

PUBLIC QUESTIONS RECEIVED for Place Scrutiny Committee – 13 June 2019

From local residents in Summer Lane (in attendance)

Bullet points are comments copied and pasted directly from the Planning Submission for the scheme (taken from the ECC Planning Portal). Numbered Statements / Questions relate to each bulleted comment. We would like comment / assessment of the validity and basis of comments,

- (A) It is considered that the new facility would represent no significant increase in noise, disturbance or overlooking compared to the existing stake park.
- 1. How is this determined? By whom / and by what measure? Does significant NOT include relentless loud crashes of solid objects against solid objects, with associated times in no way limited to offer local residents any respite? (No previous activities within the park, gave any opportunity for 'overlooking.') Nor were such activities a constant (noise) back drop for this community.
- (B) In terms of anti-social behaviour, the car park gates will be locked overnight, and the increased use of the site may prevent anti-social behaviour due to increased surveillance. The lighting will be turned off at 9.30pm, clearly signalling the skate park is closed.
 1. This assumption, only describes ASB within the park? Where is the 'surveillance' and locking of park overnight? This does not happen.
 2. This only provides a 'clear signal' that the lights have been turned off?
 3. Use of the park often continues until much later into the night, or continues in the adjacent pedestrian tunnel, which is lit 24 hours.
 4. Why no provision / mitigation for ASB for pedestrian tunnel at Summer Lane, which is lit for access 24/7? This pedestrian access is now considered part of the park, by skaters, due to the 'barrel' shape of the tunnel, and the collective disregard for the neighbouring residents demonstrated by these same people. (It is lit 24/7 and is used whenever the weather is wet and when skaters have left the park.)
- (C) Current Police statistics <https://www.police.uk/devon-and-cornwall/DEV.4059/crime/stats/> Show a 32.98% increase in ASB in Pinhoe district over the last April – April period...

The 'replacement' of the skate park equipment and addition of flood lights 'seems' in itself unlikely to increase any anti-social behaviour.

1. It was not a 'replacement' it was an expansion of the scale, length and height of the equipment.
- (D) It is 'considered' that there is insufficient evidence to suggest any significant increase in anti-social behaviour to warrant refusal, and any such behaviour would continue to be dealt with by site management and police.
 1. Where / who is the site management, Aren't the police overstretched already? The 'committee' cannot assure that police patrols will monitor the park regardless of commitments elsewhere? The police can ever only provide a reaction to events, dealing with any event, retrospectively, does nothing to alleviate the mental strain of its relentless likelihood

2. 'Insufficient evidence' surely depends on where the 'evidence' is gathered and by whom?
 - (E) The original skate park used box frame construction, which could amplify sound as the skates and bikes landed on ramps. The new skate park is in-situ cast concrete, so will be considerably quieter. Ambient noise from the adjacent road and railway will mask noise generated on the site.
 1. The new skate park is significantly larger, the ramps have been brought much closer to the residents on the South side of the railway. They have also been significantly increased in height and length.
 2. Although these elements were NOT made clear to local residents, there was a drawing on the Portal, The drawing gave no point of reference for any dimensions, (Datums.) It also omitted to give any indication of relationship (in elevation) to the railway embankment, which concealed all but the most extreme noise from the adjacent residential area. The fundamental issue of noise is caused by the increased height of the ramps already on a location which is higher than the residential amenity due to the gradient increase in relation to the south side of the railway embankment.
 3. A query was raised by a local resident, regarding skatepark heights, in relation to the existing car park, no further information was offered from E.C.C?
 4. The in-situ concrete is not quieter. Perhaps, as previously requested, an explanation justifying this assumption, could be offered? (Skateboards striking concrete create less noise than when striking timber?)
 5. The traffic on the road highlighted is inconsistent? It will be busy during 'rush hour.' When people go to and from work / School. The road narrows to a single lane at the Railway bridge, where vehicles have to slow down, then wait to negotiate this bridge in turn?
 - (F) Particularly considering the other leisure uses nearby and disturbance caused by the railway line. The proposal would be an enhancement on existing facilities providing a valuable community facility, outweighing any potential harm to residential amenity, and should therefore be approved.
 1. What leisure users 'nearby' are every day, and are carried out until, 'officially' 21:30 pm?
 2. Exactly what 'disturbance' is caused by the railway line? (Two trains pass the location per hour, one in each direction, taking 8 seconds approximately to pass?)
 3. The traffic on the road highlighted is inconsistent? It will be busy during 'rush hour.'
 4. When people go to and from work / School. The road narrows to a single lane at the Railway bridge, where vehicles have to slow down, then wait to negotiate this bridge in turn?
 5. When the park is most noisy, in the evening, when older 'youths' and adults use the park, they are larger and create more noise, just when the traffic is at its most sporadic and infrequent.
 6. Ironically, the very time when residents are most likely to want to use their own outside space?
 7. The road is a residential one, with speed humps, and a 20mph speed limit. The traffic is significantly lighter in the evenings and on Sundays in particular, how then, can such an 'irregular' and 'inconsistent' factor, be cited as appropriate protection, where the noise of the activities it is claimed will be 'masked,' are not only of a completely different type of noise, but are invasive, loud and are an unavoidable part of the very activity encouraged within the park?
 8. The term 'potential' harm? Can anyone comment on the realities of the 'Actual' Harm, now being experienced by the community? Would anyone seeking to be able to access their homes and relax within them, without fear of disturbance or potential confrontation,

consider this deterioration in the 'actualities' of their neighbourhood, is 'outweighed' by the provision of a facility, which borders the homes of people most unlikely to make use of it, or benefit in any way.

