

PLANNING COMMITTEE – 31 MARCH 2020

Application No:	20/00339/S73M (MAJOR)	
Proposal:	Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design	
Location:	Community And Activity Village, Lord Hawke Way; Newark On Trent, NG24 4FH	
Applicant:	Mr Craig Berens - Nottinghamshire YMCA	
Agent:	Mr Chris Goodwin - Rayner Davies Architects	
Registered:	03.03.2020	Target Date: 02.06.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q6B2NLLBG4000	

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

The Site

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

The site has been subject to development in recent years in connection with the extant planning permission to which this application relates. At the time of the Officer site visit the site featured the approved car park immediately adjacent to (but separated from) the Leisure Centre car park as well as some of the approved sporting facilities including the Athletics track and football pitches. The south of the site was cordoned off by construction hoardings.

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

Relevant Planning History

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

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

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

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

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

The Proposal

The application has been submitted as a Section 73 application to vary the plan condition on the original approval in order to allow a number of changes to be made to the extant permission. These largely relate to the facilities within the approved building towards the western boundary of the site in response to the demand for an increased level of facility offer within the building. This would involve physical changes to the proposed building as summarized below:

- Increase in building footprint by around 250m² (from approximately 2,440m² to approximately 2,690m²);
- Increase in building floor space by around 834m² (including addition of mezzanine floor) to facilitate an increase in the area of the multi-purpose activity space and an increase in well-being and fitness and office administration space;
- Minor changes to fenestration details including use of two 'blind' windows to the second floor of the east elevation;
- Increased use of cladding to the south elevation;
- Increase in overall maximum pitch height by approximately 3.6m (from approximately 13.4m to approximately 17m);

There are also minor changes to the overall site arrangement including an increase in secure cycle provision and the relocation of cycle parking closer to the entrance. An additional area of car parking is also proposed to the east of the existing car park.

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

- Raynor Davies Architects covering letter dated 28th February and reference 2242/2.0/CJG;
- Planning Conditions Tracker (Rev. H 28/02/2020) RDA Ref: 2242;
- Travel Plan – BRNW-BSP-ZZ-XX-RP-D-0001-P04_Travel_Plan by bsp Consulting – 17-0391 dated March 2020;
- Transport Assessment - BRNW-BSP-ZZ-XX-RP-D-0001-P04_Transport_Assessmnet by bsp Consulting – 17-0391 dated March 2020;

- Design and Access Statement Rev. D;
- Location Plan – 2242(08)001 Rev. A dated 20/02/20;
- Site Plan – 2242(08)S01 Rev. C dated 17/03/20;
- Block Plan – 2242(08)002 Rev. B dated 25/02/20;
- Ground Floor Plan & Landscape – 2242(08)005 Rev. D dated 25/02/20;
- First Floor Plan – 2242(08)006 Rev. B dated 25/02/20;
- Roof Plan – 2242(08)007 Rev. B dated 24/02/20;
- Sections – 2242(08)008 Rev. B dated 24/02/20;
- Proposed Elevations – 2242(08)009 Rev. C dated 25/02/20;
- Second Floor Plan – 2242(08)012 dated 24/02/20;
- First Floor Mezzanine Plan – 2242(08)013 dated 25/02/20;
- Covering Letter 10th March 2020 – 2242/2.0/CJG;
- Coach Parking Phase 1 – 2242(15)006 Rev. A dated 17/03/2020;
- Car Park Layout & Details – 10976-WMS-ZZ-XX-DR-C-39503-D2-P03;
- Bsp Consulting letter dated 11th March 2020 – TB / 17-0391 – 08539497.

Departure/Public Advertisement Procedure

Occupiers of 56 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NAP3 – Newark Urban Area Sports and Leisure Facilities

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

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

Consultations

Newark Town Council – No comments received to date (comments due 26th March 2020 so will be reported to Members as a late item).

NCC Highways Authority – *Additional comments received 18th March 2020:*

Concerns over the levels of parking provision and coach parking have been addressed by drawing 2242(08)S01 Rev C, and; drawing 2242(15)006 Rev A which refers to Phase 1 only.

A request has been made to revise the junction capacity calculations in light of recent developments. This is expected to confirm that the Lord Hawke Way/Bowbridge Road junction will operate satisfactorily. These calculations are awaited and it is intended that confirmation be provided prior to the Committee meeting.

In terms of varying condition 3 of 17/01693/FULM, no objections are raised subject to confirmation of the junction capacity issue, and; compliance with the above drawings.

