

**Application Ref:** 22/00463/FUL

**Proposal:** Construction of a Skate Ramp

**Site:** Open Space, Fernie Close, Newborough, Peterborough  
**Applicant:** Ms Irene Healiss  
 Newborough & Borough Fen Parish Council

**Agent:** Mr Paul Sharman  
 Sharman Architecture

**Referred by:** Head of Service

**Reason:** Due to extent of public interest

**Site visit:** 27.05.2022

**Case officer:** Miss Molly Hood  
**Telephone No.** 07967 318633  
**E-Mail:** Molly.Hood@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

## **1 Description of the site and surroundings and Summary of the proposal**

### Site Description

The application is an area of public open space accessed of Fernie Close. The site currently contains a central football pitch, play equipment to the western side and a bench along the southern boundary. To the north of the site are residential properties, with their private amenity space bordering on to the area of open space. To the south and east is open countryside and the western boundary borders the school. The boundary treatments vary from concrete posts with chain link fencing, hedgerows and timber fencing, there are also some sporadic trees along the boundaries. There are several mature trees in the south-east corner of the public open space.

The application site is situated outside the village envelope for Newborough and within Environment Agency Flood Zone 3.

### The Proposal

Permission is sought for the construction of a skate ramp on the existing area of open space. The proposal is formed from one unit which is split into two ramps with a central reservation. The ramps will reach a maximum height of 1.5m, with the addition of 1m steel railings at each ramp end. The total length of the ramp is 16.5m, with then 1.4m of banked earth at each end.

## **2 Planning History**

No relevant planning history

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

## **National Planning Policy Framework (2021)**

- 8 Promoting healthy and safe communities
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

## **Peterborough Local Plan 2016 to 2036 (2019)**

### **LP01 - Sustainable Development and Creation of the UK's Environment Capital**

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

### **LP02 - The Settle Hierarchy and the Countryside**

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

### **LP23 - Local Green Space, Protected Green Space and Existing Open Space**

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

## **LP28 - Biodiversity and Geological Conservation**

### **Part 1: Designated Site**

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, over riding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

### **Part 2: Habitats and Geodiversity in Development**

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

### **Part 3: Mitigation of Potential Adverse Impacts of Development**

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

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## **LP32 - Flood and Water Management**

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

## 4 Consultations/Representations

### **Environment Agency (27.05.22)**

The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on the consultation checklist.

### **PCC Pollution Team (25.07.22, 03.08.22)**

Initial Objection - based on the proximity of the proposed skate park to local residents (33km from property boundary) and the absence of a noise impact assessment for this development.

However, since the submission of the Noise Report, they consider that this proposal is now acceptable. The following should be noted:

This department previously commented on the proximity of the skate park to nearest sensitive receptors and the noise impact this proposal may have on these residents. Whilst there is no specific standard to measure such noise, some guidance documents were quoted. Both SkateboardGB, Skateboarding Design and Development Guidance for Skateboarding - April 2021 and Get Your Skates On! – A guide to developing BMX and Skate Parks in your area (Produced in 2005), clearly advised careful consideration needs to be given to noise. For this reason, a noise assessment was recommended to more robustly consider the proposal's acceptability.

Get Your Skates On! – A guide to developing BMX and Skate Parks in your area (Produced in 2005) states that:

"It is good practice that facilities are located no less than 100m from the nearest residential property and 30m from any property boundary (although this can vary slightly depending on the site and any neighbours). You should also ensure that noise from the facility does not exceed 55 decibels to avoid causing a nuisance to local residents. (page 11)

The submitted acoustic report demonstrates that the 55dB level as described in the document above can be achieved.

Whilst noise levels are not an entirely suitable mechanism for establishing the likely acceptability for such proposals (as with many other sports and leisure activities), since there are no accepted standards for comparing any predicted levels against in these instances (unlike, for example, the comparison of the effect of industrial noise upon residential premises [BS4142:2014]); the noise assessment and modelling are acceptable to this department.

This noise modelling in the report is based on the skate park being utilised only during daytime hours (7am-11pm), the control in place to prevent night-time use is negating to install floodlighting in the area. The use of the Skate Park in the evenings will obviously be seasonal.

