

Date: 19th February 2016

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 1st March 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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None

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The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

None

NOTES:-

A Briefing Meeting will be held in Room G21 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 2nd February 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: D.M. Batey, R.V. Blaney, Mrs C. Brooks, D. Clarke, R.A. Crowe, Mrs M. Dobson, G.P. Handley, N.B. Mison, Mrs P.J. Rainbow, Mrs S.E. Saddington, Mrs L.M.J. Tift, I. Walker, B. Wells and Mrs Y. Woodhead.

ALSO IN

ATTENDANCE: Councillors: R.B. Laughton, J.D. Lee, A.C. Roberts and D.B. Staples and T. Wendels.

125. APOLOGIES FOR ABSENCE

There were none.

126. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

127. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

128. MINUTES OF THE MEETING HELD ON 5TH JANUARY 2015

AGREED that the Minutes of the meeting held on 5th January 2016 be approved as a correct record and signed by the Chairman.

129. ORDER OF BUSINESS

The Chairman with the permission of the Committee changed the order of business as follows: Agenda item No. 5, 9, 6, 13, 11, 7, 8, 10, 14 and 12.

130. GLEBE FARM, CAUNTON ROAD, NORWELL (15/02142/FUL)

The application was withdrawn from the agenda.

131. 72 APPLETON GATE, NEWARK (15/02074/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the construction of a single storey extension to the rear of the dwelling. In addition it was proposed that the use of the dwelling change from that of a residential dwelling to a seven bed house of multiple occupancy for students.

Councillor A.C. Roberts representing Newark Town Council informed the Committee that, whilst the Town Council did not object to the proposals, as objections had been received from neighbours it had requested the application be called in for Committee to determine.

Members considered the application and concern was raised regarding the use being of multiple occupancy and potential problems to neighbours from students. It was however noted that there would be permitted development rights to extend in the event of the property being used as a single residential dwelling.

AGREED (with 9 votes for and 6 votes against) that planning permission be approved subject to the conditions contained within the report.

132. OAKHAM FARM, FOREST LANE, WALESBY (15/01198/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the change of use of the building identified as Unit 2 to an indoor motor bike training facility relating to motorcross.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the following: Police Authority and agent's response; and objection letter and photographs.

Councillor D.B. Staples, as local Ward Member for Boughton, spoke against the application for the following reasons. Fifty comments had been submitted to the Local Authority, 25 in support of the application and 25 against. All those against were residents of Walesby. The noise report presented was considered to be inadequate. There were two properties and a playing field, which provided camping at weekends, in close proximity to the site which would be affected by noise pollution. Concern was raised regarding the high levels of pollution which would be emitted from the bikes and into the atmosphere, polluting the local community. Health and safety for customers was also raised as the nearest hospital was at least 30 minutes away. The report had also indicated that there were no alternative sites in the North of the County, however it was felt that this was incorrect as there were other suitable sites in the area; Bevercotes Colliery was suggested as an ideal site. The access road to the site was a private road with no footpath and was considered unsuitable for the amount of traffic being proposed.

Members considered the application and it was commented that there was a considerable amount of confusing information within the report. The application was for an indoor motorbike training facility for a maximum of 30 bikes per session and a maximum of 150 bikes per day. Confirmation had been received that no racing would take place and the question was therefore raised as to what the riders of the bikes would be doing within their training sessions. If the bikes were being ridden at speed it was questioned that there was a fine line with that and racing. Concern was raised regarding the wording of condition 3 relating to noise monitoring. The issue of ventilation was also raised due to 30 bikes being ridden within one unit emitting exhaust fumes, there would be a need for ventilation. It was felt that the description of use was confusing and contradictory and the conditions were not strong enough.

Concern was also raised regarding the maximum size of bike being 450cc which was considered by Members to be a large bike given they were being used for training purposes. Concern was also raised regarding the access to the site as low loaders transporting the bikes would access the site along the narrow road.

A Member suggested that the application be deferred for further information as detailed below.

AGREED (with 14 votes for and 1 vote against) that the application be deferred for further information as follows:

- (i) clarification be sought on the use and its operation;
- (ii) the number of proposed bikes;
- (iii) the noise levels,
- (iv) noise mitigation prior to use commencing and continuous monitoring;
- (v) fumes emitted and ventilation systems proposed; and
- (vi) consultation with emergency services and any licensing body.

133. LAND AT JUNCTION BETWEEN WELLOW ROAD AND NEWARK ROAD, WELLOW (15/00457/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for a traveller site including short term transit pitches and utility block. A revised site layout had been submitted following the initial comments of the Highways Authority. The revised plan showed the proposed access point onto Newark Road to be located further north and therefore further from the junction with Wellow Road.

The Committee was informed that this application was deferred at the December 2015 Planning Committee, in order to allow further consideration of impact on the designated Conservation Area and investigate if any other gypsy and traveller sites had been allowed in the Conservation Area nationwide, either by Local Planning Authorities or on appeal, in order to ascertain whether less than substantial harm to a Conservation Area had been a determinative issue for other applications. The report of the Deputy Chief Executive included an addendum to the original report relating to this issue. Addition written representations received were also detailed.

Officers had concluded a search on post NPPF decisions, both within the District and at a National level. The report to Committee confirmed that a Gypsy and traveller site had been granted in the Conservation Area within the Newark and Sherwood District at Tolney Lane. The report also listed appeal examples where significant weight had been attached to both unmet need for Gypsy and Traveller pitches and to harm to heritage assets.

The Planning Officer confirmed that it was a matter of fact that the Authority had accepted that it did not have a 5 year land supply of Gypsy and Traveller pitches and that this had been tested at previous appeals and had been shown to carry significant weight in the planning balance. In a case at Tolney Lane, Newark, this had even been balanced against the risk to life from flooding and it was concluded the harm did not outweigh the need in that particular instance. The Nottinghamshire authorities jointly developed a methodology for assessing need which had been used to calculate the District's current pitch requirements. The proposal in Wellow would equate to 38% of the current overall shortfall in supply.

The Planning Officer confirmed that any harm in Conservation Area terms must also carry significant weight as a matter of law and the Conservation Officer had advised that the impact on the Conservation Area in this instance would be at the lower end of less than substantial harm providing that mitigation in the form of planting was secured. Regard must be given to any other harm, in this case to the open countryside, albeit Officers considered this was limited in this particular instance.

The Officer recommendation remained that planning permission should be granted in this instance. Considerable importance and weight had been given to the desirability of preserving the character and appearance of the conservation area. However, Officers considered that the public benefit in providing 38% of the identified need for traveller pitches in the District outweighed the less than substantial harm to the heritage asset and any other harm identified in this particular instance.

Regardless of the Planning Committee resolution, Officers had agreed not to issue a decision until such time as confirmation was received from the Secretary of State as to whether the matter will be called in.

Councillor A. Baugh, representing Wellow Parish Council spoke against the application in accordance with Wellow Parish Council's views as contained within a presentation, paper copies of which were provided to Members at the Committee meeting.

Members considered the application and the Local Ward Member for Wellow commented on and thanked Planning Officers for the work that had been carried out in considering the application. It was also commented that the area should not be underestimated for the amount of tourism that was brought to the District. The Wellow School had also made representations regarding the creep into the open countryside.

A Member commented that the residents of Wellow had raised concern on planning grounds for this application and he explained in detail the planning process and issues that the Local Authority had to follow when determining gypsy and traveller sites.

AGREED (with 9 votes for and 6 votes against) that contrary to Officer recommendation planning permission be refused for the following reasons:

- (i) harm to the Conservation Area;
- (ii) adverse impact on the open countryside; and
- (iii) cumulative adverse impacts on the local community and Conservation Area.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	Against
Mrs C. Brooks	For
D. Clarke	Against
R.A. Crowe	For

Mrs M. Dobson	For
G.P. Handley	For
N. Mison	Against
D.R. Payne	Against
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	Against

134. LAND TO THE SOUTH EAST OF FORMER A46 (15/00912/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of two large agricultural sheds with associated hardstanding.

The Committee was informed that this application was deferred at the January 2016 Planning Committee as no decision was reached.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the Battlefield Trust and the agent.

Members considered the application and the local Ward Member commented that as this was the only piece of land in the farmer's ownership and due to the employment issue he would support the application. Other Members commented that they could not support the application due to the historic importance of the site. Another Member commented that by allowing the agricultural buildings on the fields, the site would be preserved for another generation to discover.

The Planning Officer informed Members that the agent had confirmed that an archaeological survey had been undertaken on the site, with very little findings, albeit a copy of that survey had not been submitted to the Planning Authority. Comments had not been received from Historic England or the Battlefields Trust on the survey.

AGREED (with 8 votes for and 7 votes against) that contrary to Officer recommendation full planning permission be approved subject to the following conditions:

- (a) satisfactory archaeology survey as identified in the schedule of communications;
- (b) lower the height of the sheds by reducing the ground level of the site by 1 metre, the earth not to be used to form a landscape bund;
- (c) screening through mature trees and vegetation; and
- (d) the sheds be painted in an appropriate masking colour.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	Against
Mrs C. Brooks	Against
D. Clarke	For
R.A. Crowe	For
Mrs M. Dobson	Against
G.P. Handley	For
N. Mison	For
D.R. Payne	Against
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	Against
Mrs L.M.J. Tift	Against
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	For

135. LAND AT 65A CHURCH STREET, BILSTHORPE (15/02022/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of seven single storey bungalows.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from Newark and Sherwood District Council's Strategic Housing.

AGREED (unanimously) that the full planning permission be approved subject to the conditions contained within the report.

