

## PLANNING COMMITTEE – 10 MAY 2022

<b>Application No:</b>	<b>22/00261/S73M</b>
<b>Proposal:</b>	<b>Variation of conditions 2 and 3 attached to planning permission 17/01693/FULM to re-position previously approved skate park and 3no. 5-a-side pitches (switch position), Remove tennis courts, Reduce car park spaces from previous approval of 157 to 155 (loss of 2 spaces) to increase accessibility to new 5-a-side pitch positions. Change cycling facility from 750lm training circuit to mixed programme offering a community trail, learn to ride and a pump track facility, Lighting and landscaping, Substitution of some information in approval notice condition 02 and 03 and additional information for cycle facility designs</b>
<b>Location:</b>	<b>Community And Activity Village, Lord Hawke Way, Newark On Trent, NG24 4FH</b>
<b>Applicant:</b>	<b>Newark And Sherwood YMCA - Mr Todd Cauthorn</b>
<b>Agent:</b>	<b>Rayner Davies Architects LLP - Mr Matthew Vicary</b>
<b>Registered:</b>	<b>10.02.2022                      Target Date: 12.05.2022</b>
<b>Website Link:</b>	<a href="#"><u>22/00261/S73M   Variation of conditions 2 and 3 attached to planning permission 17/01693/FULM to re-position previously approved skate park and 3no. 5-a-side pitches (switch position), Remove tennis courts, Reduce car park spaces from previous approval of 157 to 155 (loss of 2 spaces) to increase accessibility to new 5-a-side pitch positions. Change cycling facility from 750lm training circuit to mixed programme offering a community trail, learn to ride and a pump track facility, Lighting and landscaping, Substitution of some information in approval notice condition 02 and 03 and additional information for cycle facility designs   Community And Activity Village Lord Hawke Way Newark On Trent Nottinghamshire NG24 4FH (newark-sherwooddc.gov.uk)</u></a>

**This application is being referred to the Planning Committee as part of the application site forms land under the control of the District Council.**

### The Site

The application site forms a large plot of land approximately 9.8 hectares immediately to the east of the Newark Leisure Centre. The site is within the urban area of Newark and defined as a public open space protected by SP8 policy. A rectangular portion to the east of the site is recognized as a site of interest in nature conservation being identified as a notable grassland with neutral and acid areas as defined by the Newark South Proposals Map in the Allocations and Development Management DPD.

The site has been subject to development in recent years in connection with the extant planning permission to which this application relates. At the time of the Officer site visit the site featured the approved car park immediately adjacent to (but separated from) the Leisure Centre car park as

well as some of the approved sporting facilities including the Athletics track and football pitches. The main building was also well underway being constructed.

Land uses in the immediate vicinity include the aforementioned Leisure Centre as well as Gladstone House. Land to the west of the Leisure Centre car park is being developed for residential development which is being promoted by Arkwood. The eastern boundary of the site is defined by the Sustrans National Cycle Network which is set at a lower level to the site itself. There is a public bridleway dissecting the site which links Elm Avenue to Balderton Lakes. The rear gardens of residential properties along Bancroft Road abut the northern boundary of the site. Also abutting part of the northern boundary of the site is the designated conservation area but the site itself is outside of the CA. This element of the conservation area features Newark Cemetery.

### Relevant Planning History

**22/00716/NMA** - Application for a non-material amendment to 17/01693/FULM to remove reference to 'Tennis Courts' within description of proposal.

*Application approved 12<sup>th</sup> April 2022.*

**21/00275/S73M** - Application for the variation of condition 03 including revised parking scheme, alterations to external gym adjoining main building and associated landscaping and change to main entrance to revolving doors, attached to planning permission 17/01693/FULM.

*Application approved by Planning Committee at the meeting on 27<sup>th</sup> April 2021 (decision issued 28<sup>th</sup> April 2021).*

**20/00339/S73M** - Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design.

*Application approved by Planning Committee at the meeting on 31<sup>st</sup> March 2020 (decision issued 3<sup>rd</sup> April 2020).*

**17/01693/FULM** - Existing playing fields and sports facilities to be altered, and supplemented by new sports playing pitches, cycle track, skate park, tennis courts, multi-purpose pitches and provision of alternative route for existing bridleway.

