## REPORT SUMMARY

## 2.5 REFERENCE NO - 17/503673/REM

# **APPLICATION PROPOSAL**

Reserved matters (Access, Appearance, Landscaping, Layout and Scale) following outline permission SW/14/0023 Creation of a public park to include: paved access route to waterfront; skate park for wheeled sports and a picnic area.

ADDRESS Proposed Park And Skate Park The Wall Sittingbourne Kent ME10 2GZ

#### **RECOMMENDATION – That the Reserved Matters are APPROVED**

## SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL

The reserved matters would accord with the terms of the Outline Planning Permission and the scale, layout, external appearance, access and landscaping of the development is considered to be acceptable and in accordance with the adopted development plan.

## **REASON FOR REFERRAL TO COMMITTEE**

The application is on land owned by the Council, and the Council has been a key stakeholder in bringing this development forward.

WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Gravity Engineering Limited  AGENT Gravity Engineering Limited
DECISION DUE DATE 20/09/17	PUBLICITY EXPIRY DATE 23/11/17	OFFICER SITE VISIT DATE

# RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
SW/11/0159	Hybrid application seeking; outline planning permission (Phases 3,4 & 5) for up to 1,200sqm of leisure use floorspace, 250sqm of community floorspace, 150 residential units, in buildings ranging from 2 to 4 storeys in height, together with car and cycle parking; and incorporating detailed planning permission (Phase 1) for a retail food store of 6,682sqm, petrol filling station of 72sqm together with associated landscaping, car and cycle parking & full landscaping detail for new parkland areas (Phases 2 & 3).	Granted	08/02/12
SW/14/0023	Creation of a public park to include: paved access route to waterfront; skate park for wheeled sports with concrete bowls, partially covered skate plaza and beginner area; tree planting; artworks, climbing boulder; and entrance area including some natura play and a picnic area.		06/08/14

This was an outline planning permission which establishes the acceptability of use of the land for such purposes, with matters of access, appearance, landscaping, scale and design reserved for future consideration.

15/501934	Proposed	barge	museum	with	access	from	Granted	21/01/16
	Sittingbourne retail park							

This relates to a parcel of land immediate to the east of the site, running close to the boundary with Milton Creek. Access to the barge museum would be via the same roadway and access point as proposed in this skate park application.

#### MAIN REPORT

#### 1.0 DESCRIPTION OF SITE

- 1.01 The site falls within the built up area of Sittingbourne and within a designated regeneration area under the adopted local plan. It is located to the north and west of the Sittingbourne retail park, and the site is accessed via a service road off The Wall, which also provides access to the Sittingbourne and Kemsley Light Railway (SKLR) car park.
- 1.02 The site was historically part of the Sittingbourne paper mill site. Planning permission was granted for the development of this site as a waterside park under SW/11/0159 as part of a larger application for the Morrisons foodstore, residential development and leisure building. A heritage centre was also envisaged under this 2011 application, and permission for a barge museum was granted under 15/501934. This included access through the land subject to this current application to provide a link between the barge museum and the access road leading to The Wall.
- 1.03 The site is largely laid to concrete hardstanding, with the remnants of railway tracks on parts of the site, and self seeded vegetation growing through. The site varies in level, sloping up from the site entrance in the southern section of the site towards the former bridge over the Mill Way, stepping down in height from the site entrance towards the centre of the site, and then rising into a landscaped embankment adjacent to the SKLR boundary on the western boundary of the site.
- 1.04 The northern boundary of the site runs to the edge of Milton Creek. The land to the north of the site beyond the head of the creek is industrial in character, with buildings of varying size and appearance, and associated open storage uses.
- 1.05 The eastern boundary is open and undefined by fencing, but is characterised by hardstandings that have been colonised over a period of time by vegetation. Beyond this, the land backs onto Halfords.
- 1.06 The site lies 2.3km to the east of the Swale SSSI, Ramsar site and Special Protection Area. The site is also within flood zones 2 and 3 (areas vulnerable to flood risk) and Source Protection Zones 1, 2 and 3 (for the protection of potable ground water). The site is within the built-up area boundary and within a Regeneration Area under the adopted local plan which incorporates Milton Creek. The site also falls within an area of archaeological potential.

