

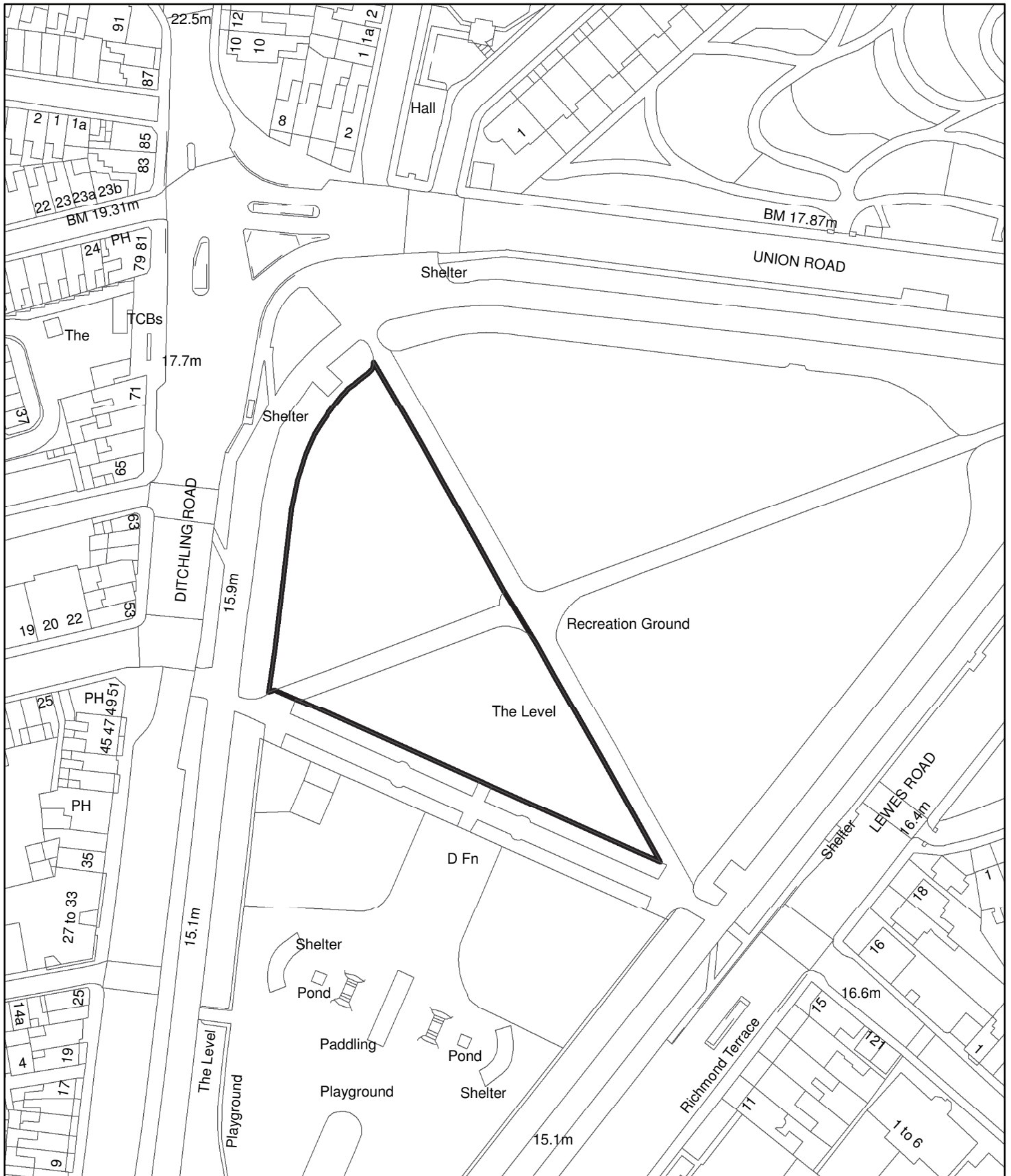
**PLANS LIST  
ITEM A**

**The Level, Ditchling Road, Brighton**

**BH2012/01598  
Council development**

**08 AUGUST 2012**

# BH2012/01598, The Level, Ditchling Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/01598</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>The Level, Ditchling Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Construction of a new skate park and associated landscaping.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel: 291709	<b><u>Valid Date:</u></b>	11/06/2012
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	06 August 2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Brighton & Hove City Council, Mrs Linda Anglin, Parks Projects Team Hollingdean Depot, Upper Hollingdean Road, Brighton		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informative set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The Level is one of the major public open spaces in the City and forms a large part of the Valley Gardens Conservation Area. As its name suggests it is a flat space with an open feel but is encircled by an avenue of mature elm trees which provide a strong sense of enclosure from within the park. This is a historic open space and its current form and layout date from the first half of the 19<sup>th</sup> Century, with later changes to the southern half particular in 1927.
- 2.2 The Rose Walk forms the central east-to west pathway separating the two halves of the park. The northern half is divided into four triangular quadrants by two bisecting pathways. Three of these quadrants are grassed whilst the western quadrant has hard surfacing dating from the 1960s.
- 2.3 There are a number of Listed Buildings fronting The Level on Ditchling Road to the west and on Richmond Terrace and Hanover Crescent to the east. There are also key views from the north towards the tower of the Listed St. Peter's Church. The existing skate park, which is sited to the south of Rose Walk, comprises high wooden structures which date from the 1970s, is an unsightly and poorly maintained element of The Level which detracts from the open space and harms the setting of the Listed Buildings on Richmond Terrace.

## 3 RELEVANT HISTORY

- BH2011/02555:** Erection of single storey building comprising of café, public toilets and gardeners mess room with associated landscaping. Approved 05/12/2011
- BH2011/01878:** Demolition of Mess Room. Approved 06/09/2011.
- BH2006/02349:** Change of use of former parks maintenance and management

office to B1 local administrative office for a property services company (retrospective). Approved 26/09/2006

**BH2006/02347:** Formation of 2 car parking spaces (Retrospective). Refused 24/10/2006

**BH2005/06569:** Change of use from staff mess room to A3 cafe and associated alterations to fenestration. Withdrawn 27/01/2006

**BH2001/01544/FP:** Change of use of existing changing rooms to Police Box, including alterations to elevation consisting of alterations to existing windows, installation of new window and installation of new door. Approved 04/09/2001

**BH1999/00328/FP** - Retention of three dutch blinds and roof mounted extract duct. Approved 21/04/1999

**BH1999/00326/AD:** Retention of externally illuminated fascia signs. Approved 07/04/1999

**94/0506/CA:** Demolition of existing screen wall to disused public convenience. Approved 13/07/1994

**94/0505/FP:** Alterations to change the use of disused public convenience to snack bar including demolition of existing screen wall. Approved 13/07/1994.

