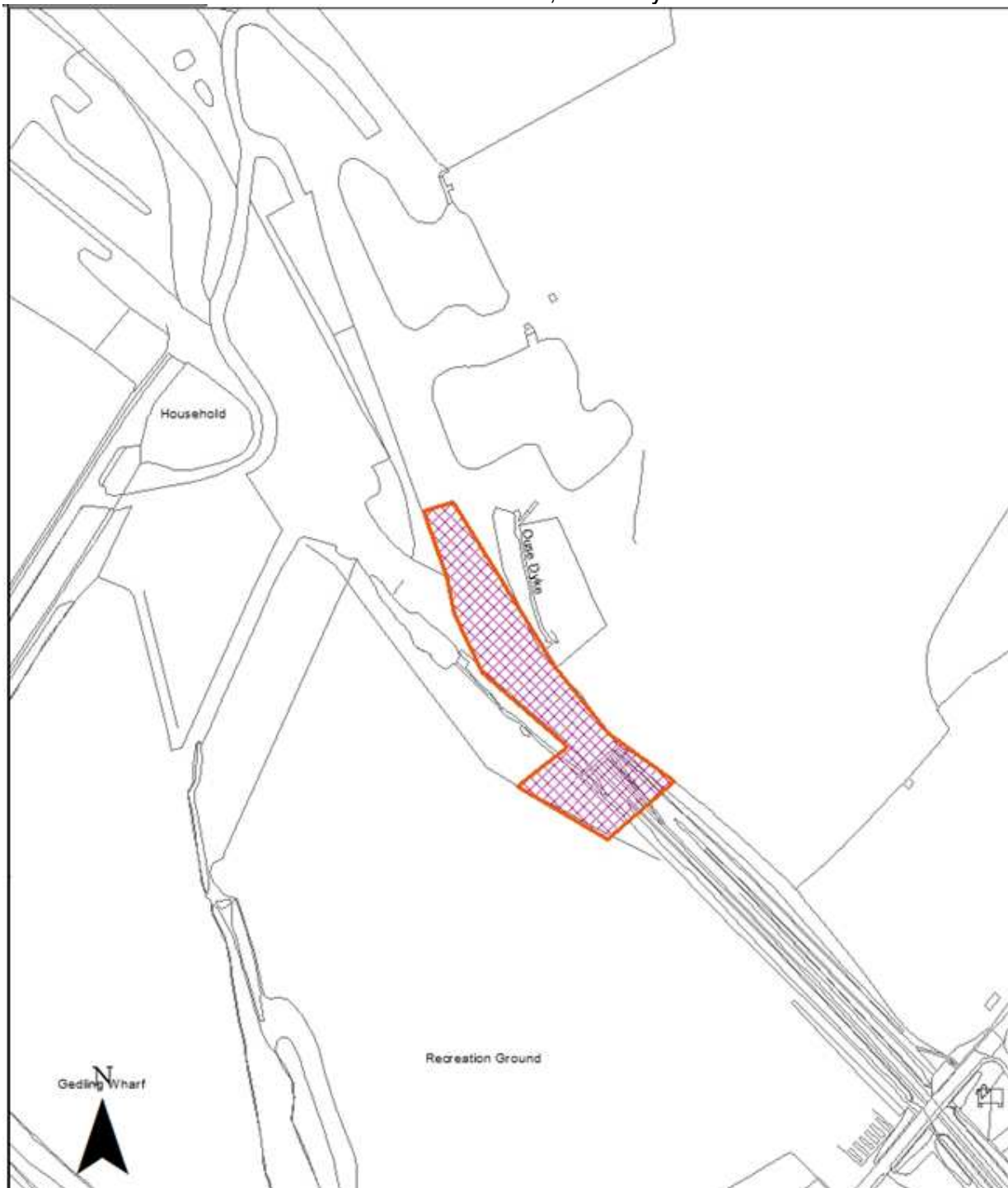


Application Number: 2014/0959

Location: Recreation Ground, Lambley Lane



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.
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Report to Planning Committee

Application Number:	2014/0959
Location:	Recreation Ground, Lambley Lane, Gedling Nottinghamshire
Proposal:	Work to create pedestrian walkway and associated fencing along former rail track which will be used to access Gedling Country Park
Applicant:	Miss Katie Cafferkey - Estates
Agent:	

Site Description

The application site relates to an existing former rail track adjacent to the Lambley Lane Recreation Ground. The rail track is classed within the Replacement Local plan to be a safeguarded passenger railway line. The site is also situated within an allocated housing site and in close proximity to the proposed route of the Gedling Access Road and the Gedling Country Park.