On this basis, it is suggested that, should the planning department be minded to accept this proposal, that a condition preventing flood lighting from being installed is included to prevent night-time use of the Skate Park and therefore noise during unsociable hours.

It should be noted that inaudibility at the nearest residents should not to be expected.

In the noise report noise modelling also included calculations with a 2-metre barrier in place to provide further mitigation, however, no detail on the acoustic properties of the barrier were provided. It is possible that use of such a barrier whilst mitigating the noise from the Skate Park, might in itself create an additional area for congregation/unsociable behaviour.

When considering complaints of nuisance under the Environmental Protection Act 1990 it is important to note that planning decisions that alter the character of the area and therefore affect the acceptability of particular noise and use, impact on whether certain activities would be judged as nuisances [Wheeler v JJ Saunders Ltd, 1996].

The designation via the planning regime of areas suitable for certain uses is has an important contribution to the operation of the decision-making process in the statutory nuisance regime.

Consequently, should following granted planning permission, residents complain about noise emitted from this development it is highly unlikely that any action would be possible under the statutory nuisance regime.

**Police Architectural Liaison Officer (PALO) (08.06.22)**

Consider that there may be some space to hide behind the bunds created. However nothing recorded in this location on crime and incident systems, in relation to anti-social behaviour.

Considers that skate board ramps are in the main good for the local young people. They can however attract an older age group (even from nearby villages without such a facility) and later gatherings with the resulting noise and possible ASB, particularly during the lighter summer evenings.

Advised lighting and CCTV in some locations but with the lack of incidents here that may be something to consider in the future should the need arise and can be fitted retrospectively.

**Michael Britton (16.06.22)**

Some concerns raised including:

Retrofitting Skate Parks requires careful consideration due to the potential of heavy usage & the disturbance that this can bring to existing residents. Furthermore they have the potential (unlike the majority of other Play provision) in drawing in users from outside of a Village thus requiring the need for car parking etc.

Close proximity of trees also noted. Suggests that the Parish consider alternative Play provision being installed for teenagers at this location in lieu of a Skate Ramp.

**PCC Tree Officer (10.06.22)**

Objection, on arboricultural/landscape grounds.

The application/scheme is unacceptable currently, as insufficient information has been submitted to make an informed decision/recommendation regarding the above proposals, amendments could be made to make it acceptable. Revisions sought are for a soft landscaping scheme and tree protection measures.

**Lead Local Drainage Authority (17.06.22)**

Initial objection due to insufficient information surrounding the surface water strategy for the site, including a sustainable drainage system.

However, after the submission of a Flood Risk Assessment the recommendation was altered to a holding objection, with a condition recommended for a surface water strategy, maintenance plan and annual logs.

**North Level District Internal Drainage Board (26.05.22)**

North Level District IDB has no comment to make with regard to the above application.

**SHELAA Contact**

No comments received

**PCC Wildlife Officer (15.06.22)**

No objection.

The site is on a small area of amenity grassland, will not involve the removal of any woody

vegetation, will not be lit and will not impact any habitats which are used by protected species. As such considers there to be no ecological conditions appropriate to place on this application unless it is determined that the site will have lighting or removal of woody vegetation.

**PCC Peterborough Highway Authority (24.01.23)**

The LHA has no objections to the proposals.

The site is currently used as a football pitch and the proposed change of use is not expected to result in significant additional traffic.

**Local Residents/Interested Parties**

Initial consultations: 20

Total number of responses: 87

Total number of objections: 18

Total number in support: 69

The representations received have been summarised below:

**Comments received in Objection**

Parking and Highways

- Access for construction vehicles during the build.
- Extra cars bringing children to the park.
- No parking.
- Already times when emergency vehicles cannot get through.
- Cars already park on Fernie Close for school pick up and drop off, along with existing resident parking on street.