Extension of playing pitch areas into vacant land to the East of current facilities.

Proposed building including crèche and pre-school facility, training, offices, music, dance and art studios, sports facilities, changing areas to serve both the internal and external sports, function rooms, cafe and kitchen.

*Application approved by Planning Committee in December 2017 and as referenced above has been implemented on site.*

**16/00947/FULM** - Use of former Tarmac land and part of existing sports ground for construction of a closed road cycle circuit. Erection of lighting columns, fencing, extension of existing car-park, and associated works including construction of a temporary haul road. *Application withdrawn.*

## The Proposal

The application has been submitted as a Section 73 application to vary the plan condition on the original approval in order to allow a number of changes to be made to the extant permission.

The premise of the application is to amend the approved plans to show the following changes:

- Swap the position of the previously approved skate park and three 5-a-side pitches;
- Remove the tennis courts;
- Reduce the car parking spaces from 157 to 155 (to increase accessibility to the 5-a-side pitches);
- Change cycling facility from a training circuit to a mixed programme offering a community trail, learn to ride and a pump track facility;
- Associated amendments to landscaping and lighting.

The application has been considered on the basis of the following plans and documents:

- Covering Letter dated 4<sup>th</sup> April 2022 – 2242/2.0/MJV;
- Location Plan – 2242(08)001 Rev. A;
- 2242(08)S01 Rev M Site Masterplan;
- 1701693FULM S73 Amendment EcoApp Rev B FinalMar22;
- 6737 Arb Addendum Rev C;
- 22-001 (07)002 D8 Site & Drainage Plan;
- 22-001 (08)001 D8 Pump Track Plan;
- 22-001 (08)002 D8 LTR Area Plan;
- 22-001 (09)001 D8 Trail Sections;
- 22-001 (09)002 D8 Trail Sections;
- 22-001 (09)003 D8 Pump Track Sections;
- 10976-WMS-ZZ-XX-DR-C-39009-S8-P04-ACCESS\_PATH\_LEVELS;
- 10976-WMS-ZZ-XX-DR-C-39221-S8-P04-ACCESS\_PATH\_DRAINAGE\_LAYOUT;
- 10976-WMS-ZZ-XX-DR-C-39507-S8-P04-ACCESS\_PATH\_SURFACING;
- 10976-WMS-ZZ-XX-DR-C-39007-S2-P05-ROAD\_TRACKING.

## Departure/Public Advertisement Procedure

Occupiers of 57 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
NAP1 - Newark Urban Area  
NAP3 – Newark Urban Area Sports and Leisure Facilities

### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework  
Planning Practice Guidance (online resource)  
National Design Guide – Planning practice guidance for beautiful, enduring and successful places  
September 2019

### **Consultations**

**Newark Town Council** – No objection.

**Balderton Parish Council** – No comments received.

**NCC Highways Authority** – The proposal will have negligible impact on the public highway. Therefore, no objections are raised.

**Sport England** – Original comments formed a holding information on the basis of a lack of information but following re-consultation on the additional justification, no objections raised.

**Nottinghamshire Wildlife Trust** – Confirm that the survey methodologies employed are to a satisfactory standard and agree with the resulting conclusions and recommendations.

Consider that creating new areas of habitat, selective scrub removal and the provision of a long-term management plan for this habitat to be a satisfactory approach.

**NSDC Tree Officer** – No objections.

**Comments have been received against this application relating to Balderton Lake. For the avoidance of doubt the current application is not related to Balderton Lake and therefore these comments are not material to the current determination.**

**Another comment has been received stating that the application is inaccurate and should be withdrawn as it includes neighbouring land not within the applicant's ownership. The application form confirms that the correct notices have been served and therefore there is nothing to prevent the application being determined procedurally.**

**The comments received which are considered material and relevant to the current application are summarized as follows:**