Original comments received 12th March 2020:

There are three queries that I wish to raise.

1. Car parking.

In view of the increased floor area of the leisure facilities from 3938 sqm to 5548 sqm, I would expect an increase in parking of about 46 spaces (1 space per 35sqm). It is noted that the original leisure centre provided 172 spaces, with the later approval 17/01693/FULM Sports and Community Village offering another 108 spaces. At the time of the latter application, concerns were raised about the proposed level of car parking and its adequacy to meet demand (see condition 15). Subsequent to these permissions two things have occurred which suggest to me that these concerns were justified.

a) Car parking on site has been increased by 58 spaces (on land not included in the above proposals), and;

b) Double yellow lines have been applied to both sides of Lord Hawke Way. Although these would appear to be unenforceable (they are not on public highway, as yet)

These suggest that the existing facilities have experienced higher than estimated parking demand.

In conclusion, whilst it is understood that additional parking is now proposed over and above the levels previously permitted (albeit condition 15 does allow for review) it is my view that 46

additional spaces should be proposed in addition to all of the above figures; to offer a total of circa 384 public spaces.

2. Coach parking

In view of the perceived car parking demand outlined above, the proposal to cordon off car spaces to cater for coaches would appear to risk car parking occurring on the surrounding highways. Submitted drawings show 12 car spaces cordoned off, although more may be required if more than two coaches need to be accommodated.

3. Junction capacity

The revised Transport Assessment is an update of 2017 figures using estimated traffic growth rates. I would like to refer the consulting agent to the Transport Assessment produced for neighbouring application 20/00275/FULM which has more up-to-date traffic flow figures and incorporates further committed development.

So, as a sensitivity test I would ask that the agents use the base figures found in the TA for the 20/00275/FULM application; add their own generation figures and re-run the capacity calculations for the Bowbridge Road junction. It is recognised that the design year base flows for the housing development are for 2024 whereas 2026 is used for the YMCA application, but I am happy that the difference will be insignificant and can be ignored in this case.

I await a response to these points before submitting further comments.

NSDC Environmental Health (contaminated land) - I have recently received a copy of the Solmek Ground Gas Risk Assessment report dated 10th July 2018.

This report includes details of the gas monitoring carried out during 2018 and concludes that the risk to the site from ground gas is low and that no protection measures are required. I can concur with the findings of this report.

Furthermore I have received a copy of an email from the architect Chris Goodwin (dated 10th March 2020) which clarifies that the former Tarmac land (to the South East) remains outside of the development area and is not in the ownership of the applicant. Given this information I can confirm that the contamination condition and investigation is not applicable to this piece of land for this application as it currently stands.

Matters that remain outstanding are as follows:

- The remediation of soil pH in some acidic areas of the site.
- Provision of validation information for landscaping areas around the proposed building.

I would expect the submission of an appropriate validation report in order to confirm that the above matters have been addressed. As such I would recommend the use of the following condition:

A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to Phase 2 of the development being brought into use.

No letters of representation have been received to date.

Comments of the Business Manager

Principle of Development

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

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

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

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

Impact on Character

As a comprehensive development, there are large elements of the scheme which will have a minimal impact on the character of the area due to their low lying nature (i.e. the sports pitches). However, as with the assessment of the extant application, it remains the case that the greatest potential impact on the character of the area will be the proposed building along the western boundary of the site. As is detailed above, the premise for the current application is to seek changes to the approved size and scale of this building and therefore implicitly there is a likelihood of an increased character impact.

Whilst the increase in footprint is notable (approximately 250m²) as a proportion of the whole building this would be relatively unperceivable. The bulk of the increased floor space would be to the northern elevation of the building but would still not extend further northwards than the most northerly outshot of the approved building due to the plan form. The building is positioned

broadly centrally along the western boundary such that there would still be a significant distance of around 120m between the northern element of the building to be increased in size and the northern boundary of the site.

Notwithstanding the above, the revised plans also show a significant increase in the overall pitch height of around 3.6m taking the maximum building height to approximately 17m. It is worthy of note that this would not affect the whole building and would be to serve the function of the climbing wall and general purpose activity space. Clearly, such a significant building height in a dense urban context requires careful considerations even in the acknowledgement of the extant permission for a building of 13.4m. To give some context to the surroundings, the Leisure Centre is approximately 12m and Gladstone House approximately 11m. There is therefore no doubt that the proposed building would be a prominent addition to the surrounding area.