136. MAREHILL SERVICE CENTRE, LOWDHAM ROAD, GUNTHORPE (15/02132/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought retrospective planning permission for the change of use of the site from a vehicle service centre, which included repairs, servicing and MOT's, to the display and sale of motorhomes.

Councillor Mrs L Geffrey, Chair of Gunthorpe Parish Council, spoke against the application in accordance with Gunthorpe Parish Council's views, as contained within the report.

Members considered the application and suggested a deferral in order for clarification regarding what the centre was being used for. The sign which was clearly visible on the site visit advertised MOT's, which contradicted the information provided within the report. Clarification was also sought regarding motor homes being stored on land north of the site, as there was no separate access to them.

The Planning Officer confirmed that the sign was advertising that motor homes were sold with a twelve month MOT; there was also information on the sign advertising cambelt repairs. The applicant had confirmed that the land north of the site was being used by the owner of the land and not by the applicant. It was recommended that this needed to be fully investigated by the Enforcement team and if necessary enforcement action taken.

A Member further commented that if the application was deferred for further clarification, any future report recommending approval should condition the activities being provided by the business.

AGREED (with 14 votes for and 1 abstention) that the application be deferred for the following reasons:

- (i) the land storing motor homes to the north of the centre be fully investigated;
- (ii) clarification on the vehicle repairs being undertaken;
- (iii) any future report recommending approval should condition the activities being carried out on the site.

137. LAND OFF NORTH GATE, NEWARK (15/01858/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought to vary condition 25 of planning permission 13/00997/OUTM, for the proposed erection of retail development bulky goods/open A1/open A1 convenience uses and provision of car parking to serve the same. The proposal submitted sought to allow the use of Unit B as A1 (non-food).

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from an interested party and Newark Town Council.

Members were informed of a further letter of objection which had been submitted after the printing of the late item schedule, which had stated that the proposed change would be detrimental.

Members considered the report and it was commented that there was a substantial amount of planning history on this site and planning consent had previously been granted on appeal. In granting the appeal the planning inspector was specific regarding the items to be sold. No evidence had been submitted by the applicant providing a reason why the restriction should be relaxed. Concern was also raised regarding the impact that this would have on Newark Town Centre.

AGREED (unanimously) that contrary to Officer recommendation, outline planning permission be refused on the grounds that the items to be sold from the site were very clearly laid down by the planning inspector in granting an appeal, which was contrary to the Authority's judgement and no evidence had been submitted to explain why the restriction should be relaxed. Change to the condition would have an adverse impact on the viability of Newark Town Centre.

138. THE OLD VICARAGE, EPPERSTONE ROAD, LOWDHAM (15/01908/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought retrospective planning permission for a wildlife pond located to the north of the Old Vicarage.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the applicant.

Councillor T. Wendels, as local Ward Member for Lowdham, spoke in support of the application and commented that as soon as the applicant had realised that planning permission was required a retrospective planning application was submitted. Lowdham Parish Council's main concern was flooding. The applicant had addressed the flooding concern and undertaken a survey which had confirmed that the pond would not increase the risk of flooding. He commented that the wildlife pond would be a benefit to wildlife. The jetty and lighting was also clarified, the jetty was a small wooden jetty which the pond specialists had advised the applicant to include. The applicant had agreed for the removal of the jetty if that was the only thing that stood in the way of the wildlife pond being considered acceptable. It was also confirmed that there were no spotlights, a couple of portable floodlights had been used to provide light for the landscaper in the early evening when the wildlife pond was being constructed. That lighting had been removed. A local neighbour had also provided a letter in support of the application and welcomed the change and felt it was giving something back to the environment, that the wildlife pond would not harm any heritage assets and would have a substantial enhancement to the greenbelt.

Members considered the application and some Members felt that, whilst the application was retrospective, to ask for the pond to be filled in would be disproportionate. Concern was raised regarding the change of use for the land and whether a condition could be imposed preventing the land from being an extension to the domestic curtilage of The Old Vicarage and therefore prevented the encroachment upon the Green Belt. Some Members felt that granting the application would set a precedent for future applications and that the Committee should support the Parish Council who had submitted their objection and comply with planning policy.

The Council's Deputy Chief Executive confirmed that if planning permission was granted for the wildlife pond, after time the land may become part of the domestic curtilage for The Old Vicarage. It was suggested that if the Committee were minded to approve the application, a legal agreement should be secured from the applicant removing any right for future use on the land for domestic purposes or as an extension of the residential curtilage.

AGREED (unanimously) that the application be deferred to allow the Planning Officer to discuss whether measures to prevent future use of the land for domestic purposes or as an extension of the residential curtilage by means of a planning obligation might be acceptable in this instance.

139. CO-OP SUPERMARKET, LAKESIDE SHOPPING CENTRE, LONDON ROAD, BALDERTON (15/02104/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the demolition of existing buildings, including the Total Petrol Filling Station and the erection of a new Lidl food store (Class A1), relocation of existing electricity sub-station and formation of a new access to servicing area, new car parking spaces and associated landscaping.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the Applicant's Agent and Senior Planning Officer.

AGREED (unanimously) that full planning permission be approved subject to the amended conditions continued in the schedule of communication.

140. APPEALS LODGED

NOTED that the report be noted.

141. APPEALS DETERMINED

NOTED that the report be noted.

142. RULE NO. 30 – DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting.

AGREED (unanimously) that the meeting continue.

143. EXCLUSION OF THE PRESS AND PUBLIC

AGREED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

144. LAND AT SOUTHWELL ROAD, FARNSFIELD (14/01469/OUTM)

The Committee considered a late report from the Deputy Chief Executive, which the Chairman had agreed to take in order to permit the Planning Committee to determine whether to commence legal proceedings within the six week statutory time limit imposed by Section 288 of the Town and Country Planning Act 1990 for land at Southwell Road, Farnsfield.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972).

The meeting closed at 7.25pm

Chairman

Application No:	15/02105/FULM	
Proposal:	Change of use of land to keeping and stabling of horses including stable block and feed store	
Location:	South Field Farm, Cauntton Road, Norwell, Nottinghamshire, NG23 6LB	
Applicant:	Mr K Wilson	
Registered:	02 December 2015	Target Date: 02 March 2016

This application is referred to Planning Committee for determination because the Officer's recommendation is contrary to the recommendation of Norwell Parish Council.

The Site

Southfield Farm lies within the open countryside approximately 400m south of the village of Norwell. The site is accessed from Cauntton Road, and comprises a large modern dwelling and approximately 8.2 hectares of agricultural land which extends eastwards from the main dwelling. Three dwellings adjoin the land to the east whilst the nearest neighbour to the dwelling lies some 300m to the south along Cauntton Road.

Relevant Planning History

11/00289/FUL - Construction of replacement 2 storey dwelling (following demolition of the existing farmhouse) served by new access (permitted 19.04.2011)

The Proposal

The application seeks consent for the erection of two buildings and the change of use of the land for the keeping of horses.

The buildings would be located to the south of the dwelling and will comprise a feed store and stable block. The larger of the two is the stable block measuring 21.6m in width, 10.8m in depth and 4.5m in ridge height to accommodate 9 no. stables, a tack room, feed room and wash bay and will have an external finish of weatherboard cladding and felt tiles. The feed store has already been erected since the submission of the planning application and measures 9m in length and between 7.2m and 3.6m in width with an L-shape layout. This building is timber clad with steel sheeting to the roof.

In terms of the fields surrounding the dwelling, these have been separated into paddocks by approximately 1m high post and rail fencing.

Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter. A site notice has also 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 Adopted March 2011

- Spatial Policy 3: Rural Areas
- Core Policy 9: Sustainable Design
- Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

- Policy DM5: Design
- Policy DM8: Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Landscape Character Assessment SPD December 2013

Consultations

Norwell Parish Council – Support the proposal

NCC Highways – *The principle of this development is acceptable. However, visibility is poor due to the hedges either side of the proposed access. These hedges should be cut back or removed to provide a visibility splay of 2.4m x 90m. These should be shown on a drawing and protected by condition.*

The access itself is currently constructed in loose stone. This should be replaced by tarmac construction to the satisfaction of the Highway Authority within the extent of the public highway (the highway boundary is the hedge line) and, beyond that, in a hard bound material for at least another 2 metres to reduce the risk of loose material being dragged on to the carriageway.

Suggested conditions:

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 90m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition

shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9m metres in height.

Reason: In the interests of highway safety.

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 5 metres from the edge of carriageway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

Note to applicant:

The development makes it necessary to construct/improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 99 32609 to arrange for these works to be carried out.

NSDC Environmental Health – No comments to make

Environment Agency – No objection to the proposal

Ramblers Association – *I am responding on behalf of Nottinghamshire Ramblers - whilst I have no objection in principal to this development and accept that an owner should be free to develop a property within planning constraints I would like to make the following points.*

Norwell FP5 is a field-edge path running along the northern boundary of this site. Its integrity needs to be respected and it should be separated from the horses to give a minimum footpath width of 1.5metres.

The Committee needs to give thought as to whether these new barns are in fact "highly compatible with the prevalent landscape character" (para 5.12 in the D & A Statement). It is debatable whether the previous development of Southfield Farm meets these criteria.

The same paragraph states that "the development is unlikely to have any impact on biodiversity". Is this correct? I note that some hedgerows are to be replaced by fencing.