**91/0133/FP:** Erection of a brick enclosure with entrance door and fenestration. Approved 30/04/1991.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of a new sunken concrete skate park, to the north of Rose Walk and associated landscaping.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: Seventy (70)** letters of representation have been received from **12 and 14 Aberdeen Road, Flat 1 13 Adelaide Crescent, 31 Albion Hill , 6 Alfred Road , 47 Arundel Street , Flat 1 Ashton Lodge Ashton Rise (x2 including Chair of the Turner Community Groups and Officer of Albion Hill Residents Association), 3 Berwick Close, 15 Brewer Street, 91 Buckingham Road, 5 Button Court, Flat 2 5 Clarendon Place, 32 Clyde Road, 20 Cowfold Road, Flat A 57 and 79-81 Ditching Road, 11 Edinburgh Road (x2), 170 Elm Grove, 92 Errol Road, 3, 6 and 16 (x3) Hanover Crescent, 25 Howard Road, 1 and 2 Percy Wagner Almshouses, 124 Islingword Road, 46a Lewes Road, 13 Newhaven Street (x2), Flat 2 3 Norfolk Road, 1, 3, 4 (x2), 5, 7, 16, 17, 19 (x2), 24, 27, 31 (x2 including Chair of Park Crescent Grounds Committee), 33, 35, 36, 37, 42, 45, 46 (x2), 47 and 48 (x4) Park Crescent , 17 Richmond Terrace, 30 Roundhill Crescent, 5 Southover Street (x2), 5 St. Peter's Place, 20 Upper Wellington Road, 65 Warleigh Road, 3 Whichelo Place and 7 Withdean Court Avenue objecting to the application for the following reasons:**

- Want the current green spaces retained, these are so important as they are used democratically by a range of different people and are a 'green lung' for the City. The point of its beauty lies in its very emptiness. The land was donated to the people of Brighton and visitors for recreational purposes in 1822. The Valley Vistas vision of Bertie McClaren was to remove obstructions.

## PLANS LIST – 08 AUGUST 2012

- In this area The Level is the only open and green space for the local community to use. A destination skate park is unsuitable. There are many flats and houses in the area without gardens and The Level provides a space for people to socialise and participate in outdoor activities. The proposal would remove over a quarter of the green space at the heart of The Level, reducing the number of places where the public can just sit and relax and increasing noise on the remaining space.
- The proposed 0.5m mounds will create a further impact on the open vista and the type of planting proposed for the mounds is a modern seasonal planting style in stark contrast to the traditional planting surrounding the northern section. Due to the seasonal nature of the planting, the proposed 0.5m mound may be bare more than 6 months a year.
- The gravelled quadrant, which would be grassed over, is already part of the expanse of public open space so the offering of grass on this section will not compensate for the loss of public open space.
- Surrounding streets failed to be consulted on the application and the consultation has been very selective. Homeless people in the park and students were not consulted. The previous consultation process has not demonstrated a clear and overwhelming majority support for the proposal as stated. Great care has been taken with public consultation exercises otherwise the result is either rigged or valueless or both. Residents were not offered a clear choice between upgrading the present skate park and building a new skate park on the northern end of The Level. Moreover the 'Park Crescent Resident Association' stated to be in support of the scheme does not exist and community groups such as the Turner and Albion Hill were not consulted as stated.
- If the skate park is moved there will not be enough room to play football and Frisbee as it is already crowded.
- The proposed skate park area will be 1600m<sup>2</sup> in size comprising 1400m<sup>2</sup> partially sunken concrete structure with elevated sections up to 0.9m above ground. It would be useful to calculate the elevated areas as a percentage of the total so it can be demonstrated clearly that the structure is only partially sunken and therefore visible. Although it will have a 0.5m mound around it and seasonal planting, the partially sunken concrete structure, the length and depth of the concrete area coupled with the BMX riders, their bikes, skaters and on-lookers will be clearly visible from across all areas of the northern section of The Level particularly the elevated sections to the north, the east and from the surrounding roads, footpaths, cycle paths and Ditchling Road.
- Need natural space in the centre of town. The Council would not build on Hove Lawns or Vitoria Gardens so why build here.
- Heritage Lottery Funding guidelines states "The project you want us to fund must deliver all the five outcomes required for this programme...conserving and improving the heritage value". As the proposal to remove the skate park from the south (to rebuild it in the north) entails the loss of both local area's historic primary open green and the area's historic primary children's playground, the project fails in this key outcome.
- Cannot believe that there are not more important things to spend money on than new improved skate park.

## PLANS LIST – 08 AUGUST 2012

- It ignores the Levels special space in the life and history of Brighton and will seriously damage the local environment.
- The existing ramps can be changed when bored with them, the concrete park will be the same forever.
- Framed by trees on three sides and surrounded by Grade 2 Listed Buildings, it currently offers an uninterrupted vista south to St. Peter's Church. It provides a sense of openness rare in a city of this size and in marked contrast to the heavily designed southern end, south of Rose Walk. The beautiful views of St. Peter's Church from Ditching Road, Lewes Road and Union Road will be lost and interrupted.
- The skate park would be in the sunniest part of The Level, thereby pushing those who wish to enjoy the open space to the northern part. The area that is covered in shale is very shady and is the dampest area because of the course of the river running under and will not be an attractive place to congregate. Expecting picnickers and other general users to sit in the damp and the shade is unjust.
- General users have a right to continue to use this area of common land as they have done for over 100 years. The western quarter is nearest to the busiest road so families will have to endure more noise if forced to use this location for leisure activities.
- Will interrupt the simple geometry of the existing open space.
- It is in the Valley Gardens Conservation Area and this development is not in line with Council policies. A permanent concrete skate park here would destroy the historic character of this part of Valley Gardens.
- Historically disparate groups have all rubbed along harmoniously, precisely because no one user group dominates at the expense of any other. The proposed facility only caters for a small minority of the population, how does this square with the Council's Equal Opportunities Policy? Realise the need to give young men a focus for enjoyment and perhaps away from mischief, personally find it rather sad that they might be seen like performing monkeys. It seems to be a sport subject to fashion, the next generation of youngsters maybe losing interest leaving use with a pile of concrete. This seems to be putting the interests of the skateboarding minority above those of everyone else.
- There are no detailed excavation reports included in the application which may provide warnings on potential flood risks or subsidence.
- The horseshoe shape of Park Crescent acts as a natural bowl funnelling and increasing noise along the south side of the crescent, a point apparently not taken into account by the noise consultants.
- Moving the skate park to the north end of the main open green area is incompatible with (a) the 1930's design by Captain MacLaren, (b) the design brief to restore and enhance the existing design of The Level to celebrate its heritage and (c) the character and heritage of The Level and the objectives as described in material produced by the Council.
- The style of proposed planting intended to mask the rim of the skate park would markedly conflict with the existing design of open green surrounded by trees, underplanted with daffodils and bluebells.
- Surely a less sensitive site could have been found for a new skate rink.

## PLANS LIST – 08 AUGUST 2012

- Like the existing layout of The Level, believe the planned changes can be made south of the skate park to take better advantage of that space. The money would be better spent on redeveloping the existing skate park within the playground as think it is important that a skate park is provided.
- This is wrong on so many levels, the skate park should be left where it is but improved. The boating lake should be reinstated and more swings, climbing apparatus etc added. No more grass should be dug up.
- The current skate park is in an excellent position and see no good reason to move it into the green space. It is exactly where it should be as it is unobtrusive and it does not effect anyone. The idea of relocating it and having to apply for planning permission is away of getting rid of it. In the year of the Olympics we should be celebrating our youth and sport rather than putting them in a bin.
- The Level is well used as a recreational space in the heart of Brighton. It is fantastic as it is and does not need to be developed.
- To lose the open space and change the nature of how it will be used will change the entire culture of how The Level is used. It will be taken over by the skaters and the noise of their activities will make it a less relaxing open space to enjoy. Keep it where it is or down the other end where there is already concrete. Consider the variety of people who enjoy such a large open space centrally placed, without an overspill of an activity that can potentially mean unsociable behaviour and marginalizing other users and changing the social dynamic of the park.
- This is a residential community that already suffers from disturbances from the large thoroughfares of the London and Lewes Roads. Given the pressures already of noise and pollution need to have rights to a decent standard of living protected by the Council, as the actual residents of the area the basic rights of residency shouldn't be simply bypassed for the leisure pursuits of a single group within the City.
- There are many community events which take place on The Level which bring together people of all ages. The skate park is only used by children and young people and therefore does not serve the wider community. Do not think use of a public space which excludes use by the wider community should be promoted by the Council. It is a space which should be open for all to use and enjoy.
- Skating on ramps creates a lot of noise which will be disturbing to people living nearby.
- Hope the paddling pool in the children's play area is not being removed.
- The new location would bring the noise of skateboards into what is now a quiet area. This noise will be continuous and irritating especially as it will be bringing with it the loudness and boisterousness of youthful skateboarders, in itself not a problem in the present location where it is mitigated by foliage screens.
- The proposed low mound of planting between the skate park and pathways wont be sufficient to allay the general public's fears over skateboards accidentally flying out the skate park, dogs entering the skate bowl etc. Moreover the temptation for young daredevil skaters and bikers to get creative and start using the moulds and footpaths as a natural extension to the skate park will also likely prove irresistible. There is no mention of rules

## PLANS LIST – 08 AUGUST 2012

being applied to encourage safe and considerate behaviour, which would protect park users from being affected by the design of the proposed skate park. The design is not safe for young children and access to the sunken areas is too easy for young children/dogs.

