



**Application Number:** 2014/0655

**Location:** Arnot Hill House, Arnot Hill Park, Arnold.



**NOTE:**

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

**Application Number:** 2014/0655

**Location:** Arnot Hill House, Arnot Hill Park, Arnold.

**Proposal:** To allow the change of use of land from public park (sui generis) to a pitch for the siting of 2 no. ice cream vans (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 relates to two areas of land within Arnot Hill Park. One is located to the south east corner of Park close to the Arnot Hill Road entrance/exit point of the park. There are residential properties bordering the site immediately to the north and east. There are also a ball court and skate boarding bowl in close proximity to the site. The second site lies to the north west of the park close to the Nottingham Road entrance/exit, a public car park and the bowling green. The nearest residential properties are to the west of the park on Nottingham Road. The park is located within an area identified for the protection of open space in the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

### **Relevant Planning History**

An application seeking planning permission for the use of the land for the siting of 2 no. ice cream vans was deposited in September 2013 – application ref. 2013/1121.

### **Proposed Development**

Full planning permission is now sought for the change of use of two areas of land, one to the south western corner and one to the north eastern corner of the site (Sui Generis) to allow the siting of 2 no. ice cream vans (A1).

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

An email was received on the 23<sup>rd</sup> 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 26<sup>th</sup> June 2014.

## **Consultations**

Nottingham County Council (Rights of Way Officer) – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not been registered.

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

Gedling Borough Council (Planning Policy) –. No comments have been received.

Nottinghamshire Police Architectural Liaison - No concerns are raised with the proposals. Such proposals would add to the natural surveillance of the park area during the times states and help to reduce the opportunities for Crime & Disorder.

Gedling Borough Council (Licensing) -. No comments have been received.

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) – It is considered unlikely that there would be any environmental protection issues associated with this development.

Gedling Borough Council (Parks and Street Care) - No comments have been received.

Neighbouring properties have been consulted and a site notice posted - No comments have been received.

## **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 (hereafter referred to as the ACSSD) which it considers to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

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 am mindful of the positions of proposed ice cream vans located close to the Arnot Hill Road entrance to the park and in proximity to the existing ball court and skate board bowl and close to the Nottingham Road entrance near the bowling green and existing car park. Given that the units would not be permanently sited, would remain ancillary to the main use as a recreational facility 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 the 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 to the south east corner in relation to the nearest residential properties some 30m to the east on Arnot Hill Road and the ice cream van to the western side of the park to the nearest dwellings some 56m to the south west on Nottingham Road.

However, given the hours of operation outlined in the Design and Access Statement, which can be secured by the imposition of a condition should permission be granted, that the units will leave the site every day and taking account of the distances between the proposed siting of the ice cream vans and the nearest residential properties, I am satisfied that that the proposal would not result in any undue impact on the residential amenity of neighbouring properties.

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 the following conditions:-**

### **Conditions**

- 1 The development must be begun not later than three years beginning with the

date of this permission.

- 2 The mobile ice cream vans 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 vans 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.

Date Recommended: 22nd July 2014.