Although the site is within the Newark Urban area and therefore the surroundings are densely populated, the site itself is of a significant size such that the building would still be a significant distance from the majority of visual receptors who were not at the site (or perhaps the adjacent Leisure Centre) to utilize the facilities. The site is set back from Bowbridge Road by approximately 250m. The increase in building height, whilst significant, would not in my view amount to character harm above and beyond that already accepted by the extant scheme. The building would still very much be read in the context of the commercial Leisure Centre adjacent and the overall sporting and leisure offer within the site.

As is referenced by the description of the site above, the site is close to, but outside of the designated Conservation Area. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings. Key issues to consider in proposals for additions to heritage assets, including new development which has the potential to affect the setting of designated conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Clearly the increased height and scale of the proposed building has the potential to affect the setting of the Conservation Area and must be considered in the current determination. However, in the context of the distance to the Conservation Area and indeed the spaciousness of the area surrounding the building it is not considered that the increased scale proposed here would have a discernible impact on the heritage designation when compared to the already accepted extant scheme. This assessment has been confirmed by verbal discussions with the Council's Conservation Officer.

It is noted that the additional car parking proposed (as discussed further below) would partly occupy an area which was originally envisaged to be landscaped. Whilst this is not an ideal situation, there would still remain a small area for landscaping within the spaces as well as other areas within the wider site.

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

Impact on Highways including Parking Provision

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

The current application has come about due to an increased interest in end occupiers for the building. To facilitate this, the overall floor space of the building is proposed to be increased. Logically speaking, an increase in occupation has the potential to have a knock on effect on the highways network through an increase in vehicular movements. The application has been accompanied by an updated Transport Assessment and Travel Plan to address this.

The updated Transport Assessment demonstrates an increased demand for car parking spaces (199 spaces) but contends that the 178 spaces originally proposed to be provided (representing 89% of the maximum) would be sufficient given that spaces would be shared between the uses and that the various uses within the site would have varying times of the year for optimum demand (i.e. tennis would be more in use in summer and football more in the winter). A total of 58 cycle spaces are also proposed.

It is only appropriate at this stage to assess the increased demand that may arise from the increased building size. The access from Bowbridge Road has already been established by the extant permission. The increase in traffic movements accountable by the revised plans now proposed has been assessed by NCC as the Highways Authority. As is detailed in the consultation section above, the original comments of the Highways Authority raised three potential issues with the submitted application namely, car parking; coach parking; and junction capacity.

In respect to car parking, it was suggested that an additional 46 additional spaces should be provided. These spaces have been demonstrated on a revised plan received 17th March 2020 shown adjacent to the existing car park taking up part of the space originally envisaged to be a skate park and a small area of landscaping (and therefore the skate park would be marginally reduced in area). NCC Highways have confirmed that they are happy with this arrangement and therefore there is no objection to the revisions on the basis of parking capacity.

Moving then to the issue of coach parking, the original permission included a condition seeking details of coach parking for the whole development. However, given the phased approach to delivery Officers consider it to be reasonable that there could be a phased approach to coach parking. This has been demonstrated on a revised plan following NCC Highways original comments and they have since confirmed that they are satisfied with this approach. A suitably worded condition could secure that the spaces shown would be available for coach parking.

The final outstanding matter is in relation to junction capacity with the Highways comments requesting consideration of the pending housing scheme from Bowbridge Road (reference 20/00275/FULM). A sensitivity test has been requested using the base figures within the housing application albeit NCC Highways have confirmed that it is not anticipated the results of the testing will be significant. The revised Transport Assessment and Travel Plan have been received and a consult instructed to NCC Highways. The comments will be reported to Members through the schedule of communication received after agenda print.

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

Other Matters

The revised plans, despite their increased height and scale, are not considered to have a perceivable impact to neighbouring residential receptors in comparison to the extant scheme. The building is some 180m away from the nearest existing residential curtilage which would be a sufficient distance to alleviate overbearing impacts even with the substantial building height of 17m. It is noted that there is a currently pending application for housing development to the west of the site. However, the part of the building to be increased in height compared to the extant permission would still be over 100m away from these dwellings and therefore again there are no concerns in terms of an unacceptable overbearing impact.

The proposed mixed end use has already been established by the extant permission and would not change through the current submission. Whilst it is not necessary as part of the Section 73 determination to enter into a forensic assessment of the sporting facilities and pitch provision etc. it should nevertheless be identified that the very premise of the current application is to allow an increase in health and wellbeing facilities offer within the site. This would be a benefit to the local community and should be afforded positive weight in line with the aim of NAP 3 and the Council's Community Plan objectives.

