

Application No:	17/02141/FUL		
Proposal:	Erection of Gym and Sports Performance Centre incorporating new vehicular access and associated parking and boundary treatments		
Location:	Land at William Hall Way, Fernwood, Nottinghamshire		
Applicant:	Mr S McClory		
Registered:	1st December 2017	Target Date: 26th January 2018	Extension of time agreed: 9th February 2018

This application has been referred to Planning Committee because the applicant is known personally by the business manager for Growth and Regeneration.

The Site

The application site lies to the south of Balderton and west of Fernwood and forms part of a green field site. Figure 7 of the plan relating to Policy NAP 2C of the Core Strategy details the site as being within the Newark Urban Area and on land which has an existing business use. The land to the south of the site on the southern side of Cross Lane is allocated as a high quality landscaped business park (B1). The site in question has no formal land use designation within the Core Strategy. The site is situated to the west of William Hall Way, is on a gentle slope and is covered in scrub vegetation. To the east of the site is the Tawny Owl public house, to the north is an area of wetland planting with a footpath running through it and to the south west a collection of office buildings and associated car parking. The site is separated from the wetland planting (balancing pond) and footpath by post & rail fencing but open on all other boundaries.

Relevant Planning History

99/50008/OUT (OUT/990681) - On 25 October 2002 outline consent was granted for a business park development (Use Class B1) of up to 56,000 square metres of floor space at this site.

07/01081/OUTM -On 17 June 2008, under delegated powers and following lengthy negotiations with the developers, outline consent was granted for a business park development (Use Class B1) for up to 47,500 sq. m of floor space. This outline consent was necessary because the previous grant of permission had expired but had yet to be implemented.

06/01776/RMAM – Erection of 24 2 storey, semidetached office units, 3 2 storey detached office units, 2 three storey office units & ancillary roads, car parking & landscaping. Approved February 2007 and partially implemented, therefore remains extant, however the development boundary does not include the land which forms part of this proposed development.

In the wider area; consent was granted under **11/01234/FULM** for the Construction of a new-build nursing home for 60 elderly residents (Class C2) which opened in August 2013

Consent was also granted under **17/01105/FUL** for a Wellness Centre (Class D1) on land to the west of the nursing home at the end of 2017.

The Tawny Owl pub (Class A4) to the east of the development site was granted consent in 2009 **09/00404/FUL**.

The Proposal

Full planning permission is sought for the construction of a building to house a gym and sports performance centre (D2 use class) including new vehicular access from William Hall Way and associated parking and boundary treatment.

The applicant has detailed that they have considered the site and surroundings in consideration of the design of the proposed building and that the building would be no higher than the Tawny Owl pub situated to the east of the site.

The building is proposed to be approximately 24m x 25m with an overall height of 8.5m. It is proposed that the building be constructed from a mix of red brick and cladding and finished with a flat roof.

The application is supported by a design & access statement, planning statement, sequential test and supporting marketing information.

Departure/Public Advertisement Procedure

Occupiers of 1 neighbouring building individually notified by letter, a site notice has been displayed near to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 5 - Delivering Strategic Sites

Spatial Policy 6 – Infrastructure for 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 8 - Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

NAP 1 - Newark Urban Area

NAP 2C -Land around Fernwood

Allocations and Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM2 - Development on Allocated Sites

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM11 – Retail and Town Centre Uses

Policy DM12 – Presumption in Favour of Sustainable Development

Fernwood Parish Neighbourhood Plan 2017

NP1 – Design Principles for New Development

NP5 – Green Spaces, Landscaping and Biodiversity

NP8 – Enhancing the Provision of Community Facilities

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

Consultations

Fernwood Parish Council – Unanimous support

NCC Highways Authority – No objection subject to condition

The principle of this development is acceptable. However, it would be helpful if the applicant could justify the level of parking to ensure overspill parking does not occur on adjacent roads. Also, further consideration might be given to the provision of pedestrian routes/access. For example, the proposed site plan states that the “new site access road to be extended off principle estate road by vendor” but the footway shown is not within the red edge application boundary. Associated with this is the issue that whilst the vehicle circulating areas within the Gym car park are clearly shown to be tarmac construction, no detail is given for the construction of the access road extension. Assuming the above matters can be easily addressed, no objection.