Residential Amenity

- Noise from skateboards, wheels on the ramp and people.
- To close to residential properties as advised by Skate UK who gives greater distance for skate ramps to deter antisocial behaviour.
- Could be used at any time during the day until dark.
- Close to many houses backing onto the field. Only 32m between the proposal and No.18.
- Already witnessed anti-social behaviour, climbing on top of the youth shelter, tyres screeching, loud music, foul language, mopeds driving on the park.
- Concerned will create more anti-social behaviour and could encourage aggressive play.

Principle of Development

- Existing skate parks at Crowland, Eye, Werrington and Deeping surely another park is excessive.
- Young children and parents may not want to use the play area in such close proximity to proposal. Will take the use of park away from the primary school.
- Will impact the football pitch – reducing in size.
- Situated in a small play area not a wide open sports field, which skate ramps are not designed for.
- It's an Olympic sport and not suitable in a child's play area.
- Used for dog walking.

Other Matters

- Safety of young children, who is responsible for anyone injured?
- Ground conditions are difficult to build on. All properties on Fernie Close are constructed on 8m deep piles. No detail on the foundations.

- Soke Road corner which had a lot of money spent on it has been half finished no bench or telephone box.
- The project benefits less than 100 people, it is a lot of money to spend on something for so few. Could the money be spent on an alternative scheme that benefits more people?
- May affect the house value and put off future buyers.

#### Trees and Environment

- There will be an environmental impact.
- Suspect tree canopy and roots may be an issue, along with fallen leaves in the autumn.
- An area of 120 sq m of soil to be removed which is a very soft peat soil full of absorbed carbon being replaced with approx 300 tons of concrete not a suitable environmental proposition.
- Will change the area.

#### Parish Consultation

- No contact from the Parish Council either verbal or written has been made about the skate ramp.
- Every person that tries to comment or object is being removed, blocked or comments turned off.
- Parish Councillors have engaged with suppliers without any form of competition.
- Although it is acceptable to conduct market research it is not acceptable to request quotes and design ideas to show to school kids before they have confirmed the budget.
- The cost of raw materials and labour has increased substantially this year adding to the original quote asking the question is this skate ramp a viable project.

#### Maintenance

- The land is leased from the Church Commissioners and only has a few years left before it expires. Will it be removed?
- How will these be kept clean (litter) and remove graffiti.
- The general maintenance of the playing field has deteriorated recently with the grass field and trees.
- Why can't the community that want this either have the skate park the opposite end. Or put it in the contract of the building of new houses that it has to go there.

#### Flood Risk

- The land they plan to put it on is below sea level so a large heavy skate ramp may cause some issues.
- Concrete skate ramps can disperse large amounts of rainwater leading to runoff. The field already takes time for water to disperse.

#### **Comments received in Support**

##### Principle of Development

- Children of the village raised contributions to the ramp. Therefore, the money shouldn't be used for something else.
- No existing youth clubs or public transport for young people to find entertainment.
- Provision for older children to socialise in a safe environment and be active – alternative to football or cricket.
- Another skill that local children might not necessarily be exposed to or interested in unless they had to opportunity to participate locally.
- Fernie Close park is the right place to build one as parents can supervise children of different age groups.

- Sports England gives guidance that skateparks should be 30 meters away from the nearest domestic property boundary. This planning application satisfies that.
- The playground has been off Fernie Close for 60 years.
- The Parish have researched and over 200 children at the neighbouring Newborough Primary School have voted to have a skate ramp. Children from AMVC have asked for a skateboard ramp to.
- Crowland Parish Council are on record stating "there has been no increase in anti-social behaviour in their playground following the introduction of a skatepark" and have gone further stating "it was the best thing the Parish Council has ever done for Crowland"

#### Residential Amenity

- If there is something for children to focus on they are less inclined to engage in anti-social behaviour.
- Precedent set with Eye village skatepark 30 meters from the nearest residential property.
- Kicking a football is nosier than a skateboard on a concrete ramp.
- The proposal is for a quieter concrete structure and there is just one ramp, whereas Eye skatepark has six wooden ramps.