- Wildlife has already been displaced by the current build;
- The plans show tree and hedgerow removal;
- There are already problems with light pollution – any further building will increase this pollution and extend this further along the lake;
- The amended plans are causing confusion;
- The application appears to be rushed making it difficult to keep pace with the changes;
- Part of the site is within Balderton Parish but they have not been notified in the past;
- The turning area on the tarmac land is inadequate size for a maintenance or emergency vehicle;
- As there is another turning area near the Learn to Ride is a second one really needed when the land could be better used for tennis courts or not even acquired from Tarmac and left for the wildlife;
- The changes are beyond minor and the application should not be considered as a section 73;
- Question whether a community trail is needed on this site;
- The reason for the changes in the cycle provision should be evidenced;
- The revised plans still show facilities off the applicants land – it is clear there are intentions to form a link with Balderton Lake;
- Large parts of the ecology report are blocked out and there is concern over a protected animal and if these plans are having an effect on its habitat;
- If it does become a regional and national facility then the concerns on local wildlife with extra lighting and noise are worse;

### Comments of the Business Manager

#### Preliminary Matters

Comments received during consultation have referenced revisions to plans made throughout the application. This has arisen partially through requests of Officers to clarify certain matters and is not uncommon for developments of this scale.

Officers disagree that the revisions go beyond the scope of a section 73 application and consider that procedurally a section 73 application is the appropriate process.

Reference has also been made to a lack of consultation with Balderton Parish Council on the original plans given that two minor parts of the site along the eastern boundary fall within Balderton Parish. This appears to be a historic administrative error on the plotting of the parish boundaries which has since been resolved. For the avoidance of doubt, Balderton Parish Council have been consulted on the current application.

As above in the consultation section, the current application does not propose any works to Balderton Lake and therefore comments received in relation to the Lake are not relevant.

#### Principle of Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that a permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The National Planning Policy Framework (NPPF) is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning permission.

### Impact on Sporting Facilities

The original application was wholly supported against the intentions of Spatial Policy 8 to enhance community and leisure facilities. Since that time, there have been amendments to the original scheme which have further enhanced the overall facilities offered within the site (including the incorporation of an external cross fit gym area and improvements to the proposed climbing wall).

The covering letter details why it is proposed to move the originally approved skate park - essentially relocating it to a larger area of the site allows for the capacity to build a 'world-class' skate park with the aim of attracting visitors from further afield.

It is noted that the current application seeks to remove the approved tennis courts in favour of the re-configuration of the cycle facilities. The agent has been asked to comment on the rationale behind the loss of the proposed tennis courts and the following comments offered:

*The multi-use courts at the YMCA Community & Activity Village have been open to the general public for around a year. This facility has equipment to provide netball, basketball, and tennis.*

*During this time, we have promoted the courts (extensively for use during school holidays) with the option to participate in those sports. Tennis has proven to be the least popular of the activities accounting to just 7% of the bookings and usage.*

*Further to low uptake, there are a number of established tennis clubs in the local area that have established membership bases and on-site coaching facilities. There are also open courts available to book in the town centre. Providing tennis courts (in addition to our multi-use courts) could directly compete with these established clubs in the wider Newark area.*

Further information has also been provided for the rationale for the alterations to the cycling facilities which in summary relates to support from British Cycling for a wide range of participation to many aspects of cycling for the whole community. It is stated that two other closed cycle loops (the type of cycle provision shown on the original scheme) within reasonable travelling distance to Newark have been funded and are proving to be underused. The current designs proposed would offer both a flat and technical learn to ride area with progression to a pump track. Reference is also made to the proximity of the site to the nearby Sustrans cycle route offering lakeside trails.