## 2.0 PROPOSAL

- 2.01 This application seeks the approval of reserved matters relating to access, layout, appearance, scale and landscaping for the public park as approved in outline form under SW/14/0023.
- 2.02 The plans and supporting information set out that **access** would be provided through the existing gates onto the access road leading to The Wall. The gates would primarily provide pedestrian access to the site, and the use of managed bollards would provide vehicular access to the site when required, as well as access to the barge museum when constructed and open.
- 2.03 The **layout** of the development sets out that the skate park would be located in the southern section of the site, with an "urban" park to the north, containing a climbing wall, bouldering and impact pit, a young children's marked cycle route, natural play area, picnic tables and litter bins.
- 2.04 The **appearance** of the skate facility, by its very nature, would consist of a series of concrete ramps and bowls. The park area to the north would essentially be built on the existing hard surface. The access road running through the site would be finished in tarmac, with an area shown around the parking spaces on site to be finished in resin bonded gravel.
- 2.05 The **scale** of the development would vary. The skate park facility would be roughly 38 metres in length and 24 metres in width. It would be partially built into existing levels, and the submitted drawings show that at its highest point (the northernmost ramp) the skate park structure would be up to 3.4 metres in height. An art wall would be located on the north side of this ramp.
- 2.06 The rock climbing wall would be 10 metres wide and 3 metres in height, and would be sited adjacent to the embankment on the western side of the site. The bouldering and impact pit would be in a more central location and would measure 5 metres in width and 3 metres in height.
- 2.07 In terms of **landscaping**, the plans show that the existing landscaped embankment on the west side of the site and leading to the boundary with the SKLR would be retained. Land surrounding the southern and eastern sides of the skate park between the site boundaries / access road would be turfed and planted with shrubs. Three trees would be planted in the park area to the north. In addition, the applicant has agreed to provide further planting as a means to deter access to the south west corner of the site, where the boundary with the SKLR is more easily accessed.
- 2.08 Conditions 5 and 6 of the outline planning permission also require details of external finishing materials and details of external boundary treatment to be submitted with the reserved matters. In this respect, the main external finishes would be as set out in paragraph 2.04 above. In terms of boundary treatment, the following is proposed
  - Southern boundary landscaped with fencing as existing
  - Western boundary embankment with landscaping on application site to be retained. Existing mesh fence line to be retained as existing
  - Northern boundary small area of open boundary with Milton Creek to be enclosed with a post and chain fence of 1 metre in height. Remainder to be landscaped / fenced as existing
  - Eastern boundary this boundary of the application site, beyond the proposed internal access road, falls outside of the Council's ownership (as does the access

road). The erection of a permanent fence in this location is not currently possible as the land falls outside of the ownership of the Council. The application proposes a temporary herras type fence along this boundary.

- 2.09 The outline permission includes a series of planning conditions that do not form part of the reserved matters, and these cover archaeology, contamination, drainage, biodiversity improvements, cycle parking, reptile surveys, external lighting, and limitations on the number of organised events. Some of these require information to be submitted and approved prior to commencement of development and will be dealt with separately from this application.
- 2.10 The land is owned by the Council. Funding for the skate park has been secured using a combination of grant funding, Council funding, and fundraising. The Council has arranged to lease the land on a long term basis to the Brogdale Community Interest Company, who will manage the park.

#### 3.0 PLANNING CONSTRAINTS

3.01 Within Flood Zones 2 and 3
Within a Source Protection Zone
Within an identified regeneration area
Within an area of potential archaeological importance
SSSI Consult Zone