#### Highway Safety

- It's illegal to use a skateboard on a public highway.
- Why would children travel from other areas as there are surrounding skate parks. Majority of children using it will live in the village and therefore won't need a car or parking.
- There are no footpaths on the main roads to the nearby skate parks and makes it dangerous.
- 345 square meters of council maintained land between numbers 13 & 15 Fernie Close. Using the 9 foot width of a standard parking bay, there appears to be space to provide parking for 14 cars. The kerb has even been dropped already. All I am saying is that should parking become a problem in the future, the Parish Council has parking options.

#### Environmental

- New build properties result in top soil being removed, how many objections have been submitted on the basis of this on the 30 new properties between Thorney Road and Hawthorn Close.

#### Drainage & Flood Risk

- The porous fast draining nature of the peat soil should not warrant the expense initially of drainage. Soakaway could be added retrospectively should water logging become an issue.
- The Highways Development Team & SuDS Flood Risk Team should be asked to publish where in the National Planning Policy Framework does it state where a small hard surface/ structure situated in a playground, that is not a building, away from roads or other buildings, falls within the National Planning Policy Framework and in particular is subject to a flood risk assessment. The Crowland and Eye skate parks don't have any form of drainage.

## **5 Assessment of the planning issues**

The main considerations are:

- a) Principle of Development
- b) Character of the Area
- c) Amenity of Neighbouring Occupiers
- d) Highway Safety and Parking
- e) Flood Risk
- f) Trees and Wildlife
- g) Other Matters



## a) Principle of Development

The application site is situated outside the village boundary of Newborough. However, the site is already established as informal open space to serve the village with existing play equipment and sports pitches. The open space is fenced and clearly defined from the open countryside to the east and south and is effectively part of the village. Policy LP23 advises local green space will be protected in line with the NPPF, which rules out new development on these sites other than in very special circumstances. The proposal is a skate ramp in the south-east corner, on a site which is defined as informal parkland and amenity open space, therefore falling under the provisions of Policy LP23.

NPPF paragraph 99 states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Some public representations question the need for the skate ramp given the existing skate parks at Crowland, Eye and Werrington. In addition, concern was raised on the size of the existing sports field and whether it will impact the existing football pitch, dog walkers or deter young children or the primary school from using the play area. However, other comments support the introduction of sports equipment for older children and to provide an area for socialising. Claims are made regarding Crowland Parish Council seeing no increase in anti-social behaviour however this hasn't been verified.

The development is not removing a section of the existing playing field, it simply creates the provision for an alternative sports and recreational facility. The area will be still accessible to the public for use and enjoyment. The skate ramp is in close proximity to the existing end goal of the football pitch and the agent has supplied a drawing which illustrates the two provisions do not overlap or compromise each other. The playing field is separate to the primary school and whilst there are other pieces of play equipment already located to the west of the field, the introduction of the skate ramp is not considered to compromise any of the existing facilities available to the public.

It is accepted the skate ramp is aimed for older children, however it shouldn't be seen as reason to prevent this provision of sports equipment purely on the likely age of the user. The skate ramp is considered to be sensitively located to still create some distance between the younger childrens' play equipment and is not sandwiched in between. It should be noted that this is a public playing field where children and young persons of all ages can currently access/play on the field.

Additional information was sought to evidence the assessment and its conclusions of the skate ramp and its location. In January 2022 the Parish Council reached out to the community seeking suggestions on what new equipment was wanted in the Fernie Close Park and following this a working group was formed to explore the skate ramp idea. Furthermore, in 2021 a snap opinion survey carried out on Facebook demonstrated 216 people in favour and 12 against. The Parish Council accept that not everyone has access to Facebook, however the Parish were reassured there was sufficient demand. The Parish also wanted to provide facilities for teenagers in the village, as the Parish considered this was limited currently.

The Parish confirmed a total of six sites were explored for the siting of the skate ramp, including the allotments, Newborough Cricket Club and Quorn Close Play Area. However all but one of the sites were discounted due to insufficient separation distances or lack of permissions. The Fernie

Close site was chosen as the land is leased from the Church Commissioners as a playground and the 10 years on the lease was sufficient to accommodate the spending of the s106 funds. Concern is raised in the representations surrounding the lease of the land expiring and the cost of future clearance if it should expire. Whilst it is noted the land is leased, the site has been deemed to meet the requirements of the Parish Council and the responsibility of the site and possible clearance will fall to the Parish Council should it expire. Although the representations raise concern of viability and sufficient use of the Parish money, this is not a matter for consideration under this application.

