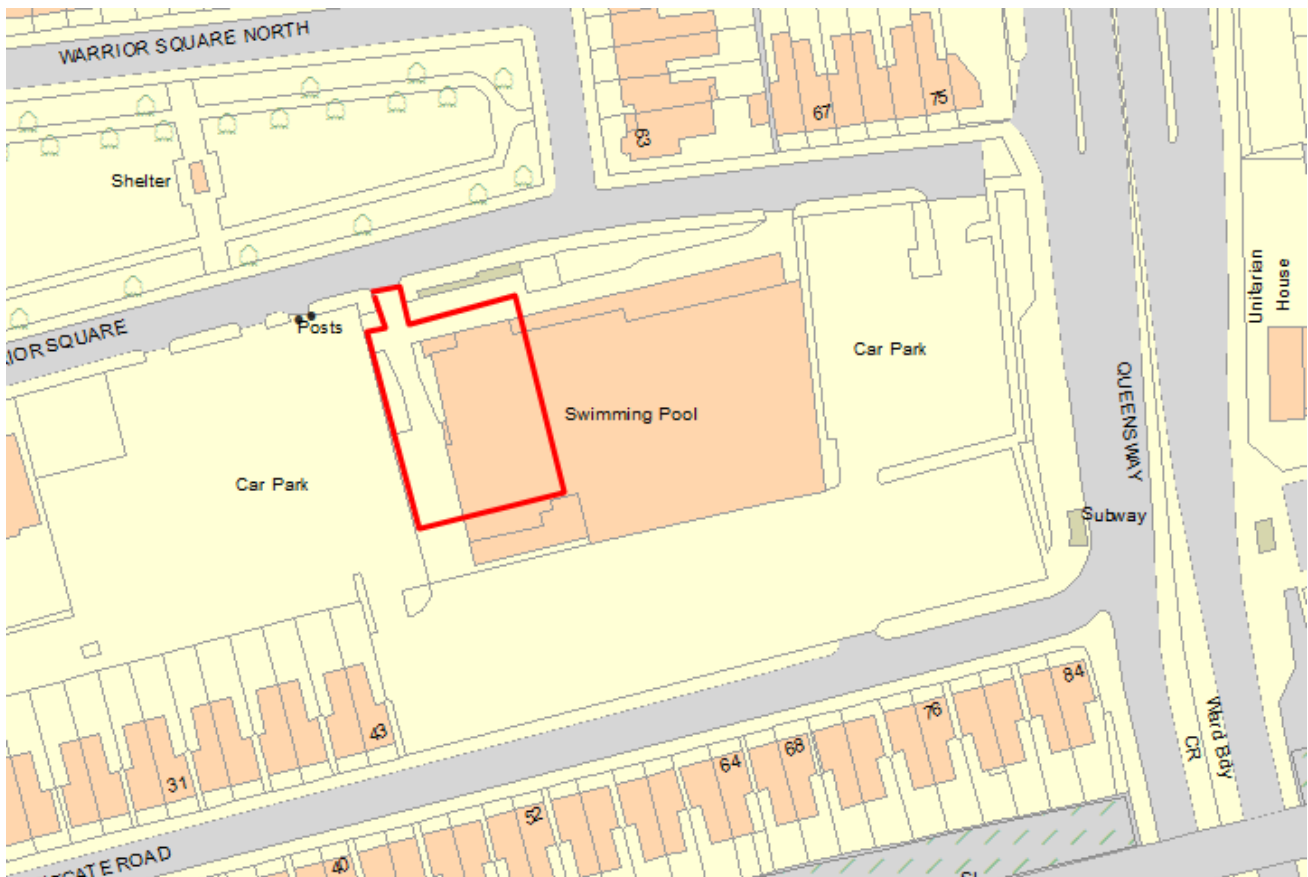


Reference:	18/01570/BC3	
Ward:	Milton	
Proposal:	Install Wheeled Sports Facility Area with associated works	
Address:	Warrior Square Car Park, Warrior Square, Southend-On-Sea	
Applicant:	Southend-on-Sea Borough Council	
Agent:	N/A	
Consultation Expiry:	08.11.2018	
Expiry Date:	12.12.2018	
Case Officer:	Kara Elliott	
Plan Nos:	SBC/WSWS/Plan/App/001, SBC/WSWS/Plan/App/002, Sections dated 04.10.2018, Dimensions dated 04.10.2018, Site Plan 04.10.2018	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 The Proposal

