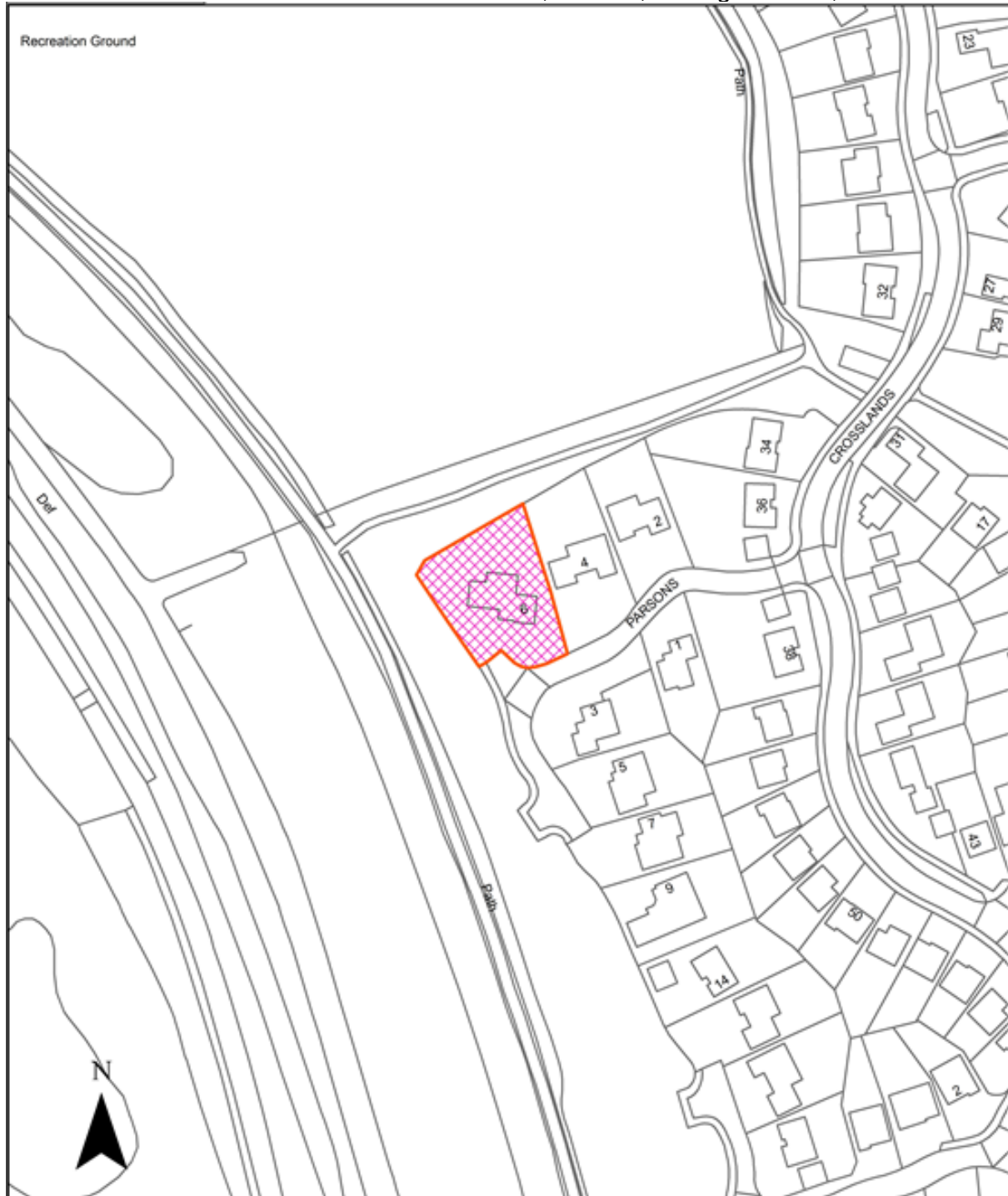




Application Number: 2015/0142

Location: 6 Parsons Meadow, Colwick, Nottinghamshire, NG4 2ES.