The proposal will create an alternative means of sports equipment which is currently not present in Newborough in a sustainable and easily accessible location, on an existing informal playing field. The proposal doesn't compromise the existing football pitch or overcrowd the existing play equipment, creating a degree of separation between the different age ranges of equipment. On balance, the benefits of the new sports equipment are considered to outweigh the loss of a small currently grassed area of the playing field, as well as ensuring the open space caters for all age ranges. As such the proposal meets the requirements of paragraph 99(c) of the NPPF and Policy LP23 of the Peterborough Local Plan 2019.

Whilst the principle of the development is considered compliant to Policy, the proposal remains subject to other material planning considerations and in accordance with Policy LP23 assessment is required on the character, appearance and ecology.

#### **b) Character of the area**

The skate ramp is situated in the south-east corner of the site in between existing mature trees, in total seven trees will surround the east and west sides of the ramp. There will be visibility of the skate ramp within the public realm, however the development will not appear out of character as it will be adjacent to football goals, netball hoop and other play equipment. The trees will add a degree of screening and the earth mounds with suitable low level landscaping on the sides will soften the appearance. Overall, the design respects the context of the site and reduces visual intrusion to the playing field. No trees will be removed to facilitate the development and appropriate landscaping for the earth mounds can be secured via condition. The development will not result in significant harm to the character or appearance of the area. In light of the above, the proposal complies with policies LP16 and LP23 of the Peterborough Local Plan 2019.

#### **c) Amenity of Neighbouring Occupiers**

Representations have raised concern over the impact of noise and disturbance from the use of the skate ramp, in particular from scooters and bikes. The concerns also relate to potential anti-social behaviour from the introduction of a skate ramp, possibly resulting in noise and disturbance. However, some representations express the view that giving young persons the opportunity to focus on sport/recreation could reduce anti-social behaviour. Public representations referenced Skate UK and Sports England regarding greater separation distances between skate ramps and residential properties, however no details were provided and this hasn't be found.

The applicant has followed the Guidance for 'Outdoor Play from the Fields in Trust' which recommends that a wheeled sport space should be at least 30m from the boundary of local residential properties. The Parish advised that whilst permission is sought for the small ramp, which is just one element of a typical skateboard park, regard was still had to neighbouring properties. The nearest residential property is No.18 Fernie Close, which is approximately 33.2m from the northern edge of the proposal.

The scale/massing of the skate ramp is not considered to result in an overbearing, overshadowing or unacceptable impact on the curtilages of the residential properties which adjoin on Fernie Close. The skate ramp is located along the southern boundary, which is furthest from the residential properties, and it is considered the orientation of the ramp from North to South has been sensitively designed to avoid conflict with those neighbouring dwellings. Public representations also reference the concrete material of the ramp could be quieter when compared to a wooden ramp.

The Council's Senior Landscape Technical Officer raised concerns with the development, advising retrofitting Skate Parks requires careful consideration due to the potential of heavy usage & the disturbance that this can bring to existing residents. It is accepted the ramp will introduce some noise to the area and the Council's Senior Environmental and Pollution Control Officer has been consulted on the acoustic report submitted with the application [Noise Impact Assessment – Proposed Skate Ramp dated November 2022].

The Senior Environmental and Pollution Control Officer advised whilst there is no specific standard to measure such noise, some guidance documents were quoted, these being:

- SkateboardGB,
- Skateboarding Design and Development Guidance for Skateboarding - April 2021
- Get Your Skates On! – A guide to developing BMX and Skate Parks in your area (Produced in 2005) – *'It is good practice that facilities are located no less than 100m from the nearest residential property and 30m from any property boundary (although this can vary slightly depending on the site and any neighbours). You should also ensure that noise from the facility does not exceed 55 decibels to avoid causing a nuisance to local residents. (page 11)*

The submitted acoustic report demonstrates the 55dB level as described in the document 'Get Your Skates On!', can be achieved. However it should be noted that inaudibility at the nearest residents should not be expected.