Later comment received based on revised site location plan showing red line extended to adopted highway - No objection subject to conditions.

NSDC Policy Officer

National Planning Policy

National Planning Policy confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

National Planning Policy carries the expectation that significant weight should be placed on the need to support economic growth through the planning system.

Local Development Plan

Newark and Sherwood Core Strategy (2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 5: Delivering Strategic Sites
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 8: Retail Hierarchy
Core Policy 9: Sustainable Design
Core Policy 12: Biodiversity and Green Infrastructure
NAP 1: Newark Urban Area
NAP 2C: Land around Fernwood

Allocations and Development Management DPD (2013)

Policy DM2: Development on Allocated Sites
Policy DM5: Design
Policy DM12: Presumption in Favour of Sustainable Development

Assessment

The site of the proposed development is within an area that has previous permission for B1 development. The application will therefore be assessed against the criteria set out in Core Policy 6 (CP6). The amended version of this policy, as set out in the Publication Amended Core Strategy (PACS), contains additional criteria to the version in the adopted Core Strategy. Only limited weight can be given to the PACS at this stage, as it has not yet been subject to an independent Examination.

When considering how much weight can be attached to the amended CP6, it should be noted that the policy is not the subject of any objection, and the Inspector carrying out the Examination has asked no questions about it. Some regard should be had for the criteria in the amended CP6 against which to assess non-B uses on employment land, as well as for those in the adopted CP6.

Evidence has been submitted that the site has been marketed unsuccessfully for B1 use for some time. There is also some evidence to indicate that other, more appropriate sites are unsuitable or unavailable. This supports the application to some extent.

The impact of the proposed development on Newark, Balderton and Fernwood centres needs to be considered. As set out in CP6, the potential impact on the delivery of the rest of the site is also important, particularly on the neighbouring plot. The proposed development should be a suitable neighbour to a B1 use, as well as to the public house to the east.

An additional criterion in the amended CP6 states that whether or not the proposed development would bring any significant benefits to the local area should be taken into account.

The figures available in the 2016 – 2017 Employment Land Availability Study (ELAS) indicate that there is an under provision of employment land in the Newark Area. The target for the amount of employment land required for the plan period that is set out in the PACS is, however, considerably lower than that in the ELAS. It is considered therefore that there is a more than adequate supply of employment land in the Newark area. The ELAS refers to the current plan period and the PACS to the proposed new one. While the new document is not adopted, some regard should be had to the information that it contains.

The scheme as proposed would provide employment opportunities, which may be considered to weigh in its favour to some extent. This is, however, secondary to the principle of releasing the land, and its suitability for the proposed use.

No letters of representation have been received from third/interested parties.

Comments of the Acting Chief Executive

Policy Background

The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

Policy NAP2C of the Core Strategy allocates land around Fernwood as a strategic site for housing, a high quality landscaped B1 Business Park, a local centre and associated green space, transport and other infrastructure. The principle of development is facilitated by the site's allocation as NAP2C and through Policy DM2, which states that "*within sites allocated in the A&DMDPD, proposals will be supported for the intended use that comply with the relevant Core and DM Policies, the site specific issues set out in the A&DMDPD and make appropriate contributions to infrastructure provision in accordance with the Developer Contributions SPD.*" Figure 7 relating to Policy NAP2C indicatively identifies the application site as within an area proposed for business use and this is reflected in the indicative layout of the last outline consent (07/01081/OUTM) approved in 2008 but which has now lapsed.

One scheme has been implemented on the business use site under application reference 06/01776/RMAM which was approved in 2007 for office development. This scheme has been partially implemented and as such remains extant; however the consent only covers 3.82ha of land to the south of the site and does not include the land which forms the basis of this application.

It is therefore the view of officers whilst the site in question has previously been granted outline consent for employment use and being detailed as part of NAP2C, it is not formally designated for employment use and no extant consent exists for a use on this parcel of land. It is however acknowledged that as part of the Employment Land Availability Study (ELAS) that the site has been included within the provision of employment land for Newark and as such consideration will be had to the change of use of the site to a non B employment use.