NCC Rights of Way – No comments received to date

Lead Local Flood Authority – No objection to the proposal

Comments of the Business Manager - Development

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

Principle of Development

Southfield Farm lies within the open countryside and the fields surrounding the dwelling are currently used for the keeping of 9 welsh ponies which are kept and bred as a personal hobby (including show events) with no commercial use currently or intended. The stables are required for shelter and mares in foal as there are currently no permanent shelters available to the site, with the exception of a small skid shelter. Policy DM8 of the DPD allows for equestrian uses within the open countryside, however it states that *'proposals for domestic equestrian uses and associated buildings will be assessed against the criteria of Policy DM5'*, the criteria of which includes local distinctiveness and character.

Impact on the Visual Amenities of the Area

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. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Caunton Village Farmlands with Ancient Woodland (MN PZ 28) which is described as gently undulating rounded topography with some flat areas, resulting in views being medium to long distance enclosed in places by surrounding woodlands and hedgerows. Horse culture infringing into fields is described as one of the key drivers for change within the policy area. The landscape sensitivity is defined as moderate and condition is defined as good.

The policy action for this area is 'Conserve and Reinforce' with specific actions to conserve the rural character by limiting new development to within the settlements.

Southfield Farm is located along Caunton Road which is bounded by relatively flat land and therefore views of the site are achievable from the surrounding landscape and particularly when travelling along Caunton Road from either direction. The land surrounding the site is very sparse of development, with Norwell village some distance to the north and only Glebe Farm and Flags Farm to the south. As such, the character of the landscape is very open and any significant structure is likely to be highly visible and therefore has the potential to have a harmful impact upon this openness of the countryside.

I am mindful that the nature of the use requires a rural location due to the type and area of land required for the grazing of ponies and as such, I accept the change of use of the land; the agricultural land has been assessed as grade 3 and therefore the change of use would not result in the loss of high grade agricultural land whilst still providing suitable quality of land for grazing.

Notwithstanding this however, the application seeks consent for two new buildings in connection with the keeping of ponies and whilst it is accepted that stable blocks can be viewed as a typical building within the countryside due to this need for grazing fields, the overall size and scale of the buildings needs to be in-keeping with their surroundings and density of existing development as well as respect the openness of the countryside in accordance with Core Policy 9 and Policy DM5 of the DPD.

In order to retain the openness of the countryside, new buildings should be located as close to existing development as possible. Upon first glance, the size of the domestic curtilage of Southfield Farm appears to be sufficient to locate a stable block, however having visited the site I note that there is little land available or suitable for a stable block and therefore the proposed location, in my view, is likely to be the best available and is accessed via an existing entrance from Caunton Road and via gates from the host dwelling.

Stable blocks are not considered agricultural buildings, although many modern buildings have an agricultural appearance which somewhat reduces their impact within the rural setting. Additionally, given that this development is for a personal use, I would expect any domestic stable building to be small scale and low key to remain subservient to the host dwelling, as with any outbuilding in connection with a residential building. In this instance, I take the view that the proposed stable block is disproportionate in scale to the host dwelling and given this large scale, is likely to have a harmful impact upon the open countryside by virtue of its size, height and bulk; the site is located close to the highway and is visible from some distance away due to the topography of the land. It should however be noted that the dwelling at Southfield Farm will go some way to screening the proposed building when the site is viewed from the north. Whilst I appreciate that a large stable block is required given the number of ponies the applicant owns, this is not a reason for allowing such a large building within the open countryside; similarly, the LPA would not allow an inappropriate extension to a dwelling within the open countryside because of the number of occupants.

The applicant has submitted additional information regarding the British Horse Society's recommended stable sizes for ponies, which is between approximately 3x3m and 3x6.7m with a height of between 2.7m and 3.4m with a clearance from the roof of 0.9m. Taking the larger of these figures, the stable block proposed would provide a size of stable greater than the recommendations and therefore could be reduced in scale. A reduction in scale could help limit the impact upon the character of the area, however in this instance I do not consider that the reductions would alleviate the concerns raised with regards to the impact upon the open countryside.

The Highways Authority have requested that hedges either side of the access are cut back or removed to provide a required visibility splay in the interests of highway safety; this would make the proposed development more readily visible from the public realm, resulting in further harm upon the openness of the countryside.

Turning to the feed store which has already been erected, this building on its own is likely to be considered acceptable in terms of its scale, with a low ridge height meaning that visibility from the public highway is more. Additionally, its location is likely to be considered acceptable as it is as close to the house as practicable and still lies within the 'red line' of the approved replacement dwelling application in 2011. However, I consider that cumulatively the size of buildings proposed in connection with the ponies goes beyond what is usually considered a domestic equestrian use and the overall scale of the buildings is likely to have an adverse impact upon the open countryside contrary to Core Policy 9 and Policy DM5 of the DPD and the aims of the Landscape Character Assessment (2010).

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The closest neighbour to the site is Glebe Farm, some 400m from the proposed stable development and as such, I do not consider the proposal to have an adverse impact upon the amenities of this neighbouring property.

In terms of the land proposed for the keeping of horses, this land lies adjacent to several properties along Bathley Lane. However no built development is proposed close to these properties and the grazing of ponies or horses alone is unlikely to have a harmful impact upon amenity.

I am therefore satisfied that following the amendments the proposal complies with Policy DM5 of the DPD and the NPPF.

Impact upon Flood Risk

The site lies within flood zone 1 of the Environment Agency's flood maps and therefore is considered to be at a low risk of flooding. Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM5 of the DPD states that development proposals should wherever possible include measures to pro-actively manage surface water.

Both the Environment Agency and the Lead Local Flood Risk Authority have been consulted on the application and both have raised no objection to the proposal. As such, I consider the proposal to be acceptable in terms of Core Policy 10 and Policy DM5.

Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The Highways Authority have no objection to the principle of the development from a highway safety perspective, however visibility at the entrance to/exit from the site is poor due to the hedgerows along the western boundary of the site. As such, the Highways Authority have requested that these are cut back or removed to provide an adequate visibility splay and the site access replaced by tarmac to prevent loose material being transferred to the public highway. I consider these to be appropriate conditions in the interests of highway safety and should be included on the decision should Members be minded to approve the application in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Conclusion

The application seeks consent for the erection of a stable block and feed store as well as the change of use of the land for the grazing of horses in order to provide shelter and accommodation

for nine Welsh ponies for personal use only. The buildings are to be located to the south of the dwelling and due to the topography of the landscape will be visible from some distance away. Development is required to have regard for the character of the area and local distinctiveness as well as have respect for existing built form; in this instance the character of the area is open countryside and the built form is relatively low key and sparse, although the size of Southfield Farm is considered large for a residential dwelling.

In itself, the feed store is likely to be considered acceptable development as its overall scale is relatively small and would not dominate the landscape nor the dwelling which it is intended to serve. Similarly, the change of use of the land is considered appropriate given the continuation of a rural use, albeit no longer agricultural. These two elements are also not considered harmful to the amenities of the local area.

However the main concern with the application is the proposed stable block, which has a footprint of approximately 233m² which is a large building to be located within the open countryside and be associated with a domestic use. Whilst it is appreciated that the applicant requires this stable block for the nine ponies within their ownership it is considered that the overall scale of the building would have a detrimental impact upon the open countryside with no planning considerations or benefits identified which outweigh this harm. The Highways Authority's recommendation that the existing hedgerows along the western boundary are cut back or removed are likely to further increase this level of harm upon the open countryside.

It is therefore concluded that this application is recommended for refusal to Members due to the proposal's adverse impact upon the open countryside. However, as mentioned earlier in this report, the feed store has already been erected and use of the land has been changed. Given that these elements on their own merits are likely to be considered acceptable, it is not recommended that Enforcement action is taken against the application should Members be minded to refuse the application, providing the applicant is made aware of the need to submit a new planning application for these elements.

RECOMMENDATION

That full planning permission is refused for the following reason:

In the opinion of the District Council the proposed stable block by virtue of its size and scale, would result in an adverse impact on the landscape and character of its open countryside location. The development is therefore contrary to Core Policy 9 and 13 of the Core Strategy (Adopted March 2011), Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (Adopted 2013) and the aims of the Newark and Sherwood Landscape Character Assessment (2010).

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal.

