



Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application No.	24/00724/S73M (MAJOR)		
Proposal	Application for variation of condition 01 to substitute approved phasing plan drawing and and alter development phasing attached to planning permission 19/01097/FULM		
Location	Kilvington Lakes, Kilvington, Newark On Trent, NG13 9PD		
Applicant	Mr White of KLPG (Nottinghamshire) Ltd	Agent	Guy St John Taylor Associates Architects Limited
Web Link	<a href="https://newark-sherwooddc.gov.uk/24/00724/S73M">24/00724/S73M   Application for variation of condition 01 to substitute approved phasing plan drawing and and alter development phasing attached to planning permission 19/01097/FULM.   Kilvington Lakes Kilvington Newark On Trent Nottinghamshire NG13 9PD (newark-sherwooddc.gov.uk)</a>		
Registered	07.05.2024	Target Date	24.07.2024
Recommendation	That planning permission is approved subject to the conditions set out at Section 10.0		

**This application has been referred to the Planning Committee by Cllr S Haynes. The reason for referral is that the original development would not have been approved if it were not for the leisure aspect and there is concern that this may not now be built at all. Therefore this risks slipping into a housing development contrary to the development plan policies.**

### **Summary of the Report**

The report considers a planning application to vary a condition to change the phasing of the development. The report analyses the main issues related to the original and subsequent amendments to the proposal and the request to amend the phasing to enable the watersports centre and car park to be delivered within phase 5.

It concludes that the proposed variation to the condition is reasonable having regard to the reasons the phasing condition was originally imposed. The report also states that the proposal would not have any significant adverse impacts on the environment. Therefore, the report recommends that the planning permission is approved subject to the conditions set out at Section 10.0.<sup>1</sup>

## **1.0    The Site**

- 1.1    The site comprises c89.38ha of land located in the open countryside, within the parish of Kilvington. It was previously mined (open cast) for gypsum which finished in c2006. Centered around 3 lakes, the site comprises agricultural land, woodland and grassland. There are a number of public footpaths running through the site as well as a section of dismantled railway which is a wildlife corridor.



- 1.2    There were previously some buildings centered around a farm, to the south of the site. However, these have now been demolished.
- 1.3    There are some residential properties close to the site to the west, as well as those within the settlements of Kilvington and Alverton.
- 1.4    As Members will note from the site history below, permission for a rural holiday park was granted in 2014. The permission was implemented on site; for example the vehicular accesses are in place, some internal vehicular tracks laid along with the bases for the 9 lodges to the south-east as can be noted in the image above.
- 1.5    The site has the following constraints:

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<sup>1</sup> This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

- Open countryside
- Site of Important Nature Conservation (SINC)
- Majority of site designated as Kilvington Lake Local Wildlife Site (LWS) designated for botanical and invertebrate interest
- Close to Site of Special Scientific Interest (SSSI) Muston Meadows, Orston Plaster Pits, Grantham Canal, Allington Meadows
- Hedgerows on site are Habitats of Principal Importance under the NERC Act 2006
- Dismantled Railway is wildlife corridor and has retained use as Sustrans (Sustainable Transport)
- Parts of the site (lakes) are located in Flood Zone 3a with areas immediately surrounding them in Zone 2.
- Lies within the South Nottinghamshire Farmlands Policy Zone 03 'Alverton Village Farmlands'.
- Whilst the entire site lies within the NSDC jurisdiction, it abuts the district boundary with the borough of Rushcliffe
- Access is from the C3 (classified road) also known as Newark Road/Alverton Road

## **2.0 Relevant Planning History**

- 2.1 **14/02023/FULM** – 'Development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. Re-routing a public right of way.' Approved 9<sup>th</sup> November 2015. Condition 19 restricted the C3 uses to holiday accommodation only. Condition 20 required the site operator to keep a register of occupiers and Condition 21 prevented occupation by the same person for more than 6 weeks in any calendar year. Phase 1 conditions have been discharged, allowed a lawful commencement which has occurred.
- 2.2 It is crucial for Members to appreciate the locations of the development approved. An extract of the approved masterplan is therefore provided below. 34 holiday lodges are shown around the edge of the largest, southern-most lake where the inn building (circled purple) would be located. The area for the proposed water sport building is circled in red, to the south of the northern-most lake.



2.3 The key components of the approved scheme are, in summary:

- **25 bedroom inn building** (capacity of 50 people but flexible to reconfigure into apartments of varying size) which also included a small café (plan shows 6 tables of 4, floor area c243m<sup>2</sup>), swimming pool/gym/spa (within a wing of c495m<sup>2</sup>) and conference space for 50 attendees;
- **34 holidays lodges** comprising a mix of 2 to 4 beds (6 bed-room lodges were deleted from the scheme prior to approval);
- **Water Sport Building** – two storey contemporary building with facilities including boat and equipment store, changing rooms with showers, drying areas, training room, conference room, and café (floor plan shows 29 tables of 4 = 116 capacity with a floor area of 1189m<sup>2</sup>)
- Lake 1 (largest lake to south) retained as wildlife reserve
- Lake 2 (to the north-east) designated for non-motorised water sports
- Play areas around lake 2
- Lake 3 (to north-west) undeveloped and retained for ecology

2.4 **18/02138/DISCON** – Request to discharge conditions 34 (construction method statement) and 42 (construction traffic routing) of 14/02023/FULM was made and approved. An updated letter dated 29.05.2018 confirmed that a lawful

commencement had taken place. It also clarifies that Condition 3 (phasing plan) was initially discharged on 14<sup>th</sup> February 2018 under 17/01336/DISCON (the Plan that was agreed was K8-PK-01-01 Rev B, received 20.12.2017) and also confirms that an amendment was sought to the phasing plan and K8-PK-01-01B was later agreed on 1<sup>st</sup> November 2018.

