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| meeting | PLANNING COMMITTEE | | |
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| from: | Director of Environment | number | |

MANSFIELD DISTRICT COUNCIL APPLICATION NUMBER 2/2004/189/ET

PROPOSAL: DEMOLITION OF WEAK CULVERT BENEATH CAR PARK TO CREATE AN OPEN WATERCOURSE. CONSTRUCTION OF NEW HEADWALLS AND TIMBER FOOTBRIDGE

LOCATION: MEADOW HOUSE, BATH STREET, MANSFIELD

APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL RESOURCES DEPARTMENT

Purpose of Report

1. To consider a planning application for the demolition of approximately 80.0 metres of weak culvert that carries the River Maun beneath the Meadow House car park to create an open watercourse together with the construction of new headwalls and a timber footbridge. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings (See Location Plan)

2. The application site forms part of the car park that serves Meadow House and the adjacent Water Meadows Swimming Centre. It is situated to the south of Bath Street, Mansfield and is in an urban location close to the town centre and adjacent to Titchfield Park, which forms part of the Nottingham Road Conservation Area. However, the application site lies outside the boundary of the Conservation Area.

Proposed Development

3. The application proposes the replacement of approximately 80.0 metres of culvert through which the River Maun passes under the Meadow House car park. A supporting statement submitted with the application explains that the work is required because, when the culvert was inspected in 2002, it was found to be in poor condition. Indeed, two sections of the culvert were found to be so bad that the areas of the car park above them have had to be fenced off to prevent vehicle loading and potential collapse.

4. Two options have been considered and discussed with the Environment Agency: one involves the rebuilding of the failing sections of the culvert and the other, the creation of an open watercourse. The estimated cost of rebuilding the culvert was found to very similar to the cost of opening up the culvert to form an open watercourse. The open watercourse option is being actively promoted by the Environment Agency and would be partially funded by that organisation. Accordingly, it is that option which forms the subject of the application.
5. The application proposes the demolition of the two parts of the culvert that are in poor condition and the construction of river banks up to car park level. A central 27m length of reinforced concrete culvert would be maintained to provide access to Meadow House and car parking areas.
6. The supporting statement submitted with the application states that the banks will be constructed using reinforced earth techniques to create stable slopes and these would be planted to create a green environment. Landscaping, including water plants such as reeds will be planted to encourage wildlife to the area and to create a visually attractive environment, with areas to sit and walk beside the river.
7. The river banks will be fenced on the steep side to prevent access from pedestrians and vehicles. Adjacent to the shallower slope either a knee rail or tactile paving will be employed to warn the visually impaired of the slope edge. Drop kerbs and tactile paving will be used at crossing points also. Bollards or other obstructions will be employed where it is necessary to prevent vehicle access.
8. At the ends of the section of culvert to be retained, new reinforced concrete headwalls will be constructed and be brick faced to match the brickwork used for Meadow House.
9. At the downstream end of the open watercourse, wing walls will be constructed and tied into the existing masonry walls. These will also be of reinforced concrete and brick clad. A timber footbridge will span over the river between these walls so as to shorten the pedestrian access route from Bath Street to Meadow House. To facilitate disabled access, the bridge will be flat and at car park level with a clear width of 2.0m.
10. Three trees near the upstream headwall and six more on the west edge of the car park will need to be removed to facilitate working areas and access. The trees are some 6-8m in height and it is assumed that they were planted in the early 1990s when Meadow House was built. Replacement tree planting in excess of the number removed will be carried out following the completion of the development.
11. The proposed development will reduce the number of parking spaces in the car park area adjacent to Meadow House from 127 to 67 but there will still be parking spaces immediately in front of the building and the number of disabled parking

spaces will not be affected. Limited parking in front of the building and access for delivery vehicles will be maintained throughout the construction period.

12. In addition to the 60 spaces lost in the Nottinghamshire County Council car park, five spaces will be lost in the Mansfield District Council car park for the construction of a required second access between car parks (one space however may be gained back nearby from the removal of an area of brick paving).
13. Flow of both surface water and foul water are both unaffected by the scheme with only minor adjustments being made to the present pipe runs within the car park.