## 4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) paragraphs 17 (core planning principles), 57 and 58 (good design), 69 and 70 (providing healthy communities and high quality public space)
- 4.02 The adopted Swale Borough Local Plan "Bearing Fruits 2031" Policies ST5 (Sittingbourne Area Strategy), CP4 (requiring good design), CP5 (Health and Wellbeing), CP6 (community services and facilities), Regen 1(Central Sittingbourne Regeneration Area), DM14 (General Development Criteria), DM17 (Open Space, Sports and Recreation provision).
- 4.03 Supplementary Planning Documents: The Sittingbourne Town Centre and Milton Creek SPG Members will be aware that this SPG was adopted in 2010 to complement policies contained within the former local plan, which sought to deliver substantial development and change to the town centre and creek area, including a major expansion of the town centre over the railway line, with a bridge connection, and the provision of new retail, residential and community uses in the Milton Creek area. This included the potential to open up the Creekside for public use. The grander scale of development within the town centre and creek area as envisaged under the SPD has been scaled down in the newly adopted local plan, although the SPD still holds material weight.

## 5.0 LOCAL REPRESENTATIONS

- 5.01 6 representations have been received in support of the application (3 from the same person). One contains a further 9 messages from persons in support of the application.
  - We have been waiting for a wheeled sports park for over 40 years
  - It will provide a thriving place for all people as part of a skateboard community
  - The town needs a purpose built and designated facility

- It will help focus young people and give them something to be proud of
- This is the final hurdle in a 6 year campaign to provide a facility
- It will provide a safe place for children / youths to ride
- New housing developments place more need for facilities such as this to be provided
- It provides a place for young people to be active
- It will provide a high quality facility in the South East
- It will benefit local business, such as the High Street, retail park, and future cinema
- 5.02 8 representations have been received objecting to the application (mainly from Trustees / volunteers of the SKLR) .
  - SKLR welcomes the development of the land, and has worked as part of the Skate Park group for many years. However this was on the basis that the fence between the site and SKLR would be improved. In the absence of this, or CCTV / permanent management presence, there is a security risk re trespass onto the railway and/or vandalism.
  - The risk of trespass onto SKLR will increase through provision of a public park as at present the application site is not publicly accessible.
  - Condition 6 of the outline permission requires details of boundary treatment to be approved.
  - The SKLR should not be put to the expense of improving / securing this boundary.
  - There is a risk that further clearance of landscaping may take place in the future which would provide easier access to this fence line.
  - The scheme fails to provide disabled access to the SKLR
- 5.03 Cllr Whiting has written in support of the application on the basis that it would provide a facility for young persons and families, and would be run by the Brogdale CIC who have an excellent track record in delivering projects that engage and benefit young people. The site is in a good location and would provide a high quality facility.
- 6.0 CONSULTATIONS
- 6.01 **KCC Drainage** No objection
- 6.02 KCC Highways No objection
- 6.03 **KCC Rights of Way team** state that the development offers the potential to provide a public route from this site into the Crown Quay Lane development to the east, and that a 3 metre wide sealed surface path should be secured that could become a designated cycle route in the future.
- 6.04 **Environmental Health** No objection raised.
- 6.05 **Swale Footpaths** agree with KCC Rights of way that a footpath link through the site would be a useful route for walkers and cyclists.
- 6.06 **Southern Water** do not wish to comment
- 6.07 **SBC Greenspaces Manager** The design is understandably mostly hard landscaping allied to the wheeled sport theme with an adjacent family area consisting of other outdoor activity areas. Given the above and constraints of the site in terms of its linear nature and need to allow for access, landscaping opportunities are limited.

Existing trees and scrub are retained to the north and west which is appreciated both from a biodiversity perspective and to retain a level of security & buffer for the adjacent properties. The small amount of tree planting shown (tree species not identified) will provide a level of shade while not causing huge maintenance issues at leaf fall, but given the location and usage of the site, I would suggest that any tree planting will need a level of protection in order to establish the stock. Bins provided should be signed as dual use litter/dog in order to encourage appropriate usage.

My only comment concerning the Management Plan would relate to the need for a comprehensive risk assessment to be maintained and that inspection of the site should be by an appropriately trained person.

Generally we are very supportive of the application given the demand for appropriate facilities and it will be good to see a long term derelict site come back into use.