It is worthy of note that the original application would have held enough benefits against Spatial Policy 8 to be approved even without tennis court provision. The loss of tennis facilities at this stage is regrettable but not fatal to the scheme moving forwards. Sport England have been consulted on the current proposals. Their original response formed a holding objection based on a lack of supporting justification but they have been re-consulted on the additional information received. On the basis of this information, no objections are raised. It is noted that it would not be sensible to include tennis courts on this site given that they would compete with existing facilities. It is also acknowledged that the currently proposed cycle facilities are a more informal and community focused approach which would support the development of cycling skills (which British Cycling have identified as a greater need than a closed road facility). The comments go on to suggest a condition in relation to the design, layout and specification of the 5-a-side pitches. It has been queried why this condition is necessary given that it wasn't imposed on the original permission and it has been confirmed that the surface finish of the pitches is less clear than it was originally. The agent has been asked to clarify the finish to avoid the need for a condition and any response received will be reported to Members as a late item. Given the matter is outstanding at the time of agenda print, the condition is included in the recommendation below to ensure that the local planning authority can ensure that the pitches are fit for purpose (and therefore their benefits can be attached positive weight in the planning balance in the context of Spatial Policy 8).

The proposed mixed end use has already been established by the extant permission. The slightly alternative offer presented through the latest site masterplan would still hold significant benefits to the local community and should be afforded positive weight in line with the aim of NAP 3 and the Council's Community Plan objectives.

### Impact on Character

As a comprehensive development, there are large elements of the proposed revisions which will have a minimal impact on the character of the area when taken in the context of the whole site (i.e. swapping the position of the skate park and 5-a-side pitches).

The original application was sparse in terms of the details for the new 'learn to ride area' and 'pump track area' but additional details have been provided showing cross sections and detailed annotations of the facilities. These show that the new tracks would have some areas of undulation but even at maximum peak these elements would be no more than 2m high. The positioning of the cycle facilities is at the eastern edge of the site close to the link with the Sustrans route with the associated vegetated boundary. The cycle facilities therefore have a discrete positioning within the wider site and the amendments proposed would not have notable character or landscape impacts when read within the site as a whole.

Overall, the revised plans would maintain an acceptable impact on the character of the area such that it would not be reasonable to resist the changes in this respect.

### Impact on Highways including Parking Provision

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The original application was approved on the basis of providing 108 car parking spaces (excluding staff parking). The plans currently presented demonstrate a total of 155 spaces with two coach car parking spaces. This is a reduction in 2 spaces in comparison to the most recent section 73 application. These have been removed in order to better facilitate access to the 5-a-side pitches.

NCC as the Highways Authority have assessed the current application and do not raise any objections. The loss of two spaces would be marginal in the context of the overall scheme.

Overall the impacts to the highways network would not be significant as a consequence of the revised plans and in the context of the car parking demonstrated the use of the building would be fully catered for without leading to parking issues elsewhere. The scheme is therefore compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

### Impact on Trees and Ecology

The discussion around ecology from the original application report is worthy of note in the context of this application:

*As is identified through the site description, part of the site has been designated as being of local interest in nature conservation (SINC). SINC's are local level designations identified for the valuable contribution they provide to the District in terms of ecological asset. These sites are in receipt of planning policy protection both at a national and local level. Specifically in regard to the latter Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD (ADMDPD) outline the importance of the protection and enhancement of the area's biodiversity and open spaces. The protection of individual sites is vital as part of the preservation of the overall 'Green Infrastructure' network of green spaces, landscapes and natural elements that intersperse and connect the District's settlements and surrounding areas. Policy DM7 explicitly states that on sites of local importance such as this one, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.*

*The application has been accompanied by an Ecological Appraisal undertaken by fpcr and dated September 2017. The report acknowledged the local designation within the site but goes on to state that this represents a sub-optimal and deteriorating example of the type of grassland that the site is designated for. 4 other local interest sites are identified within 500m of the site. Surveys were also undertaken for protected species such as bats and birds.*

*In respect of the targeted botanical survey of the LWS grassland which was undertaken in August 2017, it is stated that only three of the Nottinghamshire's SINC characteristic species for acid grassland and 12 neutral grassland indicator species were identified. Two other species were recorded from earlier surveys in 2015 but these were no longer present. On this basis, the survey concludes that the characteristic species recorded falls short of the 6 species required for acid*



*grassland and 14 species for neutral grassland. Ultimately it is stated that, 'if left unmanaged this habitat would in time be lost from the site.'*

