

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	06.11.2018
Address/Location:	Lobleys Drive Park Lobleys Drive Gloucester
Application No:	18/00418/FUL
Ward:	Abbeymead
Expiry Date:	09.07.2018
Applicant:	Mr Kieren Perry
Proposal:	Proposed change of use of part of the parkland to a regional standard BMX (cycling track); comprising four straight sections and a 4m high start hill.
Report by:	Rhiannon Murphy
Appendices:	Case officer to attached key plans that illustrate the proposal, minimum requirement is site location and site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The existing site comprises an area of open space within the Abbeymead area of Gloucester with Lobleys Drive passing the south of the site and Abbeymead Avenue being located to the west. The site stands adjacent to the existing Abbeymead Skatepark and there are residential properties located to the south and east. There are further areas of green space located to the north and west as well as Abbeymead Primary School being located to the north west. The site is surrounded by mature trees and is currently used for informal recreational purposes.
- 1.2 The proposal seeks the construction of a regional standard BMX (cycle track) which would consist of four straight sections and a 4 metre high start hill. The use will be a publicly accessible area with the addition of a sporting facility. The surfacing of the track will consist of a fine, rolled aggregate for the straight sections along with tarmac start ramp. The banked sides of all raised areas of the track will be covered with grass to blend in with the open space.
- 1.3 Committee determination is required as Gloucester City Council is the landowner.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/01732/HIST	10727/01/OUT:- (OUTLINE) COMPREHENSIVE RESIDENTIAL AND ANCILLARY DEVELOPMENT OF APPROXIMATELY 154 HA LAND	Z45ASC	27.02.1986
44/102363/HIST	10727/11/APP:- LAYOUT AND LANDSCAPING OF AREAS OF PUBLIC OPEN SPACE EXCLUDING OS4.	Z45ASC	16.07.1986
11/01106/FUL	Erection of a new church community centre, associated parking, alterations to vehicular access and new pedestrian access from Lobleys Drive.	G3Y	17.03.2014

3.0 **RELEVANT PLANNING HISTORY**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan**

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS (Main Modifications) include:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD9 – Biodiversity and geodiversity
- SD14 – Health and environmental quality
- INF1 –Transport network
- INF2 – Flood risk management
- INF3 – Green Infrastructure
- INF4 – Social and Community Infrastructure

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan**

Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 216 of the NPPF.

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following "day-to-day" development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight: : *Case officer to delete any policies that are not relevant. if no policies are relevant replace sentence beginning with "the following day- to-day policies & subsequent text with...While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.*

4.0 **CONSULTATIONS**

Case officer to ensure that all consultation responses are summarised rather than included in full. Delete any consulted that are not relevant to the proposal

4.1 **Highway Authority**

Further to numerous discussions from the highways authority and the submission of additional information from the applicant, highways raised the following comments;

The Local Highway Authority has undertaken discussions with the Local Planning Authority and applicant to seek additional information relating to the justification for the provision of parking, dimensions of parking bays, addressing the needs for people with disabilities, swept path analysis for the accesses, internal layout arrangements and projected trip rate evidence. Whilst some of this information has been submitted and is acceptable there are still some areas of concern but I consider that these could be overcome by suitably worded planning conditions to prevent any further delay in the determination of the application which are discussed in greater detail below;

4.2 Pedestrian

A segregated pedestrian access is provided into the development located to the west of the car park access from Lobleys Drive along with a footway fronting Lobleys Drive. However, this pedestrian route connects directly into the car park and therefore fails to minimise the scope for conflict between pedestrians and vehicles in accordance with paragraph 110(c) of the NPPF.

4.3 The requirement for a 2m footway linking to each individual parking bay would have a significant impact on the number of car parking spaces and landscaping for the site. I therefore consider that the scope for conflict could be reduced/ mitigated with an at grade delineated pedestrian corridor that is over- runnable by vehicles when pedestrians are not present. This would assist in reducing the scope for conflict by highlighting routes from the parking area to be segregated pedestrian footways. This can be achieved through road markings and can be secured by an appropriately worded condition.