- Whilst 'viewing areas' have been designed within the skate area the actual 'spectators area' is obviously the rest of the open space, which is bad news for people with no interest in skateboarding.
- Currently and historically the community uses a popular key 'through route' from the southern quadrant to gain easy access to the Rose Walk and the children's playground, this access will be lost with the proposed location of the skate park.
- Like the look of the new skate park plans as a skater but am concerned about the location as to where it will be located. It should be in the place where the original skate park is as think it needs railings around it to stop boards rolling away and a bit more shelter as the current skate park provides.
- The skate park will dominate the whole north side, creating an eye-sore and it will deter other users of The Level, no-one will be able to relax and enjoy their time in such close proximity to the constant noise it creates and the danger inherent in having it so close to free running children and dogs.
- At present the skate park being so self contained means that anyone passing by is barely aware of it. Its position has worked well for everyone for a number of years and changing it for changes sake will spoil The Level not just for the general users but also for the skate park users who lose their own private self contained area where no-one bothers them.
- A concrete skate park makes louder bangs than a wood park. The noise assessment shows that skate board bangs will be louder in the range of our hearing is most aware of and it shows that the board slap noise is louder than Council guidelines and is likely to cause serious annoyance. The cumulative effects of noise damage overtime can cause permanent hearing loss and noise in a persons ears (tinnitus).
- Failure of the Council to take notice at consultation stage of 3,000 local people against the proposal.
- The lighting of the skate park until 10pm will be a visual nuisance to local residents and will draw attention away from the natural beauty of the green space towards the floodlit skate park at dusk and through the evening. The lighting would be completely out of character with the other lighting to be installed along the paths. In the winter months when darkness falls early this lit up facility will become an even more dominant feature and impact on the rest of the natural landscape and look out of character.
- There would be a consistent level of noise all day and as the skate park is 'open' in design there is no way to regulate late night usage. More people are disturbed by noise in their everyday lives than by any other pollutant.
- The open areas of The Level are crowded in fine weather and this development will increase this problem.
- The Level is surrounded by historic buildings. The urban, modern nature of a skate park with its inevitable graffiti is entirely out of keeping with these Listed Buildings. The concrete to be used in the skate park is of a character unlike the period buildings and grassy, wooded surroundings.



## PLANS LIST – 08 AUGUST 2012

- The Level is surrounded by historic elm trees. Brighton is one of the few places where elms can be seen and the collection at The Level is magnificent. The urban, modern nature of a skate park with its inevitable graffiti will destroy the beauty of the setting of these trees.
- The Council focuses on conducting noise impact assessments exclusively on the middle class households in Hanover and Park Crescents. The Council failed to conduct any skate park noise assessments in the area lying between Southover Street and Albion Hill, which comprises social housing where the majority of residents are the marginalised poor, disabled, mentally ill etc from within the community.
- The Acoustic Noise Assessment makes clear that noise will be likely to cause serious annoyance. Table 5.2 compares the noise of board slap from concrete and wood skate parks, board slap from concrete skate parks is louder than wooden skate parks from 125 herz up to 2 KHz. These are the most sensitive areas of human hearing. Table 5.1 is very misleading, it appears to show that concrete skate parks are louder than wooden ones however the concrete skate parks have been measured from more than twice the distance away. Table 5.10 shows that the 'board slap' would be 8dB (Lewes Road) and 7dB (Ditchling Road) above the maximum 60dB levels. Summary of results admits that board slap exceeds the maximum SNL of 60dB and that mitigation (barriers etc) will be needed. Much of the report is based on modelling rather than use of actual noise receptor measurements.
- There is no way of ensuring that the skate park is not used at all times during the night creating additional noise nuisance, because there are no gates or barriers planned.
- All skate parks accrue graffiti; this is entirely unsuitable in this Conservation Area. There is no mention of how the Council might ensure that this inappropriate nuisance will be prevented.
- It is not in compliance with published plans for the town such as Air Quality Action Plan, to create a "green corridor" from the seafront to The Level.
- Although residents have tolerated a temporary skate park for many years, this does not give skaters or anyone else any sort of right to a skate park in this area or even in the existing location. Object to the tolerance by local residents of the temporary skate park being taken as some sort of right to make it permanent, let alone to move it to the proposed location.
- There are inaccuracies in the submitted Design and Access Statement as it is state that The Park Crescent Residents Association and The Triangle Local Action Team were consulted on the proposals. Neither of these organisations exists. How many other inaccurate statements are their contained in these documents?
- The Design and Access Statement refers to anti-social behaviour in connection with the existing skate park. If it attracts anti-social behaviour the correct thing to do would be either to notify the police or to close it down. Enlarging the facility on the basis that it attracts anti-social behaviour is quite the wrong signal. It is a kick in the face to all the council tax payers in the area who support law abiding public behaviour and whose money ultimately will be used to fund this development.

## PLANS LIST – 08 AUGUST 2012

- Concerned about impact of noise and light pollution of wildlife, especially bats, nesting birds, butterflies, foxes, mice, hedgehogs etc. The proposals within the park are not going to improve the biodiversity of the area, which is already under threat from the ever increasing levels of pollution in the area.
- A much smaller local skate park for children and local young people would have been far less intrusive and destructive.
- The Level could be a beautiful space, the other improvements proposed for the southern section will serve to preserve and protect the environment and improve the area for children and families to use play equipment and benefit from the proposed café. However the design of the skate park is extremely unattractive for inclusion in a green space and more suited to an open or developed seafront location where the area is largely concrete or a much larger park such as Preston Park where such a design could be placed in a less obtrusive position and be lost in the far wider expanse of grass and trees.
- The proposal is against the Council's City Plan. According to the City Plan the Council intends to improve and maintain the Valley Gardens areas through St. Peter's Church area to The Level. All this area was at one time historically on open parkland space. Over-use of The Level will lead to degradation of the space and the loss of amenity.
- The Design and Access Statement states that the skate park would not alter the historical layout of the park and would retain the open character of the northern part of The Level, this is blatantly not true since sections of the structure will be above ground level, lighting columns will be 'below the existing tree canopy but obviously well above ground level and the view south towards St. Peter's Church from the northern lawns will be significantly obstructed by views of concrete structures, surrounding raised plantings and viewing/seating areas around the skate park,
- If the proposed skate park is to be a City wide facility, then traffic into the Lewes Road and surrounding area will inevitably increase.
- In the City Plan there is a stated objective to improve air quality. It is important to emphasize that parks and City centre green spaces are an important means of improving air quality. Unfortunately the proposed skate park would change the opportunities for use of The Level by local people who need the fresh air within this green and less polluted space so desperately in an area of high density and shifting populations.
- The proposal contravenes the Council's policy on Open Spaces as set out in the City Plan as it does not fit into any of the four exceptions list with respect to proposals resulting in the loss of open space.
- The proposed position is entirely unsuitable, it will not be within watch of parents accompanying younger children to the play area in the southern end nor will it be protected by Park Rangers or other staff on duty in the southern section.
- The Level is just big enough to comfortably contain a 'neighbourhood' sized skate park but is too small a park space to cope with the ambitions of an urban 'national skating events arena; that the Parks Project Team aspire to and are seeking support for.
- The openness of the northern lawns would not contain the 'overspill; from the skate park in a way that happens naturally in its enclosed location in the

south, the overall ground gained by the skaters will be far larger as 'area of presence and influence' will extend further out into the remaining quadrants. as other user groups will instinctively move further away from the skate bowl to avoid noise and potential conflict.