**Superseded Phasing plan approved  
K8-PK-01-01 Rev B received 20.12.2017**



**Approved Phasing Plan K8-PK-01-01B**



## 2.5 Non-material amendments have also been approved comprising:

- 19/00998/NMA –For the minor amendment of location of public right of way to south of site and very minor alterations to location of lodges with Phase 1 – was approved 23<sup>rd</sup> October 2019.
- 18/01146/NMA – For the design amendment to lodges (retaining overall style but reducing building envelope) and the replacement of all 4-bedroom lodges with 2 or 3-bedroom lodges (total no. of lodges unaltered) approved 11<sup>th</sup> July 2018.
- 18/00451/NMA – To the site layout for the replacement dwelling at Meadow Lea to the eastern side of the site which was previously shown as ‘proposed native woodland planting approved 29<sup>th</sup> March 2018.
- 17/01319/NMA –For the amendment to the roof material on the proposed lodges from a grass roof to a membrane roof in a light grey approved 25<sup>th</sup> September 2017.

## 2.6 **19/01097/FULM** – An application made under section 73 to remove condition 21 attached to planning permission 14/02023/FULM (which relates to the restriction of a



person/s from staying on site for more than 6 weeks per year) was refused under delegated powers on 20<sup>th</sup> August 2019. This was subject to an appeal (**APP/B3030/W/19/3239439**) in which the Inspector identified the main issue to be 'whether condition 21 is reasonable and necessary having regard to local policies and the [NPPF] and whether the remaining conditions would adequately restrict the use to holiday accommodation, being in mind the site's location in the open countryside'. This appeal was allowed with the Inspector being satisfied that the restrictive condition controlling occupancy no. 17 which combines the previous approach was sufficient to control the matter along with the requirement to retain a register of occupiers which remains (as condition 18).

It is understood that the development commenced on site in September 2018.

2.7 **PREAPP/00101/20** – Advice was sought regarding the acceptability of using the approved holiday lodges for residential use currently restricted by conditions for park/retirement homes for the over 50's. Advice (negative) provided in June 2020.

2.8 **20/02453/LDC** - Certificate of lawfulness for proposed use or development for the use and occupation of the 34 self-catering holiday units as residential accommodation for retired persons aged 50 years old and over. Certificate not issued 25.01.2021, for following reason:

*Having regard to all material matters, as a matter of fact and degree for the reasons set out in the report the Local Planning Authority is satisfied that the proposal would amount to a material change of use and would constitute development such that the Certificate cannot be issued. Furthermore the condition 17 and 18 (of LPA planning permission ref: 19/01097/FULM) to restrict the premises to prevent the site becoming available for permanent residential use are, considered effective and enforceable; a view shared by the appeal Inspector as described in the appeal decision letter ref: APP/B3030/W/19/3239439. As such the proposed use as described in the application would also cause a breach of condition 17 and therefore the proposed use would not be lawful for this additional reason.*

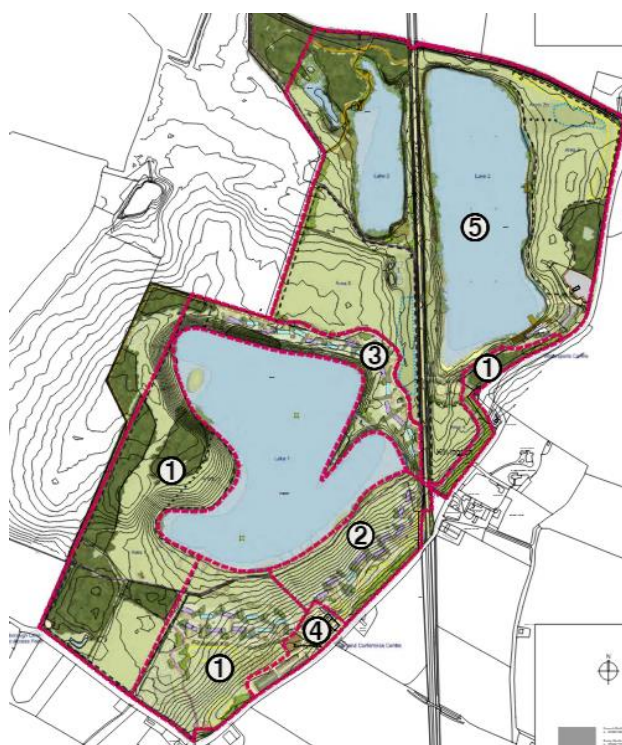
2.9 **20/02420/S73M** – An application was submitted to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/3239439). The LPA declined to determine the application. An appeal was lodged and The Planning Inspectorate also declined to determine it. The appellant successfully challenged this through the Courts and the appeal (APP/B3030B/W/21/3271892) was heard but dismissed on 26<sup>th</sup> April 2024.

2.10 **21/00335/DISCON** – Request to discharge conditions 6, 7, 14, 15, 19 and 23 of Phase 5 of 19/01097/FULM. Only conditions 15 (relating to land contamination) and 23 (landscaping) were approved; none of the other conditions forming part of this request were approved due to inadequate information.

### 3.0 The Proposal

- 3.1 The application seeks permission to vary the approved phasing plan moving the watersports centre to a later phase. The watersports centre was previously included in Phase 2 although the lake on which the watersports are to take place is currently shown to be in Phase 5. This application seeks to move the watersports centre, its associated parking and the lake within a single phase to aid delivery.