4.4 Parking Provision

In the absence of any locally adopted parking standards the applicant has been required to demonstrate that sufficient parking has been provided to accommodate the demand arising from the development in accordance with paragraph 105 of the NPPF. This takes into consideration the accessibility of the development; the type, mix, use of the development, availability of and opportunities for public transport, local car ownership levels and the need to ensure that an adequate provision of spaces for charging plug –in and other ultra low emission vehicles.

4.5 As the car park that forms part of the application site also serves the remainder of Lobleys Drive Park, which hosts 11- aside football matches during weekend afternoons the peak parking accumulation times have been assessed on a worst case scenario.

4.6 Although no evidence has been provided in support the projected total members of the BMX Club that will use the pump track is approximately 30, which is lower than the overall total parking provision, and due to the nature of the development not all trips to and from the site will be via motor vehicle.

4.7 Furthermore it has been identified that the peak hours of the development will be 19:00-21:00 primarily during race season (March- July) which falls outside of the PM highway peak (17:00-18:00) and whilst other uses for the remainder of the park are non- operational.

4.8 Trip Generation

As the BMX track has been designed to be a community facility people are less than likely to drive to the site. It is considered that most users will reside locally and will travel to the facility on their bikes.

4.9 Although it is considered that the proposal will not have a significant impact on the surrounding highway network on a day to day basis, on the occasions that large race meetings and other events are to be held at the BMX track volunteer marshalling could be arranged by the club along with additional parking space identified to manage the flow of traffic to and from the site. This could be controlled through a suitably worded planning condition requiring a traffic management and parking plan to be submitted to and agreed with the Local Planning Authority prior to such events taking place.

4.10 Personal Injury Collisions

There has been no personal injury collisions recorded in the last 5 years within the vicinity of the site access.

4.11 Recommendation

The highway authority recommends that no highway objection be raised subject to conditions.

4.12 **Tree Officer** – no objections

4.13 **Environmental Health Comments**

No concerns generated by the proposed day to day use, however there is no mention of a PA system/ amplified sound during the everyday scenario or during any race day. The only way to negate the requirement for an acoustic assessment would be to impose a condition upon consent that prevents the use of any PA system in addition to amplified sound for as long as the use continues.

4.14 **Drainage**

No objection subject to standard SUDS/ drainage condition.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 38 neighbouring properties had been notified of the proposal and a site notice was put up on the site.

5.2 6 letters of objection have been received raising the following in respect to the proposal;

- Use is unsuitable for a residential area
- Negative environmental impact on the loss of trees, landscape, destruction of habitat for wildlife
- Harm to character of the area
- Car park would need to be substantially enlarged. Takes up a large percentage of parkland and exclude others from enjoying the open space and park provides.
- Increased traffic. Noise and air pollution. Risk of accidents.
- Noise
- No mention of access ramp
- No reference to high perimeter fence to keep out non club members not, the requirements for flood lighting for evening events
- Already a BMX track off Naas Lane
- Could attract anti social behaviour at night time – track would not be locked/ fenced
- Emergency services access. Has a risk assessment been requested/ completed.
- No trees should be removed

Two sites were available at Kingsway and Westgate but were not proceeded with. Why?

- 5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

- 6.4 It is considered that the main issues with regards to this application are as follows:

- Principle of proposal
- Design, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk

6.5 **Principle**

Policy INF3 of the JCS requires all development to make a positive contribution to green infrastructure in the JCS area, helping to establish and reinforce networks for ecology, recreation and travel. The Policy states that the green infrastructure network of local and strategic importance will be considered and enhanced, in order to deliver a series of multifunctional, linked green corridors across the JCS.

- 6.6 Policy INF4 of the JCS states that everyone living and working in the JCS area should have access to facilities that meet their everyday needs. Open space should be easily accessible, being located within a reasonable walking distance of the development it serves.