Conclusion

Notwithstanding that this application seeks to introduce plans which demonstrate a significantly scaled building, this has to be considered in the context of the extant permission which exists on the site. As is detailed by the assessment above, the additional character and highways impacts would not amount to harm which would warrant refusal of the revisions sought. In addition, positive weight should be added to the additional offer of community facilities which the increased building size would allow.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording. A clean version of the condition (i.e. as they would appear on the decision notice) has also been included at Appendix 1.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below subject to no additional material planning considerations arising through the remainder of the consultation process which expires on 2nd April 2020:

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~~

01

The development shall be implemented in accordance with the phasing scheme shown on drawing no. Revised Site Phase 3 - 2242 (03) 052 Rev. A received 10th November 2017 unless otherwise agreed in writing through a non-material amendment. Prior to the commencement of each Phase **beyond Phase 1**, a full detailed programme including anticipated timeframes should be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. **To confirm, the approved details for Phase 1 were demonstrated by plan reference 2242(08)11 Rev. A as agreed through the discharge of condition letter dated 4th July 2018.** For the avoidance of doubt the car parking provision hereby approved within Phase 1 should be completed and available for use prior to the commencement of Phase 2.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of ensuring that there is adequate parking provision available for the intended end uses and that the sporting offer is delivered in a way which addresses any potential losses of alternative provision.

~~03~~

02

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

- Revised Landscape Masterplan - NO455 08 001 Rev. B
- ~~Revised Site Layout Plan - 10976 (SK) 2041 Rev F~~
- Proposed Fencing- 10976 (SK) 2045 Rev. D
- Revised Site Phase 1 - 2242 (03) 050 Rev. A
- Revised Site Phase 2 - 2242 (03) 051 Rev. A
- Revised Site Phase 3 - 2242 (03) 052 Rev. A
- ~~Revised Ground Floor Plan - 2242 (08) 009 Rev. C~~
- ~~First Floor Plan - 2242 (08) 006 Rev. A~~
- ~~Roof Plan - 2242 (08) 007 Rev. A~~
- ~~Revised Elevations - 2242 (08) 009 Rev. B~~
- Horizontal Illuminance Levels - UKS11521 - 8A
- **Site Plan – 2242(08)S01 Rev. C dated 17/03/20;**
- **Block Plan – 2242(08)002 Rev. B dated 25/02/20;**
- **Ground Floor Plan & Landscape – 2242(08)005 Rev. D dated 25/02/20;**
- **First Floor Plan – 2242(08)006 Rev. B dated 25/02/20;**
- **Roof Plan – 2242(08)007 Rev. B dated 24/02/20;**
- **Sections – 2242(08)008 Rev. B dated 24/02/20;**
- **Proposed Elevations – 2242(08)009 Rev. C dated 25/02/20;**
- **Second Floor Plan – 2242(08)012 dated 24/02/20;**

- **First Floor Mezzanine Plan – 2242(08)013 dated 25/02/20**

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.

~~04~~

03

No development shall take place in respect to Phase 2 until details and samples 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.

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

~~05~~

04

~~Within three months of the commencement of the development hereby permitted, details of the boundary treatments shown on the approved plans (Proposed Fencing – 10976 (SK) 2045 Rev. D shall be submitted to and approved in writing by the LPA. The agreed details shall be implemented on site within 6 months of the commencement of the development and~~ **The boundary details shown on plan reference SS2409 05 Rev. 00 and Site Fencing Layout – 10976 – WMS – ZZ – XX – DR – C – 39002 –S8 –P01 (as agreed through the discharge of condition letter dated 16th April 2018) shall then be retained in full for the operational lifetime of the development. unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of residential and visual amenity.