*It is acknowledged by the survey that the original proposal would lead to an overall loss of approximately 0.4ha of notable grassland. It is contended that the grassland areas to be created will be of greater value than those currently present and that appropriate management will ensure the long term presence and value of the retained (0.5ha) and created (1.1ha) habitat. Whilst the benefits of creating enhanced habitats is recognized, officers shared the concerns of NWT (listed in full above) in respect to the level of mitigation offered given that there would be an overall loss in habitat. This was raised as a concern with the applicant during the life of the application and has been addressed through meetings and the submission of a further ecological statement which has been subject to further consultation.*

*The revised statement provides a summary of the key aspects of the ecological strategy confirming that alterations to the cycle track and associated run off area, skate park and athletics position have allowed greater retention of existing notable grassland, as well as further opportunities for the creation of new areas of acidic grassland. These alterations now allow for the provision of 2.138ha of acid / notable grassland. This represents a slight gain over the existing of 0.138ha. Further ecological enhancements such as bat boxes and the creation of log piles are incorporated into the revised proposals design.*

The current application has been accompanied by an ecology and arboricultural addendum.

The submitted ecological survey is based on an additional survey undertaken in December 2021. The majority of the impacts of the development would be the same as the extant scheme and therefore the original levels of mitigation secured by condition would remain relevant. Throughout surveys, consideration was given to the actual or potential presence of protected species, such as, although not limited to those protected under the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, and the Conservation of Habitat and Species Regulations 2017 (as amended).

As expected the report notes the on-site notable grassland albeit acknowledges that a detailed update could not be undertaken in December 2021 as it is outside of the optimal botanical survey period. Nevertheless, the grassland is taken to support a similar species assemblage and ecological value as recorded previously.

In total through this amendment there will be approximately 2.2 hectares of acid grassland created/retained and enhanced to be of a greater value than that currently present. The proposed amendments therefore show a marginal increase (less than 0.1 hectares) in comparison to the extant scheme but this can still be regarded as a marginal benefit to the scheme. It is noted that Nottinghamshire Wildlife Trust have commented on the proposals and accepted the methodologies used raising no objections.

In addition to the above, the latest survey works identified the presence of a protected species which was not originally recorded in 2017. Clearly there is an extant permission on the site which has approved a similar form of development to that proposed. However, a section 73 is a new application and therefore the presence of a protected species is a material planning consideration.

The NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated,

or, as a last resort, compensated for, then planning permission should be refused. Paragraph 99 of Government Circular 06/2005 states that:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”*

The latest plan has been designed to create an appropriate buffer around the identified protected species and means of mitigation during construction which can be secured by condition. However there would still be some disturbance to the identified species and therefore the applicant will need to apply for a derogation licence from Natural England.

Local Planning Authorities are required to consider the likelihood of a license granted when determining a planning application and would need to have in mind the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 if required, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

In respect to the second test, clearly an alternative would be to do nothing but if that were to be the case then the significant community benefits of developing the site would not be realised. These benefits are considered sufficient to class as being of overriding public interest as required by the first test. On the basis of the mitigation outlined and the latest design which specifically creates the largest buffer possible to development, the population of the species would not be significantly affected. There is therefore considered to be adequate potential for a licence to be granted by Natural England and thus no justifiable reason to withhold permission on the basis of protected species impacts.

The arboricultural addendum relates solely to the trees impacts by the proposed amendments in comparison to the extant approval albeit is based on an updated tree survey undertaken in December 2021. The addendum states that the proposed amendments will be a betterment for trees now allowing for the retention of all moderate quality (Category B) specimens that were previously shown to be removed. The new layout would allow for the retention of 10 additional trees within the site. Where tree removal is proposed, it is now restricted to Category C and U specimens which would be mitigated through new tree planting across the site. No objections have been raised by the Council’s appointed Tree/Landscape Officer.

### Other Matters

The revised plans are not considered to have a perceivable impact to neighbouring residential receptors in comparison to the extant scheme.

The covering letter sets out that the applicant seeks to illuminate the revised learn to ride area to the same lux level as the original design and therefore the light spill and hours of operation would

be equivalent to the current approval if not less (noting that the overall land take of the learn to ride area is much smaller). It has been confirmed that there is no lighting proposed for the community trail and pump track facilities. The exact details for the lighting would need to revert to being required by condition as per the original approval, given that they would now differ from the details which had previously been agreed by a discharge of condition application.