- 1.1 Planning permission is sought for a public skate park located within Warrior Square, which forms part of the town centre.
- 1.2 The proposed skate park would cover an area amounting to 29.8 metres by 15 metres. The skate park would be built partially set into the ground, with the maximum height of the ramps reaching up to 2 metres above ground level.
- 1.3 The proposed skate park, consisting of a variety of ramps and apparatus designed to be used for wheeled sports such as skateboarding and BMXing, would be accessible by pedestrians from Warrior Square via a path and would not be enclosed or gated, nor would it be lit artificially.
- 1.4 The application has been made by Southend Borough Council and therefore falls under the jurisdiction of Development Control Committee.

2 Site and Surroundings

- 2.1 The application site comprises a grassed area of land located on the former Warrior Square Swim Centre site. The wider grassed area beyond the application site extends up to approximately 900 square metres (0.09 hectares).
- 2.2 Public car parks are located to the west, south and east of the site with the Warrior Square Gardens located to the north of the site. The nearest residential dwelling is located approximately 34 metres south-west of the skate park and is located within Whitegate Road. Dwellings at Warrior Square East are located approximately 39 metres north-east of the site.
- 2.3 The application site is not located within a conservation area. However, the gardens and terrace of properties to the north within Warrior Square North are designated as Warrior Square Conservation Area.
- 2.4 The application site is located with the Warrior Square Policy Area (PA5) as designated by the Southend Central Area Action Plan (SCAAP) (2018).

3 Planning Considerations

- 3.1 The main considerations are the principle of development, design and impact on the character of the area, traffic and transportation, impact on residential amenity, sustainability and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018); Core Strategy (2007) policies KP1, KP2, CP4, CP6, CP7; Development Management Document (2015) Policies DM1 and DM3, the Design and Townscape Guide (2009) and Southend Central Area Action Plan (2018)

- 4.1 This proposal is considered in the context of the National Planning Policy

Framework, Core Strategy, Development Management Document and the Design and Townscape Guide relating to community services.

- 4.2 Policy CP7 of the Core Strategy (2007) relates to sport, recreation and green space and states that the Borough Council will bring forward proposals that contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors.
- 4.3 Policy CP6 of the Core Strategy (2007) relates to community infrastructure and states that new development should not jeopardise the Borough's ability to improve education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 4.4 The Southend Central Area Action Plan (SCAAP) (2018) is the most up to date policy consideration. The application site is located within the Warrior Square Policy Area. Development Principles for this area include public realm improvements which maintain the environmental and design quality of Warrior Square Gardens, promote future public realm improvements and open space that respects and engages with the Gardens.
- 4.5 It should be noted that the proposed development would not result in the loss of any part of the important green space of Warrior Square Gardens; located to the north of the site. The proposed external skating facility would also introduce activity to the former leisure centre site.
- 4.6 In terms of National planning policy, the National Planning Policy Framework (NPPF) states that policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 4.7 The benefits of the proposal outweigh the loss for other potential uses of the site. The development would encourage positive activity in the area and the site does not constitute protected green space and has no other restrictive designation. The proposed development is therefore considered to be in compliance with the objectives of national and local planning policies and guidance and is acceptable in principle, subject to the determining material considerations discussed below.

Design and Impact on the Character of the Area and Conservation Area

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) policies DM1, DM3 and DM5, the Design and Townscape Guide (2009) and Southend Central Area Action Plan (2018)

- 4.8 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape

Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.9 Paragraph 124 of the NPPF states that; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.10 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.11 Policy DM5 of the Development Management Document is clear that in order to conserve and enhance the character and quality of the Conservation Areas, development proposals will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.
- 4.12 Policy PA5 of the SCAAP states that the Council will seek to *‘maintain the environmental and design quality of Warrior Square Gardens and promote future public realm improvements and open space that respect and engage with the Gardens.’*
- 4.13 Whilst the application site is not located within the Conservation Area, due to its close proximity to the Warrior Square Conservation Area, it is important to consider the impact of the development upon the special character and setting of the Conservation Area. Warrior Square is one of only two Victorian residential squares in the Borough and the houses which overlook the park are well detailed examples of housing from this era.
- 4.14 The appearance of the skate facility, by its very nature, would consist of a series of concrete ramps, bowls and rails. The scale of the development would vary. The proposed skate park would cover an area amounting to 29.8 metres by 15 metres. The skate park would be built partially into the ground, with the maximum height of the ramps reaching up to two metres above ground level.
- 4.15 In terms of layout, appearance and scale, the skate park facility itself is of typical design for such facilities. The application site is located adjacent to car parks and is within a town centre location.
- 4.16 Whilst having more of an urban character than a traditional park, it is not considered that the development would result in harm to the character and appearance of the site or the wider area, including the special character and setting of the adjacent Conservation Area which would have their character and setting preserved. Whilst some structures would be up to two metres above ground level in height, they would not be particularly visible from the wider area and the design is such that they and do not result in any significant visual harm.