#### Proposed phasing plan



- 3.2 It is important that Members note what has been approved in terms of the phasing. The original and amended approved phasing is summarised in the table below alongside the proposed phasing:

Table showing Comparison of Phasing

Phase	Original Phasing Plan	Approved Phasing Plan	Proposed Phasing Plan
1	16 lodges and surrounding landscaping, landscaping west of Lake 1 and landscaping buffer to the eastern boundary	9 lodges (Zone A) and surrounding area, including landscaping to west of Lake 1 (largest lake to south-west) and landscaping buffer to the eastern boundary	No change to approved plan
2	9 lodges and surrounding landscaping, watersport centre and associated car	9 lodges (Zone B) and surrounding landscaping, watersport centre and	9 lodges (same area) and surrounding landscaping. <b>Deletion of</b>

	park	associated car park	<b>watersports centre and car park.</b>
3	9 lodges and associated landscaping	16 lodges (Zone C) and surrounding landscaping	No change to approved plan
4	Inn building and associated car parking and Water sport building and its associated parking	Inn building and associated car parking	No change to approved plan
5	Lakes 2 and 3 and surrounding landscaping	Lakes 2 and 3 and surrounding landscaping	Lakes 2 and 3 and surrounding landscaping, <b>Inclusion of watersports centre and associated car park</b>

3.3 As can be noted from the above table, changes to the phasing that have already been approved include a swap between phases 1 and 3. The proposed changes relate to Phases 2 and 5. The Inn building was always due to come forward late in the process and whilst the watersport centre was due to come forward in phase 2, the lake upon which it would rely upon to open, would not be available until the final phase.

3.4 Documents assessed in this appraisal:

- Application form
- Revised Phasing Plan (all phases), drawing no. (19)-101
- Planning Statement by agent

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 78 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 expiring on 7<sup>th</sup> June 2024.

4.2 Site visit undertaken on 21<sup>st</sup> June 2024.

#### **5.0 Planning Policy Framework**

5.1. The previous applications were considered under the policies and other material considerations set out below. For completeness, they have been included.

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas



- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 7 – Tourism Development
- Core Policy 8 – Retail & Town Centres
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

### 5.3. **Allocations & Development Management DPD (2013)**

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM12 – Presumption in Favour of Sustainable Development

5.4. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of all of these policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

### 5.5. **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)

## 6.0 **Consultations and Representations**

6.1. Comments below are provided in summary - for comments in full please see the online planning file.

### **Statutory Consultations**

6.2. None

### **Town/Parish Council or Meetings**

6.3 **Alverton and Parish Meeting (host parish)–** Objections in summary:

- At parish meeting 21 residents attended with 19 objecting and 2 abstentions.
- Concern that the development risks failure to complete key components which were fundamental to the original application.
- The original applicant (Natural Retreats) proposed approved phasing, which fitted with their business plan. We do not see why this should not still be the

case, as the current phasing was clearly preferred by the developer and deemed commercially viable.

- Initial planning application faced considerable opposition from local residents as well as parish councils and Alverton and Kilvington Parish Meeting, including raising concerns it would be sold on and the proposed high quality development with numerous additional facilities downgraded.
- Reasons for original approved included:
  - High quality tourist accommodation south of Newark on Trent
  - Employment opportunities both during construction (up to 225 people) and once operational (15 people)
  - Education facilities as an amenity for school trips and nature research
  - Fitness facilities at the Watersports Centre and hotel, available to local residents
  - The inclusion of a shop and café at the hotel, and café at the Watersports Centre available to local residents
  - The value of a Watersports Centre in Newark and Sherwood where the demand for watersports is higher than the national average.
- Application 19/01097/FULM (for removal of condition 21 of 14/02023/FULM) confirmed that a number of conditions have still not been discharged (21/00335/DISCON). Of note, conditions 19 and 20 of 14/02023/FULM (conditions 17 and 18 of 19/01097/FULM) which limit the accommodation to holiday use only and require the operator to maintain a register of guests remain.
- Concern that separating the development of the Watersports Centre from the remainder of the development would allow fragmentation of the site, such that the land for the lodges and hotel could be developed in isolation from the key facilities and opportunities offered by the Watersports Centre.
- There is major concern that the proposed 34 holiday lodges will be built but with no additional facilities and no shop, that the hotel will not be built and that there will be continued pressure on Newark and Sherwood District Council to permit residential development.
- The neighbouring villages (Alverton, Kilvington, Flawborough and Staunton) have no facilities other than churches in Kilvington and Staunton and a public house with accommodation in Staunton. In the absence of a shop and other facilities on site, anyone staying in the holiday lodges will have to travel at least four miles to the nearest shops (in Bottesford or Long Bennington), thereby increasing the local car traffic and reducing the attractiveness and hence financial viability of the site.
- Given the large number of changes, including non-material amendments, to the original planning approval over the intervening years and the current application to alter the phasing, it would seem probable that many of the advantages to the district that accompanied the original proposal will no longer be realised with the exception of holiday accommodation in 34 lodges (with no services and therefore not of the high quality initially envisaged). We therefore object to the proposed change to the phase plan.
- The initial iterations of the phasing plan put the watersports centre and lake 2 in the same phase (phase 5). However, these were NOT accepted for discharge of condition 3. This was presumably to ensure that the watersports centre was

built, as well as the hotel, before the lake used for the watersports was completed.

- Until the current application, the watersports centre was clearly in phase 2 ahead of completion of the lake.

6.4 **Staunton Parish Council** (adjacent parish) – Do not wish to make comment.

#### **Representations/Non-Statutory Consultation**

6.5. **Rushcliffe Borough Council** – responded on 6<sup>th</sup> June stating they are undertaking consultations and will aim to reply within 21 days.