- 6.7 Whilst the proposed change of use of the existing open space to a BMX track would result in a more formal use of the land as a sports facility, the site would also be accessible for more informal recreational purposes. The proposal would create a new community facility for this area of Gloucester and surrounding areas and would assist in enhancing the area. The proposal would encourage outdoor activity and would co-exist among other nearby uses which includes a skatepark, open space for dog walkers and football fields. The proposed BMX track would not be contrary to policy and therefore the principle of development is considered to be acceptable subject to assessment against other planning considerations in the remaining sections of this report.

6.8 ***Design, Layout and Landscaping***

Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design and Policy SD6 requires development to protect or enhance landscape character.

6.9 The layout of the proposal is considered to be acceptable and would not result in adverse harm on the character and appearance of the area. The site itself benefits from mature planting around the site which will help to screen the development from the road and nearby residential properties. In addition to this, the banked side of the raised areas of the track will be covered with grass which will help the track to blend in with the area. The proposal does not intend to remove any of the trees at the site and the landscape officer and arboriculturist have made no objection to the proposal.

6.10 Whilst the proposal would result in the loss of the existing green open space, its replacement with a community recreation facility such as that proposed would outweigh any conflict with Policy INF3 of the JCS.

6.11 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network

6.12 Existing car parking provision next to the site includes 35 marked parking spaces, including 2 minibus/ van spaces and two disabled parking spaces. The existing site access and car parking arrangements are to be retained at the site. It should however be noted that the application site does not include the car park and therefore the applicant does not intend to make alterations to this car park. The applicant has provided a technical transport note in support of the application to demonstrate the expected levels of parking at the adjacent car park and indicate any impact on the highway network.

6.13 The report demonstrates that the BMX track would be most in use between the hours of 7pm and 9pm. The statement found that within these busy periods, the car park would likely allow enough space for parking and that the proposal would not have an unacceptable impact in terms of parking or the nearby highway network.

6.14 It is expected that some users of the site would likely access the site through sustainable transport modes. The site is located within a relatively sustainable location but is likely to generate some additional traffic. In terms of the day to day use by the club on these levels would likely be relatively low.

6.15 Whilst noted that the highways authority has requested conditions in regards to disabled parking spaces, delineated footways, parking spaces and cycle storage. As previously stated, the car park is already in existence and is not included within the application site and therefore no changes are proposed to the existing car park. It is not therefore considered necessary in this instance to request these changes to the car park.

6.16 The County Highways Officer has suggested condition requiring a traffic management and parking plan. The applicant has confirmed that no events will take place at the site without further consultation with the Local Planning Authority. However, as set out in the 'Residential Amenity' section below, it is not clear how this could be conditioned as part of any application.

- 6.17 It is not judged that the day to day use of the track would result in harm in terms of impact. Nevertheless, further consideration needs to be given to the potential use of the track for events. Discussions as to how the use could be controlled are ongoing and **an update will be provided at Committee.**
- 6.18 ***Residential amenity***
Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.19 To the east of the site are residential properties along Willow Close and to the south of the site are residential properties along Lobleys Drive.
- 6.20 In terms of noise generated from the proposed use, the Environmental Health Officer (EHO) has raised no concern in regards to day to day use of the BMX track. Nevertheless there is very little information submitted with the application which explains how the facility would be used.
- 6.21 The Transport Technical Note submitted with the application assesses what is termed a worst case scenario of what could be 30 club members visiting the site at any one time. It is stated that the application site would be at its busiest during the hours of 19:00 to 21:00 where up to 30 BMX Club members may visit throughout the race season (March to July). Although the site would continue to operate outside of this period, regular attendance is expected to decrease, especially during the winter months. Whilst it is accepted that, on the basis of this pattern of use, there would likely to be an acceptable impact arising from the day to day use of the track, the information submitted does not appear to take into account race days and the potential for regional events taking place which would attract more people, both racers and spectators. The EHO has also queried whether PA systems/ amplified sound would take place during race days.
- 6.22 The Design and Access Statement submitted with the application states that the track will be a regional standard facility built to a high specification and is likely attract some users from outside the city. However, the main intention is that the track is used for the Gloucester BMX club and local residents. It is noted however that the proposal is similar in scale to a previous BMX track approved under application reference 15/00145/DDD, at the Westgate Leisure Centre, which it is understood was also proposed to cater for the Gloucester BMX Club. The supporting information submitted to accompany that application commented:
- “Club members would use the track on competition days but at all other times it would be open for anyone to use. The track would be a regional standard facility built to a high specification and would be likely attract people to Gloucester from all over the midlands and south west. This would be quite a coup not only for the park, but for the city as a whole.”*
- 6.23 The applicant has confirmed that they would not intend to use PA systems/ amplified sound and have confirmed that they would be happy for this to be added as a condition to any permission. The applicant has also confirmed that there are no plans to include flood lighting in this location at the present time.
- 6.24 The site itself due to existing landscaping would be relatively well screened from neighbouring properties. Given this and the distance at which neighbouring properties are located, it can be judged that the proposal would not have a significant impact on neighbouring properties in terms of loss of privacy and amenity.