Loss of Employment Land

Core Policy 6 which states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by, amongst other criteria, retention and safeguarding of employment land and sites that can meet the needs of modern businesses, to ensure their continued use for employment purposes. Land and premises in the existing industrial estates and employment areas allocated for employment development, will normally be safeguarded and continue to be developed for business purposes. Where proposals are submitted for economic development uses wider than the B Uses Classes (public and community uses and

main town centre uses – which include health and fitness centres), regard will be had to the following:

- The extent to which the proposals are responding to local needs for such development;
- The lack of suitable, alternative sites being available to meet the demand that exists;
- The need to safeguard the integrity of neighbouring uses, including their continued use for employment purposes;
- The need to protect and enhance the vitality and viability of town centres; and
- The potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the District.

The NPPF was published subsequent to the adoption of Core Policy 6. It is therefore also considered appropriate to assess the proposal against the NPPF and the revised (but not yet adopted) CP6. The Newark and Sherwood Amended Core Strategy is due to be examined this month and as detailed within the above planning policy comments no objections have been raised to revised CP6 and it is therefore considered to carry some weight in the decision making process. The relevant part of the policy states that where proposals are submitted for economic development uses other than the B Use Classes, regard will be had to the five bullet points listed above in addition to respecting that where the release of sites to non-employment purposes is proposed, any significant benefits to the local area that would result, should be taken into account to inform decision making.

Need for the development including Marketing of the Site

As a use falling within use Class D2, the proposal does not strictly comply with the allocation for B1 Use. Albeit, the NPPF does state that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

As detailed within the relevant site history section above, a number of different non Class B applications have been determined within the vicinity of the site in recent years. The Tawny Owl public house (Class A4 Use) was approved in 2009 to the east of the site, a 60 bed elderly persons home (Class C2 Use) was opened in 2013 to the south of the site and a wellness centre (Class D1 use) was granted consent in November last year to the side of the care home. The justification for the care home is set out in the following extract from the Officer Report:

'The view taken was that this type of use, whilst not strictly a B1 office or high tech use that the Business Park had initially envisaged, it would nevertheless generate employment (in this case 53 jobs) and the use would not undermine the strategic objectives of the site, subject to other planning considerations. Indeed this use would be a community use and as such falls within the scope and intentions of the policies. I therefore consider that the proposal broadly accords with the policy objectives in this respect.'

The same policy justification was recently used for the approved wellness centre and it therefore seems appropriate that the policy consideration for the proposed gym follow this lead. The gym would employ a total of 9 people, 7 full-time and 2 part-time employees. The submitted floor plans detail the building as having a total floor space of 710m² which represents 1 employee per

79m² of floor space. This is more than both the wellness centre and the nursing home (1/54m² and 1/59m² respectively), however it is accepted that the nature of a gym and the size of the equipment contained within it requires a larger floor space to person ratio. In terms of land use; the site would occupy 0.29ha of land, in comparison the proposed wellness centre which would occupy a 0.19ha plot and the nursing home a significantly larger 1.25ha site.

An application for a non-B1 use on this site could also be supported by information to show that it has been marketed for B1 use unsuccessfully.

The supporting information confirms that:

'Strawsons Property who own the overall site have been marketing Fernwood Business Park for B1 Office Development for in excess of 10 years using the well regarded local agents Hodgson Elkington (who have now been bought by the national firm Lambert Smith Hampton). During this time there has only been limited interest from office occupiers and the only deal that has been done for office development was the disposal to Gladmans in 2007. This is the area which was the subject of the reserved matters consent. Gladmans have built out only a limited part of their office park (5 of 16 buildings) and the take up of the units which they developed speculatively has been disappointing and they have no current plans to speculatively build any more office units on the remaining part of the Business Park in which they have an interest. Strawsons Property confirm that there have been various parties interested in locating to the business park over the last ten years, however the only interest that has crystallised into transactions have been the Public House, the Care Home, a sports injury clinic (recently received planning consent) and the Free School proposal in addition to your proposed gym. There has been some interest in B1 office development but this has for the most part been absorbed by the Gladman scheme as the level of rents attainable for developers have not justified speculative development and for tenants who may have contemplated building their own office buildings the level of rents offered by Gladmans (in order to let their empty buildings) have been very competitive.