BACKGROUND PAPERS

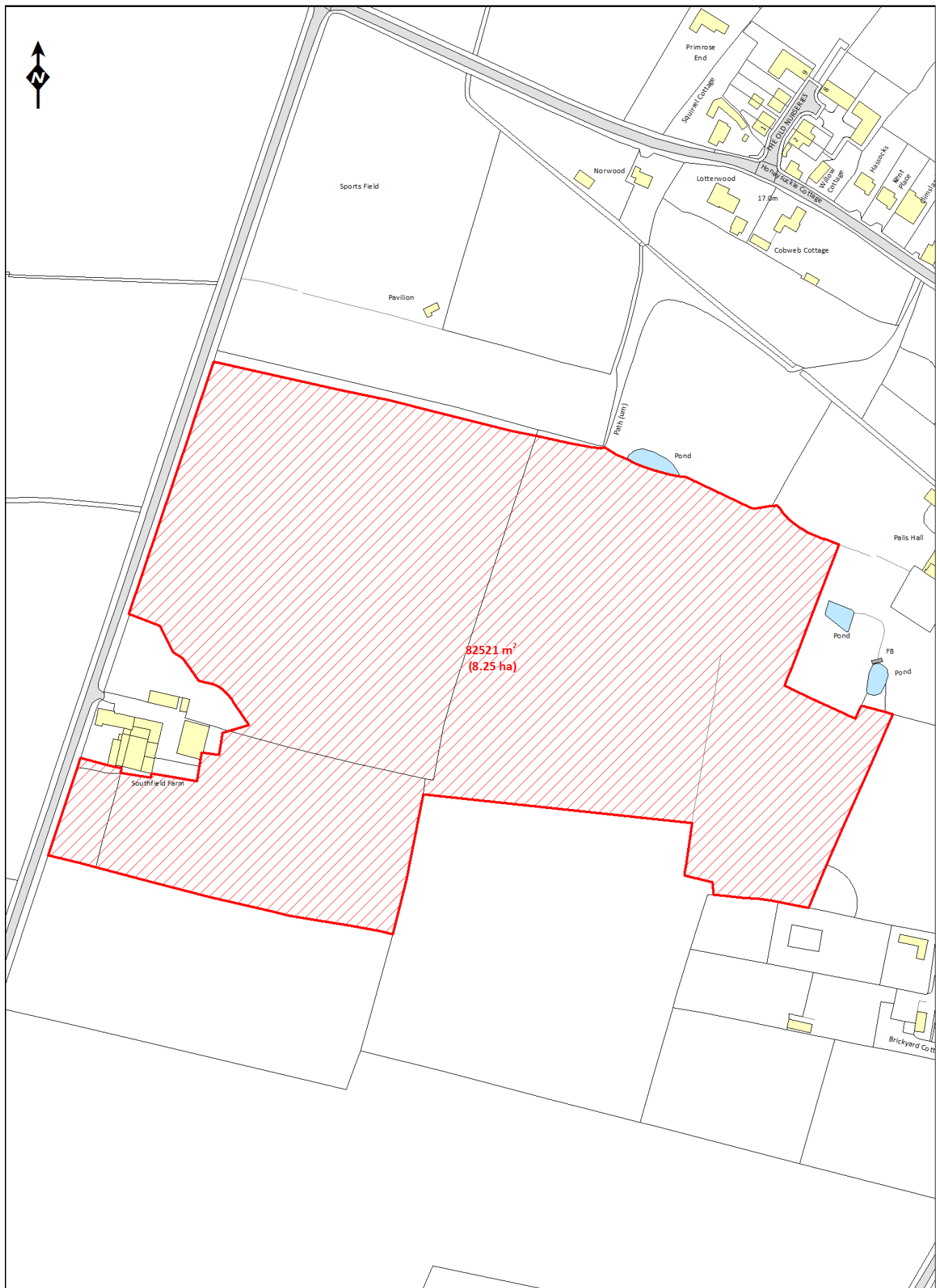
Application case file.

For further information, please contact Nicolla Ellis on ext. 5833.

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 - 15/02105/FULM



Application No:	15/01908/FUL	
Proposal:	Retention of Wildlife Pond and change of use from agricultural to residential use	
Location:	The Old Vicarage, Epperstone Road, Lowdham, Nottinghamshire, NG14 7BU	
Applicant:	Mr A Archer	
Registered:	11 November 2015	Target Date: 11 April 2016

Members will recall this planning application was presented to the Committee on 2nd February 2016. It was resolved by Members to defer the application to allow officers to discuss the possibility of a S106 agreement with the applicant to ensure that there is no further domestication of the land in association with the pond.

Following this decision by Members, Planning and Legal Officers have discussed the potential for a S106 agreement and have concluded the following:

1. An amended site location plan shall show the red line boundary around the ponds only to clearly define the land which is accepted under the change of use from agricultural land and would prevent any domestication of the land surrounding the pond. The legal agreement should also ensure that should the pond be removed that the area identified by the red line should be restored to pre-existing levels and returned to agricultural use.
2. The post and rail fence should be reinstated as per the submitted plans to show a clear definition of the residential curtilage to prevent creep onto the agricultural land
3. Permitted development rights within the red line boundary shall be removed to avoid any future domestic use of the site should the pond be removed.
4. No additional landscaping to the site shall take place aside from maintenance; the land shall be left in as natural state as possible.

The above has been discussed with the applicant and the site location plan has been amended to show the red line boundary around the pond only (received 13th February 2016); neighbours and Lowdham Parish Council have been consulted on this, the end date for their consultation period being 7th March 2016. Please note that due to this consultation expiry date, a formal decision cannot be issued until after this date, however with Members consent, Planning Officers could be given discretion to consider comments made between this Planning Committee meeting and 7th March.

Additionally, the applicant has advised that the landscaping to the site, including planting, has already taken place; this was in place at the time of the Officer's site visit. The planting undertaken was in consultation with ecologists to provide the most appropriate habitats for local wildlife.

The assessment below is for the most part the same as presented to Members in February, with the exception of the discussions relating to lighting around the pond, which the applicant has

stated does not exist. Reference to this lighting has been removed from the report. An additional paragraph within the conclusion of the report has been included following the discussions between the Planning and Legal Officers. This is highlighted in bold.

This application is being referred to Planning Committee for determination by the local ward member, Councillor Wendells, who is in support of the proposal.

The Site

The Old Vicarage lies to the north of Epperstone Road, outside of the main built up area of Lowdham and is located within the Nottingham-Derby Green Belt. The dwelling is considered a building of local interest. The wildlife pond is already in situ and lies to the north of the dwelling, outside of the residential curtilage, within what was previously a field/paddock. The site is surrounded by fields and lies partially within Flood Zones 2 and 3 of the Environment Agency Flood Maps.

Relevant Planning History

No relevant site history.

The Proposal

The application seeks retrospective consent for a wildlife pond located to the north of The Old Vicarage. The pond is approximately 1980m² in area and includes a small island in the centre of the feature and a wooden jetty to the southern bank of the pond.

The land surrounding the pond has been landscaped including gentle mounds and 4no. trees to the eastern boundary. The submitted application form states that work commenced on the pond on 10 August 2015.

The submitted application form states that the application is for the retention of the wildlife pond only and in a supporting e-mail with the application, the applicant has stated that "it was never my intention to extend my garden to include the pond area and therefore I am happy for the wildlife pond to remain outside of what the Council considers to be my existing domestic curtilage. This being the case, my application seeks only the retention of the wildlife pond and does not incorporate any associated change of use." This matter is discussed further in the Business Manager's comments below.

Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Chief Planner Planning Policy Statement published 31st August 2015

Consultations

Lowdham Parish Council – object to the proposal for the following reasons;

1. Development in green belt
2. Flood lights cause/could cause light pollution
3. Huge amounts of soil have been moved without permission
4. Banking could cause flooding. The raised level around it must cause a rise in water levels which the Parish Council believe will cause flooding. The Parish Council needs to be convinced that flooding will not occur as part of this development.

NCC Highways – No objection the proposal.

Environment Agency – Pond is located within Flood Zone 2 and it does not appear that land levels have been raised and as such no comment to make.

Lead Local Flood Authority – No comments to make.

Trent Valley Internal Drainage Board – No objection to the proposal.

Nottinghamshire Wildlife Trust – Offer the following comments,

Ecological Information

We welcome the ecological information submitted, however, this is limited due to being a desktop study only. We would have preferred a walkover survey to have been undertaken, as it would be difficult to prove that the site is indeed species poor semi-improved grassland without assessing the species composition of the sward. Nevertheless, it is understood that construction of the pond has already commenced, and if the site was/is regularly short mown and heavily grazed, we would agree that it is likely that the site could be of less ecological value. Although the creation of a pond specifically for wildlife is likely to bring biodiversity benefits, it is important that you ensure an established priority/rare habitat (such as unimproved grassland) is not lost to make way for a different habitat.

Improved grassland is a Nottinghamshire BAP habitat as it is recognised to provide biodiversity value. This can include the following, as stated in the LBAP, *Floral and invertebrate interest tends to be low in many grasslands if they are grazed hard, but tussocks in lightly grazed grassland can be important overwintering sites for invertebrates and provide essential cover for nesting birds and their young.* If the site is indeed improved/species poor semi improved grassland (although we would argue there would need to be further evidence to prove this) it may be possible to mitigate the loss of grassland within the soft landscaping scheme.

Mitigation and Enhancements

The soft landscaping refers to areas which will be reseeded. We would suggest using a species-rich seed mix to compensate the loss of grassland and to encourage biodiversity benefits to invertebrate species. These areas should only be cut once a year with the arisings removed. If arisings cannot be removed, then a species mix suited to soils of high fertility would be suitable. We suggest you request confirmation of the proposed seed mix.

In order for the pond to be suitable to wildlife, it is vital that the pond must *not* be stocked with fish. Fish stock are likely to outcompete native species and can prevent amphibian populations from becoming established.

Please also find attached information on native species which could be included with the pond (*only native species should be planted*) and other techniques to include in the pond design which will benefit biodiversity.

We also note the species list associated with the onsite shrub planting does not solely include native species and those appropriate to the landscape area. Please also find attached a species list for the Mid Nottinghamshire Farmlands Landscape Character Area.

Great Crested Newts and other Amphibians

It is considered that the onsite habitats are unsuitable to GCNs. In order for this to remain the case, we would expect the grassland sward to be retained as a short sward prior to and during the construction phase. If any GCNs or unidentified newts are found to be onsite, then works must stop immediately and an ecologist consulted.

NSDC Conservation Officer – no objection to the proposal

One letter of support has been received from local residents/interested parties stating:

The applicant has done a marvellous job and they raise no objection to him being able to keep the pond as it has been constructed. In an area where everyone seems to be building houses on every available piece of grassland, it is a welcome change to see somebody giving something back to the environment. The pond will no doubt secure many ecological and wildlife benefits – indeed a family of ducks already appear to have made the pond their home. The application will not detrimentally affect anybody else.