## Conclusion

The amendments sought through the current application are marginal in the context of the whole scheme. The changes to the sporting offer (namely the loss of the tennis facilities and the revisions to the cycle provision) have been justified through the application submission and would still allow the overall scheme to make a significant contribution to the sporting and community offer to the District.

The minor change to the overall parking provision would not be notable in the overall scale of the scheme and there would be neutral impacts to the character of the area and neighbouring amenity. The revisions would have an overall neutral impact on ecology noting that there would be a marginal increase in the level of acidic grassland to be created and additional tree retention but on the other hand there will be impacts to protected species requiring a license from Natural England.

The proposal is therefore considered acceptable and the conditions amended accordingly. These have been set out as they would appear on the decision notice for clarity albeit do incorporate any changes made since the original approval, for example, matters agreed through non-material amendment / discharge of condition applications.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- 2242(08)S01 Rev M Site Masterplan;
- 1701693FULM S73 Amendment EcoApp Rev B FinalMar22;
- 6737 Arb Addendum Rev C;
- 22-001 (07)002 D8 Site & Drainage Plan;
- 22-001 (08)001 D8 Pump Track Plan;
- 22-001 (08)002 D8 LTR Area Plan;
- 22-001 (09)001 D8 Trail Sections;
- 22-001 (09)002 D8 Trail Sections;
- 22-001 (09)003 D8 Pump Track Sections;
- 10976-WMS-ZZ-XX-DR-C-39009-S8-P04-ACCESS\_PATH\_LEVELS;
- 10976-WMS-ZZ-XX-DR-C-39221-S8-P04-ACCESS\_PATH\_DRAINAGE\_LAYOUT;
- 10976-WMS-ZZ-XX-DR-C-39507-S8-P04-ACCESS\_PATH\_SURFACING;
- 10976-WMS-ZZ-XX-DR-C-39007-S2-P05-ROAD\_TRACKING;
- 2242(08)005 RevF Ground Floor Plan;

- 2242(08)006 RevD First Floor Plan;
- 2242(08)007 RevC Roof Plan;
- 2242(08)008 RevC Sections;
- 2242(08)009 RevD Elevations;
- 2242(08)012 RevB Second Floor Plan;
- 2242(08)013 RevB First Floor Mezzanine Plan;
- External Cross-fit Gym Proposed Plan – 2242(08)014 dated 18/02/21;

Reason: So as to define this permission.

02

The building hereby approved shall be built in accordance with the materials shown on the plan reference 2242(08)009 RevD Elevations.

Reason: In the interests of visual amenity.

03

Within three months of the date of the decision hereby issued, updated boundary details to reflect the latest approved site plan 2242(08)S01 Rev M Site Masterplan shall be submitted to and approved in writing by the Local Planning Authority.

The details shall reflect the principles established through plan reference SS2409 05 Rev. 00 and Site Fencing Layout – 10976 – WMS – ZZ – XX –DR – C – 39002 –S8 –P01 (as agreed through the discharge of condition letter dated 16<sup>th</sup> April 2018) and there shall be no deviations from the approved plan prior to the agreement of the revised details.

The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

04

The approved soft landscaping shown on plan reference 2242(08)S01 Rev M Site Masterplan shall be completed during the next planting season or as per a timetable of implementation as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this includes mitigation measures demonstrated such as the incorporation of log piles. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the avoidance of doubt the hedgerows should be maintained to a minimum width of 2m and include a 1m margin of rough grassland.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.26 of 1701693FULM S73 Amendment EcoApp Rev B FinalMar22 and Section 4.37; 4.42; and 5.4 of the Ecological Appraisal undertaken by fpcr dated September 2017. For the avoidance of doubt 4.27 requires that all lighting be turned off at 22:00 (all year round), to clarify there should be no illumination of the lighting hereby approved between the hours of 22:00 and 07:00. 4.42 relates to the need to safeguard grass snake and outlines a suitable method statement which must be complied with.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