6.6. Representations from 11 neighbours have been received raising concerns which are summarised as follows:

- Object to it being changed to housing
- Concerns relating to traffic/highway safety
- Initial proposal was to create a vacation/leisure facility that would offer users nature whilst bringing employment and valuable facilities to the area.
- Original development brings together holiday accommodation in family accommodation and a hotel together with sports facilities, catering and a shop which would together form a valuable resource for the area and the local community. It is crucial these are completed along with finalising the environmental and wildlife factors.
- Concern that the lodges and hotel could be developed in isolation from the key facilities and opportunities offered by the Watersports Centre. There is major concern that the proposed 34 holiday lodges will be built but with no additional facilities and no shop, that the hotel will not be built and that there will be continued pressure on NSDC to permit residential development.
- Due to lack of facilities in the neighbouring villages, there is concern that anyone staying in lodges will have to travel at least 4 miles to a shop thereby increasing the local traffic, reducing attractiveness and the financial viability of the site
- Given the number of changes since the original application, likely that many of benefits wont be realised
- Sensible to put both the water sport centre and the lake into the same phase but they should both be in phase 2 not phase 5 to ensure the original benefits of the scheme are not put at risk.
- With this proposal the applicant would benefit from phases 1 to 3 without delivering the water sports centre where the greatest opportunity for employment exists for local residents.
- The plans were committee following deferral and tighter conditions were imposed. One Councillor on the planning committee even asked the question "Should we REALLY be granting permission to a planning application that requires FORTY-TWO conditions to make it acceptable?" The answer was no.
- Unauthorised dumping of soil and waste at the site – question what has happened in respect to a breach of condition notice.

## **7.0 Comments of the Business Manager – Planning Development**

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.
- 7.2 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 not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.
- 7.3 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 are minded to grant a new planning consent.
- 7.4 The NPPG is clear that any new permission should set out all conditions related to it unless they no longer have effect and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission – albeit in this case the permission has already been implemented by commencement of phase 1.
- 7.5 With this in mind, the key considerations are identified as:
- (1) What are the factors that influenced the decision to approve the original development?
  - (2) What are the controls in place for the timing and delivery of the facilities
  - (3) What were the reasons for the original phasing condition as originally imposed
  - (4) The consequences for amending phasing plan and is it reasonable to amend it?

### **Preliminary Matters**

- 7.6 Members should note that some representations received have raised concerns that

the application would allow for housing rather than the approved holiday lodges. To be clear from the outset, this application does not seek to amend this element of the scheme and the description of development has been amended with the agreement of the applicant to remove any confusion that the initial description may have caused. Again, to be clear; the Local Planning Authority has already successfully resisted an application to effectively change the holiday lodges to permanent dwellings for the over 55's which was challenged and ultimately dismissed at appeal – see details within the planning history section.

- 7.7 It is understood that the application site is currently up for sale. New planning agents have been appointed and any new owners would be required to bring the site forward as a holiday park as was originally envisaged, subject to any alternative proposals being advanced and approved. . It is further understood that the phasing change relates to investment implications, which will be discussed further in this report.

What are the factors that influenced the decision to approve the original development?

- 7.8 When planning permission was originally granted, there was an expectation that the whole package of development advanced would come forward.

- 7.9 It is noted from the committee report, presented in July and October 2015, that there were perceived to be a number of positive elements to the scheme. These were cited as economic benefits both during construction and 15 jobs once operational 'bringing localised benefits'. Weight was afforded to the comments of the County Land and Business Association, who summed up the benefits as:

*"Tourism contributes around £1.55b per annum to the economy of Nottinghamshire, 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimate to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party providers together with the fifteen new employment posts will be worth a total of £975k per annum to the local economy of Nottinghamshire"*

- 7.10 Officers at that time found these benefits persuasive 'together with increased educational benefits, the introduction of new, modestly scaled community benefits (such as a café, access to watersport facilities, recreational lake)...

- 7.11 Indeed when reviewing the original planning application file, it is noted that the application was first presented to the Planning Committee for consideration in July 2015 but was deferred until 6<sup>th</sup> October 2015 due to 6 areas of concern raised by Members and to allow further discussions to take place. One of these reasons was to allow further discussions to take place with the applicant regarding the 'lack of amenities (in particular a shop) on site' to serve the guests, given the sites remote location. The committee report (October 2015) set out the following discussion in respect of the matter:



**“Lack of amenities (shop) on site**

*Some Members at the July Planning Committee raised concerns that there was a lack of amenities at the site, in particular a shop to serve the guests at the site.*

*The applicants have clarified that it has always been the intention that the proposed inn building includes a “storehouse café” which would provide an element of food retail. This may not have come through clearly in the original submission. This is a concept that has been successful at some of the other existing Natural Retreats sites.*

*The applicants have stated that whilst they would much prefer to support an established local shop, in this instance there is no immediately local provision. Therefore, the applicants are proposing a more formal shop offering into the proposal. A craft and enterprise space is also proposed. This is shown on drawing no S201 4002 - 401 and condition 2 on the attached recommendation sheet has been amended to include this revised plan.”*

**What are the controls in place for timing and delivery of facilities**

- 7.12 There are specific controls imposed upon the original permission that required the delivery of the facilities to be provided by a certain stage in the development. The only condition to control timing of delivery was a phasing condition (condition no. 3 at that stage) which stated:

*‘No development shall be commenced until a Phasing Plan has been submitted to and agreed in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.*

*Reason: In the interests of maintaining enhancing biodiversity.’*

- 7.13 This phasing plan has been approved previously as is set out in the table contained in the proposals section of this report.