- The skate park will be boarded by 3 key pedestrian footpaths that the skaters and BMX riders will need to use to gain access into the skate area. During 'high pedestrian traffic times' the likelihood of skaters and the general public coming into general conflict will likewise increase.
- All the Council's visual representations of 'what the skate park might look like in the north' are either taken out of context relative to their surroundings or are from oblique angles that minimise the downplay the real size and impact that 1400/600m of concrete in the heart of the open green will have on views across the north to St. Peters from Union/Lewes Road.
- Demarcated by the low stone wall, the avenue of Elm trees on the outer perimeter is higher than the open green. Therefore anyone either entering The Level from Union Road or looking across to St. Peter's from the outer northern perimeter cannot help but look down onto the green before the eye naturally travels along the lines of the central pathway, across the lawns to St. Peters. It is this 'downwards and across motion' viewers eyes naturally follow that Maclaren referred to as 'sweeping views' across the green.
- The overall design does not address any risk factors or safety issues such as a 1m high fence. The application does not include a health and safety report. The positioning of the skate park in the centre of the northern lawns creates problems for response vehicles and emergency services.
- The objections to the changes at both ends of The Level are clearly supported by the Communities and Local Government Document; Planning Policy Guidance 17.
- Will attract anti-social behaviour to the northern part of The Level including graffiti, drug use, drinking, litter, intimidation of young children etc.
- After the splendid impression of Preston Park and associated gardens, The Level is the first opportunity to display the rich historic character of the City to visitors and residents.
- If a 1.5m high fence to mitigate noise impacts is required around the skate park, this would be completely out of keeping with the Council's intended aims of preserving the open aspect of the park.
- It will be far more difficult to organise local or community gathering as any event will have to be planned around a concrete skate park, the potential scope to attract citywide larger events to The Level will also be seriously reduced.

5.2 **One Hundred and Fifty Seven (157)** letters of representation have been received from **8 Abbey Close, 69 and 75 (x2) Addison Road, 116 Auckland Drive, 23b Baker Street, 6C Bartholomews, 14 Bates Road, GFF 51 Bath Road, 32 Beaconsfield Villas, 60 Bentham Road, 18 Berkeley Row Lewes, 99A Blatchington Road, 52 and 55 Buckingham Road, 33 Burnham Road, 20 Cambridge Mews, 38 Castle Court, Unknown Number Chatham Place, 26 Cobden Road, 20 Colbourne Road, 31 Crescent Road, 4 Cromwell Road, 76 Dale View, 35 Ditchling Road, 1b Dawson Terrace, Flat 5, 29 Devonshire Place, 41 Ditchling Road, 22 Dorset Gardens (x2), 243 Dyke Road, 127 Edward Street, 73 Egmont Road, 65 Evelyn Avenue, 7 Fairlie**

Gardens, 486 Falmer Road (x2), Unknown number Glendale Avenue, Flat B 12 Grand Avenue, 8 Gloucester Mews Gloucester Road, 1 Grove Street, 6 Grosvenor Court Varndean Road, Basement Flat 8 – 9 Hanover Crescent, 81 Hanover Street, 94 and 69 (x2) Hanover Terrace, Gladstone Court Hartington Road, 58 Hendon Street, 30 Herbert Road, 15 Hereford Street, 15 (x4) and 19a Hereford Street, Flat 6 10 Highcroft Villas, 41 Hollingbury Rise, 79 Hollingbury Road, 45 Hurst Avenue Horsham, 32 Hythe Road, 29 and 66 (x4) Islingword Road, 118 Kingsmere London Road (Chair of Brighton & Hove Skate Park Association), 6a Kings Mews (x2), 368 Kingsway, 61 and 105 Ladysmith Road, 49 Langdale Road, Flat 4 83 Lansdowne Place, 3 Laurel Close, 15 Leighton Road, 8a Lewes Road, 71 Lincoln Street, 47a Livingstone Road, 57 Lynchet Close, 8 Marine Drive, 17 Marine Gardens, 142 Marine Parade, 3 Meadway Crescent, 32 Merrow Woods, 146 Mileoak Road, Flat 2 5 Montpelier Terrace, 36 Nelson Street, Unknown Number Newbald House, 1 Newmarket Road (x4), 255b New North Road London, Flat 3 Kings Kate 10 North Street, 28 Oldridge Road, 25, 42, 143 and 260 Old Shoreham Road, 54 Osborne Road, 3 Oxford Mews, 77 Peacock Lane, 28 Pembroke Avenue, 49a Pembroke Crescent, 92a Preston Drove, 32 Priory Street, Protran House, 34 Park Crescent Road, Lynton Parsonage Road Takeley, 34 Phoenix Rise, 20 Queens Gardens (x2), Unknown number Queens Park Rise 61, 263 Queens Park Road, 21b Richmond Road, 23 Robertson Road, 15 Rodmell Avenue, 96 Roedale Road, Unknown Number Roundhouse Drive, 35 and 57 Rugby Road, 57 Rutland Court, 92A Rutland Road, 5 Second Avenue, 27 Selborne Road, Seymour, 34 Shanklin Road, 9 Shaftesbury Road, 32 Southampton Street, 88 Stanfield Road, 9 Stanmer Park Road, 15 Station Parade, 142 St. Leonards Avenue, 21 St. Leonards Gardens, 43 Sutherland Road, 30 Sunninghill Avenue, 7 The Drive, 3 The Esplanade, 1 Twitten Way Worthing, Flat 5 1 Walpole Terrace, 44 Waverley Crescent, 75 Westfield Avenue North, 11 Wilbury Avenue, 23 Wheatfield Way, 40 Whistler Road Tonbridge, Flat 2 11 Wilbury Avenue, Flat 3 10 Wilbury Road, 6 Unknown addresses, 1 Unknown address in Hove and 1 Unknown Address Steyning supporting the application for the following reasons:

- There has been a skate park facility for over 30 years. The skaters are probably the most consistent group using the park. Construction of a new skate park is well overdue, the existing ramps have come to the end of their life and therefore need a new skate park fit for the City. The skateboard community in Brighton have been waiting 12 years for an improvement of the park, The Level needs redevelopment. Cannot have a situation where there is no skate park at all.
- Great plan and opportunity to enhance the usage and facilities for the community. The Level has room for everyone, no one need be inconvenienced.
- People are travelling out of the City to skate to Uckfield, Henfield, Crawley, even Woodingdean and Shoreham as they have better skate parks. Brighton is a City and their facilities should reflect this. The Level is not fit for purpose, a new improved facility would draw many people back to the park.
- Many smaller councils around the country have built decent concrete parks in small towns. Other new skate parks in Hollingbury and Woodingdean

## PLANS LIST – 08 AUGUST 2012

have proved very successful with local youth. More skate parks in the City are needed.