Comments of the Business Manager

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

Principle of Development

The Old Vicarage lies outside the defined village envelope for Lowdham and therefore lies within open countryside which forms part of the Nottingham-Derby Greenbelt. It is clear from aerial photography that the land to the north of The Old Vicarage was a field prior to the construction of the wildlife pond. Whilst the applicant owns this land, he has stated in his submitted supporting information that he has no intention of using it as part of his residential garden and acknowledges that it is not within his established residential curtilage. However, it is the opinion of Officers that the pond which is intended to be solely for the enjoyment of applicant, with its associated timber jetty and external spot lighting, can only be viewed as a feature that is incidental to the enjoyment of the dwellinghouse and therefore the change of use of the land should be considered within the assessment of this application. As such, the description of the development has been changed to include the change of use of the land. The NPPF places strict control over what development is considered acceptable within the Green Belt which is backed up by Spatial Policy 4B of NSDC's Core Strategy. The NPPF does allow for limited development within the Green Belt, including engineering operations and provision of outdoor recreation providing they do not conflict with the purposes of including the land within the Green Belt and preserves the openness.

This proposal seeks retrospective consent for the wildlife pond. Reference is therefore made to the Chief Planner Planning Policy Statement published on 31st August 2015 relating to Green Belt protection and intentional unauthorised development which makes unauthorised development within the Green Belt a material planning consideration. The LPA needs to be mindful of the policy statement in determining this application.

Impact upon the Green Belt

The NPPF is clear that development within the Green Belt is inappropriate with the exception of limited types of development. Development also must not impact upon the openness of the Green Belt. Two of these types of developments include engineering operations and outdoor recreation providing they preserve the openness and do not conflict with the reasons behind including the land within the Green Belt; the construction of the pond is considered an engineering operation however given that the pond is for the use of the owners only, I do not consider the pond to fall within the outdoor recreation use.

Having regard to the above, I consider the engineering operation alone to be acceptable development within the Green Belt, offering potential benefits for wildlife without having a harmful impact upon the openness of the Green Belt; the pond is well-screened from the surrounding area with only limited views achievable from the public realm. However the associated domestication of the pond (i.e. the jetty) and the land in which the pond lies would constitute an extension to the domestic curtilage of The Old Vicarage which is not included as appropriate development within the NPPF. This change of use of the land would therefore result in the encroachment upon the Green Belt that could be considered harmful to the purposes of the Green Belt, not aided by the use of spot lights and the jetty which further domesticate the land. In accordance with paragraph 88 of the NPPF, great weight must be given to any harm to the Green Belt and in this instance there are 'very special circumstances' for which this harm could be outweighed.

In addition to the above, the Chief Planner Planning Policy Statement published on 31st August 2015 requires unauthorised development within the Green Belt to be considered as a material consideration in determining planning applications. The Government is concerned about harm that is caused by intentional unauthorised development within the Green Belt. Whilst there is no

evidence to suggest that the development was intentional, the harm caused as a result of the development taking place without planning permission needs to be considered. It has already been discussed above that the change of use of the land is harmful to the Green Belt however there are no very special circumstances which outweigh the development's harm upon the Green Belt and therefore although the wildlife pond has been completed, this is not a reason to approve the application.

Impact on the Visual Amenities of the Area

The Old Vicarage is identified on the County Historic Environment Record (HER) as a Local Interest building. This is in part due to its age, architectural interest and historic associations with the Church. Local Interest buildings are non-designated heritage assets. Furthermore, Lowdham Mill to the east is Grade II listed. As such, regard must be given to Core Policy 14 of the Core Strategy and Policy DM9 of the DPD, as well as the NPPF, which seek to preserve the character and appearance of the historic environment. The internal Conservation Officer has assessed the proposal's impact upon these historic buildings and has advised the following,

Having reviewed the submitted application, and visited the proposal site and nearby heritage assets (including the significant parish church), I consider the development to cause no material harm to the setting of any heritage assets in this case. The pond is located on land with a wider established wetland landscape character and it appears that the proposal has potential nature conservation benefits. The concept of large garden features within the setting of larger, more polite historic buildings, furthermore, is characteristic and not alien or obtrusive in this case.

Conservation has no material objections in this case, and considers the proposal to be consistent with the objectives of conservation as set out under section 66 of the Act and more generally within section 12 of the NPPF and DM9 of the Council's A&DM Policies DPD.

The site lies outside of Lowdham village and is surrounded by fields which are relatively low-lying. The site is screened from the public realm and therefore there are only limited views of the site as you travel along Epperstone Road. However, the domestication of the land would result in the encroachment upon the countryside (and Green Belt) which has the potential to change the character of the landscape, depending on future uses of the land, e.g. use as garden area, which is not considered appropriate within the rural setting. Policy DM5 requires new development to reflect the local distinctiveness and character of the surrounding landscape, which in this instance is the Green Belt. On this basis, I do not consider the proposal to comply Policy DM5 of the DPD.

In accordance with Core Policy 13, development should also have regard for the landscape character of the area which in this instance is considered to be in good condition and of moderate sensitivity. Given the low-lying nature of the development, I do not consider the proposal to have an adverse impact upon the character of the area.

Overall, the wildlife pond is not readily visible from the public realm (although the spotlights at night are likely to result in some level of intrusive illumination) and is therefore considered unlikely to have an adverse impact upon the historic environment or landscape, however the domestication of the Green Belt is considered likely to have a harmful impact upon the character of the area and therefore I do not consider the proposal to wholly comply with local and national policy.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The closest neighbour to the site is Lowdham Mill, some 140m from the development and as such, I do not consider the proposal to have an adverse impact upon the amenities of the neighbour properties in terms of overlooking, overshadowing or overbearing impacts.

As mentioned earlier in this report, spot/flood lights are located around the pond which have been raised as an issue by the Parish Council. The light pollution from these lights could be of nuisance to neighbouring residents, however given the distance between properties, I do not consider it likely that the lighting would have a harmful impact upon the neighbours, although I am mindful that the lighting will be visible from the surrounding area.

I am therefore satisfied that proposal complies with Policy DM5 of the DPD and the NPPF.

Impact upon Ecology

Core Policy 12 of the Core Strategy supports development which enhances wildlife. The proposal seeks to attract wildlife and provide a habitat for them. The landscape character assessment for the Council states that the Mid-Nottinghamshire Farmlands area in which the site is located within lacks habitats for wildlife and as such, it could be considered that the wildlife pond will help provide a suitable habitat. Notwithstanding this, Nottinghamshire Wildlife Trust have raised a few concerns regarding the pond as detailed in the Consultations section above. These concerns include the non-native shrubs around the pond and the potential to stock the pond with fish; neither of these should be used/carried out in order to ensure that the pond encourages native wildlife.

Conclusion

The wildlife pond is already in situ however the appropriateness of the proposal still needs to be considered. Overall, the proposal is not considered to have an adverse impact upon the local interest building or the nearby listed building nor neighbour amenity. In terms of ecology, the pond has the potential to provide a new habitat for wildlife, something which according to the Landscape Character Assessment states the Mid Nottinghamshire Farmlands area is lacking. However, the assessment does not pin point where enhanced habitats should be located across the area and as such, a similar development could be located in a less sensitive area outside of the Green Belt and therefore does not provide justification for the current location.

It has been discussed that the NPPF places great weight upon a development's harm upon the Green Belt and it has been concluded that the proposal is not considered to unduly impact upon the openness of the Green Belt and in this regards complies with paragraph 90 of the NPPF. However, the wildlife pond results in the formal domestication of Green Belt land which is not supported by Green Belt policy and is therefore considered to conflict with the purposes of including land within the Green Belt designation. I do not consider that the merits of the scheme outweigh the harm to the Green Belt.

On the basis of the above, it is concluded that the proposal does not comply with Section 9 of the NPPF in terms of its impact upon the Green Belt and therefore the application is recommended for refusal. Given that the pond and associated landscaping are already in situ, it is recommended that an enforcement notice is served at the same time as the planning decision is issued to seek to return the land to its former state.

RECOMMENDATION ONE

That full planning permission is refused for the following reason:

In the opinion of the District Council the domestication of the land through the associated wildlife pond constitutes inappropriate development in the Green Belt and is therefore considered to conflict with the purposes behind the designation of the land as part of the Nottingham-Derby Green Belt. It represents an eroding encroachment outside the residential curtilage and there are no very special circumstances which would outweigh this harm. The development is therefore contrary to Spatial Policy 4B of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012).

RECOMMENDATION TWO

That appropriate enforcement action is taken by the Deputy Chief Executive, in consultation with the Chair and Vice Chair of Planning Committee.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