**What were the reasons for the original phasing condition as originally imposed**

- 7.14 Clearly the reason cited for the condition wasn’t stated that it was in order to deliver the facilities within a timely manner, albeit it was clear that decision makers were concerned about such provision being on offer.
- 7.15 Phasing has been agreed (see site history section) and the approved phasing plan was then incorporated into condition 1 (detailing and listing the approved plans) of the later permission 19/01097/FUL, which sought to vary the conditions controlling the length of holiday occupations, allowed on appeal. Nevertheless the control regarding phasing as a matter of principle is still in place.
- 7.16 Having examined the lengthy planning file, it appears (as the Parish Meeting chair has pointed out) that an initial phasing plan was submitted shortly after planning permission was granted. This showed the watersport centre and lake 2 in the same

phase 5. This was not approved because insufficient information had been provided and the applicant then elected to amend the phasing plan. No records have been found that suggests that this was rejected as a matter of principle.

- 7.17 It is understood that the phasing that has been agreed, had ecology and biodiversity interests in mind, which marries with the reason for the condition, thus policies CP12 and DM7 will be of consideration. This is seemingly confirmed by the original committee report which sets out under the heading '*Timing of Works*' the following:

*'Both NWT and the County Ecologist have stated that disturbance is likely to occur at the site during the construction period but that impacts could potentially be reduced by undertaking construction works at certain time of the year. The applicants have agreed to a condition requiring a phasing plan to be agreed prior to development commencing.'*

- 7.18 My understanding is that phasing was not sought by the applicants and that, rather, the phasing concept was to ensure that at least one of the lakes would be available for any displaced wildlife whilst the development around the other lakes took place.

The consequences of amending phasing plan and is it reasonable to amend it?

- 7.19 The proposed new phasing plan would allow for the watersport building, its associated parking and the landscaping around this northern lake, to be undertaken as a final 5<sup>th</sup> phase with the southern lake (lake 1) available for any displaced wildlife. In this regard the phasing would still fulfil this intent of the original phasing condition. There should be no adverse impact therefore on local wildlife as a result of this phasing change.
- 7.20 There is local concern that by amending the phasing plan the scheme would be watered down and the facilities approved may not be built. These concerns are understood. However in reality, had this been a single phase development (which it would have been had it not been for wildlife issues) there would be no control imposed to require that either the watersport building or the Inn come forward at a certain trigger in the development.
- 7.21 As is often the case with developments of a certain scale, the facilities would unlikely be viable until such time as there are sufficient visitors/occupants using the facilities to make it profitable.
- 7.22 In any event, the majority of the facilities (including the small scale shop) would be contained within the Inn building not the watersport building that is affected by this phasing change. Indeed on each version of the phasing plans that have been approved, the Inn is shown to be within phase 4, after all of the lodges have been erected.
- 7.23 The facilities within the watersport centre, whilst useful, are not likely to negate the need for visitors to travel elsewhere for provisions and services. Importantly with the approved phasing plan the watersport centre would be built alongside the 9 lodges in phase 2. However in reality this watersport centre could not be operational without use of the lake for the actual water sports to take place, currently in phase 5. As

approved the applicant would therefore potentially need to build the watersport centre and mothball it, which doesn't make commercial sense nor would it deliver the facilities that the community are concerned might not come forward. For example there is no requirement in condition or otherwise for the watersport centre to be operational at any point and thereby realise the economic benefits.

7.24 The applicant has been asked (through negotiation) if they could consider moving the watersport centre and the lake upon which it would be served to an earlier phase. However this is not something that would work commercially for the new owners.

7.25 In conclusion it is not considered that amending the phasing plan would place the delivery of the facilities at any further risk than is already the case and it is not considered reasonable to resist the amendment. Given the reasons reached above, it is not considered necessary to go on to consider the sustainability of the site/whether permission would be granted for a holiday park of this scale without facilities as this is beyond the scope and remit of the application.

## **8.0 Implications**

8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

9.1 The reason that there is a phasing condition imposed related solely to the impacts on wildlife during the construction phase. It is however clear that decision makers were concerned that there might be a lack of facilities and sought clarity regarding the provision of a shop within the café (located in the Inn building) before planning permission was granted. However no specific controls were imposed regarding the timing of the delivery of such facilities either via condition or s.106 legal agreement. Whilst it would be possible to resist the phasing change, this would not be reasonable on the grounds of delaying the delivery of facilities, considering this was not the reason for the inclusion of the phasing condition. In addition, resisting this application would not bring about any meaningful provision of facilities in any event as even if the watersport centre was provided (that is the only facility to be affected by this phasing change) there is no requirement for it to become operational, separate from the lake upon which it intends to operate from.

9.2 For these reasons the recommendation is for approval.

## **10.0 Conditions**

10.1 The conditions that follow are those that were reimposed most recently by the Planning Inspector in allowing the appeal (19/01097/FULM). The Planning Inspectorate do not specifically have to provide reasons for the conditions as they should be contained within their decision letter. Reasons for the conditions however

have been translated from the original decision and the inspectors decision notice and included below. Changes to the conditions have been shown in bold and strikethrough text to reflect the updated phasing plan and elements of the conditions that are no longer relevant.

- 10.2 Importantly, even though Conditions 15 and 23 have previously been approved in respect of Phase 5, the conditions cannot be updated to reflect this as due to the phasing changes it would risk parts of the new phase 5 not having dealt with land contamination or be fully landscaped. The conditions must therefore remain as imposed in respect of these elements.

