

# 18/02462/FUL

**Applicant** Rushcliffe Borough Council

**Location** Open Space Candleby Lane Cotgrave Nottinghamshire

**Proposal** Demolition of existing play area, construction of new play area on site of former police station, and creation of new terrace area with timber bin store to serve Hotpots cafe.

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

1. The application site (1640 sq.m) is located to the southern edge of the Cotgrave Retail Area. It relates to two areas that straddle one of the two vehicular accesses. The first area relates to the existing play area which is located within a wider landscaped area. The second area relates to the land that is currently occupied by a former Police Station and its associated parking. This area is bordered to the northwest by a two storey run of retail units and by Hot Pots Café (also two storey) to the northeast.
2. Cotgrave Footpath18 runs along the north east corner of the application site. The proposed play area would be located on land that is approximately 2m higher than the Candleby Lane road level. Cotgrave Futures, Candleby Lane School and a number of two storey residential properties are located on Candleby Lane opposite the site.

## DETAILS OF THE PROPOSAL

3. The proposal seeks to remove the existing play area on the eastern side of the existing vehicular access and create a new play area on the site of the former Police Station and its associated car parking. Permission has already been granted for the demolition of this building under application ref 16/02137/FUL. In addition to the new play area, new hard landscaping is proposed to form a terrace area and a bin store to serve Hotpots cafe.
4. The proposed play area would have an overall area of 31.5m x 19.3m, being bordered by hoop top fencing 1 metre in height, of a green powder coat finish. The play equipment and surface treatment of the new play area are subject to future approval.
5. The proposed terrace area would measure 10.4m x 4.8m and would accommodate the bin store. Hotpots would be able to use the terrace area for informal seating (removable not fixed) for the cafe, but they would not own it. The terrace paving would be the same as used in the public realm (product is Tobermore: Fusion Graphite colour). Pedestrian and vehicular gates are proposed to open into the play area. The agent has confirmed that the vehicular access would not be for bin lorry across the terrace. It is simply for ride on mowers to go inside the play area for maintenance as Cotgrave Town Council has indicated that grass would be their preferred finish within the play area.

6. The proposed bin store would be for use by Hotpots cafe and would be formed by vertical hardwood slats having a galvanised steel frame and a mesh roof. It would measure 2100mm high having a footprint of 1.4m x 2.435m. It would accommodate 1100L and 240L bins.
7. The existing play area would be removed and the area made good and grass seeded. A replacement tarmac path is indicated to connect the network of paths.
8. No details of the specific play equipment have been provided as part of the application. Cotgrave Town Council would apply for a discharge of condition in this regard.

## **SITE HISTORY**

9. Recent relevant planning history for the Cotgrave retail centre includes:
10. 16/02136/FUL Proposed Multi Service Centre comprising; Medical Centre, Pharmacy, Library, Town Council Office, Police Office and ATM; including associated landscaping, fencing, car parking and external works (following the demolition of 14 residential properties) - approved.
11. 16/02137/FUL The refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library - approved.
12. 16/02873/DEMOL Demolition of a pair of two-storey semi-detached houses, 12 terraced three-storey town houses, a single-storey garage block, along with associated fences, gates and hardstandings - approved.
13. 17/01164/NMA The refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library (omit fire escape stair and associated construction from rear (NW) elevation and add to side (SW) elevation) - approved.
14. 18/00268/NMA Thinning of trees adjacent to Coop and use of Unit 9 (first floor) as Tattoo Studio (Sui Generis use) - approved
15. 18/00510/NMA Amendment to planning approval 16/02137/FUL to allow installation of bat and bird boxes during second phase of construction - approved.
16. 18/00951/NMA Amendment to condition 13 of 16/02137/FUL to allow occupation of refurbished building before undertaking of Phase 2 works - approved.
17. 18/01353/NMA Amendments to 16/02137/FUL to change use class of Units 7 and 8 to D1 (Non-residential institutions) - approved.

18. 18/02360/NMA Amendment to 16/02136/FUL to include powder coated Louvre plant screen - approved.

## REPRESENTATIONS

### Ward Councillor(s)

19. One Ward Councillor (Cllr Butler) supports the application.
20. One Ward Councillor (Cllr Chewings) supports the application for the children play area to be moved onto the old police station site and looks forward to seeing more detailed plans of what equipment will be provided.

### Town/Parish Council

21. The Cotgrave Town Council does not object.

### Statutory and Other Consultees

22. Rushcliffe Borough Council's Landscape Officer has commented that *"This seems positive. I presume the Parish Council will maintain the playground and the safety surfacing? The timber cladding for the bin store will help soften its appearance. The railings around the play area are appropriate."* They confirm that as there is a landscape scheme for the wider landscape area, a condition is not required on this application.
23. Rushcliffe Borough Council's Environmental Health Officer raises no objections but advises that the site is on our contaminated land register and as such a condition is suggested relating to unexpected contamination in addition to an informative relating to the hours of demolition and construction work.
24. Rushcliffe Borough Council's Community Development Manager has considered the proposal and has advised that *"The minimum activity zone for a local equipped area for play should be 400 sq m and it should be located a minimum of 10 m from the nearest property containing a dwelling. I have no objections to relocating the play area to the new proposed site assuming footpath/cycle links to the wider network and I support the lower level bow-top fencing which is visually more welcoming than that used at the current site."*
25. The officer has drawn attention to the Fields in Trust guide chapter 6 and specifically appendix F which provides useful advice for the different types of play experience which could be incorporated into the facility and advised that it will need to include equipment and features which are 'inclusive'. The officer would like to have the opportunity to input into the final design before it is approved/installed.