Planning Policies

14. Planning Policy Guidance Note 13 Transport sets out the Government's objectives to integrate planning and transport at national, regional, strategic and local level by, inter alia, promoting accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reducing the need to travel, especially by car.
15. Policy 5/12 of the Nottinghamshire Structure Plan Review 1996 (NSPR) requires new development to provide appropriate off-street parking which seeks to reduce the pressure for on-street parking, but does not contribute to generating unnecessary traffic.
16. Policy 3/8 of the NSPR provides for the creation of new wildlife habitats both in rural and urban areas.
17. Policy 5/7 of the Nottinghamshire and Nottingham Joint Structure Plan Deposit Draft November 2003 (JSP) requires development proposals to make provision for traffic reduction measures and minimise the need for, and provision of, off-street parking. Local plans will specify the principles for these reduction measures for relevant sites.
18. Policy M16 of the Mansfield District Local Plan (MDLP) supports new development provided that it would meet the following criteria:
 - 1) Have regard to the needs and safety of all modes of travel, including public transport, walking, cycling and horse riding.
 - 2) Not have a detrimental effect upon the surrounding highway network.
 - 3) Incorporate provision for safe vehicle access, egress and internal movements.
 - 4) Provide the operational minimum level of car parking necessary to meet the needs of the development or where relevant make contributions towards measures to assist other modes of travel.
 - 5) Where necessary, include safe servicing, preferably segregated from pedestrian flows.
 - 6) Be located where there is, or is the potential for, easy access to public transport.

19. Policy M17 of the MDLP seeks to resist development that would lead to the loss of off-street parking facilities where unacceptable increases in parking problems may result, unless an acceptable alternative facility can be provided or contributions can be made towards measures to assist other modes of travel e.g. public transport, walking and cycling.
20. Policy BE1 of the MDLP seeks to ensure that new development is designed to a high standard.
21. Policy BE8 of the MDLP would resist development adjacent to conservation areas if they would adversely affect the character or appearance of the conservation area.

Consultations

22. Mansfield District Council objects because the proposal will significantly reduce available parking capacity at the site by a total of 65 spaces (60 spaces on land in NCC ownership and 5 spaces on land in MDC ownership). It is claimed that current parking provision is inadequate to meet both NCC and MDC demands and this reduction will only exacerbate the problem. Whilst the application suggests that the scheme would improve the aesthetic appearance of the area, in this case the loss of parking provision and its impact upon the viability and operation of the Water Meadows should be the overriding consideration and the culvert should be repaired to enable the current level of provision to be maintained. Should the County Council wish to pursue the proposal as submitted, alternative accommodation should be found in the locality to cater for employees and to compensate for those spaces lost on site, and parking arrangements managed to ensure that staff utilise these alternative parking spaces. The District Council also comments that because the loss of the parking spaces for the Meadow House offices has not been justified by travel plans or alternative arrangements, the application should be refused unless alternative parking can be provided.
23. Transco Has apparatus in the area. The applicant will be advised.
24. The Coal Authority. _Report on Coal Mining Circumstances in the area. The applicant will be advised.
25. Severn Trent Water. No response.
26. East Midlands Electricity. No response.
27. Environment Agency. Has no objections to the removal of the culvert and welcomes the reinstatement of the watercourse as it is considered an essential element of sustainable development.

Publicity

28. The application has been publicised by statutory press and site notices and by neighbour notification letters. These were sent to Nos. 10 to 20 (evens) Baum Lane. No representations have been received.

Highway Observations

29. Being reduced by 60 spaces, parking provision will be below the acceptable according to Planning Policy Guidance Note 13 Transport. However, with its town centre position, a reasonable walking distance from the rail and bus stations, this would not be sufficient reason to recommend refusal. Also, alternative parking is available close by. There is sufficiently good access for construction traffic therefore there are no highway objections to this proposal.