Landscaping

- 4.17 In accordance with DM1 of the Development Management Document, landscape design and the intended use of any open spaces must form an integral part of any proposal, and should be considered from the outset to inform the design process and the creation of successful, inclusive places. Particular attention needs to be given to the interface between the public and private space and how an area will connect or relate to the wider open space network.
- 4.18 It is noted that the skate park facility will not be bound by gates or fencing and the application particulars show a landscaped bund (which will minimise its visual impact on the surrounding area) around the facility as well as a path to the main pedestrian footway. The remaining land around the park is proposed to be left as open green space. Whilst specific details of landscaping are not provided, it is considered that this can be dealt with by way of a condition.
- 4.19 It is considered that the proposed development would not result in a detrimental impact on the character and visual amenity of the site or the wider area, or the special character and setting of the adjacent Conservation Area. The proposal is found to be acceptable and comply with development plan policy in this regard.

Traffic and Transportation

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP3, Development Management Document (2015) Policy DM15 and Southend Central Area Action Plan (2018).

- 4.20 DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate traffic and parking demand generated in a safe and sustainable manner.
- 4.21 There are no specific parking standards for facilities such as this set out within the Development Management Document Vehicular Parking Standards. The submission states that a significant proportion of users are likely to be young people not of driving age.
- 4.22 The site is in a highly accessible town centre location. It is located within walking distance of two rail stations and is close to cycle routes and bus routes, as well as within close vicinity to Southend's bus station. In addition, the town centre benefits from a large number of public car parks, one of which is located next to the application site.
- 4.23 It is considered that due to the sustainable locality of the site and the abundance of public transport options and public car parks within a short distance to the site, the development would not result in an unacceptable impact on parking provision and would not detrimentally impact upon parking availability and highway safety.
- 4.24 The submitted Transport Assessment states that cycle parking will be provided on site. This is welcomed in order to promote sustainable transport methods and will require details to be submitted prior to use of the facility. This would be ensured through the use of a condition.

- 4.25 The proposed development is considered to be acceptable in all regards related to traffic, transportation and parking and would comply with development plan policy in this respect.

Impact on Residential Amenity

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM1, the Design and Townscape Guide (2009) and Southend Central Area Action Plan (2018)

- 4.26 Policy DM1 of the Development Management Document requires that development protects the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.27 The nearest residential dwelling is located approximately 34 metres south-west of the skate park and is located within Whitegate Road. Dwellings at Warrior Square East are located approximately 39 metres north-east of the site. Public car parks are located immediately to the west, south and east of the site with Warrior Square Gardens located to the north of the site.
- 4.28 Due to the relatively modest nature of the development and the separation distances to neighbouring occupiers, it is not considered that the proposed development would result in any demonstrable harm to residential occupiers from overbearing impacts, dominance, loss of light, loss of privacy, loss of outlook or from potential noise impacts.
- 4.29 It is considered that a suitable condition could be applied to any positive decision in order for a management plan to be implemented after one year of use of the facility. This would include a mechanism to address any issues which may arise. This would include suitable means of enclosure and hours of use should these be appropriate.
- 4.30 There would be no artificial lighting of the area and therefore the facility will not be conducive to use in low light or at night. It is considered that the proposed review after one year with a management plan implemented as appropriate will inform whether gates/fencing will be required in order to control use within hours of darkness and low light in order to prevent noise and disturbance to nearby residential occupiers and address other issues. However, it is not envisaged (for the reasons set out above) that this development will be likely to result in harm to amenity of residents, as proposed.
- 4.31 Subject to conditions imposed to mitigate and control the potential for noise impacts to surrounding properties, the effect on the amenity of adjoining premises is considered to be acceptable and in accordance with the development plan policies.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.32 Although this application is CIL liable, in this instance the chargeable amount has

been calculated as a zero as this is to a community use with no floorspace created.