We are currently in discussion with a potential office developer for a one acre site and we are hopeful that the more development that we can get on the business park will increase the level of demand as the non B1 uses provide services that will help to attract the B1 occupiers'

The submitted Design & Access Statement also confirms that the proposed gym represents the re-location of the existing business which has been established on the edge of Newark for the past 4 years on Maltkiln Lane and has achieved approximately 300 members, but has reached a point where the current rented premises are not fit for purpose and offer no potential for further expansion. The proposed site offers the ability for a purpose built building and associated outdoor space to be provided to allow an existing local business to expand and contribute to the economy of the local area.

Impact on Remaining Employment Land, Neighbouring Uses and the Town Centre

The figures available in the 2015 – 2016 Employment Land Availability Study indicate that there is an under provision of employment land in the Newark Area. In contrast to this however, figures in the proposed Preferred Approach Sites & Settlements document identify a requirement of 51.9 ha for the Newark Area, a reduction in requirement of approximately 105ha compared to the figures outlined in Spatial Policy 2 of the adopted Core Strategy. Although the revised Core Strategy and the figures in it are yet to be fully tested, this suggests that there is a more than adequate supply

of employment land in the Newark area. The ELAS refers to the current plan period and the Preferred Approach Sites & Settlements to the proposed new plan period. As such, the loss of 0.29Ha of potential employment land for the proposed gym is unlikely to have a strategic impact on the overall supply and availability of employment land in the Newark Area.

It is considered that the proposed use would be compatible with the recently approved wellness centre to the south of the site and provides easy access for the approximate 1,000 existing dwellings to the east within Fernwood and the further approximately 3,000 allocated within policy NAP 2C. The development is also likely to be compatible with any future B1 uses on land adjoining the site.

Sequential Test

The proposed Class D2 use is defined within Annex 2 of the NPPF as being a Main Town Centre Use. At the request of the LPA the applicant has submitted a sequential test to justify that no sequentially more preferable sites within the Newark and edge of urban area are reasonably available for the proposed development.

The sequential test submitted details that no buildings or land have been available in the last 3 years that were within the Newark urban area or edge of urban area. The applicant states that they have shown flexibility in their requirements for the suitable site; however the nature of the proposal requires a minimum square meterage of floor space to allow the business to develop along with outdoor space and requisite parking. The option of remaining at the current industrial unit on Maltkiln Way; an existing out of centre location has been explored, however there is no potential for expansion thus not allowing the business to develop.

The sequential test details that the former B&Q site, now The Range was considered, however the site was far too large for the proposed requirements. The building now housing Anytime Fitness on Lombard Street in Newark was also considered, however the building was for lease only and didn't offer any outdoor space.

A review of Rightmove has also been undertaken at the time of reviewing the application and whilst some buildings/sites are available within the Newark urban area there are none that meet the requirements of the proposed development in terms of offering the necessary floor space, outdoor space and parking. I am therefore satisfied that there are no sequentially preferable sites to that proposed available within the Newark urban area, edge of centre or within Balderton or Fernwood and given the scale of the proposed development would not adversely impact upon the vitality of these district centres.

Summary

The site is not on land that is formally allocated for employment use, however is included as part of the employment allocation for the Newark Area. Being mindful of the reduced employment requirements identified as part of the revised Core Strategy and the small land take the development would occupy I do not consider that the proposed development would significantly impact upon the ability for employment land to be provided in the Newark urban area, also being mindful of the ongoing unsuccessful marketing of the wider site on this basis.

The proposed Class D2 use is identified as a town centre use within the NPPF; however I am satisfied that there are no sequentially preferable sites available and that the proposed scale of development would not detrimentally impact upon the vitality and viability of the surrounding district centres.

I therefore conclude that in policy terms the proposed development is acceptable subject to the site specific considerations outlined below.

Impact on Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The proposed building would be set back approximately 70m from William Hall Way and orientated east to west in the plot. Parking would be provided to the side (south) and rear (east) with an area of hard standing for outdoor workouts proposed to the side (north) of the building. The grassed scrub land to the front of the building is excluded from the development site and reserved for future development. The proposed building would be approximately 8.5m in height and constructed from a mixture of red brick and metal cladding with a flat roof. The proposed building is considered to be functional, with more of an industrial appearance; however it is accepted that the building has been designed to reflect its proposed use with large roller shutter doors on the rear to allow for air circulation and access to the proposed outside training space. The area surrounding the proposed site is at present relatively sparse with the closest buildings being the pub to the east which has the appearance of a large clad and rendered dwelling. There are a handful of office buildings to the south which are a mix of heights, with flat or nearly flat roofs and constructed of buff brick with elements of grey metal cladding.