Proposed Development

Full planning permission is sought for the change of use of part of the safeguarded passenger railway line to a pedestrian walkway.

The walkway is proposed in order to provide an additional pedestrian access into Gedling Country Park.

It is proposed that the pedestrian access will be for a temporary period only until 1st July 2015 as the walkway would be situated in close proximity to the proposed Gedling Access Road, which is currently being assessed under planning application reference 2014/0915.

It is proposed that the pedestrian access would be open between 8 am until dusk on Mondays to Fridays and 9 am until dusk on weekends and bank holidays.

Fencing, gates and a ramped pathway are proposed to be provided along the pedestrian walkway.

Consultations

Nottinghamshire County Council Highway Authority – no objections.

Environment Agency – no comments received.

Nottinghamshire Wildlife Trust – no comments received.

Natural England – no comments received.

Network Rail – raise no objections but advises that the applicant would be required to enter into a licence with Network Rail prior to the commencement of any works on the site.

Arboricultural Officer – raises no objections.

The application has been advertised on site as a Departure to the Local Plan, a press notice has been posted within the local press, the Agent for the Gedling Access Road application has been notified by letter and the landowners for this application have been notified by letter – I have received no letters of representation as a result.

Planning Considerations

The main considerations in the determination of this planning application are the impact of the proposal on the safeguarded railway line and the surrounding allocated housing site, the impact on the proposed Gedling Access Road and the impact on the area in general.

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The following policies are therefore relevant in the determination of the application:

Policy 2 (The Spatial Strategy), Section 3 a) v) which states that the land surrounding the application site, Gedling Colliery/Chase Farm is an allocated housing site for potentially 600 homes.

Policy 16 (Green Infrastructure, Parks and Open Space), Section 2, d) is also relevant and states that the green infrastructure shall be promoted to increase access for recreational purposes.

Appendix E of the ACS refers to the Saved Policies from the Adopted Local Plan. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

Policy H15 (Comprehensive Development) of the Replacement Local Plan (Certain Policies Saved 2014) states that planning permission will not be granted for development which would prejudice the comprehensive development of any allocated site for the purpose for which it has been allocated.

In addition Policy ENV1 (Development Criteria) of the Replacement Local Plan (Certain Policies Saved 2014) states the planning permission will be granted for development provided that the proposals has regard to the appearance of the area and does not have an adverse effect on the amenity of the area.

Impact on the Safeguarded Railway Line

Whilst I appreciate that the pedestrian access is proposed to be provided along part of the safeguarded railway line, given that the proposed access is for a temporary period only, I consider that the use of part of the railway line will not prejudice the future use of the railway line should the use of the railway line be put forward at a later date.

I also note that Network Rail, as landowner, has raised no objections to the proposal subject to the applicant entering into a licence with Network Rail. I therefore consider that should Network Rail require that the pedestrian walkway, proposed as part of this application, to be removed, Network Rail would be able to control this as part of any licence agreement. This being the case planning permission, if granted for this proposal, would not override any private legal issues affecting the application site.

A note therefore should be attached to any grant of planning permission advising the applicant of the need to contact Network Rail in order to enter into a licence agreement with them.

Impact on the Allocated Housing Site (Gedling Colliery/Chase Farm)

I appreciate that the application site is surrounded by the Gedling Colliery/Chase Farm allocated housing site and therefore any proposal for development of land should not prejudice the comprehensive development of the overall site.

In my opinion given that the proposed use of part of the safeguarded railway line is proposed for a temporary period only, the proposal is relatively minor in nature and could, if necessary, be incorporated into any possible comprehensive development of the entire housing allocation site. I therefore consider that the proposal would not prejudice the potential development of the allocated housing site.