Other Matters

- 4.33 Sustainability and drainage issues will be controlled with the imposition of a condition should the application otherwise be considered acceptable.
- 4.34 A number of neighbour objections have raised concern that the application site is used by the Air Ambulance as a landing site during emergencies within the town. The proposed development would retain open space to the east of the skate facility of approximately 2,325 square metres which could continue to be suitable for the landing of emergency helicopters. It should also be noted that this is not the only area for landing within the town.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2018)
- 5.2 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)
- 5.3 Development Plan Document (2015): DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (2018) Policy PA5 (Warrior Square Policy Area Development Principles)
- 5.5 The Design & Townscape Guide (2009)

6 Representation Summary

Public Consultation

- 6.1 Four site notices were displayed at the site and 44 letters were sent to nearby occupiers. A total of 4 letters of representation have been received; 3 letters of objection and 1 letter of support. A petition of objection has also been received which has been signed by 14 residents of Warrior Square. The comments received can be summarised as follows:

Objections

- Unnecessary development;
- Loss of amenity to neighbouring residential occupiers including from noise and disturbance;
- It will do little to enhance the area;
- It could attract antisocial behaviour;
- Control will be difficult;
- It encourages young persons into an area notorious for drug abuse;
- It uses land that could be put to far better use i.e. parking- additional long-stay parking;

- Better sited in an existing park;
- Waste of Council money;
- The green space is used for children to play sport and for wider leisure uses;
- The space is often used by the air ambulance to land in emergencies;
- Lack of greenspace in the town centre;
- Dog walkers use the space;
- Will result in more pollution.
- Design is unacceptable.
- Harm to the character and appearance of the area.

The concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Support

- Warrior Square site currently underutilised;
- Will benefit local young children who loiter the High Street;
- Benefit to local community;
- No loss of trees;
- No noise disturbance issues;
- Adjacent to car parks and green space.

Consultation Responses

Environmental Health

- 6.2 No objection. Suggests conditions in relation to hours of construction work, no burning of waste on site, hours of use.

Officer comment: The proposal is considered acceptable with the conditions recommended. The hours of use are addresses in further detail in the main body of the report.

7 Relevant Planning History

- 7.1 85/1406 - Demolish Existing Properties And Lay Out Site As Public Car Park Extension - Warrior Square Car Park And Nos 77-83 Whitegate Road – Grated 09.01.1986;
- 7.2 96/0048 - Install CCTV Surveillance System Mounted On An 8 To 10 Metre High Column - South West Corner Warrior Square Car Park – Granted 07.03.1996.

8 Recommendation

8.1 GRANT PLANNING PERMISSION

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

**SBC/WSWS/Plan/App/001,
SBC/WSWS/Plan/App/002,
Sections dated 04.10.2018,
Dimensions dated 04.10.2018,
Site Plan 04.10.2018.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 3 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for excavation and site clearance works, until details of the materials to be used for development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before it is brought into use.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

- 4 The development hereby granted shall not be brought into use until secure bicycle parking facilities have been provided at the site in accordance with plans and details which shall have been previously submitted to and agreed by the Local Planning Authority. The bicycle parking spaces shall be permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with NPPF (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) and The Design and Townscape Guide (2009).

- 5 No development shall take place, except for excavation works, until full details of the drainage infrastructure to be used at the site have been submitted to and approved in writing by the local planning authority. Drainage infrastructure shall only be implemented and thereafter managed at the site in accordance with the approved details.**

Reason: In order to ensure a satisfactory standard of drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) no external lighting shall be installed at the site at**

any time without the prior receipt of express planning permission from the local planning authority.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

- 7** Within 1 calendar year of the first use of the site for the purposes hereby approved a report setting out any issues which have arisen from the use of the facility in terms of noise and disturbance and anti-social behaviour and crime, where issues are identified, and a management plan which includes measures to mitigate any such issues shall be submitted to the local planning authority and approved in writing. The management plan shall include a timescale for the implementation of the mitigation measures identified and the measures shall be implemented in full accordance with the approved timescale.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with The National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 8** No construction works other than excavation works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; bike or other non-vehicular and pedestrian access; hard surfacing materials. Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification. The development shall be implemented in full accordance with the approved details before any of the development is first brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

- 9** No means of enclosure shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

- 1. You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability. See www.southend.gov.uk/cil for further details about CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**