- This will be a great asset to the City and in keeping with the vibrant image of Brighton. Have been involved in the design and really think that this park will be one of the best in the south of England.
- Will provide a safe environment for all ages who wish to skate and BMX. It is important that young people have a public space to hang out where they are welcome. The new design with a combination of street-park bowls and plaza styles is almost groundbreaking, is suitable for a range of ages and abilities and will provide many separate areas for riders to use in busy times but allowing the whole park to be ridden by more experienced riders when allows,
- Most obese children live in the inner city.
- Pleased to see the skate park being brought into the existing area instead of segregating the skaters into a corner like at present.
- Having lights will help with the feeling of safety in the evenings.
- The facility will keep children amused and will help to forge new skills and friendships and will have a beneficial effect on children's confidence.
- Creation of the skate park will provide a modern legacy and complement the other community facilities within this major location.
- It is imperative that it goes ahead, we desperately need places for young people to be outdoors and socialise with other young people doing a physical activity, rather than being bored and hanging around street corners making a social nuisance. Currently there is a serious lack of facilities for children and young unemployed people to socialise that is free.
- As a resident living directly opposite the existing skate park have never had any issues or disturbance from the kids who use it. The current skate park co-exists with all other park uses with no problems. Do not believe the current skate park has had any detrimental effect on The Level/local area, indeed it has always been a pleasure to be able to see the skills the young people have.
- Feel it is very important to support children in their extracurricular activities and provide them with a safe environment to undertake these activities. It would be a positive message to young people that they are an important part of Brighton as well.
- It has had a bad name in the past but it's such a good sport, it builds confidence, makes you feel part of a team and is incredibly active.
- Cannot complain about the behaviour of the 'youth today' if we ignore their needs and do not give them things to do.
- The neighbourhood needs as much and as many outdoor activities as possible.
- It will be a source of pride and good for local business, it will draw business into the local area.
- The Level is the only viable option for such a facility, other places are too far away, need a skate park in a central location.
- The problems that have been encountered over many years at The Level are one of anti-social behaviour and the majority of this is not down to skateboarders but the unfortunate homeless or alcoholic members of the community.

## PLANS LIST – 08 AUGUST 2012

- The consultation undertaken has been completed fairly, openly and recently, hope they are seen as a true reflection of the choice of the people.
- Looks like careful consideration has been taken in the design to preserve the aesthetics of the area.
- The current skate park is very well used by a great many young people who are keeping fit and making their own entertainment without causing harm or disturbance to anyone.
- Its about time the gravel on the level was lost and some more greenery provided.
- All The Level currently does is provide a large space for Frisbee and drinking and this appears not to be threatened.
- The new plans will open up the park to many other forms of skateboarding other than those catered for in the current set-up and will be an improvement in safety and visibility. Young and old skaters alike will benefit from the improvements and the community as a whole will grow to appreciate the enjoyment that the site will bring.
- Brighton & Hove has a long and rich skateboarding tradition and its status is enshrined in the history of skating in the UK from its earliest days. The Level is an internationally famous skate park facility. It is only proper that the City should have a visible showcase for its skating talent and the park is bound to draw more visitors to the City and will be a viable location to host future events and competitions, once again raising the profile of the City's skate scene. It will also be another signifier of Brighton & Hove's youthful vibrancy.
- The new facility would be located well away from flats and houses in the area and the concrete design is much quieter than rickety wooden ramps.
- It will greatly improve The Level but do ask that if at all possible plans should be made to enable the busy footpaths that cross The Level between Southover Street towards London Road and Elm Grove to London Road be kept open for as long as possible during construction and when necessary alternative shortcuts are maintained.
- Believe that over time, the new and properly maintained skate park, used to its fullest potential, will change the minds of those who may be opposed to the plans at present. Many people objected to the AMEX stadium and look how wrong they were, Brighton needs more sporting facilities for young children.
- The increase in the amount of grassland and landscaping would improve the appearance of The Level.
- The new skate park will not be significantly larger than the current one, there will still be the same balance of green space and play facilities for the youngest children.
- The sunken nature of the skate area would help to retain an openness and would improve the level of security/natural surveillance for skateboarders and other users of the park.
- The more free sport that can be encouraged at The Level the better.

5.3 A **petition of 182 signatures** supporting the proposal but no reasons why given.

- 5.4 **Two (2)** letters of representation have been received from **18 Cambridge Road 19A Park Crescent** commenting that;
- The plans look great, though would have liked to see some tennis courts.
  - Have slight concerns that the skate 'bowl' would not be as beneficial to young skaters as the current wooden half-pipes. Would have thought that it will be significantly harder to learn on as most are made out of concrete, and
  - As long as the skate park is built with consultations to actual skaters and skate park construction companies then wholeheartedly agree to the improvements however if it is going to be a shoddy affair, would suggest it be left alone.
- 5.5 **One (1)** letter of representation has been received from **Brighton & Hove Skateparks Association** supporting the proposal on grounds that the legendary (34 year old) Level skate park is a highly valued, well-used and badly needed public facility that has been in poor condition for many years. The undeniable proof there is a genuine need for a skate park is that there has been one at The Level for the last 34 years and it is used daily by all generations. In July last year, approval was finally given to adopt a new Master Plan for the while of The Level including the skate park to the north of Rose Walk. This followed a huge public consultation with over 3,000 local residents. It is well documented that the majority of these residents preferred the skate park in its new location north of Rose Walk. In the last consultation lots of official bodies were asked for their opinion to ensure the new location was in keeping with the park's heritage and did not contravene any legal or planning rules. Health and Safety was also considered, a noise assessment has been carried out and Sussex Police have been consulted to ensure the new location will not have a detrimental impact to the wider park and local residents. In fact its new open feel is welcomed by the police. The western quadrant which is currently hard surfacing is going to be returned to grass so there will be no loss of grass in this area. The location of the current skate park will be put back to grass with flower gardens providing some much needed dog free grass areas which will enhance Maclaren's 1920's columns, pergolas and fountains which are to be restored. The skate park design is sunken and allows for a wide planted boundary to provide a buffer while keeping the open feel and views in this part of The Level. This sport brings dedication, skill and creativity to hundreds of young people in the City giving both a focus and purpose. It is a sport enjoyed by both boys and girls, young and old. It is not uncommon to see two or even three generations of the same family now sharing the skate park experience. There has been a skate park at The Level since the start of the skate boarding movement in the 1970's and as such it's also now an important part of The Level's Heritage. Must dispel the myth that skate park users are noisy and disruptive. The real skaters do not go to skate parks to drink, smoke or cause trouble, they go to skate. The better the facility is the more pride the community will take in preserving it. Skate parks are exactly the sort of things a city should be providing, skate boarding is a sport that doesn't need a lot of money or resources to take part, it is wholly democratic.
- 5.6 **One (1)** letter of representation has been received from the **Secretary of the Friends of the Level** commenting that the noise impact report should include a 3 point noise assessment taken from at least 3 points located north, west and east

of the proposed skate park location. A noise receptor was not placed in the back gardens of one house in Park Crescent to assess the impact on the residents living closest to the north; instead it was placed in the gardens of Park Crescent Terrace, which returned unusable data. The data from the temporary receptor on Union Road is of limited use. Having failed to collect necessary data a computer programme was used to simulate a receptor in the back garden of no.1 Park Crescent but this is not flagged up in the report, given the impression that the data presented is in fact data collected using a real noise receptor. A project this size requires a proper noise assessment in order to calculate the impact and to recommend necessary actions to minimise the noise impact. Whilst these recommendations are included in the report, they should be viewed in the context of the actual data rather than simulated data. In addition the OS plan is wrong as it marks the area of the skate park location as the northern quadrant plus the gravel quadrant, there is nothing in the lighting plan, there are no proposals in terms of health and safety to provide measures to minimise risks to the public and there are no detailed excavation reports which may provide warnings on potential flood risks or subsidence. It is known that an underground stream exists under The Level, which causes flooding.