01

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

Amended site location plan 6397-L-03 Rev C,

Drawing no. S2014002-001 entitled 2 Bed Residence Proposed Plans,

Drawing no. S2014002-002 entitled 4 Bed Residence Proposed Plans,

Drawing no. S2014002-004 entitled 2 Bed Residence Proposed Plans,

Drawing no. S2014002-005 entitled 3 Bed Residence Proposed Plans,

Drawing no. S2014002-006 entitled 4 Bed Residence Proposed Plans,

Drawing no. S2014002-008 entitled 2 Bed Residence Proposed Plans,

Drawing no. S2014002-009 entitled 3 Bed Residence Proposed Plans,

Drawing no. S2014002-010 entitled 4 Bed Residence Proposed Plans,

Drawing no. S2014002-012 entitled Changing Facilities Proposed Plans,

Drawing no. S2014002-401 entitled 25 Bed Inn Proposed Ground Floor Plans, received 20/08/2015,

Drawing no. S2014002-402 entitled 25 Bed Inn Proposed First Floor Plans,

Drawing no. S2014002-403 entitled 25 Bed Inn Proposed Elevations,

Drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan, Photographs received 17.02.2015 showing existing buildings to be demolished,

Drawing no. S2014002-501 entitled Water Sports Centre Proposed Floor Plans,

Drawing no. S2014002-502 entitled Water Sports Centre Proposed Elevations,

Drawing no. HOS002 6397-L-01 REV X2, Drawing no. *Amended Masterplan 6397-L-01 Rev X4*,

Drawing no. K8/PK/01/14 rev.A showing a membrane roof to the units,

Drawing no. ~~Plan K8-PK-01-01B – Phasing Plan (19)~~ **101 Revised Phasing Plan (all phases)**,

Drawing no. 1300-0002-03 NMA Site Block Plan,

Street Lighting plan Ref. K8-PK-01-04, received 15th October 2018

Materials Plan Reference K8-PK-01-04 and K8/PK/01/14 rev.A (received 12th September 2017),

Plan Ref. K8- PK- 01 -27 received 26th April 2018,

Phasing Plan K8-PK-01-06, received by the Local Planning Authority on 10th October 2018,

Discharge of condition 32 plan reference K8-PK-01-07 (received 19th July 2017),

Bat and bird boxes plan reference K8-PK-01-13 (received 19th July 2017), and

Revised Car Parking layout plan reference K8-PK-01-11A (received 9th November 2017).

**Reason: So as to define this permission**

02

No trees, shrubs or hedges within the site which are shown as being retained on the approved masterplan 6397-L-01 Rev X4 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and nature conservation.**

03

No development shall be commenced in relation to phase 2-5, pursuant to the approved phasing plan ~~K8-PK-01-01B, as amended 1st November 2018, drawing no. (19) 101 (Revised Phasing Plan)~~, until the trees and hedges shown to be retained in the approved masterplan 6397-L-01 Rev X4 have been protected by the following measures: a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at the outer extremity of the root protection area or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the Local Planning Authority; b) no development (including the erection of site huts) shall take place within the crown spread of any tree; c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree; d) no services shall be routed under the crown spread of any tree e) no burning of materials shall take place within 10 metres of the crown spread of any tree. The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.**

04

The existing hedge along the eastern boundary shown to be retained on drawing no. 6397-L-01 Rev X4 shall be retained at a minimum height of 3 metres for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the Local Planning Authority.

**Reason: In the interests of visual amenity.**

05

Notwithstanding the provisions of Condition 4 above, the additional hedgerow planting to the eastern boundary, as shown on plan 6397-L-01 Rev X4 shall be retained at a minimum height of 3 metres for the lifetime of the development. Any trees/shrubs within the hedgerow which,



at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

**Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.**

06

No development in respect of phases 2-5 shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings respectively have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with the Existing and Proposed Ground and Finished Floor Levels as stated in Table 4 of the report written by Hydro-Logic Services dated 29th August 2018.

**Reason: In the interests of visual amenity.**

07

No development in respect of phases 2-5 shall be commenced until the following drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter development must be carried out in accordance with the approved details:-

1. Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. If possible, the site should be designed to retain all surface water flows within the site and route these to an attenuation pond.
2. Detailed drainage layout including building drainage. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.
3. All infiltration areas with supporting specification, calculations and construction details.
4. Attenuation pond / tank details including volumetric calculations, geotechnical and slope stability calculations as appropriate, specification of materials used to construct any berms.
5. Full specification and general arrangement drawings for inlet / outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood / failure of the infrastructure.

Development in relation to Phase 1 shall be carried out in accordance with the drawing showing drainage details received by the Local Planning Authority on 26th October 2018 and the details provided in the letter from Hydro-Logic (dated 17th July 2017).

**Reason: To ensure satisfactory drainage at the site and reduce the risk of flooding.**

~~08~~

~~Prior to the new Inn building hereby approved being first brought into use, all existing buildings at Glebe Farm shown on drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan and in the photographs received 17.02.2015 shall be demolished and removed from the site.~~

~~09~~ 08

No development shall be commenced in relation to phase 2-5, until details of any external and internal lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme 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 unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with Street Lighting Plans, received 11th October 2018 and plan Ref. K8-PK-01-04, received 15th October 2018.

**Reason: In the interests of visual and residential amenity and in the interests of nature conservation.**

~~010~~ 09

No part of the proposed watersports building shall be commenced until precise details of low reflection glazing to be used on the watersports building have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

**Reason: In the interests of visual amenity.**

~~011~~ 010

There shall be no motorised water sports vessels operating at the site other than one safety craft.

**Reason: In the interests of residential amenity.**

~~012~~ 011

No development shall be commenced in relation phase 2-5, pursuant to the approved phasing plan ~~'K8-PK-01-01B, as amended 1st November 2018'~~ **drawing no. (19) 101 (Revised Phasing Plan)**, until a full schedule of external facing materials for all buildings on site (samples shall be submitted upon request) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Development in relation to Phase 1 shall be carried out in accordance with Plan Reference K8-PK-01-04 and K8/PK/01/14 rev.A (received 12th September 2017) which are as follows: External Cladding – Siberian Larch. Doors/Windows – Aluminium with an anthracite grey finish. Rainwater Goods – Aluminium with an anthracite grey finish. Roof - Membrane roof (Monarplan GF Fleeceback) in a light grey (RAL 7001) colour as shown on plan reference K8/PK/01/14 rev.A (received 12th September 2017) along with details provided on the roof materials on 31st July 2017 and the photomontage received on 31st August 2017.