~~06~~

05

~~No development (pursuant to Condition 2) shall take place within each phase until full details of hard 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:~~

- ~~• detailed design (including scaled drawings at a scale not less than 1:50) of fences and gates surrounding the pitches and built form hereby approved;~~
- ~~• details of hard surfacing materials including the finish of the associated pitches;~~
- ~~• existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;~~

- ~~proposed finished ground levels or contours;~~
- ~~car parking layouts and materials;~~
- ~~other vehicle and pedestrian access and circulation areas;~~
- ~~proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)~~
- ~~details of storage equipment for each sporting element;~~
- ~~details of a scheme for CCTV coverage of public spaces~~

Notwithstanding the additional area of car parking shown on plan reference Site Plan – 2242(08)S01 Rev. C dated 17/03/20 development shall thereafter be carried out in accordance with the approved hard landscape work details agreed by discharge of condition letter dated 4th July 2018 and retained for the operational lifetime of the development unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt the approved details are shown on the following plan and document references:

Tree protection measures:

- **N0481 (96)001 Rev. D. ‘Northern ‘Wedge’ Soft Landscape Proposal’;**
- **6737-A-05 Rev C Tree Retention & Protection Plan – South;**
- **6737 Technical Note – Tree Removal & Mitigation, with Eco Management Plan Rev D;**
- **Technical Note (FPCR 15th May 2018)**

Hard surfacing materials including the finish of the associated pitches:

- **2242(08)011 RevA Site Plan Phase 1**
- **10976-WMS-ZZ-XX-DR-C-39504-D2-P05-SURFACING-18.03.28**

Proposed finished ground levels or contours:

- **6 - 10976-WMS-ZZ-XX-DR-C-39004-S8-P01-LEVEL_STRATEGY-18.04.10**

Car parking layouts and materials:

- **10976-WMS-ZZ-XX-DR-C-39503-D2-P03-CAR_PARK-18.03.07**

Proposed and existing functional services above and below ground:

- **Utilities Survey (5 Parts)**
- **AX1718-E-1001 B Proposed underground services and ductwork distribution schematic**
- **AX1718-E-1002 B Proposed underground duct services**
- **AX1718-E-7001 B DNO underground network power cable diversion**
- **AX1718-E-8001 B New LV incoming electricity underground services**
- **10976-WMS-ZZ-XX-DR-C-39201-D2-P05-PHASE_1_DRAINAGE-18.03.28**

Details of storage equipment for each sporting element:

- **10976(SK)2041_K-Proposed Site Layout 18.09.05**

Details of a scheme for CCTV coverage of public spaces

- **AX1718-E-4001 B Proposed external CCTV & Tannoy coverage**
- **AX1718-E-4002 B Proposed external CCTV & Tannoy control**

Reason: In the interests of visual amenity; residential amenity; efficiency of sporting use and biodiversity.

~~07~~

06

The approved soft landscaping and associated mitigation works within each Phase pursuant to Condition-2 1 as demonstrated on the Landscape Masterplan reference NO455 (08) 001 Rev. B and the Grassland / Hedgerow Retention, Creation, Protection and Management Plan - 6737-E-07b shall be completed during the first planting season following the commencement of the development to each Phase, or such longer period as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt these includes mitigation measures demonstrated such as the incorporation of log piles. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt the hedgerows should be maintained to a minimum width of 2m and include a 1m margin of rough grassland.

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

~~08~~

07

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 4.37; 4.42; and 5.4 of the Ecological Appraisal undertaken by fpcr dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt 4.27 requires that all lighting be turned off at 22:00 (all year round), to clarify there should be no illumination of the lighting hereby approved between the hours of 22:00 and 07:00. 4.42 relates to the need to safeguard grass snake and outlines a suitable method statement which must be complied with. 5.4 requires that the tree to be lost for arboriculture reasons should be subject to an endoscope inspection by a licenced bat worker immediately prior to removal.

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

~~09~~

08

~~No works shall commence until an Archeological written scheme of investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and~~

- ~~• The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;~~
- ~~• The programme for post investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.~~

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

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

~~010~~

09

~~Unless otherwise agreed by the Local Planning Authority, development in each Phase pursuant to Condition 2, 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, 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:~~
 - ~~o human health;~~
 - ~~o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;~~
 - ~~o adjoining land;~~
 - ~~o ground waters and surface waters;~~
 - ~~o ecological systems;~~

- ~~o 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.~~

Prior to Phase 2 of the development being brought into use, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology agreed by the discharge of condition letter dated 4th July 2018 shall be submitted to the Local Planning Authority.

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

~~011~~

010

~~No development (pursuant to Condition 2) shall take place until details of a sustainable surface water drainage scheme for that phase based on the Flood Risk Assessment (report No 10976/12 dated September 2017) has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:~~

- ~~i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;~~
- ~~ii) include a timetable for implementation of the scheme in relation to each phase of the development; and,~~
- ~~iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.~~

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

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

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

~~012~~

011

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

Reason: In the interests of residential amenity.

