing, the proposal would not be utilising any of the existing car park spaces or those for the proposed car park extension to the rear where this extra parking provision would provide parking spaces for visitors to the health centre if required. The proposal would therefore comply with ULP Policy GEN8.

D Impact on residential amenity (ULP Policies GEN2, GEN4, GEN5 and ENV11).

- 10.8 The existing skate park has been at the site for the last ten years and it is considered that the design upgrade of the facility as now proposed is not likely to generate any more noise or disturbance to the nearest residents than the current facility through its continued operations where it is stated in the applicant's Design and Access Statement that the new concrete surface would not generate any greater noise than the existing surface wooden ramps. It should be noted that the now operational Lower Street car park community initiative CCTV camera installed immediately adjacent to the current facility on its western side at the end of the coach park currently serves as an anti-social behaviour deterrent, whilst it is proposed to install an additional CCTV camera at

the eastern end of the proposed Lower Street car park extension as part of this initiative.

- 10.9 Lighting for the new skate park would be in the form of 3 No. 172w LED floodlights on 8 metre high columns in the position as shown on the revised site layout drawing where such lighting is currently not available for the present facility notwithstanding the grant of planning permission in 2008 for the erection of floodlights and a security light at the site (see above). The lighting has been designed to minimise glare and light spillage beyond the site and to have minimum impact on the safe operations of the adjacent main railway line where the consultation response from Network Rail is noted and where the two lights positioned in the two corners onto the rear boundary are inward facing and the centrally positioned light onto the front boundary would have a light spread which would not reach the rear boundary. The applicant has advised the Council that it is separately in discussions with Network Rail regarding the installation of the lighting.
- 10.10 Environmental Health have been consulted on the application who have advised that there is potential for the lighting if not properly controlled to affect Moat House to the north and the new approved residential developments at 2 Lower Street and also Elms Farm to the south across the railway line were these developments to be built and has recommended that details of the lighting scheme, including the location, angle and light spread of the lumieres, be submitted to and approved in writing by the local planning authority before use of the new skate park commences and that any lighting installed shall be in accordance with the approved details. It is further recommended that the lights shall be fitted with movement sensors and switched off at 10.00pm.
- 10.11 The applicant has requested that the hours of opening for the skatepark be from 8.00am to 10.00pm Mondays to Saturdays and also for Sundays. As previously mentioned, the 2003 permission for the current skate park facility at the site did not carry a condition limiting the times during which the skate park could be operational, although the subsequent 2008 permission for perimeter floodlighting stated that the floodlighting should not be switched on outside the hours of 8.00am to 9.00pm in the interests of residential amenity. In effect, the applicant is seeking an additional hour within the evenings through to 10.00pm during which the proposed floodlighting can be switched on beyond the previously permitted times on the now expired scheme. The maximum advantage of this benefit would be gained during the winter months when the lights would be required to be switched on during the evenings through to 10.00pm, although the floodlighting would not be needed to be switched so much during the summer months when daylight is longest.
- 10.12 An assessment has to be made from this as to whether having the floodlights on for any extra hour when needed beyond the previously permitted switch off time of 9.00pm would have a greater effect on loss of amenity compared to the previous situation to warrant an earlier similar switch off time. It is a material consideration that planning permission has recently been granted for The Elms development even if it were the case for any reason that this permission was subsequently not implemented, although the Parish Council as applicant has confirmed that it would have the ability to override the time if it ever received any noise complaints from the general public. It is therefore considered that the use of floodlighting at the site until 10.00pm in the evenings can be justified under ULP Policies GEN2, GEN4 and ENV11 subject to a condition requiring the lighting to be switched off at 10.00pm every evening and further lighting details to be submitted and approved.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of a skate park as a local community facility at this edge of village centre location was accepted under the 2003 change of use permission for the site.
- B The design of the new skate park is considered acceptable.
- C The proposal would not have any impact on existing parking arrangements.
- D The floodlighting proposed would be acceptable subject to the imposition of an appropriate condition controlling operation usage and submission of further lighting details.