- (G) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

1. Is this consideration only relevant during construction? As this statement relates to noise disturbance to local residents? Why is the noise created by the activity itself, of skate boarding etc, which fundamentally involves crashing eqpt into solid structures from height, not considered invasive or disturbing to local residents? In any event, it is worth reiterating that there are NO commercial locations adjacent to the skate park, the noise and associated ASB is a problem for anyone living near the facility every hour of every day.

- (H) The anticipated / intended increased use of the facility means increased numbers of users in the locality at all hours of the day and night. Elements of these park users are disruptive and are consistently showing no regard for people living close to the facility. The E.C.C have chosen to ignore any 'concerns' raised. There is absolutely no evidence to suggest consideration for those living next to this facility from any standpoint, whether it be noise disturbance, or the 'predicted' ASB.

Why?

Response from Cllr Harvey Portfolio Holder for Environment & City Management

Councillor Harvey thanked the resident for presenting these questions in person. The revamped Skate Park has proven to be hugely popular with the young people of Exeter and has received overwhelming support on social media. We do however acknowledge that a small number of residents in the area close to the skate park have raised concerns about the noise generated by the enhanced facility. We have been working on mitigating measures for some time and continue to do so.

Many of the 20 questions raised, relate directly to a planning application which was determined at committee on 29 October 2018. These are issues which should have been raised during the planning process and to do so now when the application has been passed and the facility has been built does not help to move us forward.

He summarised the planning process to date. The application was submitted mid-August and as part of the planning process consultations were sent to the relevant bodies, these being Network Rail, Environmental Health and County Council Highways.

Letters were also sent to 52 neighbouring addresses and objections were received from two residents, along with comments from a third. Issues raised included existing anti-social behaviour and potential for the application to increase, noise, overlooking, and drainage.

At Delegation Briefing the Members were supportive of the application, but noted that it needed to go to planning committee as it was a City Council application with objections.

The objections were summarised in the officer report to committee. However no objectors chose to speak in person at planning committee and so members reached their decision on

the basis of the drawings, supporting information and the officer report. The development has been constructed in accordance with the agreed plans.

Councillor Harvey said that he was sorry if the resident felt that the submitted plans did not make any aspect of the design sufficiently clear. However Member's had adequate information to determine the application and due process was followed. The planning process is now complete, and as with all planning applications the decision cannot be re-opened once determined.

Continued noise

Councillor Harvey said that he understood that from the Environmental Health Team that their investigations to date have not substantiated a statutory nuisance. A statutory nuisance can be described as an act that causes unreasonable and substantial interference in the use and enjoyment of one's property. There are no set levels, or times of the day, which determine whether noise is a statutory nuisance; officers use their professional judgement to assess each noise incident. When deciding whether a statutory nuisance exists, officers consider factors such as the frequency and duration of the disturbance, the times it takes place, and whether it is in context for the area.

In the case of noise from the skate park, despite asking, officers have not received detailed information from anyone about the frequency, duration and timing of the noise affecting you. They have therefore based their judgement on observations they have made of skate park use levels as well as the noise when they have visited neighbouring properties. Based on this, although the noise is recognised to be disturbing at times, officers do not consider that it would prevent normal use of the garden on a regular, prolonged basis.

If the skate park were a private business we would therefore not have any grounds to take enforcement action.

The old skate park generated noise and the new park generates noise but it is difficult if not impossible to quantify the increase. However we do recognise that a small number of residents feel strongly about the noise from the skate park, so despite there being no evidence to back up a claim of statutory nuisance, the Councils Engineers have been looking at potential ways of reducing noise from the skate park. These investigations are ongoing and have not yet yielded any practical measure which can be undertaken prior to the construction of the new bridge. Collaboration is ongoing with the bridge designers to examine if effective measures can be incorporated into the new bridge.

Anti-Social Behaviour

Anti-social behaviour in this area occurred prior to the redevelopment of the skate park and continues to do so now. We have been liaising closely with the Police over antisocial behaviour in the area and they have increased their patrols and have moved people on from the pedestrian tunnel. This is however part of the public highway and free for anyone to use.

We are exploring funding to erect a shelter on site to reduce the use of the tunnel during inclement weather conditions.

(H) Question from local resident

The resident stated that his presence at the meeting had been forced upon me because of the extremely poor engagement given by all council officials (except for Cynthia Thompson).

Those involved with the planning and implementation of this project; have left myself and others disillusioned and distrusting local democracy.

The only communications received was from back room departments, and this was only after persistent questioning; and proved to be the usual “corporate style” statements; with no supporting evidence; and it was these same statements that misled the full council into approving the scheme as being a like for like replacement, apart from flood lights.

My question asks this committee to please source the evidence that supports these statements and make it available for scrutiny; only then will the truth show how Mr Faulkner's conclusions were based on dubious assumptions. Why even the experts Maverick's who were commissioned because of their experience, illustrate on their own website how all their other skate parks are situated well away from homes; a fact also reinforced by the BBC programme “street patrol”.

Response from Cllr Harvey Portfolio Holder for Environment & City Management

Thank you for the further question and Councillor Harvey said he was sorry that the resident felt there had been poor engagement from the Council officials. He had seen the numerous responses provided by Council Staff to the large number of emails sent exclusively from two residents. The emails asked a large number of detailed questions, were addressed to a wide number of different individuals and departments within the Council and came in quick succession. He was not quite sure what was meant by ‘back room departments’ but the responses mainly came from the lead technical officers in each case and they did their best to respond in a full and comprehensive way.

The supporting information for the planning application for the skate park was publically available as part of the planning process. Due process was followed and the Committee members had all the information they needed to make an informed decision on the proposals to redevelop the skate park. It was clear at all times that the replacement skate park would be on a larger footprint, of concrete construction, and have elevated sections. This decision cannot be re-examined under current planning law.

As previously mentioned we are looking at ways to mitigate the concerns of a small number of local residents and we continue to do so.