# 6.08 **Kent Police** - make the following recommendations –

- That boundaries can be enhanced by defensive planting of prickly and nonpoisonous plants
- Litter bins should be fixed to the ground and of anti-graffiti material
- The site must be closed during hours of darkness unless for a supervised event. Bollards must be of a fixed and lockable type.
- Suggest installation of a help call point facility near to the gate
- Entrance gate to be a minimum of 1.8 metres in height
- CCTV is essential to maintain the security and safety of the site and users.
- Herras fencing should be a minimum of 1.8 metres in height with supports to discourage climbing / removal
- Raise concern regarding ease of access along the Creekside.

# 7.0 APPRAISAL

## **Principle of Development**

- 7.01 The principle of a skate park / public park on this site is clearly established through the grant of outline planning permission. This application seeks approval of the detailed reserved matters relating to the design and layout of the park, and Members will appreciate that the use itself is already approved.
- 7.02 The outline permission as approved was for a public park, to include a paved access route to the waterfront, skate park and plaza, tree planting, artworks, climbing boulder, entrance area, and natural play / picnic area. It is fair to say that the illustrative plans submitted with the outline application were perhaps on a grander scale than is now proposed but nonetheless the reserved matters application contains the essential features of the public park / skate park that the outline permission was based upon.
- 7.03 The parcel of land subject to the reserved matters is also slightly smaller than at outline stage. The main changes in area relate to the north east and southern sections of the site. The outline scheme was permitted prior to submission of the application for the barge museum, and this was subsequently permitted to utilise a section of land that formed part of the skate park proposal. In addition, a triangular parcel of land at the southern end of the site has been excluded from the detailed design. The two parcels of land are however reasonably limited in size (at approx. 12% of the site area), and I do not consider that the removal of these two areas

- would fundamentally alter the size and parameters of the site to the point that it would materially affect the essence of the development permitted at outline stage.
- 7.04 Policy Regen 1 of the adopted plan and the Sittingbourne Town Centre and Milton Creek SPD continue to support a range of improvements to the town centre and the provision of a range of facilities including cultural / community / leisure uses. Paragraph 6.7.29 of the adopted plan sets out the use of this land as a skate park facility as a means to enhance the creek and link to the country park. The SPD sets out the aim for this area to be developed as a cluster of cultural, heritage and tourist attractions. The skate park would add to the steam railway and the approved barge museum as part of this cluster.
- 7.05 Overall, I am satisfied that the reserved matters follow the essence of the development permitted at outline stage.

## Access, Layout, Appearance and Scale of the development.

- 7.06 The main access would be provided via the road leading from The Wall, as this is currently the only point where such access to the site can be provided. A right of access exists through the existing site entrance on this road, but otherwise there are no access points available for use. The proposal would provide a pedestrian gate opening within the existing gate and this will be unlocked and locked each day to allow access to the site. The main gates would be fully opened to allow occasional vehicular access (such as by an emergency vehicle), and access to the barge museum as and when this is built and opened.
- 7.07 Whilst there is only emergency / occasional access to the two parking spaces, I am satisfied that the edge of town centre location and the nature of the use is unlikely to lead to any unacceptable parking demands in the locality and I note that KCC Highways do not raise objection to the proposal.
- 7.08 In terms of layout, appearance and scale, the skate park facility itself is of typical design, featuring a range of bowls, plateaus and ramps for use, finished in a buff concrete. It would be sited below the level of the site entrance due to changing site levels, and also below the level of the adjacent SKLR. I am satisfied that the detailed design of the skate facility is acceptable.
- 7.09 The remaining park area would accommodate a climbing wall, bouldering wall, play area, children's bike circuit and picnic tables. These would be provided within the existing hard surfaced area. Whilst some structures would be up to 3 metres in height, they would not be particularly visible from outside the site and do not cause any visual harm. Whilst the design of this park has more of an urban character than most conventional parks, this does suit the overall nature of the skate park facility, and the industrial character of the surrounding area in general. Members will note that the Council's Greenspaces Manager supports the design and layout of the scheme, subject to some minor adjustments.