06

The development shall be carried out in accordance with the requirements and recommendations of the Written Scheme of Investigation dated 27<sup>th</sup> January 2018 and the 'Archaeological Watching Brief' dated February 2018 and 'Geophysical Survey' dated February 2018 as agreed through the discharge of condition letter dated 16<sup>th</sup> April 2018.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

07

Prior to the building hereby approved being brought into use, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology agreed by the discharge of condition letter dated 4<sup>th</sup> July 2018 shall be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08

The development shall be carried out in accordance with the following drainage details as agreed by discharge of condition letter dated 4<sup>th</sup> July 2018:

- Micro Drainage Calculations – 11189 dated 22/06/2018
- NCAV Phase 1 – Drainage Strategy – Rev. A
- SUDs Maintenance Schedules
- Maintenance 2006 Guide
- Pitch Drainage Layout – 11189(9)01
- Car Park Drainage Layout – 11189(9)02A
- Athletics Track layout – 11189(9)03

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

09

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.19 of the Noise Impact Assessment undertaken by Hepworth Acoustics dated September 2017. For the avoidance of doubt this requires that the combined rating level of noise from any plant is controlled to be at least 3 dB below the existing background level at the nearest dwellings during the times of operation. As functions may run until 00:00 the combined rating level for all plant outside the nearest dwellings should be controlled to 32 dB, which is 3 dB below the lowest background level (LA90) measured until 00:00.

Reason: In the interests of residential amenity.

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

11

The staff car park served off Elm Avenue shall be controlled in accordance with the details enclosed within the letter dated 10<sup>th</sup> March 2020 – 2242/2.0/CJG. For the avoidance of doubt the car park should be controlled by a security gate during the daytime to which staff members have a key.

Reason: To prevent uncontrolled use that may lead to on-street parking to the detriment of the safety and amenity of local residents.

12

The coach parking as shown on plan reference 2242(08)S01 Rev M Site Masterplan shall be available for the parking of coaches and for no other purpose.

Reason: To ensure that adequate off-street provision is made to reduce the possibilities of the proposed development leading to coaches parking on-street.

13

The diverted footpath shown on plan reference Bridleway Layout - 10976-WMS-ZZ-XX-DR-C-39501-D2-P05 shall remain available for public use during the operational life of the development.

Reason: To retain a safe and sustainable public right of way.

14

The development shall be carried out in accordance with the Travel Plan – BRNW-BSP-ZZ-XX-RP-D-

0001-P04\_Travel\_Plan by bsp Consulting – 17-0391 dated March 2020; specifically the action plan at Appendix B with the exception that the monitoring and review of the Travel Plan which shall be submitted to and approved in writing by the Local Planning. Any approved amendments resulting from the monitoring and review shall be implemented.

Reason: To promote sustainable travel.

15

The Management and Maintenance of the 3G Football Pitch and Community Sports Pitch shall be carried out in accordance with the details received 26<sup>th</sup> September in line with the discharge of condition letter dated 18<sup>th</sup> January 2019.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy SP8 and the NPPF.

16

Within three months of the date of the decision hereby issued, updated lighting details to reflect the latest approved site plan 2242(08)S01 Rev M Site Masterplan shall be submitted to and approved in writing by the Local Planning Authority.

The details shall reflect the principles established through the following as agreed through the discharge of condition letter dated 4<sup>th</sup> July 2018:

- Details of survey of surrounding night sky contained within the ecological report forming part of the main application 17/01693/FULM
- AX1718-E-3001 B General amenity lighting scheme
- AX1718-E-3002 B Athletics track lighting
- USK11521-9 Site wide horizontal illuminance levels
- USK11521-11A 3G pitch horizontal illuminance levels

There shall be no deviations from the approved plans prior to the agreement of the revised details.

The development shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

17

No development shall commence on the three, 5-a-side pitches until details of the design and layout and specification of the pitches has been submitted in writing to the Local Planning Authority for approval in writing. The three, 5-a-side pitches shall not be constructed other than in accordance with the details as approved.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Spatial Policy 8 of the Newark and Sherwood Amended Core Strategy (2019).

## Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

## BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**



Committee Plan - 22/00261/S73M