**Reason: In the interests of visual amenity.**

#### ~~013~~ 012

The development in relation to all phases shall be carried out in accordance with the Biodiversity Management Plan (revised November 2017 and received by the Local Planning Authority on 5th December 2017).

**Reason: In the interests of maintaining and enhancing biodiversity.**

#### ~~014~~ 013

No development shall be commenced in relation phase 2-5, until details of any imported subsoil to the site have been submitted to and approved in writing by the Local Planning Authority. This shall include precise areas where subsoil will be used as well as precise details of subsoil character. Subsoil specifications should be as follows: a pH of less than 6.5; a soil phosphorous concentration of below 25ppm (index 2 or below), and ideally below 15ppm (index 1 or below).

**Reason: In the interests of maintaining and enhancing biodiversity.**

#### ~~015~~ 014

Unless otherwise agreed by the Local Planning Authority, development in respect of phases 2-5 other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun for any phase (1-5), development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation; An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;  
(ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme; A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme; The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination; In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Development in relation to phase 1 shall be carried out in accordance with Updated Remediation Strategy Report submitted by delta Simmons dated October 2018 August 2018.

**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.**

No development shall be commenced in relation to phases 2-5 until a written methodology for archaeological works at the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall be carried out in accordance with the approved details. Development in relation to phase 1 shall be carried out in accordance with the Written Scheme of Investigation prepared by Archaeological Landscape Investigation dated 31st January 2018.

**Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.**

**~~17~~016**

Notwithstanding the provisions of Part C, Class C3 "Dwelling Houses" of the Schedule of the Town and Country Planning (Use Classes) Order 2005, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

**Reason: The development is located within the countryside where new residential development would not normally be permitted.**

**~~18~~017**

The site operator shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

**Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.**

**~~19~~ 018**

The development hereby permitted shall not be commenced in relation to phases 2-5 until such time as a design scheme to address the flood risk matters listed below has been submitted to, and approved in writing by, the Local Planning Authority.

1. Ensure no raising of ground levels in areas of Flood Zones 2 and 3.
2. Provide design details of an appropriate surface water disposal system, based on SuDS techniques.
3. Provide an appropriate access and egress emergency plan to ensure that all users of the facility can be safe during a flood event.
4. Ensure finished floor levels are set no lower than 17.50m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Development in relation to phase 1 shall be carried out in accordance with the details approved on 18th May 2016 by Bob Stamp/Maber/Peg Ass and submitted as part of the application for approval of details approved by condition.



**Reasons:**

- 1. To prevent any increase in flood risk by the prevention of loss of floodplain storage or blockage of flood flow routes.**
- 2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.**
- 3. To ensure the safety of all users of the facilities.**
- 4. To reduce the risk of flooding to the proposed development and future users.**

**~~20~~ 019**

No development shall be commenced in relation to phases 2-5 until details of how clean and foul water will be separated with details of how foul water will be treated if the effluent cannot go to a local Severn Trent Water treatment plant via sewer. The approved details shall be implemented in full. Development in relation to phase 1 shall be carried out in accordance with Drainage Plan, received by the Local Planning Authority on 24th October 2018 showing foul water to main drain and details provided in the letter from Hydro-Logic (dated 18th December 2017).

**Reason: To ensure satisfactory drainage at the site.**

**~~21~~ 020**

The development hereby permitted shall not commence in relation to phases 2-5 until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Development in relation to phase 1 shall be carried out in accordance with Drainage Plan, received by the Local Planning Authority on 26th October 2018 showing foul water to main drain and Details provided in the letter from Hydro-Logic (dated 18th December 2017).

**Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.**

**~~22~~ 021**

No part of the development hereby permitted shall be open for use by guests or employees until a scheme for improvements to local bus stops has been fully implemented in accordance with the following details: *email confirmation regarding footway link and Section 278 Agreement from Mrs J Edwards dated 25th April 2018; Plan reference K8- PK- 01 -27 (received 26th April 2018) and 'key' confirmation from Mrs J Edwards in the email dated 2nd May 2018; and Supporting statement for condition 25 and associated plan references NTP-17030-025-01 Rev.C and NTP-17030-025-02 (all received 21st March 2018).*

**Reason: To promote sustainable travel.**

## **~~23-022~~**

No development shall be commenced in relation to phases 2-5 until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. This schedule shall include precise details of additional landscape buffering areas to assist in the screening of the buildings and the site from the public highway. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; an implementation and phasing programme; existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; car parking layouts and materials; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures for example, furniture, play equipment, artwork, refuse or other storage units, signs, etc.). Development in relation to phase 1 shall be carried out in accordance with Plan K8-PK-01-06, received by the Local Planning Authority on 10th October 2018 and the Species Mix Plan (revised 9th November 2017).

**Reason: In the interests of visual amenity and biodiversity.**

## **24 023**

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the Local Planning Authority.

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

## **~~25-024~~**

No part of the development in any phase, pursuant to the approved phasing plan '~~K8-PK-01-01B, as amended 1st November 2018~~', drawing no. (19) 101 (Revised Phasing Plan) shall be brought into use until all vehicular accesses from the public highway are surfaced in a hard-bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary. The surfaced accesses shall then be maintained in such hard-bound material for the life of the development.

**Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).**

## **~~26 025~~**

No part of the development in relation to phases 2-5 shall be commenced until details of the vehicular accesses have been submitted to and approved in writing by the Local Planning

Authority, showing widths, radii and construction detail and thereafter constructed in accordance with the approved details prior to the development being brought into use. Development in relation to phase 1 shall be carried out in accordance with details submitted on 19th September 2017 and 9th November 2017, along with details shown in plan references NTP- 17030-029/030-01 Rev. A and Drawing NTP-17030-034-01 500 (1) to show further detail for the southern access.