Observations

30. The application raises three key issues. The first, which forms the basis of the District Council's objection, concerns the loss of car parking; the second is concerned with the effect of the proposal on the amenity of the area, particularly the adjacent conservation area and the final one is concerned with ecology and protected species.
31. The objection from the District Council about the loss of car parking for both Meadow House and as a consequence the reduction in the level of overall parking available to the adjacent Water Meadows Centre stems from a legal agreement between the County and District Councils which deals with the use of car parking spaces on the site. There are some 327 spaces on the combined car park made up of around 127 spaces on County Council owned land with the remaining 200 spaces or so within the District Council's ownership. The legal agreement enables the staff of Meadow House to use up to 200 spaces free of charge during the week. This figure is limited to 30 spaces at the week end when a reciprocal arrangement enables visitors to the Water Meadows to use the remaining available 97 spaces on County Council's land adjacent to Meadow House. Public use of those spaces is subject to a charge by the District Council in accordance with the tariff prevailing at the time.
32. District Council officers comment that "surveys demonstrate that this limit (of 200 spaces) is regularly exceeded by Meadow House employees using up to 250 spaces, hence the overall loss of 65 spaces will seriously impact upon the space available for Water Meadow users. This problem is also compounded by the lack of alternative parking provision within the vicinity of the site."
33. The existence of the agreement will clearly be a crucial factor as to whether the proposal to form an open watercourse can be implemented and will doubtless form the subject of detailed discussions and negotiations between the two authorities. However, the present legal arrangements are not considered to be material in the context of the planning application. Likewise, the loss of income which the District Council perceives, will result from the loss of car parking spaces is similarly not regarded as a material planning consideration, although it is an issue which parties will need to address.

34. The question to ask, accepting that parking difficulties may result from the proposed development, is would the impact upon the adjacent area be such as to justify the refusal of planning permission? The loss of on site parking is unlikely to cause road safety problems given that there is a large amount of parking available within a 5 to 10 minute walk of Meadow House, which can easily cater for any overspill. A staff travel plan has been developed for Meadow House and cycle parking provision is also available. In addition, there are good alternatives to the private car usage available close to the site, as both the train and bus stations are within a 10-minute walk of it. Should staff at Meadow House continue to drive to the site, then parking restrictions on the adjacent roads will ensure that problems will not occur on street.
35. Furthermore, it is understood that the applicant is actively pursuing temporary off-site parking provision during the construction work and it is possible that those temporary arrangements could be extended or perhaps even made permanent if considered to be appropriate. In any event, it is considered that the reduction in the amount of parking at Meadow House would generally accord with government guidance and with the County Council's policy, including that of the emerging JSP and the sustainability agenda. Therefore, from a planning perspective the loss of car parking can be regarded as an acceptable consequence of the development.
36. The proposed development will not lead to problems on the local highway and as a consequence, the loss of off-street parking provision as a result of the development will not conflict with Development Plan policies. The "knock-on effect" identified by the District Council is noted but it is considered that this issue should be properly addressed in discussions with the County Council about the legal agreement relating to parking provision and not in the context of this planning application.
37. The second issue concerns the effect of the proposal on the adjacent conservation area. Removing the two sections of the culvert and replacing them with an open watercourse that will link physically and visually with the recently refurbished Titchfield Park will undoubtedly constitute a substantial environmental improvement to the amenity of the area, which will benefit the users of Meadow House, the Water Meadows Complex and Titchfield Park. Likewise, the works to the watercourse will have a positive effect upon the character and appearance of the Conservation Area, in accordance with Local Plan policy. The imposition of a landscape condition to cover the detail of the works including tree planting, surface treatments, fencing, lighting and street furniture will ensure that the proposal reflects and enhances the recent works that have been carried out at Titchfield Park.
38. The third issue raised by the proposed development concerns the ecology of the river at this point and particularly whether the proposal would affect any protected species, namely, water voles, bats and the white-clawed crayfish. A Protected Species Appraisal submitted by the applicant shows no evidence of any of these species but as part of the proposed works, the opportunity can be taken to enhance this stretch of the river to improve its potential as a habitat for them. A condition to that effect will be imposed.

Conclusions

39. The proposed development will result in the loss of 65 off-street car-parking spaces, which could be avoided if the damaged culverts were replaced with new sections instead of an open watercourse being created. The District Council considers that is the course of action that should be followed because of the impact that the loss of parking could have on the Water Meadows Centre. Important though that is, particularly for the District Council who view the Water Meadows as an important leisure facility for the town, there is no objection on the basis that any displaced parking will result in problems on the highway. The issue of the perceived attractiveness of the facility can be dealt with through discussions on “allocation of parking spaces” between the two Councils.
40. However, even with the loss of the 65 spaces and the overall provision falling to 262 spaces, the terms of the present legal agreement between the two authorities would ensure that at week ends, some 232 spaces would be available to users of the Water Meadows. (The current agreement limits the number of spaces available for staff at Meadow House to only 30 spaces on Saturdays and Sundays.) That number of spaces represents a reasonable level of provision given that there are other pay and display car parks within a short distance of the Centre.
41. During the week it is possible that if the County Council still wished to use 200 spaces, then the reduced number of car parking spaces could have some effect upon the Water Meadows Centre, as envisaged by the District Council. However, that is an issue relating more to the present legal agreement between the two Councils than to the planning application. Those concerns will need to be addressed but it is suggested that the appropriate occasion for that will be when the terms of the agreement are discussed by the two authorities.
42. It is considered that there are environmental benefits to be gained from creating an open watercourse that will enhance the setting of Meadow House, the Water Meadows Centre, Titchfield Park and the Nottingham Road Conservation Area. The scheme also offers the potential to improve natural habitats along the River Maun and contribute towards the sustainability goals of the County Council. There are no substantive planning or highway objections and the application should therefore be supported.

