



Application Number: 2014/0653

Location: Play Area Recreation Ground Burton Road Gedling



NOTE:

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Report to Planning Committee

Application Number: 2014/0653

Location: Play Area Recreation Ground Burton Road Gedling

Proposal: To allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use)

Applicant: Mrs Jane Richardson

Agent:

This application is being brought to Committee due to the applicant being Gedling Borough Council.

Site Description

The application site relates to an area of land sited towards the north boundary of Jubilee Park, fronting Burton Road. Jubilee Park is an area of Protected Public Open Space as defined on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Jubilee Park is accessed from Burton Road with a car park and pavilion located in the northeast corner of the site. The application site specifically relates to an area of grassed land to the north of the application site. The north boundary of the site fronting Burton Road is defined by mature trees.

The closest residential neighbouring properties to the application site are no.148 Burton Road adjacent to the car park and no's 175, 177, 179, 181, 183a and 183 Burton Road to the north of the application site on the opposite side of Burton Road.

Relevant Planning History

An application seeking planning permission for the use of the land for the siting of 2 no. mobile catering units consisting of one ice cream van and one hot food unit was deposited in September 2013. This application was subsequently withdrawn in November 2013 – application ref. 2013/1114.

Proposed Development

Full planning permission is now sought for the change of use of an area of land adjacent to the existing car park (Sui Generis) to allow the siting of an ice cream van

(A1).

The proposed maximum hours of summer time trading between 1st April and 1st October would be 9am to 8pm and 9am – 5 pm between 1st October and 1st April (winter time trading).

An email was received on the 23rd June 2014 confirming that the ice cream van would leave the site at the end of each trading day.

A supporting statement has been received on the 26th June 2014.

Consultations

Nottinghamshire County Council (Highway Authority) – No highway concerns are raised.

Gedling Borough Council (Planning Policy) – No comments have been received at the time of writing. The Statutory consultation period for representations is until 4th July 2014 and any consultation responses will be reported verbally at Committee.

Nottinghamshire Police Architectural Liaison - No comments have been received at the time of writing. The Statutory consultation period for representations is until 4th July 2014 and any consultation responses will be reported verbally at Committee.

Gedling Borough Council (Licensing) - No comments have been received at the time of writing. The Statutory consultation period for representations is until 4th July 2014 and any consultation responses will be reported verbally at Committee.

Gedling Borough Council (Food, Health and Safety) – It is requested that traders who sell the ice cream are registered to operate as a food business with a local authority and that they have been inspected.

Gedling Borough Council (Public Protection) - No comments have been received at the time of writing. The Statutory consultation period for representations is until 4th July 2014 and any consultation responses will be reported verbally at Committee.

Gedling Borough Council (Parks and Street Care) - No comments have been received at the time of writing. The Statutory consultation period for representations is until 4th July 2014 and any consultation responses will be reported verbally at Committee.

Neighbouring properties have been consulted and a site notice posted - No comments have been received at the time of writing. The Statutory consultation period for representations is until 4th July 2014 and any consultation responses will be reported verbally at Committee.

Planning Considerations

The main planning considerations in the determination of this application are whether the proposal would have any material impact on the amenities of neighbouring residential properties and whether there would be an undue impact on the recreational or sporting potential or quality of the public open space.

At the national level the National Planning Policy Framework (NPPF) (March 2012) is relevant. The following core principles are relevant to this planning application: -

1. Building a strong and competitive economy (paragraph 18 - 22)
11. Conserving and enhancing the natural environment (paragraphs 109 – 125)

Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 109 of the National Planning Policy Framework states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

At the local level the following policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant: -

- ENV1 – Development Criteria
- R1 – Protection of Open Space.
- R2 – Accessible Public Open Space.

Policy R1 of the Replacement Local Plan states planning permission should not be granted for development on land that is used as open space. Exceptions to Policy R1 that are listed is where the development would enhance or improve the recreational or sporting potential or quality of the site or if the proposed development is ancillary to the use of the site as a playing field and would not adversely affect the quality or quantity of pitches.

Policy R2 states that planning permission should not be granted for development which would adversely affect access to protected open space. The mobile catering units should not obstruct users in the park.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACS) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents as it is at an advanced stage of preparation with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is

considered that the following policies are relevant:

Policy 13 – Culture, Tourism and Sport

Policy 16 – Green Infrastructure, Parks and Open Space.

In line with the guidance held within the NPPF significant weight should be placed on the need to support economic growth. The design and access statement states that the proposal is intended to generate income for the Borough Council and allow for trading activity on the park. It is my opinion that the proposal would create local business opportunities and would support economic growth in line with the aims of the NPPF.

I note that the siting of the proposed ice cream van would be to the north edge of the site adjacent to a mature border of established trees. I also note that the application site does not fall within any area currently being used as a sports pitch. Given the ice cream van is not permanent, would remain ancillary to the main use as a recreational facility, and would not adversely affect the quality or quantity of pitches it is my opinion that the proposed development would accord with the aims and objectives of Policy R1. It is also my opinion that the provision of refreshment facilities for users of Jubilee Park may result in an increase in footfall of visitors to the recreation ground which could result in a positive impact on the numbers of service users to the protected open space.

I note the location of the proposed ice cream van across the road from the nearest residential properties on Burton Road. Given the distance from the application site to the nearest neighbouring properties, I am satisfied that the proposal would not result in any undue impact upon the amenity of the occupiers or users of these properties. It is recommended that a condition be attached to ensure that the mobile ice cream van leaves the site after each day of trading and to control the hours of trading.

Issues such as noise and litter would be controlled through Environmental Legislation.

Given the above considerations I am satisfied that the proposed development would have no undue impact on the Protected Open Space, the amenity of nearby residential properties or on highway safety. In my opinion the proposed development would accord with the guidance contained within the NPPF and the aims and objectives of Policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) and recommend that planning permission be granted.

Recommendation: GRANT PLANNING PERMISSION subject to no further representation being received that raise material planning considerations and the following conditions;-

1. The development must be begun not later than three years beginning with the date of this permission.

2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.