- 5.7 **Sussex Police:** Comments that the level of crime and anti-social behaviour that the location is above average when compared to the rest of England and Wales. The proposed skate park is to be located within a quadrant of The Level which is part of an open public park within the centre of Brighton.

The design and layout of the skate park is such that it is constructed level or sunken into the ground as opposed to erecting framework above ground level. From a crime preventing perspective this approach provides good all round surveillance of the area and is additionally attractive from a spectators view. Permeability throughout the park coupled with the natural surveillance of the skateboard park and the remainder of the park will be very beneficial in reducing the fear of crime and the opportunity for crime throughout the level. The design will also reduce the amount of above ground equipment that will be available for graffiti to be applied. There is good use of buffer zones around the skateboard perimeter, these consist of planting and grass verges which provide good demarcation lines segregating pedestrian users of the park from the skate park users.

- 5.8 **CAG:** The group agreed to support the application.

**Internal:**

- 5.9 **Environmental Health:** It is recommended that a 0.6m bund around the park is installed, the hours of use are restricted to 8am to 10pm; CCTV is installed and a skate park Management Plan is produced and enacted.
- 5.10 **Heritage:** Comments the proposal has been subject to extensive pre-application discussions and the proposals have responded positively to the matters raised.
- 5.11 The proposal is to relocate the skate park from its current location south of the rose walk to the southern quadrant immediately north of the rose walk. The



southern quadrant is the smallest in area. The western quadrant would be returned to grass. The new skate park would be a largely sunken feature in polished concrete. For the most part it would be level with or below the level of the surrounding pathways but at some points it would rise up to a maximum of c500mm above path level and feature rails and walls would at some points reach 700mm high. However these would be screened by the undulating planted mounds to the perimeter which would be a maximum of 600mm high. Pre-application discussions have resulted in the deletion of any high fencing or railings and gates and only a 300-350mm knee rail would be provided. Lighting is proposed but this will mostly be provided by means of an additional light fitting on the 4m high columns proposed for the pathways as part of the masterplan for The Level. Four 6m high columns would specifically be needed, three lining Rose Walk and one in the centre of the skate park. Slim columns with simple, sleek light fittings are proposed to mitigate their impact and the columns would be well below the tree canopy and so would not impact on long views.

- 5.12 The siting and layout of the skate park, wholly within the southern quadrant, would preserve the historic layout of The Level and the loss of the grass is compensated by the return of the larger western quadrant to grass, which would make the northern half of the Level better balanced overall. The sunken design and low boundary edge would ensure that the skate park preserves the traditional open character of The Level in medium and long views whilst the planted boundary would provide attractive screening in near views. The proposal would be a substantial improvement over the existing skate park and would therefore enhance the appearance of the conservation area and the setting of the listed buildings on Richmond Terrace. The views of St Peter's Church would be fully preserved.
- 5.13 **Parks Project Manager:** Comments the application is welcomed by Cityparks as it represents a response to ongoing need for provision of sporting facilities and improvements to parks across the city. The application considers the positive aspects of this provision and through its sunken design and soft boundary treatment provides mitigation for the impact of the appearance of the skate park in the proposed location. Successive consultations have shown that there is strong support for both a skate park at The Level building on the heritage developed over 40 years of having such a facility at this park and support for relocation the skate area to the north of rose walk. The inclusion of the old redgra area increases the area of green space to the north of rose walk. The timing of the application with the main Level restoration project further increases the net green space in The Level by removing hard surfacing and the existing now life expired skate ramps and other improvements to the general appearance, condition and biodiversity provision.
- 5.14 Cityparks have been involved throughout the development process and are positive that the safety aspects and long term maintenance objectives can be met.
- 5.15 **Planning Policy:** Comments the general principle of this proposal to replace an existing recreational facility within a public recreation space conforms with the existing land use and planning policies and does not therefore raise any

planning policy objections. Indeed planning policy supports the replacement of existing recreational facilities and the Open Space, Sport and Recreation Study highlighted a need for adrenaline and less conventional sports facilities.

- 5.16 **Sports Development/Facilities Team:** Strongly supports the application as the proposal would provide an excellent, free to access facility that will promote and provide opportunity for participation in healthy active lifestyles to residents, particularly children and young people and those experiencing high levels of multiple deprivation, the issue of the design and condition of the existing skate park has repeatedly been raised for the past 10 years by residents and community groups, there is a general lack of satisfaction with sports facilities in the City amongst residents as identified in the Active People Survey, the safeguarding, enhancing and promotion of access to spaces that offer opportunities to increase participation in sport and physical activity and particularly active space for children is highlighted as priority in the City Plan, evidence from recently developed skate parks in the City have demonstrated that well designed skate parks can provide valuable informal recreational spaces for children, young people and adults, the proposed design ensures that it caters for a wide variety of abilities of users, it offers an excellent location to run sports development activities aimed at engaging groups who traditionally participate less in sport and physical activity, skateboarding and other associated skate park activities are extremely popular with young people in the City and there is a strong cultural association with the national and international skateboarding community with Brighton & Hove and particularly The Level.
- 5.17 **Sustainable Transport:** Have no objections to the application. The proposed skate park is located in a highly accessible location accessible by a range of sustainable modes of transport. Access to the skate park will be from a main entrance at the western end and three secondary entrances on the north-west and north-east boundaries. Also due to the nature of the development it is unlikely that many people will be travelling to the site by private car. This is therefore deemed an acceptable location for the skate park and is unlikely to have a negative impact on the highway network.
- 5.18 There is adequate on-street permit and pay and display car parking including disabled car parking surrounding the Level. This is forecast to accommodate any demand generated by the new skate park.
- 5.19 It is stated that 12 cycle parking spaces will be provided. This appears to be via 6 Sheffield stands, as is detailed on the proposed layout plan drawing no. 500 Issue B. The Highway Authority would recommend that the cycle parking provision is secured via a condition.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton & Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR8	Pedestrian route
TR9	Pedestrian priority areas
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting

QD27	Protection of Amenity
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPG04      Parking Standards

## **8 CONSIDERATIONS & ASSESSMENT**

### **Background:**

- 8.1 The creation of the new skate park would form part of an intended overall Masterplan enhancement of The Level. In March 2011 two Masterplans for the redevelopment of the park, with different layouts, were presented for public consultation. In July 2011 the City Council Environment Cabinet took into account the outcome of the consultation, which had occurred over a 6 year period and adopted the Masterplan which included the skate park to be located to the north of Rose Walk, rather than being retained where it currently is. The alterations to the park would be funded by a Heritage Lottery Fund and a Big Lottery Fund Parks for People.
- 8.2 Prior to the submission of the application substantial consultation was undertaken with the general public, local residents, local community groups and the Brighton & Hove Skate parks Association (BHSA). Further details of the consultation and engagement process undertaken can be found in the submitted Design and Access Statement. Pre-application discussions were held in May 2012 and the proposal has been amended positively when matters have been raised.
- 8.3 The main considerations in the determination of this application relate to the impacts that the proposed development will have upon the visual amenities of the comprehensive public park, the Ditchling Road, Union Road and Lewes Road street scenes and the wider area, including the Valley Gardens Conservation Area and the setting of listed buildings located within the locality of The Level.