**Reason: In the interests of highway safety.**

**~~27~~ 026**

No part of the development in any phase shall brought into use until visibility splays in accordance with the details submitted on 19th September 2017 and 9th November 2017, along with details shown in plan references NTP- 17030-029/030-01 Rev.A and NTP-17030-029/030-02 Rev.A (received 9th November 2017). The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

**Reason: In the interests of highway safety.**

**~~28~~ 027**

No part of the development hereby permitted shall be brought into use until the parking areas for each respective phase have been provided in accordance with the approved masterplan 6397-L-01 Rev X4.

**Reason: In order to reduce the possibility of the proposed development leading to on-street parking in the area to the detriment of other road users and highway safety.**

**~~29~~ 028**

The development hereby permitted shall not be brought into use until the measures to control access from the footpath onto the nearby shoreline and lake (particularly in relation to dogs) along the southern shore of Lake 1 as provided for on plan reference K8-PK-01-07 (received 19th July 2017) and the email from Mrs J Edwards dated 9th November 2017 have been implemented. These approved measures shall be retained for the lifetime of the development.

**Reason: In the interests of maintaining and enhancing biodiversity.**

**~~30~~ 029**

No part of the development hereby permitted shall be brought into use until a 'gateway' traffic calming scheme, to include village signs and appropriate road markings, on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority in liaison with the Highway Authority. The use of rumble strips must also be considered as part of this traffic calming scheme.

**Reason: In the interests of highway safety.**

**~~31~~ 030**

In relation to construction method, the development hereby approved shall be carried out in accordance with the details submitted on 19th September 2017 and shown in plan reference NTP-17030-034-01 (received 19th September 2017) as well as the additional details on drawing No. NTP-17030-029/030-03 Rev C in so far as it shows the location of the proposed wheel wash facility, as well as the Email dated 10th January 2019 from Paul Kilmister to the Local Planning Authority stating that:- "It is hereby confirmed as amendment to the Construction Management Plan to ensure compliance with conditions 28 and 34 (part copied below) the vehicular access from the public highway to the southern entrance is also to be surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary prior to any construction vehicles using this entrance. The surfaced access shall then be maintained in such hard bound material for the life of the development."

**Reason: In the interests of residential amenity.**

**~~32~~ 031**

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: In the interests of residential amenity.**

**~~33~~ 032**

The water sports centre shall not be open to guests or members of the public outside the hours of 07:00 - 21:00 Monday to Sunday.

**Reason: To minimise light pollution in the interests of visual amenity and in the interests of residential amenity.**

**~~34~~ 033**

Prior to the development hereby approved being brought into use, the details provided on plan reference K8-PK-01-13 (received 19th July 2017) showing the new bat and bird boxes shall be fully implemented at the site and retained for the lifetime of the development.

**Reason: In the interests of maintaining and enhancing biodiversity.**

**~~35~~ 034**

The development hereby approved shall be carried out in accordance with recommendations and measures contained within the Badger Survey Report dated April 2017.

**Reason: In the interests of maintaining and enhancing biodiversity.**

**36**

~~No development comprising the demolition of the existing farm buildings at Glebe Farm shall be commenced until an updated bat survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter development shall be commenced in accordance with the approved details.~~

~~37~~ **35**

No ~~demolition of the buildings or~~ works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the Local Planning Authority prior to any ~~demolition of buildings or~~ works to hedgerows being carried out. If nests are found no ~~demolition of building works or~~ works to hedgerows shall be carried out until the young have flown the nests.

**Reason: In the interests of maintaining and enhancing biodiversity.**

~~38~~ **36**

This permission relates to development on the site shown edged in red on the approved site location plan only.

**Reason: To define the permission, for the avoidance of doubt.**

~~39~~ **37**

The development hereby approved shall be carried out in accordance with the Updated Construction Routing Strategy, received 27th December 2018 and including plan no. NTP-17030-042-02 showing delivery routes to be read in conjunction with email dated 10th January 2019 from applicant to the Local Planning Authority which clarifies that:- HGVs to access the South Entrance only from the North and to be limited to no more than 10 per week and that the vehicular access from the public highway to the southern entrance is also to be surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary prior to any construction vehicles using this entrance. The surfaced access shall then be maintained in such hard bound material for the life of the development.

**Reason: In the interests of highway safety.**

~~40~~ **38**

No part of the development hereby permitted shall be brought into use until the improvements to the signage on the C3, specifically at the location of the Kilvington double bends, has been undertaken in accordance with plan NTP-17030-043-01 (received 19th September 2017), unless otherwise approved in writing.



**Reason: In the interests of highway safety.**

~~41~~ 39

The development hereby permitted shall be carried out in accordance with plan reference K8-PK-01-16 (received 9th November 2017) detailing the precise location of the crossing point of the internal track.

**Reason: In the interests of ecology.**

~~42~~ 40

No part of the development hereby approved shall be open to overnight guests until the internal access track connecting the inn building and lodges shown on drawing no. 6397-L-01 Rev X3 has been constructed in accordance with the approved plans and is available for use.

**Reason: In the interests of highway safety.**

~~43~~ 41

The development hereby permitted shall be carried out in accordance with plan reference K8-PK-01-11A (received 9th November 2017) showing details of a car parking area and footpath link at the end of the internal access track connecting the lodges and inn building to the watersports centre. The proposed parking area shall contain no less than 6 car parking spaces. Thereafter development of the car parking area and footpath link shall be carried out in accordance with the approved plans prior to the site being open to overnight guests.

**Reason: In the interests of highway safety.**

#### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