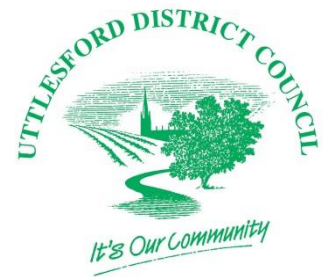
RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

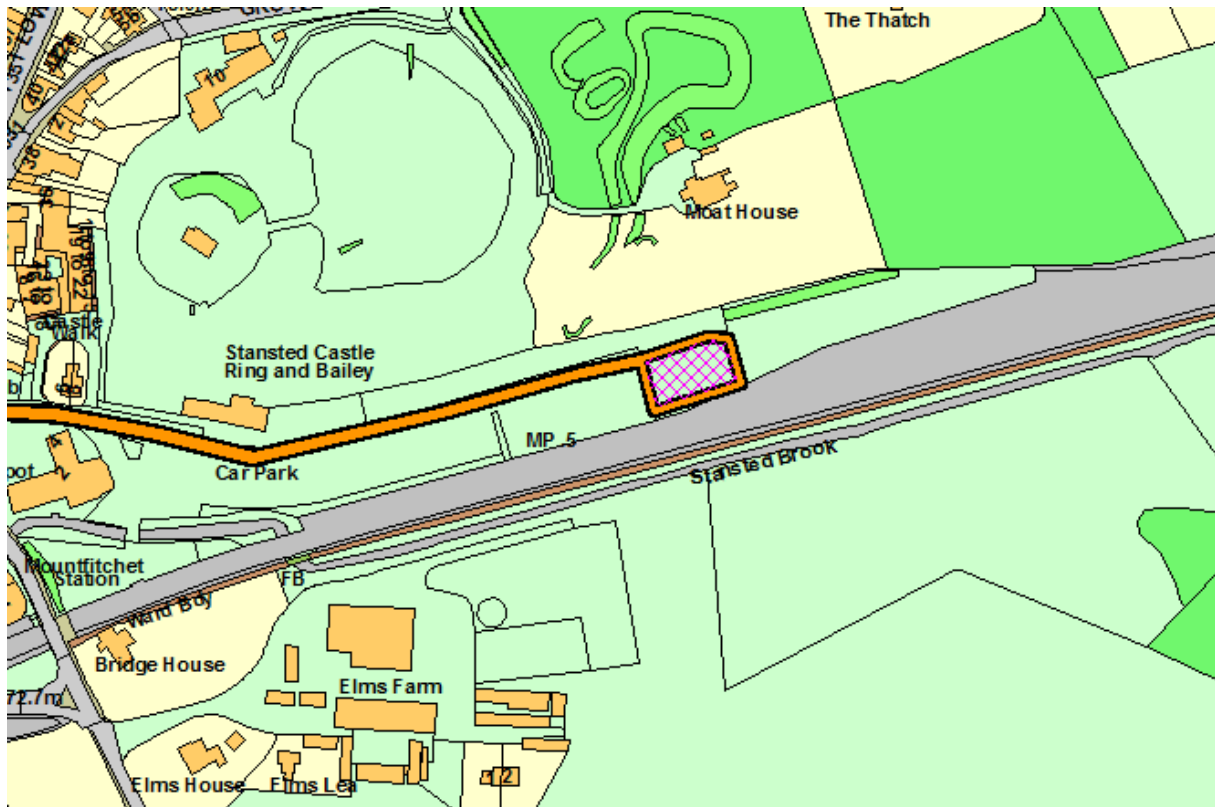
2. The floodlighting hereby permitted shall be fitted with movement sensors to ensure that the floodlighting is only operational whilst the skate park facility is in use. In addition, the sensors shall be fitted to a timing device to ensure that all floodlighting does not operate outside the hours of 8.00am to 10.00pm. Details of the lighting scheme, including the location, angle and light spread of the lumieres, shall be submitted to and approved in writing by the local planning authority before use of the new skate park commences and any lighting installed shall be in accordance with the approved details.

REASON: In order to minimise the impact of the lighting on the character of the area and the amenity of neighbouring residential properties in accordance with ULP Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005).



Application no.: UTT/14/3539/FUL

Address: Stansted Skatepark Lower Street Stansted



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Organisation: Uttlesford District Council

Department: Planning

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