

Parish: SUDBURY**Location: Former Swimming Pool Site, Belle Vue Road, Sudbury****Proposal: Continued use of former Swimming Pool Site for BMX and Skateboarding and retention of skateboard equipment already in situ for a temporary period of three years****Applicant: Sudbury Town Council****Case Officer: Christine Thurlow****Date for Determination: 18.02. 2010**

This application is referred to Development Committee for consideration given that the application involves land owned by the Council. The Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and normally.

THE SITE

1. The application site is located to the east of Kings Street roundabout to the west of Belle Vue Park. The application site has a maximum width of approximately 40m, a maximum depth of 80m and encompasses an area of approximately of 0.13 hectares. The site originally contained a swimming pool which has long since been filled in. Following this, it was used for employment purposes and also for the temporary storage of wheelie bins and for a builders contractors yard for works in the town. In May 2005 planning permission was granted for a temporary use of the site for three years as a BMX and Skateboard park with construction of associated BMX Skateboard structures. Although this planning permission expired in May 2008, the BMX structures have remained in situ and the site has continued to be used for that purpose. This application seeks to regularise the situation and obtain approval for a further three year period.

THE PROPOSAL

2. As stated above this planning application seeks permission for temporary use of the site for a three year period together with the retention of the associated BMX Skateboard structures on site (for the same three year period).
3. The area within the application site containing the Skateboard structure which is 'L' shaped and measures 25 metres (maximum) x 30 metres (maximum).
4. The BMX Skateboard structures have a maximum height of 3m.
5. The proposed hours of opening as specified in the application are to "open" as Belle Vue Park and "close at dusk". Precise clarification of the hours of opening has been requested from the application to concur with those which were imposed in the previous grant of planning permission (i.e. 09.00 to 20.30 Mondays to Sundays including Bank Holidays).

RELEVANT HISTORY

6. May 2005 planning permission granted for a temporary period of three years for the use of the site as a BMX facility together with the construction of associated BMX structures (for the same three year period) – B/04/002257/FUL – Committee decision.

NATIONAL GUIDANCE

7. **ENV7** (Delivering Sustainable Development)
8. **PPS 4** (Planning for Sustainable Economic Growth)

PLANNING POLICIES

9. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan 2008

- **ENV7** (Quality in the Built Environment)
- **SS1** (Achieving Sustainable Development)

Babergh Local Plan (Alteration No.2) 2006

- **SD02 to SD04** (Mixed Use Areas of Sudbury)
- **CN01** (Maintaining Local Distinctiveness)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

10. Sudbury Town Council – no comments at time of writing (but in this case they are the applicants).
11. HoNABE – made the following comments regarding nuisance matters only:-
 - We have no history of complaints regarding the Skateboard park which I understand has been in operation for the last three years. Therefore I am of the opinion that this development is unlikely to result in loss of residential amenity due to noise.
 - However the protocol for Parish Councils regarding play areas and Skateboard parks suggests a minimum of 50m separation distance between Skate Park and the nearest residential dwelling. Therefore to safeguard residential amenity as the nearest residential dwelling is located approximately 40m from the proposed development I would recommend that conditions be attached to the effect that “the opening hours be conditioned to be the same as those of Belle Vue Park (closing at dusk)”.
 - That the gates be kept locked and the site secured outside of opening hours. That no external lighting be installed without a scheme of proposed lighting being approved prior to installation by the LPA.
 - That no amplified music or speech be played on site.

REPRESENTATIONS

12. None received.

PLANNING CONSIDERATIONS

13. The application site is located in the Mixed Use area part of Sudbury Town Centre and although Policies SD02 to SD04 relate to this designation the proposal does not include retail activities, Class B2 operations, or a residential proposal, which these policies either permit or discourage. On this basis and given that the site was originally used for formal recreation purposes as a swimming pool in the past (before it was filled in) and as the last formal grant of planning permission was for the current operation (albeit this has now lapsed) it is considered there is no objection to the further grant of planning permission on a temporary basis for this recreational use with demountable structures. However this favourable view is subject to a caveat that the previously imposed hours of operation are adhered to. The applicants intention to close the operation at dusk could not be improved as a condition as the term dusk is too imprecise and it would not be enforceable. An adherence to the previously imposed hours of operation condition (reflecting the times set out previously in para 5) would ensure that the activities cease when background noise levels have subsided and are quieter and in order to safeguard the amenities of residents in the area. This approach formed part of the 2005 planning permission and has satisfactorily controlled the use such that no formal complaints have been received. A condition to this effect is therefore recommended. Conditions are also recommended to ensure that the use and structures are temporary together with restrictions concerning no flood lighting or amplified music or speech. Should a permanent facility be required this could be investigated throughout the duration of any grant of planning permission in respect of this application
14. In summary given that the site is in a Mixed Use area of the town the proposal is regarded as acceptable given that no objection has been raised on residential amenity. Although the views of the Local Highway Authority have not yet been received they did not object in respect of the earlier application which was approved in 2005. Given that the traffic associated with this application is likely to be pedestrians only and as the site is well located in public access terms it is considered likely that no objection will be raised on highway grounds.

REASONS FOR APPROVAL

15. Given that the proposal is a temporary use with temporary structures and lies within the Mixed Use area of Sudbury Town Centre and subject to conditions which restrict operations in a way which satisfactorily controls the use in the interests of safeguarding residential amenity it is considered that the proposal is acceptable in its environment and does not adversely effect policies ENV7 of the East of England Plan 2008 or policy CN01 of the Babergh Local Plan (Alteration No. 2) 2006. In addition policies SD02 to SD04 inclusive relate to Mixed Use Areas with particular emphasis on retail Class B2 operations and residential. As such this proposal does not conflict with the aims and objectives of these policies.

RECOMMENDATIONS

Subject to no objection from the LHA and written confirmation that the hours of operation set out in para 5 are acceptable to the applicants the Chief Planning Control Officer be authorised to grant Planning Permission subject to the following conditions:-

- Temporary use for three years.

- Removal of structures at expiry of three year period
- Restriction on hours of operation
- No floodlighting
- No amplified music or speech.