The Officer adds that noise levels are not an entirely suitable mechanism for establishing the likely acceptability for such proposals (as with many other sports and leisure activities), since there are no accepted standards for comparing any predicted levels against in these instances (unlike, for example, the comparison of the effect of industrial noise upon residential premises [BS4142:2014]). Therefore the noise assessment and modelling are acceptable to this department.

This noise modelling in the report is based on the skate park being utilised only during day light hours (7am-11pm), the control in place to prevent night-time use is negating the installation of floodlighting in the area. Public representations raised concern that the ramp could be used at any time during the day, until dark. It is accepted the ramp could be used at any time of the day, however this also applies to any aspect of the playing field and the degree of use is seasonal. The playing field is a public facility and is not restricted in terms of pedestrian access to opening hours. It would be unreasonable to condition the hours of use of the skate ramp. It is confirmed no external lighting is proposed with the scheme. In accordance with the Officers suggestion, a condition is recommended to ensure any external lighting requires further planning consent from the Local Planning Authority.

The noise report modelling also included calculations with a 2-metre barrier in place along the most northern part of the ramp, extending along part of the east and west sides to provide further mitigation, but no detail on the acoustic properties of the barrier were provided. However, the assessment demonstrates that an acceptable noise level could be achieved without the use of the barrier. In any case it is considered the use of such a barrier is likely to create a visual intrusion given the scale and could create opportunities for congregation/unsociable behaviour.

The skate ramp will be located in a public playing field where there are other aspects of existing play equipment and a football pitch, which already generate a level of noise. The use of the site will generate varying degrees of noise throughout the year. The acoustic report has demonstrated through modelling, that the skate ramp can operate below the 55dB level without an acoustic barrier, with no objections from the Senior Environmental and Pollution Officer. The suggested

acoustic barrier is not part of scheme, as greater concerns were raised over the visual impact and the reduction in natural surveillance it could result in.

Taking the above into account, no significant detrimental noise, pollution or other amenity impact is considered to occur as a result of the introduction of the ramp to the playing field and the proposal is therefore considered to comply with policy PL17 of the Peterborough Local Plan 2019.

#### **d) Highway Safety and Parking**

Representations have raised concern over the development bringing extra cars, lack of parking provision, and existing on street parking issues on Fernie Close. Comments also questioned access for construction vehicles and emergency services, as well as suggestions from where parking could be located. The comments also draw attention to no footpath connections to the nearby skate ramps.

In accordance with policy LP13 the number and nature of spaces provided, their location and access, should have regard to surrounding conditions and cumulative impact. The existing playing field has no onsite parking provision and has been in operation for decades without parking facilities.

The Senior Technical Landscape Officer advises skate parks have the potential (unlike the majority of other Play provision) in drawing in users from outside of a Village thus requiring the need for car parking etc. The Officer comments have been noted. However, it is stressed the proposal is a single ramp and not a complete skate park. In addition, there are skate parks and much larger ramps within the neighbouring settlements, such as Eye, Crowland and Werrington. Given the existing facilities in the surrounding area and the scale of the ramp proposed it is unlikely to result in a significant volume of visitors from outside of the village.

Furthermore, the Local Highway Authority have no objection to the proposal, noting the site is currently used as a football pitch and the proposed change of use is not expected to result in significant additional traffic.

The nature of the use means users are more than likely to travel to the ramp by foot or on the bikes, scooters, skateboards intended to be used on the ramp. The scale of facilities is targeted towards local users rather than becoming an attraction to the village. The skate ramp will be incorporated into an existing public open space and is not considered to warrant the inclusion of vehicular parking spaces.

Representations regarding existing on street parking problems during school times on Fernie Close were received. These are noted, and whilst the generation of additional traffic has been considered, existing unsafe off street parking is not a matter which can be assessed under the application and should be reported to the Police and Highway Authority.

In terms of access for emergency services, the playing field has a gated vehicular access and an unrestricted pedestrian access both access off Fernie Close. The playing field's only public access point is off Fernie Close, it is considered both emergency services and construction vehicles will use this existing access.