# Hard and soft landscaping, including boundary treatment

7.10 In accordance with conditions 5 and 6 of the outline permission, the applicant has provided a list of external finish materials, boundary treatments, and soft landscaping as part of the reserved matters. The external finishes are largely dictated by the specific nature of the uses – the skate park facility would be built in concrete, the access road would be in tarmac, and the park area would essentially use the existing

- hardstanding. I consider that these are appropriate finishes for what is essentially an urban park in largely urban and industrial surroundings.
- 7.11 The soft landscaping proposals include the retention of tree planting on the embankment adjacent to the SKLR boundary, and limited new tree planting within the park and adjacent to the skate facility. In addition, the applicant has agreed to provide further planting at locations to make access to the SKLR boundary more difficult, in the form of prickly / thorny species. Whilst the finish and urban form of the park would be somewhat different to a "conventional" park, where more grassed areas and landscaping may be expected, the concept for the development has always been to relate to the urban / industrial character of the site and in this respect I consider the landscaping to be acceptable.
- 7.12 The boundary treatments for the site are set out in paragraph 2.08. The boundary with the SKLR would remain as existing which is currently a wire mesh fence of some 2 metres in height. This boundary is largely sited at a higher level than the skate park, and the top of a vegetated embankment. Part of the fence has been damaged / deteriorated in places and has been replaced / strengthened by temporary herras style fencing.
- 7.13 Members will be aware that a significant number of objections received relate to the lack of a suitable replacement fence along this boundary. However the existing fence does form a means of enclosure to deter trespassers, and the majority of the boundary runs adjacent to a relatively steep landscaped embankment, that also serves to act as a deterrent. Kent Police recommend that defensible planting is undertaken in areas of the site one of which would be the south west corner, and beyond the embankment, where perhaps this boundary is slightly more vulnerable. This would be through the use of specific prickly / thorny species to deter access to these parts of the site.
- 7.14 In my opinion, the above measures would be appropriate for the purposes of this application, and to meet the terms of condition 6 of the outline permission which was imposed for reasons of visual amenity.
- 7.15 The boundaries to the north and south of the site would remain as existing which are a mix of wire mesh fencing and palisade fencing. The boundary to the east would be a temporary herras style fence. Whilst this is not ideal, the land on the eastern boundary does not fall under the Council's control and it is not able to erect a permanent fence at this boundary. In visual terms, whilst a permanent fence would be far more preferable, I do not consider a herras fence to be so out of keeping with the surrounding industrial character that it would justify refusal.
- 7.16 The application site extends a small distance along the line of the creek, and a 1 metre high post and chain fence is proposed. In visual terms, I am of the opinion that a larger and more robust fence in this location would be at odds with the longer term aspiration to open up the Creekside and potentially provide a route along it, whereas the post and chain fence as proposed would be more appropriate. I am also mindful that the requirement to provide boundary details under condition 6 of the outline permission was on the basis of visual amenity and not health and safety grounds and that the Council (in its role as landowner) and/or Brogdale CIC will need to ensure that the park, as a public facility, meets health and safety requirements, and that such concerns raised by Kent Police would be best dealt with in this way.

7.17 Taking the above into account, I am satisfied that the overall layout, appearance, access, siting and landscaping details would be acceptable and in line with policy DM14 of the adopted plan.

# Residential / Surrounding Amenity

7.18 The site is not located close to any residential properties and therefore no harmful impacts would arise in this respect. I also consider the site to be suitably divorced from surrounding buildings and uses, such as the retail park and SKLR, to prevent any unacceptable amenity impacts from arising. This would be in accordance with Policy DM14 of the adopted plan.