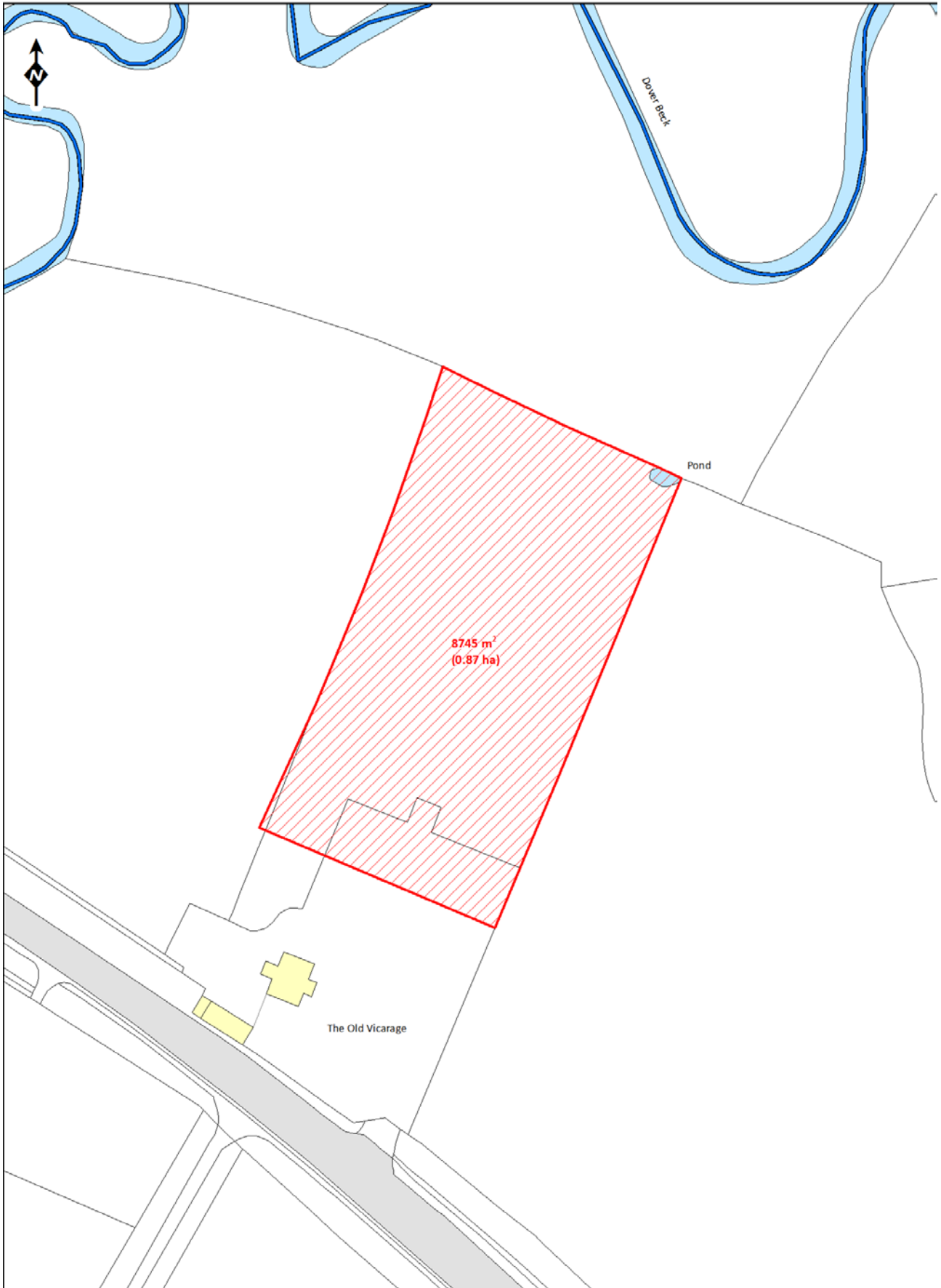
BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on ext. 5833.

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



Application No:	15/01260/FULM	
Proposal:	Conversion into 14 rooms, 5 self-contained studios, 3 x 1 bedroom apartments and 1 x 2 bedroom apartment	
Location:	Former Piano School Mount Lane Newark on Trent Nottinghamshire	
Applicant:	Unity Holdings Ltd Mr s Grace	
Registered:	17th July 2015	Target Date: 16th October 2015
	Extension of time agreed until 4th March 2016	

Following Planning Committee on the 5th January 2016 Members deferred the determination of the application pending the further clarification of some details of the proposed development. The applicant has deposited additional information in response and this information has been summarised in bold within the relevant sections of the report.

The application has been called in at the request of Councillor Keith Girling.

The Site

This application relates to 0.0647 hectares of land comprising the former Piano School, a range of Edwardian single and two storey buildings located within Newark Town Centre and the Conservation Area.

The site is accessed from Mount Lane a narrow lane providing vehicular access from Appleton Gate which serves residential properties on Mount Lane and which has very limited off street parking provision and is also subject to parking restrictions. There is also pedestrian access from The Mount to the north west.

To the north west the site is adjoined by the Former Mount School, a Grade II Listed Building which now forms part of the St Leonard's Trust sheltered housing scheme. To the south west lies St Mary Magdalene's Church, a Grade I Listed Building and associated church grounds. To the south and north the site is bounded by two storey dwellings on Mount Street and Jallands Row, a Grade II Listed terrace. To the east there is a commercial yard and commercial/residential properties fronting Appleton Gate.

Relevant Planning History

10/00482/FUL 10/00483/LBC – planning and Listed Building Consent were refused in May 2015 for the conversion of the Piano School into five dwellings, the demolition of single storey piano practice rooms, workshop and external stairs and the erection of one dwelling, on the grounds that the building to be demolished made positive contribution to the conservation area, no justification had been put forward for any demolition and the proposal would unduly impact on the character and appearance of the conservation area and the amenity of the occupiers of

neighbouring properties.

09/01231/FUL – an application was received in September 2009 for the conversion of piano school building to 6no. town houses together with demolition of single storey lean to building, workshop and external stairs. This application was subsequently withdrawn.

The Proposal

As originally submitted full planning permission was sought for the conversion of the existing buildings to form a residential development comprising 15 no. rooms with shared kitchen facilities and some shared bathroom facilities, 6 no. self contained studios, 2 no. 1 bedroom apartments and a 1 no. 2 bedroom apartment.

Revised plans have been received on the 14th December 2015 which amend the scheme as follows:

- Apartment A/15 from the HMO has been omitted from the scheme.
- Wall mounted cycle stands have been added within the courtyard area
- The internal ground floor layout of the HMO has been amended to feature a fire escape door to the west elevation
- The existing ground floor north gable window apertures (Elevation GG) are to be partially bricked-up to feature new high-level windows, in order to give privacy to the neighbouring gardens.
- The proposed new roof light above apartment B/3 has been omitted.
- The proposed new window opening to apartment B/2 has omitted.
- New external lighting and security PIR lighting was added has been added within the courtyard area.
- All kitchenette units have been removed from bedrooms within HMO
- The HMO kitchen was expanded to comply with DASH guidelines.
- New bin stores were added for each apartment and a secure refuse store added for the HMO.
- The existing windows along the southern elevation to Apartment B/9 are to be fully bricked-up and the roof-lights removed, in order to give total privacy the neighbouring property. The internal layout of apartment has been rearranged to utilise the existing windows along the northern elevation.
- The refuse store area for the HMO has been extended.

The amendments to the scheme result in the provision of 14 no. bedrooms with shared communal facilities (i.e kitchens and some bathrooms) and 5 no. self-contained rooms (or studio

apartments), 3 no. 1 bed apartments and 1 no. 2 bed apartment totalling 23 units.

A further revised plan has been deposited which shows the ground floor windows serving rooms A/4 and A/5 on the gable elevation facing Jallands Row to be partially bricked up and obscured with only high level window sections being retained as clear glass.

Additional waste management comments and security measures were received on the 28th October 2015.

A number of enabling works are proposed in the form of modification to some existing window openings, either to create new door openings, blocking up of some existing openings or reinstatement of some former openings to form new door openings, repointing and structural repairs, repairs and replacement of some existing roofs, replacement rooflights, replacement staircases, repair and redecorate existing windows, repair and replace some existing rafters, replace existing rainwater goods, external landscaping and erection of a porch. These works are detailed within the Heritage Statement deposited with the application.

A Design and Access Statement, Heritage Statement and a Bat Survey prepared by EMEC Ecology also accompanies the planning application.

Departure/Public Advertisement Procedure

Occupiers of 47 neighbouring property have been individually notified by letter. A site notice has also been displayed near to the site and a notice has been published in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- NAP1 – Newark Urban Area

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 DM3 - Developer Contributions
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5 – Design

- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Consultations

Newark Town Council – No objections were raised to this application, however the committee expressed some concern with regards to the possible over intensification of the site and the potential for noise disturbance given the number of units being proposed.

Newark Civic Society - Object to the proposal pending clarification of the number of units. This appears to be advertised as 'conversion into 10 residential units' but the supporting statement seems to indicate there would be x 15 rooms [mixture of en-suites and shared facilities], 6 self-contained studios, 2 x 1 bed apartments and 1 x 2 bed apartment. So in other words there would be **15** bedrooms in a communal/shared living arrangement with common rooms and shared bathrooms etc- registered as a HMO -House in Multiple Occupation and **9** individual apartment making 15 bedsits = 1 unit.

We have concerns about the density of this proposal and the amenity impact for people living on Mount Lane or in the St Leonard's sheltered housing.

NCC Policy - One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

Paragraph 72 of the NPPF states that,

“The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *Give great weight to the need to create, expand or alter schools; and*
- *Work with school promoters to identify and resolve key planning issues before applications are submitted”*

Paragraph 171 of the NPPF relates to Health and well-being and encourages Local Planning Authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

County Planning Context

Waste

In terms of the Nottinghamshire Waste Core Strategy (December 2013), there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding the existing waste management facilities (as per Policy WCS10).

As a large development the County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’

Minerals

The site does not lie within a Mineral Safeguarding and Consultation Area and as such the mineral safeguarding policy set out in the emerging Minerals Local Plan does not need to be considered. The County Council therefore does not wish to raise any objections to the proposal from a minerals perspective.

Strategic Planning Issues

Strategic Highways

The County Council do not have Strategic highways objections to the proposed development.

Travel and Transport

Heritage

This application is accompanied by a Heritage Statement that has identified the history of the site and explains how the proposals respond to the conservation of the fabric of the historic building envelopes. The approach to the conversion does take account of the heritage interest of the conservation area in terms of the treatment of the fabric and the significance of the buildings, but makes little reference to the impact on the setting of the adjacent listed buildings.