### **Planning Policy:**

- 8.4 Policy SR17 states that planning permission will be granted for smaller scale new sporting and recreation facilities provided that:
  - a) it involved either the expansion of existing facilities or the provision of new facilities located close to the communities that they are intended to serve;
  - b. they have good pedestrian and cycle links and are well served by public transport; and
  - c. intensification of facilities would not have a harmful impact on the local environment either visually (including artificial lighting), through additional noise and disturbance or impact on the natural environment.
- 8.5 Policy SR20 relates to the protection of public and private outdoor recreation space. In respect of this policy planning permission will not be granted for

## PLANS LIST – 08 AUGUST 2012

development on areas of outdoor recreation space, other than that which is incidental and appropriate to the respective recreation uses, unless, it can be demonstrated that the land is not an important open space under the terms set out in the Urban Open Space Policy (QD20); and

- a. there is not an existing deficiency in accessible outdoor recreation space in the respective locality and it will not create a deficiency in outdoor recreation space;
- b. the land physically cannot be made accessible to the public;
- c. the sports, recreation and amenity facilities can best be retained and enhanced, including, where appropriate, the creation of suitable access to the public, through the redevelopment of a small part of the site; or
- d. the proposal is of benefit to the local community and includes the provision of an appropriate alternative site, which is accessible to the public, provides similar community and amenity facilities, and, is in a suitable location so as to serve the original catchment area.

8.6 Policy QD20 states that permission will not be granted for proposals what would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.

8.7 Planning permission for the development of areas of public and private open space that are not considered to be important to people, will only be permitted where the applicant can satisfy the planning authority that:

- a. there are no alternative open space needs in the area, such as deficiencies in, outdoor recreation space, accessible natural greenspace or allotments; or
- b. the area of open space is not suitable to meet alternative open space needs.

8.8 The Councils Sports Development Team states that there is a need to improve the general standard of sports facilities in Brighton & Hove; this is indicated by the City being in the lowest quartile nationally in satisfaction with local sports facilities (Active People Survey 5). In addition there is a need to develop an improved skate park at The Level for a number of reasons;

- the existing skate park has been regarded as unsatisfactory by community groups and users for sometime (approximately 10 years),
- during this time the popularity of skateboarding and related skate park activities has increased and whilst new parks at Saltdean, Hove Lagoon and Hollingdean have been built, The Level remains the key skate park site in the City, and
- there is a strong cultural association with the history of skateboarding in the UK with Brighton & Hove Local Plan and particularly The Level as being a significant site where professional riders have emerged due to a longstanding skate park facility on the site.

8.9 The quartile upon which the proposed skate park would be created is the smallest quartile within the area to the north of Rose Walk. The agreed Master Plan for The Level improvement includes the greening of the existing redgra gravel area located within the western quartile of the northern section of The Level, in addition

to the existing hard surfacing within the current skate park area being removed and landscaped. These elements do not require planning permission under Part 12 of the Town and Country Planning (General Permitted Development) order 1995. However these alterations are noted within this application as the overall Masterplan for the improvements to The Level will result in a net increase in public green open space within The Level, especially within the area to the north of Rose Walk.

- 8.10 It is considered that the proposal accords with the above policies as the proposed skate park would result in the enhancement of the area upon which the current skate park is located, would provide a new and accessible skate park facility close to existing communities and would increase the overall public green open space within the park.

**Design:**

- 8.11 Currently the skate park within The Level is located to the south of the west to east access route across the park known as Rose Walk. These existing skate facilities have existed within the park since the 1970s. The existing wooden structures are in a very poor condition.
- 8.12 The proposal is to relocate the skate park facilities from the current location to the south of Rose Walk to the southern quadrant immediately to the north of Rose Walk.
- 8.13 The northern section of The Level, to the north of Rose Walk, is divided into 4 quadrants and is used for dog walking, picnics, walking, informal sport activities etc. The proposed skate park would be located within the southern quadrant, which is the smallest of the quadrants, whilst the western sited quadrant, which currently had a redgra gravel surface, would be grassed over.
- 8.14 The proposed skate park would be constructed of polished concrete and would be sunken into the ground. The total volume of the proposed new facilities would be 1000m<sup>3</sup>. A majority of the skate park would be level with or below the level of the surrounding pathways however some areas would rise to a maximum of 0.5m above the adjacent path level. The proposed feature railings and walls would rise to a maximum height of 0.6m. These higher points would however be screened by the proposed landscaped mounds around the perimeter of the skate park, which would measure approximately 0.6m in height. The perimeter barrier adjacent to the main western entrance has been altered since submission of the application so that it no longer undulates but measures 0.6 all the way around in order to improve noise mitigation measures, an issue discussed in more detail below.
- 8.15 The proposed skate park would be set in from the existing pathways by a grass strip of approximately 1m. Access to the facility would be from a main entrance at the western end and via three secondary entrances located on the north-west, north-east boundaries and within the eastern corner.

## PLANS LIST – 08 AUGUST 2012

- 8.16 Following pre-application discussions high boundary fencing/railings/gates have been replaced by black painted galvanised steel powder coated railings of approximately 0.3m to 0.35m high.
- 8.17 Whilst the skate park would result in the loss of 1400m<sup>2</sup> of grassland, the western quadrant would be covered with grass, an area of approximately 2635m<sup>2</sup>, in addition to a majority of the existing skate park area being covered in grass or landscaped, an area of approximately 1289m<sup>2</sup>. Overall, as a result of the laying of grass to other areas of the park as part of the redevelopment of The Level, there would be an overall net increase of green space, approximately 2524m<sup>2</sup>.
- 8.18 An area to view the proposed skate park would be provided adjacent to Rose Walk. A continuous 3 bar, 0.9 - 1.1m high, galvanised mild steel estate rail, with 0.6m high dog mesh panelling, would be provided between the proposed viewing area and the skate park.
- 8.19 Bespoke seating (3 in total) would be provided at the southern most entrances to the facility whilst 15 solid timber cube seating would be provided around the perimeter of and centrally within the skate park. Litter bins would also be provided around the proposed skate park.
- 8.20 It is considered that the siting and layout of the proposed skate park, wholly within the southern quadrant of the northern section of The Level, would preserve the historic layout of The Level and the loss of the grass is compensated by the return of the larger western quadrant to grass, which would make the northern half of The Level better balanced overall. The sunken design and low boundary detail would ensure that the skate park preserves the traditional open character of The Level in medium and long views whilst the planted boundaries would provide attractive screening in near views. The proposal would be a substantial improvement over the existing skate park and would therefore enhance the appearance of the Valley Garden Conservation Area and the setting of the Listed Buildings located within the vicinity of the site, especially those located on Richmond Terrace in addition to preserving the views of St. Peter's Church.
- 8.21 The skate park would be lit via a series of 'Luma' lights until 10pm each day. The proposed lighting would comprise a 6m high lighting column in the centre of the facility, 4m high pathway lighting columns which are proposed as part of the overall Masterplan for the park and 3 further 6m high lighting columns which would be located adjacent to Rose Walk. Slim columns with simple, sleek light fittings are proposed in order to mitigate the impact of their installation and the columns would be well below the related tree canopy and therefore would not impact on longer views into the park.

### Landscaping:

- 8.22 A 1m wide amenity mown grass strip would be located between the existing footpaths and the proposed vegetation covered moulds which would create a boundary to the proposed facility.

## PLANS LIST – 08 AUGUST 2012

- 8.23 Drought tolerant shrubs and grasses (foliage up to 1600mm) and landforms, of 0.6m, would provide a planted border to the proposed skate park. A 0.6m wide resin bound gravel surface trim would be provided inside the proposed undulating landforms in order to allow for access and buffering to the proposed shrub planting.
- 8.24 The existing regra gravel area located on the western quadrant would be replaced with subsoil and topsoil with grass turf as part of the proposal.