I consider however that should planning permission be granted for the proposal a condition is attached stating that the permission is granted for a temporary period only up until the 1st July 2015 as requested by the applicant.

Impact on the Proposed Gedling Access Road and Highway Safety

I note that the Highway Authority has raised no objections to the proposal and the agent for the current application for the Gedling Access Road has been made aware of this application. I consider that the proposal will not affect the potential implementation of the Gedling Access Road, should permission be granted.

I am also satisfied given the location of the application site, there will be no adverse impact as a result of the temporary use of part of the railway on highway safety.

Impact on the Area in General

I am satisfied that the proposed works to create the walkway, including a ramped pathway, fencing and gates will be visually acceptable and will not detract from the area. As the site is situated some distance away from residential properties there will be no undue impact on amenity.

In respect to the works required to provide the ramped pathway, the proposed fencing and gates, as the permission is proposed for a temporary period only, the condition confirming the temporary nature of the permission will need to ensure that the works associated with the provision of the pedestrian access are also removed at the end of the temporary period unless a further application is submitted.

Other Considerations

As the proposal is for the provision of a pedestrian access, I consider that this will provide greater opportunity for users to access the Gedling Country Park in accordance with Policy 16 of the Aligned Core Strategy which looks to promote green infrastructure.

I note that the Arboricultural Officer has raised no objections to the proposal and I am therefore satisfied that the proposal will result in no undue impact on any trees on the site.

I note that the Wildlife Trust and Natural England have not provided any comments to date on the proposal. Should any comments be received before the Planning Committee, these would be reported verbally to the Committee.

However, whilst no comments have been received I consider that as the proposal relates to the change of use of the existing railway track, the proposed works will result in no undue impact on wildlife at the site. I would suggest however that a note is attached to any grant of planning permission requiring that, if during site preparation and the development of the site, any protected species are found, works are to cease and the Nottinghamshire Wildlife Trust be contacted for advice in relation to the species found.

Accordingly, for the reasons set out above, I recommend that planning permission be granted.

Recommendation:

GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

1. The change of use hereby permitted shall cease on the 1st July 2015 and the land restored to its former condition with all fencing, gates and hardstanding

removed by the 1st January 2016, unless otherwise prior agreed in writing by Gedling Borough Council.

2. The development shall be carried out in accordance with the details as set out within the application forms received on the 21st August 2014, the plans received on the 21st August 2014, the photographs received on the 21st August 2014, the planning statement received on the 21st August 2014 and the email received on the 26th August 2014.
3. The ramped pathway, fencing and gates proposed to be erected along the walkway and to the access to the Gedling Country Park, as shown on the plan hereby approved dated the 21/08/2014, shall be erected before the walkway and access to the Gedling Country Park are first brought into use and shall be retained thereafter in accordance with the approved details at all times unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. The swing bar gate providing access into the Gedling Country Park shall not be used between the hours of 21.00 and 08.00 Mondays to Fridays and 21.00 hours to 09.00 on weekends and Bank Holidays from the 1st June to 30th September and between the hours of 19.00 and 08.00 Mondays to Fridays and 19.00 to 09.00 on weekends and Bank Holidays from 1st October to 31st May inclusive. These opening times will cease when this temporary permission expires on the 1st July 2015.

Reasons

1. For the avoidance of doubt.
2. For the avoidance of doubt.
3. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).
4. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).

Reasons for Decision

The proposed development, given that it is proposed for a temporary period only, results in no undue impact on the safeguarded railway line, results in no undue impact on the allocated housing site, the proposed route of the Gedling Access Road or the area in general. The proposal therefore accords with policies 2 and 16 of the Aligned Core Strategy (September 2014) and policies H15 and ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).

Notes to Applicant

You are advised that during site preparation or the development of the site should any protected species be found the works shall cease and the Nottinghamshire Wildlife Trust shall be contacted immediately for advice.

You are advised that a Licence Agreement with Network Rail will be required in order to use the railway as a pedestrian walkway. You are therefore advised to contact Frances Cunningham, Town Planner for Network Rail on 01904 389680.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).