The proposed new use for the main proportion of the site as HMO introduces various issues, this may be the most viable use for this particular site which appears to be particularly limited in space for parking. The Design and Access Statement refers to the low level of car ownership of likely tenants and provision of storage for bicycles. The County Council could not identify any such storage facilities on the plans and it is unclear where refuse bins would be accommodated. It is not clear from the information provided if the site has been marketed for alternative uses since the 2009 application referred to in the Heritage Statement. The Design and Access Statement states that within the town centre 'commercial properties are becoming increasingly difficult to rent due to their size and ongoing maintenance commitments', there is no further discussion or evidence offered to support this.

Ecology

Given that the structure to be refurbished is early 20th century in age, with a roof that has fallen into disrepair, it is recommended that a **bat scoping survey** is carried, prior to the determination of this application, along with any subsequent, more detailed surveys that may be required. The unit has been vacant for over 18months and is in close proximity to areas of parkland and mature gardens, increasing the likelihood of roosting bats being present in the area.

In addition, it is apparent from aerial photos that there is a mature tree adjacent to the northern edge of the site boundary. There is some overhang of the canopy into the site area, thus if there are any arboricultural works required to this tree, then it should also be checked with regards to roosting bats.

Developer Contributions

Should the applications proceed, Nottinghamshire County Council will seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted

Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Newark and Sherwood District Council to ensure all requirements are met.

NCC Conservation Support Officer – Confirm that no library or education contributions would be sought in this instance.

NCC Highway Authority - As this is a town centre development, with adequate public car parking facilities in close proximity, there is no insistence on the provision for off street parking. Therefore, there are no highway objections to this proposal.

NSDC Environmental Health Contaminated Land - This proposal includes refurbishment of buildings/structures which are of an age where asbestos may have been used in the construction and/or insulation materials. There are no soil screening values for asbestos; it is considered that there is no safe exposure level for human health. Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in the Environmental Health at Newark and Sherwood District Council on 01636 650000.

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>.

NSDC Environmental Health - It appears from the application that the accommodation comprises of self-contained units and also accommodation that will share facilities.

The applicant should ensure that the facilities provided for the shared accommodation complies with the attached DASH guidance on amenities and space standards. Such provisions should be in consultation with this Department.

NSDC Planning Policy – Relevant policy background is outlined:-

NPPF In terms of housing, this requires LPA's to maintain deliverable 5 year supply of housing land in sustainable locations. In terms of heritage, requires LPA's to set out a positive strategy for the conservation and enjoyment of the historic environment. Planning Practice Guidance offers advises on decision taking in respect of the historic environment.

NSDC Core Strategy 2011 Addresses NPPF housing requirement by defining a settlement hierarchy in Spatial Policy 1 and allocating proportionate amounts of housing development to it through Spatial Policy 2. Addresses NPPF heritage requirement through the priorities set out in Core Policy 14. Core Policy 3 sets the requirement for affordable housing provision on 10 or dwellings in the Newark Urban Area.

Allocations & Development Management DPD 2013 Allocates housing sites to meet the targets set out in the Core Strategy and establishes the principal of windfall development within settlements such as Newark through Policy DM1. It contains other Development Management Policies that deal with Historic Environment (DM9) and Design (DM5) that will be relevant to assessing the detailed proposal.

ASSESSMENT

The site lies in the Newark Urban Area where Policy DM1 facilitates housing development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with other relevant policies.

As a sub-regional centre the LDF intends Newark to be the main location for new housing. Within this context the provision of 10 residential units is entirely appropriate for this location. The type of accommodation proposed does not require justification to satisfy any policy (although the impacts arising from it may) however as this would certainly result in a greater number of units and therefore more efficient use of land than more conventional self-contained dwellings and offers a range of affordable market accommodation I consider it is to be welcomed. My understanding is that as the proposal would create 1 no. House in Multiple Occupation and 9 no. dwelling houses it would fall below the threshold for provision of affordable housing.

The other relevant policies to consider this proposal against are DM5 – Design and DM9 - Protecting and Enhancing the Historic Environment. I defer your and the Conservations teams assessment of these matters.

CONCLUSION

If the detail of the proposal satisfies Policies DM5 and DM9 and there no material considerations arise that indicate otherwise, the proposal would be in accordance with the development plan and its approval would result in the delivery of dwellings in a sustainable location and maintenance of the 5 year housing land supply.

NSDC Conservation – It is understood that the site has been the subject of pre application discussions and that this identified the significance of the building and the need for its overall appearance and form to remain and be conserved as a building of local interest within the conservation area and it also forming part of this designated heritage asset.

The principle of the porch area has already been identified as being acceptable at pre application stage.

Overall the form and appearance of the building is we'll maintained with this scheme and my only comments relate to joinery details.

The new rooflights on elevation BB and DD need to have a vertical, rather than horizontal emphasis. On elevation BB the infill of a door to a window in the large opening on the right hand of this elevation could be better done as the new lintel sits uncomfortably within the larger aperture. Can the existing arrangement essentially be retained, with the door overlight kept and glazing in the top half of the door opening and block in the lower part of the door opening?

The door design on elevation EE with the plank lower half and four panel upper half if perhaps a little modern domestic in appearance, could this perhaps be a plank door with a small light within the top half of the door, as seen on elevation GG?

Perhaps these points could be controlled by a 'not withstanding' type condition given the limited time to negotiate revised plans?

While I note that letter boxes have been specifically sited (and their location in an inner courtyard is acceptable), can we make sure we condition meter boxes and other features like vents please?

Nottinghamshire Wildlife Trust – the following comments have been made:-

According to the Bat Conservation Trust's Bat Survey Good Practice Guidelines (Hundt, 2012), conversion, modification, demolition or removal of certain buildings should trigger a requirement to carry out a bat survey. Such structures include agricultural buildings, older properties with gable ends and/or slate roofs and buildings in proximity to woodland or water. Building features likely to be used as bat roosts include lead flashing, box eaves, cavity walls, ridge tiles, slates, hanging tiles, large uncluttered roof spaces and ridge beams. It should be noted that this list is not exhaustive and that bats are often found in seemingly unlikely situations and also that roost sites can change frequently.

It is therefore advised that in order to ensure that all material considerations have been addressed the LPA requests a Preliminary Roost Assessment (bat survey) is carried out before the application is determined, by a licenced bat ecologist with the report submitted for review.

On receipt of the bat survey it is understood that the building was considered to have negligible bat roost potential. Whilst this has been supported by evidence (photographs and descriptions), precautionary measures are provided within Annex 2 of the report, in the unlikely event that bats should be found during works – It is advised that these measures are included within a **condition**.

Further to this, as old bird nests were found within the building, Section 5.2. of the report recommends works to be undertaken outside of the bird breeding season, or a survey to be taken immediately prior (no more than 2 days) to works commencing. Again, this should be included in a condition.

NCC Ecology – No comments have been received.

NSDC Parks and Amenities - Given the nature of this development, with some single rooms and 1bedroom apartments, there is no requirement for a contribution towards children's playing space.

NSDC Strategic Housing – The proposal to develop 9 self contained units does not meet the qualifying thresholds detailed in the District Councils Core Strategy (ten units and above in Newark). The remaining 15 units are designated HMO and therefore the application will be exempt from any affordable housing contribution.

With regards to housing need to cite the Housing Need in Newark specifically for the smaller home (1 bed) and in the private rented sector is as follows:-

The DCA Housing Needs Survey (2014) provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. *The Tables below provide evidence of demand for the size of property in Newark.* For the Newark area, market sector housing, the majority of demand is for 2 and 3 bedroom homes (722 combined total). The DCA survey does not assess demand for HMO's per se therefore I refer to demand for 1 bedroom dwellings in this instance. There is a small demand for 1 bedroom property (79 homes) in the market sector. The application states that the properties are of a rental tenure. The survey reports that demand for private rented accommodation in the district is small for households moving in the next three years at 31 units (compared with owner occupation

at 570) and in terms of property type there is no demand for bedsits but 266 flats are required for both existing and concealed households.

Since the survey however, it is reported that demand in the private rented sector has increased (National Association of Estate Agents – June 2015). Savills (July 2015) also report increase in demand for private rent across the East Midlands.

NSDC Access - As part of the developer's consideration of access to and use of the buildings, with particular reference to access and facilities for all, it is recommended that the developer's attention be drawn to BS8300:2009, BS 9266:2013 – as well as Approved Document M of the Building Regulations which contains further useful information in this regard.

In particular access to, into and around the proposals together with provision of suitable accessible facilities and features should be carefully considered to ensure these are equally convenient to access and use and carefully designed to meet accepted standards. Easy access and manoeuvre for all should be considered throughout the proposals.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

NSDC Waste Management – Following discussions with the applicant and agent it is noted that there are 6no. 240 bins from neighbouring properties that are moved to Appleton Gate on collection day. These properties were built quite a while ago and as such were not subject to the same conditions as those of today, both for planning and waste management. Our current policy for developers is, as stated, 8 metres and I did comment on site that we would be flexible to an extent. However pulling 6 240 bins that are already on site and have been done that way under historical arrangements for many years, is slightly different to adopting the number of bins that are now proposed for this new development. (some are Euro containers).

I have revisited the site this morning and the only possible solution is that the developer arranges for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school. Then following collection the same arrangements would need to be done in reverse. I have already drawn up plans to alter collection routes to allow for a smaller vehicle to access that area.

Unfortunately that is the only solution. It would be untenable that that amount of bins could be pulled down and back to the main road whilst a truck is blocking off Appleton Gate. In addition if I schedule the small vehicle there is only two operatives to fetch bins. This would mean that far too much time would be spent walking backwards and forwards to the "30 metre" collection point. Obviously all this has been taken into account when the new guidance was developed.