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
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Report to Planning Committee

Application Number:	2015/0142
Location:	6 Parsons Meadow, Colwick, Nottinghamshire, NG4 2ES.
Proposal:	Proposed Enlargement of Garden Area to the West
Applicant:	Mr & Mrs A Rowarth
Agent:	Mr George Machin
Case Officer:	Fiona Campbell

This application is being brought to Committee as the application site is in the ownership of the Borough Council.

Site Description

The application relates to a dwelling, 6 Parsons Meadow, located on Crosslands Meadow, Colwick. The north and west boundaries of the site adjoin public open grass land known as Swan Meadow. There are designated formal footpaths to the north and west. There is a recreation ground to the north of the site. Further to the west is Colwick Country Park, located within Nottingham City Council administrative area.

The application site is located within an area at risk of flooding and adjoins an area of Public Protected Open Space as defined on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Relevant Planning History

In September 2014 Full Planning Permission was granted for extensions to the property (App. no. 2014/0876).

In November 2014 Full Planning Permission was granted for extensions to the property (App. No. 2014/1111)

In March 2015 Full Planning Permission was granted for a single storey front and rear extension, a first floor front, side and rear extension and a second floor rear extension, with additional external fenestration to the front, sides and rear of the (App. No. 2015/0039).

The Borough Council are currently dealing with an application for enlargement of the garden area to the north (planning app. no. 2015/0143).

Proposed Development

Full Planning Permission is sought for the enlargement of the garden area of No. 6 Parsons Meadow to the west. The site area is some 293 sq.m.

Information has been submitted in support of the application stating, amongst other things:

- The proposal will not affect or stop people walking along the Trentside Path neither will it affect the purpose or maintenance of the flood alleviation mound.
- It is proposed to leave a strip of land between the flood alleviation mound and the new garden boundary (which will be defined by timber fencing) so that mowers or other equipment can access the area.
- The applicant has invested significant time and money into the property to improve its overall appearance on the streetscene.
- The character of the existing garden area and the proposed area is very similar.
- The enlargement of the garden is very small and it is not a significant incursion.
- The proposal is insignificant in terms of visual impact.

Consultations

Environment Agency – No objections. Comment that if the site is located within 8 metres of the Landward toe of a Flood Defence then any structures and heaps may require a flood defence consent from the Environment Agency (EA) under the Midlands Land Drainage Byelaws. Recommend that the applicant consults the EA with more details regarding the specific works to determine whether or not consent is required.

Nottinghamshire County Council (Forestry Manager) – Concerned that the trees that would be encapsulated within the new proposed garden areas would be lost as part of this proposal and requires assurance that these trees would be retained as part of the development. If no such assurance could be made considers that there would be a negative impact on the visual amenity of the area and suggest consent be refused.

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

Public Protection (Contamination) - The site has had a history of 'industrial' land uses (in this case part of the Sugar Factory); there is then a risk that excavations may reveal material which may be contaminated by past industrial processes. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. As such requests that a standard phrased contamination condition is attached to the planning consent.

Leisure – No objections.

Estates – No objections.

Parks and Street Care – No objections, would like to see some replacement trees for any removed.

Nottinghamshire Wildlife Trust - There is limited ecological information provided on the area of land where the garden is proposed to be extended to. From the photographs provided, this appears to be an area of managed grassland with semi-mature trees. Further information on the habitats would be gratefully received, however, the site is not designated as a statutory or non-statutory site of nature conservation. Request that the applicant seeks to retain the trees and if any removal of scrub is required, this should be undertaken between September to February inclusive, outside of the bird breeding season.

Neighbouring Properties were notified and a Site Notice posted – One email of objection received as a result, in summary:

- A notice on site already states Gedling Borough Council have agreed to sell the land.
- The area in question is very popular with walkers and dog walkers with their animals and its purchase would dramatically reduce the flat walking area adjacent to this property.
- Approval would lead to further land purchase applications from within the neighbourhood and severely impact upon green belt land to the north and east of this estate.

Planning Considerations

The main considerations in the determination of this application are whether the change of use of land results in a significant loss of open space and the impact on the amenities of local residents and any pedestrian safety issues.

The following core planning principles as set out within the National Planning Policy Framework 2012 are also relevant, these are set out below:

Section 7 relates to good design and attaches great importance to good design stating that it is a key aspect of sustainable development and it should contribute positively to making places better for people (paragraph 56).