#### **e) Flood Risk**

Some public representations raise concern that the land is below sea level and concrete disperses large amounts of rainwater leading to runoff, which already takes time for water to disperse within the field. However, other comments question the need for a Flood Risk Assessment and drainage details given the fast draining nature of peat soil. The playing field is situated within Flood Zone 3 and in accordance with paragraph 167 of the National Planning Policy a Flood Risk Assessment is required for the development.

The sequential test seeks to steer development to areas at a lower risk of flooding. The Parish Council did consider a number of sites within Newborough with some outside of Flood Zone 3, but

still with some overlapping into Flood Zone 2. The five other sites considered were deemed unacceptable on the basis of unable to seek permission, below guidance of 30m or the lease was too short. As such the only available site was deemed to be the playing field on Fernie Close and the development is considered to pass the sequential test.

The Flood Risk Vulnerability Classification table illustrates that water compatible development such as amenity open space is appropriate in Flood Zone 3. As such the addition of a skate ramp in an existing water compatible amenity space is considered acceptable. However, the development is still required to demonstrate appropriate surface water drainage as it will introduce an area of impermeable surface. The Environment Agency and North Level District Internal Drainage Board have no comment.

The PCC Drainage Officer does not object to the application, however, seeks a number of conditions for a detailed surface water drainage scheme and a maintenance plan. The Officer had recommended a condition for a drainage scheme during construction, however given the small scale of the development this is considered unnecessary, unreasonable and is not proposed within the recommendation. However the conditions securing a detailed scheme for surface water drainage and a maintenance strategy are all proposed with pre-commencement agreement secured from the agent. These three conditions are considered to meet the six tests and are essential to effectively managing surface water drainage of the skate ramp.

In light of the above, the proposal is considered to comply with Chapter 14 of the NPPF and Policy LP32.

#### **f) Trees and Wildlife**

Public representations address the potential environmental impact, impact to trees and the removal of soil. The skate ramp will be situated in between seven existing mature trees. On the west are Beech and Prunus species and to the east are the remaining five Prunus trees. The block plan demonstrates the ramp itself is outside the root protection areas of the trees and the earth mound boundary only marginally overlaps.

The Council's Tree Officer objected on the grounds that insufficient information had been submitted to make an informed decision/recommendation regarding the above proposals, but amendments could be made to make it acceptable. This objection was based on a request for a landscaping scheme to support appropriate screening and enhancement to the area. The Officer suggested a mixed native hedge to both the southern and eastern boundaries consisting of a double staggered row.

A landscaping condition will be recommended to secure appropriate landscaping to the earth bunds, i.e. low level planting is secured. However, landscaping will not be sought on the boundaries or for any tall vegetation to ensure the visibility towards the skate ramp is maintained and not obscured. On a more general note it is considered clear visibility and therefore surveillance is essential for not only the skate ramp but the playing field in general.

The Tree Officer also requested tree protection measures by way of protective fencing and ground protection shown on a Tree Protection Plan (TPP). Given the close proximity of the skate ramp and the surrounding trees, this is recommended to be secured via a pre-commencement condition. The agent/applicant have agreed to the use of the pre-commencement condition. A requirement of the TPP is that it shall also, include a works area for the storage of materials, machinery and the mixing of cement, washing out of wheelbarrows etc. This is essential to not only ensure no compaction or harm to the existing trees but also no obstruction to the remainder of the playing field during construction.

It is considered the location of the skate ramp would not compromise or significantly impact the existing trees on site. Furthermore, the scheme has been designed to maintain existing cover, which adds screening and therefore complies with policy LP29.

The development is situated on the existing playing field and due to the close relationship with the surrounding countryside and existing trees on site, the Council's Wildlife Officer has no objection, advising the site is on a small area of amenity grassland, which will not involve the removal of any woody vegetation, will not be lit, and will not impact any habitats which are used by protected species. As such the Officer considers there to be no requirement for ecological conditions unless it is determined that the site will have lighting or removal of woody vegetation.

In light of the above, the proposal complies with Policy LP28 of the Peterborough Local Plan 2019.

