

Committee Report

Application No:	DC/19/00071/FUL
Case Officer	David Morton
Date Application Valid	27 January 2019
Applicant	Friends of Chopwell Park
Site:	Chopwell Park North of Marx Terrace Chopwell Newcastle Upon Tyne
Ward:	Chopwell And Rowlands Gill
Proposal:	Formation of cycle track within existing park
Recommendation:	GRANT PERMISSION FOLLOWING THE SATISFACTORY RESOLUTION OF THE COAL AUTHORITY'S HOLDING OBJECTION AFTER CONSULTATION WITH THE CHAIR AND/OR VICE-CHAIR WITH A VIEW TO GRANT PERMISSION SUBJECT TO CONDITIONS
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF SITE**

The application relates to an area of land within Chopwell Park, to the north of Marx and Woodside Terrace. The application site is within the wider park area which comprises of sport and recreation facilities including tennis courts, a play area and a bowling green.

1.2 The application site is currently undeveloped and is identified as public open space within the Local Plan.

1.3 DESCRIPTION OF APPLICATION

The application seeks planning permission for the formation and laying out of a cycle (pump) track on a portion of the application site.

1.4 A pump track is a circuit of rollers, banked turns and features designed to be ridden completely by riders "pumping" - meaning to create momentum by up and down body movements, instead of pedalling or pushing.

1.5 Therefore, the application is limited to a series of engineering operations required to create the undulations required. The materials to be used can be broken into two distinct courses:

- Type 1 dust to 40mm recycled roadstone
- 80mm depth Surface Course (Custom Specification Asphalt 100/150 Pen)
- Edges of the asphalt are to be rolled and compacted at a slope ratio of 1:1, ensuring the base course extends sufficiently beyond the outer edge.

1.6 PLANNING HISTORY

There is no planning history associated with the application site.

2.0 Consultation Responses:

Coal Authority Holding objection issued.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 54 letters of support, including from a Ward Councillor (Councillor Dave Bradford) have been received and are summarised as follows;

- The proposed development would create an important community asset;
- The proposal will serve to reduce the number of unofficial tracks;
- The proposal will bring tourism and money to the area; and
- The proposed development would aid people in learning cycling skills.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The key considerations to be taken into account when assessing this planning application are visual amenity, residential amenity, highway safety and parking and ground conditions.
- 5.2 **VISUAL AMENITY**
Given the nature of the proposed development and the limited nature of the works it is considered that the proposed development would not adversely impact on the visual amenity of the area. The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.3 **RESIDENTIAL AMENITY**
The nearest properties to the application site are located some 65 metres away to the north; given the level of separation and the proposed use it is considered that the development would not impact on amenity to an unacceptable degree. The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.4 **HIGHWAY SAFETY AND PARKING**
It is considered, based on the proposed development an anticipated used, that the proposed development would not result in any highway safety implications and nor would it result in a severe highway impact. It is anticipated that the majority of riders arriving on foot or on bicycle and that vehicles would be accommodated within the existing car park. The proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.5 **GROUND CONDITIONS**
- 5.6 **Contaminated Land**
The site has been inspected and assessed as part of the Councils Contamination Land Strategy, in accordance with the Local Authorities' obligations under Part IIA of the Environmental Protection Act of 1990 and has not been determined as "contaminated land".
- 5.7 The submitted contamination report assesses that the risk of contamination being present is low based on the fact that the site has not previously been developed. However, the report also identifies a low potential risk of colliery ash or other potentially contaminated made ground being present.
- 5.8 It is therefore considered necessary to condition further investigative works in the form of a phase 2 risk assessment (Conditions 3 to 8).
- 5.9 The proposal would comply with the aims and requirements of saved policy DC1 of the UDP and policy CS14 of the CSUCP.
- 5.10 **Land Stability**
The Coal Authority have issued a holding objection in relation to the application awaiting the receipt of additional information (which is now under consideration). It is considered likely that the concerns of the Coal authority can

be satisfied through the additional information submitted and through the imposition of conditions (where necessary).

5.11 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.

5.12 OTHER MATTERS

It is considered all material planning considerations raised by objectors have been considered within the main report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, the proposal would allow for enhancement and upgrade of an existing facility without resulting in an unacceptable impact on visual amenity and residential amenity, highway safety and parking. The proposal would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.2 Therefore, it is recommended that planning permission be granted, subject to the satisfactory resolution of the Coal Authority's holding objection and the conditions below conditions.

7.0 Recommendation:

7.1 Authorise the Service Director of Development, Transport and Public Protection to deal with the application following the satisfactory resolution of the Coal Authority's holding objection after consultation with the Chair and/or Vice-Chair with a view to GRANT the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary;

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

CHO002_1

CHO001_1

0000181 (A)

CH001_0

CHO003_1

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No development shall commence until an intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

4

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 3 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14

of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

5

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

6

The details of remediation measures approved under condition 5 shall be implemented in full prior to commencement of the development of the development hereby permitted and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

Following completion of the remediation measures approved under condition 5 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first use of the development hereby permitted.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.



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