Section 8 relates to promoting healthy communities. It aims to promote meetings between members of the community, provide safe and accessible environments and high quality public open space, which encourage the active and continual use of public areas (paragraph 69).

Section 11 relates to the conservation and enhancement of the natural environment. This aims to protect and enhance valued landscapes, minimise impacts on biodiversity and remediate and mitigate despoiled and contaminated land.

At the local level, Gedling Borough Council at its meeting on 10th September 2014

approved the Aligned Core Strategy (ACS) for Gedling Borough which is now part of the development plan for the area. The following policies contained within the ACS are relevant.

- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity

Policy 10 relates to design and enhancing local identity. It aims for development to make a positive contribution to the public realm and create attractive, safe and healthy environments.

Policy 16 relates to green infrastructure, parks and open space. It aims to deliver, protect and enhance green infrastructure and in addition protect, conserve and enhance the landscape character.

Policy 17 relates to biodiversity. It aims to protect, restore and enhance existing areas of biodiversity interest and in addition endeavour to provide new biodiversity features.

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 also relevant.

- ENV1: Development Criteria
- R1: Protection of Open Space
- T11: Trentside Path

Under the Local Plan, development should be of a high standard of design and extensions to dwellings should be in keeping with the scale and character of the existing dwelling, should not cause unacceptable harm to the amenity of neighbouring residents and allow for the safe and convenient access and circulation of pedestrians and vehicles. In terms of Nature Conservation, where development is permitted the Borough Council will strike a balance between the needs of the development and the ecological interests of the site.

Impact on surrounding area

I am mindful that the existing character of the area is very open in nature and provides a swathe of open grass land between the Trentside Path and the residential properties on Crosslands Meadow. In my opinion the extension of the garden as proposed projecting into this open space would have a detrimental effect on the appearance of the area by the introduction of a residential curtilage and associated boundary structures into this public area. I also consider that allowing this application may set an undesirable precedent which would lead to further erosion of the character of the area.

Impact on pedestrian safety

The proposal would not impact on the Trentside Path and I therefore consider that

there would be no undue impact on pedestrian safety.

Impact on Trees and Wildlife

I note the comments of the County Council Forestry Manager and Nottinghamshire Wildlife Trust. The site area is predominantly grassland. I share the concerns that once the area of land has been incorporated into private garden space then there would be pressure to remove any trees. Given the above significant concerns about the impact on the character of the area I have not sought any further details of tree retention or replacement planting from the applicant. I consider it would be unreasonable and unenforceable, should planning permission be granted, to attach a condition requiring the trees within the new residential curtilage be retained.

Flood Risk

I note that the Environment Agency has raised no objections in principle to the proposal subject to the applicant contacting them direct regarding any separate flood defence consents that may be required. I therefore consider that the proposal raises no undue flood risk implications.

Neighbouring Amenity

I consider that the proposed extension of the garden area as proposed would result in no significant impact on neighbouring amenity given its proximity to neighbouring properties.

Other issues

Contamination issues could be addressed by attaching an appropriate condition should planning permission be granted.

The purchase of the land is a separate issue to planning legislation.

For the above reasons I consider that the proposal would encroach into an area of public open space which would be detrimental to the visual appearance of the area and incongruous on the streetscene. The proposal would therefore not accord with paragraphs 56 and 79 of the NPPF and Policy 10 'Design and Enhancing Local Identity' of the Aligned Core Strategy 2014 and Saved Policy ENV1 'Development Criteria' of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2014).

Recommendation:

To REFUSE PLANNING PERMISSION for the following reason:

1. The proposed development by reason of its siting and scale would be

detrimental to the visual appearance of the area and incongruous on the streetscene. The proposal therefore would not accord with the following local policies:- Policy 10 'Design and Enhancing Local Identity' of the Aligned Core Strategy 2014 and Policy ENV1 'Development Criteria' of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2014). The proposed development would also fail to accord with paragraphs 56 and 79 of the National PPF which seeks to ensure that new development is of good design and provides high quality public open space.

Notes to Applicant

Planning Statement - The Borough Council has determined this application in accordance with paragraphs 185 and 186 of the National Planning Policy Framework.