Summary of Reasons for Granting Permission

43. The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Statutory and Policy Implications

44. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been brought to out in the text of the report. Attention is, however, drawn to specifics as follows:-

Human Rights Act Implications

45. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposals could have some limited impact upon the users of the Water Meadows Centre. Members will need to consider whether the benefits, which the proposal would bring, outweighs any impact upon individuals.

RECOMMENDATION

46. It is RECOMMENDED that planning permission be granted for the above development, subject to the conditions set out in Appendix 1.

PETER WEBSTER
Director of Environment

Legal Comments

Planning Committee has power to decide the Recommendation. [SHB 16.4.04]

Director of Resources' Financial Comments

As this report considers only the planning application, there are no direct financial implications arising. [DJK 14.4.04]

Background Papers Available for Inspection

1. Letter from Mansfield District Council dated 07 April 2004 and facsimile correspondence dated 23 March 2004
2. Email from Environment Agency dated 01 April 2004
3. Letter from The Coal Authority dated 24 February 2004
4. Letter and plan from Transco dated 26 February 2004

Electoral Division(s) Affected

Titchfield and Eakring.

EPD.MD/EP4512

PROPOSED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
2. The date of commencement of the development hereby approved shall be notified in writing to the County Planning Authority (CPA) at least 7 days prior to this permission being implemented.
3. The development shall be carried out in accordance with the details shown on the submitted drawings EN/10117/LC1 received on 19 February 2004 and EN/10117/02, EN10117/03, EN/10117/04, EN/10117/05, EN/10117/06, and EN/10117/13 received on 15 February 2004 unless otherwise agreed in writing by the CPA.
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the CPA. The scheme shall include the following details:
 - a) fencing and street furniture;
 - b) the position of paths and access arrangements, including surface treatments;
 - c) lighting arrangements;
 - d) proposed planting and landscaping works including species, size/girth/height and location of new planting and subsequent maintenance;
 - e) all trees and shrubs to be retained and the measures for their protection during the course of the development and thereafter.

The development shall thereafter be carried out in accordance with the approved details.

5. All hard and soft landscaping works approved under Condition 4 above shall be carried out in accordance with the approved details. The works shall be carried out prior the occupation of the development or within the first planting and seeding seasons following the occupation of the development, as agreed in writing with the CPA. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, die, are removed or - in the opinion of the CPA - become seriously damaged or diseased, shall be replaced as soon as is reasonably practicable with others of size, species and number as originally approved, unless the CPA gives written consent to any variation.
6. Prior to the commencement of development, details of measures to enhance the natural habitat potential of the River Maun affected by the works hereby permitted shall be submitted to and approved in writing by the CPA. The measures shall include those suggested in the report by Humphries Rowell Associates dated 20 February 2004.

Summary of Reasons for Granting Permission

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

The relevant policies are:-

Policy 3/8 of the Nottinghamshire Structure Plan Review 1996;

Policy 5/7 of the Nottinghamshire and Nottingham Joint Structure Plan Deposit draft 2003; and

Policies BE 1, BE8, M16 and M17 of the Mansfield District Local Plan.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in full accordance with the approved details.
3. For the avoidance of doubt.
- 4,5. In the interests of the amenity of the area and in accordance with Policy BE1 of the Mansfield District Local Plan.
6. To accord with Policy 3/8 of the Nottinghamshire Structure Plan Review.

Notes to Applicant

Under the provisions of Section 76 of the Town and Country Act 1990, the attention of the applicant is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institute Code of Practice BS5810:1979 or any prescribed document replacing that Code.

The attention of the applicants is drawn to the comments of The Coal Authority and Transco that are enclosed with this Decision Notice.

EPD.MD/EP4512
3.04.04

Please note. Copies of plan(s) referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email john.sheffield@nottscc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottscc.gov.uk.