~~013~~

012

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

~~014~~

013

~~No development hereby approved shall be brought into use until details of how the staff car park served off Elm Avenue will be controlled and, if appropriate, enforced. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.~~

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

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

~~015~~

~~Unless additional car parking is provided in accordance with a scheme which shall first be submitted to and approved in writing by the LPA (which can be via a future planning application) there shall, within 12 months of the development hereby approved being brought into use, be a parking review submitted to and agreed in writing by the LPA. The review shall detail the peak time usage of parking spaces demonstrated on plan reference Revised Site Layout Plan – 10976 (SK) 2041 Rev F and identify the need for any additional / overspill parking not already shown on the approved drawings. In the case that the review shows that there is a need for any additional / overspill parking then a separate planning application to agree the details of such parking provision shall be submitted and subsequently validated within 18 months of the development hereby approved being brought into use.~~

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

~~016~~

014

~~No development hereby approved shall be brought into use until details of coach parking facilities have been submitted to and agreed in writing by the LPA. Development shall thereafter be carried~~

~~out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.~~

For the duration of Phase 1, in accordance with the phasing scheme shown on drawing no. Revised Site Phase 3 - 2242 (03) 052 Rev. A received 10th November 2017, the coach parking as shown on plan reference Coach Parking Phase 1 – 2242(15)006 Rev. A dated 17/03/2020 shall be available for the parking of coaches and for no other purpose. Prior to the development within Phase 2 being brought into use, the coach parking as shown on plan reference Site Plan – 2242(08)S01 Rev. C dated 17/03/20 shall be available for the parking of coaches and for no other purpose. The coach spaces shall thereafter be retained for the operational lifetime of the development.

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

~~017~~

015

~~The development will require the diversion of public bridleway BW49 and no part of the development hereby permitted or any temporary works or structures shall obstruct the public bridleway until approval has been secured and the diversion of the bridleway has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority. The diverted footpath **shown on plan reference Bridleway Layout - 10976-WMS-ZZ-XX-DR-C-39501-D2-P05** shall remain available for public use during the operational life of the development.~~

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

~~018~~

016

~~Notwithstanding the Travel Plan submitted, no part of the development hereby permitted shall be brought into use until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the details set out in that plan unless otherwise agreed in writing by the local planning authority.~~

The development shall be carried out in accordance with the Travel Plan – BRNW-BSP-ZZ-XX-RP-D-0001-P04_Travel_Plan by bsp Consulting – 17-0391 dated March 2020; specifically the action plan at Appendix B with the exception that the monitoring and review of the Travel Plan should be submitted to and approved in writing by the Local Planning Authority in consultation with Nottinghamshire County Council as the Highways Authority.

Reason: To promote sustainable travel.

~~019~~

017

~~Before the 3G Football Pitch and Community Sports Pitch as demonstrated on plan reference Revised Site Layout Plan 10976 (SK) 2041 Rev F are brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme should add measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G Football Pitch and Community Sports Pitch.~~

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

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

020

018

~~Notwithstanding the details submitted on plan reference Horizontal Illuminance Levels UKS11521-8A no development (pursuant to Condition 2) shall take place within each phase until full details of any external lighting within that phase have been submitted to and approved in writing by the local planning authority. The details shall include:~~

- ~~● Details of the survey of the surrounding night environment~~
- ~~● Identification of critical view points~~
- ~~● Establishment and calculation of existing lighting conditions~~
- ~~● Summary of baseline measurements and/or calculations~~
- ~~● Analysis of task lighting level recommendations~~
- ~~● Establishment of environmental light control limits~~
- ~~● Statement of new lighting design quality objectives~~
- ~~● Calculated measurement of task working areas~~
- ~~● Calculated measurement of overspill areas~~
- ~~● Obtrusive light calculation of property intrusion~~
- ~~● Viewed source intensities including nominal glare assessment~~
- ~~● Direct upward light ratio~~
- ~~● Comparison of design achievement with baseline values~~
- ~~● Designers critique of final design constraints~~
- ~~● View point visualisation~~
- ~~● Virtual walkthrough of illuminated site~~
- ~~● Schedule of model reflection factors~~
- ~~● Schedule of luminaire mounting heights and aiming angles~~
- ~~● Layout plan with beam orientation indication.~~

The lighting scheme as shown through the following approved details as agreed by discharge of condition letter dated 4th July 2018:

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

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.

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Growth and Regeneration

Committee Plan - 20/00339/S73M