### **Impact on Amenity:**

- 8.25 As part of the application a Noise Impact Assessment Report was submitted, undertaken by Anderson Acoustic Ltd, in relation to the suitability of the re-design and relocation of the skate park facilities provided within The Level.
- 8.26 The closest noise sensitive receptors (all residential) are identified as properties located in Park Crescent Terrace (approximately 115m to the north of the proposed skate park), Lewes Road (approximately 70 to the south-east of the proposed skate park) and Ditchling Road (approximately 80m to the west of the proposed skate park).
- 8.27 Although the July 2011 report concluded that the calculated noise levels for the proposed concrete skate park would be generally lower than those predicated for the existing facility, the report submitted failed to address the significance of the proposed landscape mounds around the perimeter of the skate park in reducing the slap noise levels. As a result a refined noise assessment (dated 22<sup>nd</sup> July 2012) was undertaken to determine the total noise, including roll noise and talking noise from 80 skateboarders utilising the skate park between the hours of 7pm and 10pm. These hours were deemed to be a sensitive time for potential receptors when traffic levels and background noise levels are likely to be lower and residents would want to relax. This noise assessment took into account the provision of a 0.6m high mound all around the perimeter of the skate park.
- 8.28 The noise assessments show that overall the noise levels from the proposed skate park, with a 0.6m high bund, would generally be lower than the noise levels of the existing skate park. This is likely because the proposed design of the new skate park is 'sunken' and it would be made entirely of concrete. Such a design is regarded as being quieter than a ground level and wooden skate park construction such as the existing skate park. Additionally it should be noted that there have been no noise complaints received by the Council regarding the existing skate park.
- 8.29 The noise assessment reports show that the installation of 0.6m high landscaped mounds around the perimeter of the proposed skate park would reduce the impact 'board slap' noise at the nearest receptors to below 60dB except at the Ditchling Road receptors where it would be 62dB. Although it would be desirable for the Ditchling Road level to be 60dB or below it is noted that background and ambient noise levels at all receptors are high and the shooting noise assessment referred to in the reports is designed for much quieter rural locations.



- 8.30 As a result of the second noise assessment the design of the proposed landscaped mounds has been amended so that they measure 0.6m high around the whole perimeter and the mounds near the western corner entrance have been altered to prevent 'a line of sight' from the skate park to the nearest receptors on Ditchling Road. It is recommended that a condition is attached to an approval to ensue that final details of the proposed 0.6m high perimeter treatment is installed prior to first use of the skate park.
- 8.31 It is noted that the proposed lighting would be LEDs and that they would point downwards onto the ground. The nearest residential premises would be approximately 60m away from the lighting and therefore it is considered that the proposed lighting is unlikely to cause a Statutory Light Nuisance even if local residents are able to see the skate park lit up. Furthermore there are already existing lights between the site of the proposed skate park and the nearest neighbouring properties.
- 8.32 Overall, subject to conditions regarding final details of the proposed 0.6m high bund, hours of use and the submission of a Management Plan, it is considered that the proposed skate park would not have a significant adverse impact upon the amenities of neighbouring properties subject to compliance with recommended conditions.

**Sustainable Transport:**

- 8.33 The proposed skate park location is a highly accessible by for a range of sustainable modes of transport. Several bus routes pass the site on both Lewes Road and Ditchling Road and there are off-road cycle routes in the vicinity of the site. Furthermore it is within easily walking distance from the centre of Brighton.
- 8.34 Access to the new skate park would be from a main entrance at the western end and three secondary entrances on the north-west and north-east boundaries.
- 8.35 Due to the nature of the proposal it is considered unlikely that many people would be travelling to the site by private car. However adequate on-street parking facilities (permit and pay and display), including disabled parking, is provided surrounding The Level if required by users of the new facility. These existing facilities are forecast to accommodate any demand generated by the proposed new skate park. Therefore it is deemed unlikely that the proposal would have a negative impact on the surrounding highway network.
- 8.36 As part of the proposal 6 cycle stands would be provided within the vicinity of the proposed skate park, 3 on the eastern side and 3 on the western side, by the proposed feature seating, providing for up to 12 cycles. As limited details of the proposed cycle stands to be installed have been provided it is recommended that a condition is attached to an approval to ensure that future details are provided.

## 9 CONCLUSION

- 9.1 The proposed skate park would provide improved and enhance skating facilities within the City whilst providing a better balance overall to the northern half of the park. The proposal, by virtue of design through use of sunken levels and low boundaries would preserve the historic layout of The Level and would ensure that the traditional open space character is retained without being of detriment to the visual amenities of The Level, the surrounding Conservation Area or the setting of the Listed Buildings located within the vicinity of the site.
- 9.2 Furthermore subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring residential properties.

## 10 EQUALITIES

- 10.1 None identified.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	BRTL-PSP05	Rev. D	23 <sup>rd</sup> July 2012
Proposed Layout Plan	500	Rev. C	24 <sup>th</sup> July 2012
Contextual Elevations	510	Rev. C	24 <sup>th</sup> July 2012
Landscape Boundary Plan	520	Rev. C	24 <sup>th</sup> July 2012
Landscape Boundary Section	530	Rev. C	24 <sup>th</sup> July 2012
Existing Layout	BRTL-PSP00	Rev. A	11 <sup>th</sup> June 2012
Proposed Layout Plan	BRTL-PSP02	Rev. B	23 <sup>rd</sup> July 2012
Proposed Layout Plan (Masterplan)	BRTL-PSP03	Rev. B	23 <sup>rd</sup> July 2012
Block Plan	BRTL-PSP04	Rev. B	23 July 2012
Exterior Lighting	6174CP_R5	-	28 <sup>th</sup> June 012

### 11.2 Pre-Commencement Conditions:

- 3) The skate park hereby approved shall not be in use except between the hours of 8am and 10pm everyday.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the information submitted, no development shall commence until final details of the 0.6m barrier around the skate park and

a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details prior to first use of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 5) Notwithstanding the information provided, the development hereby permitted shall not be commenced until further details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

### 11.3 Pre-Occupation Conditions:

- 6) Notwithstanding the Outline Management Plan received on the 23rd July 2012, prior to first use of the development hereby approved, a Management Plan for the Skate Park shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be approved in writing prior to first use of the development and shall be implemented as approved thereafter. The details and actions with the Management Plan shall include;

- A process of annual monitoring,
- Hours of use of the skate park,
- Hours of lighting,
- Process for recording any out of hours incidents and actions taken,
- Details of supervision,
- Maintenance details,
- Details of CCTV covering the skate park,
- Details of signage
- Details of measures to manage anti-social behaviour, including criminal damage and graffiti, in consultation with stakeholders.

**Reason:** In order to safeguard the amenities of neighbours in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 7) The railings shown on the approved plans shall be painted black prior to the first use of the skate park hereby permitted and shall be retained as such.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

### 11.4 Informatives:

1. The applicant is advised that even subject to compliance with the recommended conditions, any future noise or light complaints about the skate park will be investigated under Statutory Noise Nuisance Legislation with the Environmental Protection Act 1990. Consequently, further action to prevent such nuisances could still be required. Whilst Environmental

## PLANS LIST – 08 AUGUST 2012

Health would not be able to take action against the Council. If any noise complaints were considered to be a Statutory Noise Nuisance, a Resident may take their own action against the Council under S82 of the Environmental Protection Act 1990.

2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The proposed skate and associated landscaping would provide improved and enhance skating facilities within the City whilst providing a better balance overall to the northern half of the park. The proposal, by virtue of its sunken design and low boundaries would preserve the historic layout of The Level and would ensure that the traditional open space character is retained without being of detriment to the visual amenities of The Level, the surrounding Conservation Area or the setting of the Listed Buildings located within the vicinity of the site. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring residential properties given the siting of the proposed skate park in respect of neighbouring properties and the presence of the existing skate park.