#### **g) Other Matters**

##### Maintenance

The public representations reference the current maintenance and condition of the playing field, questioning how the skate ramp will be kept clean, litter managed and if this happens, how will graffiti be removed. The management of the skate ramp will be a matter for the applicant, the Parish Council. The Parish have confirmed the bins are emptied and managed by the City Council.

Questions were raised on who is responsible for anyone injured. However this would be again a matter for the Parish Council and the same circumstances apply as the existing playing equipment on the field.

##### Alternate Scheme

One representation seeks the positioning of the skate park at the opposite end or for it to be put in the contract of the new houses that it has to go there. The application can only consider the proposed development as submitted and cannot consider any alternative scheme including the inclusion of a skate ramp in a new residential development.

The Council's Senior Landscape Technical Officer suggested an alternative Play provision being installed for teenagers at this location in lieu of a Skate Ramp. However, the application is assessed on the merits of the scheme submitted and cannot consider an alternative project on the site.

##### Parish Consultation

Some representations state no contact was made from the Parish Council either verbally or written, with concerns that comments or objections are being removed, blocked, or turned off. Parish consultation or any contact with suppliers prior to the submission is separate to the application. Publicity of the planning application was carried out by the Local Planning Authority under the statutory requirements of The Town and Country Planning (Development Management Procedure) Order 2015 (As Amended) No comments received as a result of publicity have been blocked or removed under the consultations of the planning application and a total of 87 responses have been received.

##### Ground Conditions

Ground conditions were highlighted in the public representation, advising Fernie Close properties are constructed with 8m deep piles. The onus is on the applicants to ensure suitable foundations for the ground conditions.

##### Non-material considerations

One representation commented on the uncompleted Soke Road corner, however this is separate to the application under consideration.

Concerns were raised over effects on property value, however this is not a material planning consideration.

## 6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposal would not result in a loss of public open space in accordance with Policy LP23 of the Peterborough Local Plan (2019);
- The proposal would not result in an adverse level of impact on the design and character of the site and surrounding area in accordance with Policy LP16 of the Peterborough Local Plan (2019);
- The proposal would not result in an adverse level of impact on neighbour amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019);
- The proposal would not result in an adverse level of the safety of the adjacent public highway in accordance with Policy LP13 of the Peterborough Local Plan (2019); and

## 7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan dated 6th April 2022
- Skate Ramp Section NPC/04/A dated 6th April 2022
- 3D View of Ramp dated 6th April 2022
- Enlarged Plan to Skate Ramp Area NPC/03/B dated 26th April 2022
- Existing Location Plan & Site Plan NPC/02/B dated 4th July 2022

Reason: For the sake of clarity and proper planning.

- C 3 The materials of the skate ramp hereby approved, shall be in accordance with drawing Skate Ramp Section NPC/04/A dated 6th April 2022. The development shall be carried out in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 4 Prior to the commencement of development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- o Verification of the suitability of the infiltration of surface water. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- o Provide calculations that the proposed infiltration system to manage the worst case storm of 100year plus 40% climate change.
- o Provide detailed engineering drawings of each component of the drainage scheme.
- o Provide a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage system shall be implemented prior to the commencement of the use.

Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policy LP32 of the Peterborough Local Plan 2019. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- C 5 Prior to the commencement of use of the skate ramp a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy LP32 of the Peterborough Local Plan 2019.

- C 6 There shall be no external lighting illuminating the ramp unless planning permission has been first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity, character of the area and biodiversity, in accordance with Policies LP16, LP17 and LP28 of the Peterborough Local Plan (2019).

- C 7 (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.



Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019). This is a pre-commencement condition because the protective fencing must be in place and adequate prior to development commencing to ensure the trees are protected.

C 8 Prior to the commencement of use of the skate ramp a scheme for soft landscaping of the banked earth shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting
- Proposed planting plans including species, numbers, size and density

The soft landscaping shall be carried out within the first available planting season following completion of the development or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Development shall be carried out in accordance with the submitted details. Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity of the area in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

Copies to Councillors- Councillor Steve Allen  
Councillor Rylan Ray  
Councillor Nigel Simons

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