# **Crime Prevention and Safety**

- 7.19 Members will note the comments from Kent Police in the consultations section of this report. There has been ongoing dialogue between the applicant, the Council and the police regarding the use of this site and the measures necessary to reduce / prevent crime and maintain safety. Members will note that Kent Police raise particular concern in respect of the absence of CCTV and also query the effectiveness of any boundary treatment adjacent to the creek.
- 7.20 The supporting information with the application sets out that CCTV will not be installed from the outset, but that the need for CCTV will be monitored over a period of time following the opening of the park. Council officers within the Community Safety Unit have also subsequently advised that CCTV will be considered by the Council as part of a separate project, and in line with the Home Office CCTV Code of Practice. Therefore, the need for and future use of CCTV will be considered at a later date.
- 7.21 Whilst this approach, to rely on an applicant / developer to consider CCTV installation at a later date, is not normal practice, I consider that there are some mitigating circumstances to apply to this application. Firstly, the need for crime prevention measures was not explicitly secured via a condition at outline application stage. On this basis, I would have reservations that there would be sufficient justification to require these details as a reserved matter. Secondly, the land is owned by the Council and will be subject to a long term lease granted to the Brogdale CIC. As both a responsible public authority and landowner, it would remain in the Council's remit to deal with any potential future issues of crime and safety.
- 7.22 Members will also note that Kent Police have raised concern over the treatment of the boundary adjacent to the creek and the possible danger that a person could fall into the creek. I have explained above why it would be inappropriate to install a significant enclosure to the Creekside on visual amenity grounds. I have also explained above that the Council and/or Brogdale CIC will need to ensure that the park, as a public facility, will meet other health and safety requirements, outside of planning legislation.
- 7.23 Taking this into account, whilst the issues raised by Kent Police are relevant, I do not consider, in this instance, that they should lead to refusal of the scheme on crime prevention and safety grounds.

## **Highways**

- 7.24 KCC Highways do not object to the provision of two parking spaces as shown on the plans. These spaces are shown to be within the site and it is envisaged that they would be used infrequently (such as by a minibus bringing a youth group to the site, or an emergency vehicle). Given the sustainable location of the site close to the town centre, I do not consider it would be likely to give rise to any significant or unacceptable highway or parking related issues.
- 7.25 The KCC Rights of Way Officer has commented that provision should be made for a 3 metre path through the site with the potential that this could form part of a link along the southern side of the creek and into the housing development under consideration at Crown Quay Lane further to the west of the site. The access route through the site, as shown on the plan, would enable such provision in the future.
- 7.26 I consider the highways impacts would be in accordance with policies DM6 and DM7 of the adopted plan, insofar that the site is located in a sustainable central allocation with access to transport choices, and that the limited parking reflects this.

#### **Other Matters**

- 7.27 Some objections have been received that the scheme does not take up the opportunity to provide a level / step-free access to the SKLR. Members will be aware that the SKLR is raised above the level of The Wall and Mill Way, and that access is currently via a series of steps to the SKLR. The skate park site does lend itself to provide level access to the SKLR site in the south west corner of the site. I am advised that whilst this may be a matter for discussion between the Council and the SKLR at a later date, that this is not being pursued at present. I appreciate that this offers an opportunity to improve such access. However as this did not form part of the submission at outline stage, nor was it a requirement of the outline permission, I do not consider this can be pursued further under this reserved matters application.
- 7.28 Whilst the site falls within an area liable to flooding and a SSSI consultation zone, as this is a reserved matters application and these issues have been considered at outline stage and found to be acceptable, there is no need to consider these further.

## 8.0 CONCLUSION

- 8.01 This reserved matters application sets out the detailed design and layout of the public park / skate park facility. Whilst it has been streamlined in comparison to the illustrative plans submitted at outline stage, I am nonetheless satisfied that scheme is acceptable and in accordance with the relevant policies contained within the development plan.
- **9.0 RECOMMENDATION** GRANT planning permission subject to the following conditions -
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans- GESB002 Rev A, GESB003 1 200 Rev A received on 25/07/17 and drawing C18/SK1 received on 08/02/18.
    - Reason: To accord with the terms of the application and in the interests of proper planning.

- 2) Notwithstanding the submitted plans and prior to first use of the development hereby permitted, an alternative scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following details –
  - Details of the size and species of new native planting in the locations between the skate park and internal access road and within the park to the north of the skate facility (to include details of the tree pits required for the planting proposals within existing hard surfaced areas).
  - Details of the location, size and species of new soft landscaping works to the western boundary of the site, to supplement existing landscaping and designed (through species choice) to deter access to this boundary.

The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

 Details of the natural play equipment to be installed within the natural play area shall be submitted to and approved in writing by the Local Planning Authority prior to such installation.

Reason: To ensure a satisfactory appearance to the development.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