### Local Residents and the General Public

26. No comments had been received at the time of writing the report. However, there was a need to undertake further consultation with the owner/occupier of a property (Hotpots Café) potentially affected by the proposals and the closing date for comments is 18 December 2018.

## **PLANNING POLICY**

27. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
28. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
24. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG, and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

### **Relevant National Planning Policies and Guidance**

25. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development (paragraph 11). Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. There are three dimensions to sustainable development: economic, social and environmental.
26. Chapter 8 seeks to promote healthy and safe communities, at paragraph 91 it outlines that decisions should aim to achieve, inclusive, safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

### **Relevant Local Planning Policies and Guidance**

28. The proposal falls to be considered under The Rushcliffe Local Plan Part 1: Core Strategy. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should also be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. The development should be assessed in terms of the criteria listed under section 1 and 2 of Policy 10, specifically 1(a) and (b) and 2(b), (c) and (h).
29. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
29. Whilst not part of the development plan, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria)

of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section a, b, c, d, e and i whereby development should not result in a significant adverse effect upon the amenity of adjoining properties by reason of the type and level of activity on the site; a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety; sufficient space is provided to accommodate the proposal; the scale, height, design and layout of the proposal is sympathetic to the surrounding area and not lead to undue loss of privacy; noise attenuation is achieved and light pollution is minimised, and it can be demonstrated that, wherever possible, the development is designed to minimise the opportunities for criminal activities.

30. Policy COM4 (Protection of Open Space) states that planning permission will not be granted for proposals that would result in the loss of outdoor sports provision, other playing fields, allotments, public open space and important amenity space except where:
- a) it can be demonstrated that the provision is surplus to requirement; and
  - b) the provision cannot be used to meet any other open space, sport or recreation provision that serves an identified deficiency; or
  - c) it will be replaced with alternative provision, at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality.

## **APPRAISAL**

31. Planning permission ref: 16/02137/FUL was approved for the 'refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library' identified the demolition of the existing Police Station, the removal of the hardsurfacing and the landscaping of the area as part of the wider public realm. As part of this application the play area was to be retained in its current position.
32. This application seeks to create a play area, terrace and bin store for Hotpots Café on the land largely occupied and used in association with the police station. The existing play area and associated surface and enclosure would be removed and the area grass seeded.
33. The majority of the Police Station site is identified on the Council's contaminated land register. As part of permission ref: 16/02137/FUL a contaminated land condition was imposed and details were provided and approved under discharge of condition reference 17/01160/DISCON. The Council's Environmental Health Officer has advised on this application that a condition relating to unexpected contamination be included on the decision so that this can be investigated further should evidence be found.
34. The proposed play area site would be located (at its closest) around 30m from the residential properties on the opposite side of Candleby Lane. The site is also elevated in comparison to these properties by around 3m. It is considered that, by virtue of the distance involved, the impact of the proposed

play area on the amenities of adjacent occupiers would not be significant. As the precise play equipment or its location within the site has not yet been determined, this would be subject to future approval of the Borough Council by way of a discharge of condition. The orientation and type of equipment could, therefore, be influenced at that stage to maintain maximum privacy.

35. The landscaping would form part of the wider public realm of the town centre site. The proposal would not adversely affect the adjacent public footpath, however, a note to applicant is suggested to remind the applicant of the need to seek permission for a temporary diversion of the footpath during the demolition of the building and the construction of the play area.
36. The proposal was subject to pre-application discussions with the agent/architect and advice was offered on the application process. The scheme is considered acceptable and no negotiations with the applicant or agent were considered necessary.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted (subject to no further representations being received by the 18 December 2018 that raise additional planning issues) subject to the following condition(s)

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 3079 21 Proposed site Plan in existing context; 3079 22 Proposed Site plan in context of 16/02137/FUL; 3079 23 Kids Play Area Layout and 3079 24 Location Plan.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to the installation of any play equipment details shall be submitted to the Borough Council for written approval. The play area shall be implemented in accordance with the approved details and no changes shall be made to the play equipment or its location without the Borough Council's prior written approval.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Prior to the laying of any surfacing to the play area, or the terrace area, hereby approved details shall be submitted in writing for the approval of the Borough Council. The development shall be implemented, and thereafter retained, in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Prior to the demolition of the building details of the finished levels of the play area and terrace shall be submitted for the Borough Councils approval. The development shall only be undertaken in accordance with the approved details.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

### **Notes to Applicant**

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way footpath Cotgrave 18 which runs in close proximity to the application site. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences.

All demolition and construction work, including deliveries, be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 0700 - 1900 hours

Saturday 0800 - 1700 hours

Sunday/Bank Holidays No work activity

Attention to the Fields in Trust guide chapter 6 and specifically appendix F which provides a useful advice for the different types of play experience which could be incorporated into the facility.