Whilst I do not consider that the proposed building would strictly fit in with existing built form within the vicinity of the site, I do not think the design of the proposal so significantly detracts from the character of the area to warrant refusal of the application and I give weight to the functional requirements of designing a building to accommodate a gym. I recommend that landscaping is providing, by way of condition to soften the appearance of the building and the proposed brick and cladding be conditioned to ensure the finish of the building is appropriate. Overall I consider that the proposal would accord with Core Policy 9 and Policy DM5 of the Core Strategy and DPD respectively.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither

suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed gym is located some distance away from any residential property with the Tawny Owl pub the closest building to the site. Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note no objection is raised by NCC Highways Authority and the proposed access from William Hall Way is considered to be acceptable. The red line plan was revised during the lifetime of the application to enable the existing footpath to be continued along the proposed access road to allow for pedestrian access to the site. The applicant has confirmed that the number of parking spaces has been calculated upon the classes being full and all staff being on site, which is unlikely to ever occur, however NCC Highways are satisfied with the proposed quantum of parking.

I am therefore satisfied that the proposed scheme provides an acceptable access and appropriate off street parking spaces so as not to result in highway safety dangers to justify refusal on these grounds. The proposal is therefore considered to accord with Policies SP7 and DM5.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. No ecology survey has been submitted with the application. However, I am aware that previous surveys of the site have taken place and concluded that the ecological impacts of the developing the site are likely to be minimal subject to the implementation of a landscape scheme. As such, it is recommended that a condition requiring the submission, approval and implementation of a landscape scheme be attached to any future consent.

Drainage

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

The site lies in Flood Zone 1, at lowest risk of flooding, however is detailed to be within an area known to be prone for surface water flooding. The proposed development involves the creation of a large area of hard standing to accommodate the building and associated car parking. In the interests of ensuring appropriate drainage on the site it is recommended that a condition be imposed requiring plans to be submitted and agreed prior to commencement of works in relation to the methodology for control of surface water run-off and foul sewage disposal.

Conclusion and Planning Balance

As a use falling within Class D2 use, the proposed gym needs to be considered in relation to the loss of potential employment land in an out of centre location. It is acknowledged that the proposed use would contribute to delivering some employment opportunities and the NPPF does state that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In addition, emerging evidence suggests that there is a more than adequate supply of employment land in the Newark Area and the proposal would not prejudice the ability for surrounding land to be used for employment use, subject to requisite planning consents being granted.

The scheme would provide some benefit to the local neighbouring local communities in Fernwood and Balderton in terms of the provision of a location for physical exercise and the potential for partnership with the recently approved wellness centre and physiotherapist to the south of the site, which also weighs in its favour. Evidence has been submitted by way of a sequential test within the application setting out the reasons for the choice of location, alternative sites considered and why these were ruled out and details of marketing that has been undertaken to market the site for B1 purposes and the lack of interest shown. I am therefore satisfied that there are no reasonably available sequentially preferable sites to provide the proposed development.

On balance, the release of this site for the proposed gym centre is justified in this instance. The proposed development is not considered to result in any adverse impact upon residential amenity, visual amenity, ecology or highway safety. Subject to conditions I recommend that planning permission is granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:-

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

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

Location and block plan Dwg No. 295-01C

Proposed site plan Dwg No. 295-02H

Proposed ground floor plan Dwg No. 295-10E

Proposed first floor plan Dwg No. 295-11E

Proposed roof plan Dwg No. 295-12C

Proposed elevations Dwg No. 295-13D

Proposed sections Dwg No. 295-14B

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below 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.

Bricks

Roofing materials

cladding

Reason: In the interests of visual amenity.

04

No development shall be commenced 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. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

hard surfacing materials;

means of enclosure and

an implementation and phasing plan.

Reason: In the interests of visual amenity and biodiversity.

05

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

06

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the prospective (existing) highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

07

No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the prospective public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

08

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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.

09

The site shall be used as a Gym and Sports Performance Centre (Use Class D2) and for no other purpose, including any other use falling within Class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (As Amended), or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and in recognition of the site's location on a business park where the development of non-B1 uses is normally restricted.

Informatives

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

02

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/

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.

BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on ext. 5841

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/02141/FUL