- 6.25 Whilst it is considered that the day to day use of the facility would not give rise to undue impacts on nearby residential properties, there remain some concerns whether the activities during race days could give rise to unacceptable impacts on the living conditions of nearby residents. Officers are continuing to work with the applicant and EHO to resolve how these issues could be satisfactorily address via appropriate planning conditions and **an update will be provided at Committee.**
- 6.26 ***Drainage and flood risk***
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.27 The application has been supported with proposed drainage plans which show track water being captured by means of French drains which will then convey water to the existing pond in pipes/ a swale with the pond being enlarged to accommodate additional volume.
- 6.28 The drainage officer has made comments on these plans confirming that they look acceptable in outline and that details can be approved through the addition of standard drainage conditions which will be added to any permission. The drainage officer also suggested that it may be likely that additional drainage runs may be required to prevent boggy areas of land forming.
- 6.29 **Other Matters**
Concerns have been raised that the proposal would result in increased air pollution. Given the nature of the use and the limited additional traffic expected to arise from it, it is not considered that any increase in air pollution would be so significant to justify refusal of planning permission.
- 6.30 Concerns have also been raised about the potential requirements for security fencing and floodlighting however the proposal does not include such elements and any future proposals would be considered on their merits at the time.
- 6.31 On a similar note, an objection has been received on the basis that the proposal would result in anti-social night-time behaviour due to the lack of fencing and the fact the facility would not be locked. There is no evidence to suggest this would be the case however. The lack of floodlighting also means that it is unlikely to be a night-time destination.
- 6.32 **Conclusion**
This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

6.33 **Human Rights Act**

In compiling the recommendation full consideration has been given to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters, warrant any different action to that recommended

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is delegated to the Technical Planning Manager subject to the following conditions; resolution of the outstanding issues regarding the control of the use of the site; and the addition of/alterations to any conditions to mitigate the impact of the proposed development on the living conditions of nearby residents and highway safety.

7.2 That planning permission is GRANTED subject to the following conditions;

7.3 **Condition 1**

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

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.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form and following drawings as well as any other conditions attached to this permission:

- Site Layout and Landscape Plan received on 14th May 2018
- Cut and fill drawing (Drawing number JL/2018/100/001

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Joint Core Strategy (2017).

Condition 3

There shall be no use of public address systems or amplified sound anywhere on the application site for as long as the use continues.

Reason

To protect the amenities of nearby properties in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017.

Condition 4

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Systems (SUDS) and shall be

implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

Reason

To ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

Condition 5

Throughout the construction and demolition period of the development hereby permitted, provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following;

- i. Parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Provide for wheel washing facilities

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 3

Guidance on SUDS can be found in the Council's Adopted Supplementary Planning Guidance (SPG) 2001 and Ciria Document C696.

Note 4

The proposed development will involve works to be carried out on the public highway and the applicant/ developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Person to Contact: Rhiannon Murphy (396361)

Planning Application: | 18/00418/FUL

Address: | Lbleys Drive Park Lbleys
Drive Gloucester

Committee Date: | 06.11.2018