Police Authority - No formal objections are raised. Mount Lane is a fairly quiet area in terms of crime and disorder. Only a handful of incidents have been reported in the last 12 months, usually located at the nearby park/garden of rest and usually involving young people being noisy or drinking.

However, it has been highlighted that the proposal could increase the number of incidents especially noise and anti social behaviour simply by virtue of there being at least 23 new residents living in a relatively small sized residential space with limited amenity space for all the residents with the likelihood that the adjacent park/garden of rest will become an extension of the amenity space as all the other adjacent areas are residential or commercial.

Additionally the particular concern related to the HMO and the lack of amenity space in that

area, but adding on the other residential apartments and studios, the concerns raised will be much more acute and potentially more of a problem in this location.

Further clarification has been received from the Police Authority as follows:-

Whilst we are not objecting to this application, there are a number of concerns relating to the numbers of persons living within the premises and especially within the HMO portion. I am aware of the communal facilities i.e. common room and external amenity space but would doubt this being sufficient for the 23 HMO residents, plus any friends, family or other visitors, and if the other residents were to be included then these facilities would be quite overcrowded. The external amenity space is also shared with waste bins and it is very likely that the external amenity space of the adjacent park will be used by these many residents, giving rise to incidents of anti-social behaviour or noise nuisance in what is currently a quiet part of Newark.

These comments are addressed within the body of the report relating to 'Other Amenity Issues'

17 written representations have been received from local residents or other interested parties raising the following concerns:-

- The scheme lies within a Conservation area and is therefore unsuitable;
- The development is cramped overcrowded and overbearing;
- The density is too high – 24 letting rooms creating a 48 bed hostel;
- Shared toilet and showers, common living rooms and kitchens are unsuitable for a residential building in a Conservation Area;
- The only adjacent recreational area will be the precinct and the burial grounds of St Mary Magdalene Church;
- The development will blight the Conservation Area where millions of pounds have been spent to establish it as an important historic part of Newark;
- A Conservation Area is an area of architectural historic and environmental interest or importance which is protected by law against undesirable changes;
- The site location plan submitted with the application is inaccurate – a building is shown adjacent to no. 35 Appletongate which does not exist which give the impression that the site can be accessed from Appletongate by a narrow opening. This is in fact wide enough to allow vehicles to drive through and there are often cars parked in the area adjacent to the site;
- Title deeds exist which restrict to the enlargement of windows or apertures, and the nature of openings and opaque glazing to windows facing some residential properties;
- Lack of consultation;
- Will access be from Mount Lane as the lower section of Jallands Row is believed to be unadopted;
- Forms deposited with the application state that there are no trees immediately adjacent to the development. There is in fact a large sycamore;
- Although the description states 10 units will be created the application proposes for 24 separate units of accommodation these all have double beds. This means that there could be up to 48 residents using one access from Mount Lane which will result in impact on amenity in terms of noise;
- Issues are raised with regards to waste bins being left on Mount Lane for collection.
- The access to the site is limited and more traffic would cause congestion and cause damage to property;
- There is no parking provision;

- The proposal is out of character with the area;
- There is a lack of vehicular access to the site is a long standing vehicular access from Appletongate which is not correctly shown and is ignored in the application. The access from Mount Lane is not suitable for vehicular use. The high density site cannot be managed and maintained without vehicular access which cannot be provided;
- The assessment that only 10% of owners have cars is inaccurate. In reality professional people will require a vehicle and the scheme does not allow for this. Residents will be forced to park on the road which will put pressure on other locations within the town centre;
- There are no vehicle storage spaces;
- The level and type of accommodation does not appear to be luxury. It is too cramped;
- The tenancy of the accommodation;
- The potential for disturbance and anti-social behavior;
- The level of activity will be greater than that of the previous use;
- There are no designated pedestrian footways along most of the length of Mount Lane;
- The number of potential residents and their modes of transport will radically alter the character of the area to the detriment of current residents;
- The proposal will impact on the Listed Building Conservation Area and the Almshouses;
- Responsibility for repair and maintenance of the highway;
- Impact on the access for emergency vehicles;
- The development may not meet the County Councils space standards or waste policy guidance;
- Comments in the Design and Access Statement with regards to the development being positive for local property and the accuracy of the comments regarding the conditions of the buildings deteriorating over the last 18 months as a result of being empty are questioned;
- The proposal will damage the growing cultural appeal of Newark;
- Development should be for family housing;
- There is a lack of external amenity space;
- The proposal does not provide an adequate level of amenity;
- No identifiable need for such accommodation has been evidenced;
- No Heritage Statement has been deposited with the application which is essential to assess any harm;
- The owners do not have control over the access to the property from Mount Lane nor do they have control of access for the connections to services;
- The building has windows facing residential properties and although these will be obscure glazed there will be night light spill. Also if these were to be opening this would trespass over neighbouring properties;
- Windows facing the St Leonards scheme will create overlooking issues and opening lights would trespass;
- No spaces are shown for bins, cycles or mobility aids. There is inadequate bin and cycle storage provision. The Local Authority have no right to cross the private drive for collection;
- There are no rights for postal or delivery services to the site.

A letter of representation has also been received from the local MP who requests that local resident concerns are taken into account.

A further letter has been received which reiterates previous comments and adds that that occupation levels should be imposed to ensure that only one person occupies each room at all times . Overcrowding is controlled by license.

The development would have an excessive largely uncontrolled occupation which would impact on the area and the Civil war Centre which will have a deleterious impact on the reputation of Newark.

Although one letter of support has been received with regards to the principle of the development it raises concern with regards to the lack of parking provision and requests that the existing spaces on Mount Lane are made restricted to residents parking only.

An additional letter has been received which supports the comments of the Police Authority.

Additional comments have been received which raise concern that following deferral from the January committee the Police and Fire Authority have not been given the full facts of the proposal nor has the level of outdoor amenity space been given full consideration.

I have consulted with the Fire, NSDC Building control and The Police Authority. I am satisfied that the information and plans deposited with the application show the details of the proposal. I have also discussed the details of the proposal with both Building Control (on the advice of the Fire Authority) and the Police Authority. With regards to outdoor amenity space this has been discussed within the body of officer recommendation report.

Comments of the Business Manager/ Appraisal

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is the duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the development plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of encouraging the effective re-use of previously developed land (provided it is not of high environmental value).

Policy DM12 of the Allocations and Development Management DPD equally sets out a positive approach to considering development proposals. Where appropriate this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved where possible and to secure development which improves economic, social and environmental conditions. The policy further details that applications which accord with the District's Development Plan will be approved without delay, unless material considerations indicate otherwise.

The application site is within Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy as the Sub Regional Centre. Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided it is appropriate to the size and location of the settlement hierarchy and in accordance

with the Core Strategy and other relevant Development Plan Documents.

Spatial Policy 2 states that the spatial distribution of the District should focus on supporting the Sub-Regional Centre of Newark Urban Area which will be the main location of, amongst other things, for new housing.

Taking account of the above policies, the principle of this proposal is considered acceptable in this location given that it falls within the Sub Regional Centre of the District, a highly sustainable location served by good transport links and services and facilities. Moreover, the proposal would redevelop a current vacant brownfield site and would bring about the retention of an important building within the conservation area which would be of significant benefit to the character and appearance of the area. However, notwithstanding the principle of the proposal other site factors and local and national policy considerations need to be weighed in the planning balance and these are set out and assessed below.

Housing Mix, Type and Housing Density

The National Planning Policy Framework which seeks to ensure sites *'deliver a wide choice of high quality homes....and.... plan for a mix of housing...'*

Core Policy 3 of the Core Strategy states that housing densities should normally be no lower than an average of 30 dwellings per hectare net and should seek to address the housing need of the District, namely:

- family housing of 3 bedrooms or more;
- smaller houses of 2 bedrooms or less;
- housing for elderly and disabled population.

The mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.

The proposal seeks permission for:-

1 no. HMO comprising 14 rooms with shared communal kitchen and some bathroom facilities

5 no. self-contained rooms

3 no. 1 bedroom apartments and

1 no. 2 bed apartment

It is acknowledged that the density of the development is high given the nature of the proposal. However, this need not be fatal in itself, subject to other considerations. The site is within a sustainable urban setting and within the town centre where high density development would not be out of context. I am satisfied that the proposal makes an efficient use of the site and offers a mix and type of accommodation within the private rental sector for which the latest housing needs report produced National Association of Estate Agents and Savills in 2015 has identified is a growing market. Within this context the provision of this type of residential accommodation is entirely appropriate for this location.

The nature of the occupancy of accommodation proposed does not require justification to satisfy any policy (although the impacts arising from it may) however this would certainly result in a

greater number of units and therefore more efficient use of brown field land than more conventional self-contained dwellings and would offer a range of affordable market accommodation.

I would therefore conclude that the density and mix of housing units proposed would accord with the aims of the NPPF, Core Policy 3

Impact on the Conservation Area and Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets and putting to viable uses consistent with their conservation, the positive contribution that the conservation of the asset would make to sustainable communities and to the character and distinctiveness of the area.

The NPPF adds at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 137 of this document states that local planning authorities should look for opportunities for new development in Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the significance of the asset should be treated favourably.

Policy CP14 of the Core Strategy reflects this guidance and requires continued preservation and enhancement of heritage assets.

Core Policy 9 also reflects the NPPF and requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment.

Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Local planning authorities need to have special regard to the desirability of preserving the heritage significance of a listed building including that derived from its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

I am of the view that the Piano School buildings, although non designated heritage assets in themselves, form a positive and historic group within the conservation area setting of the site. The proposal seeks to predominantly retain the external features and integrity of the site which in my opinion would preserve the heritage quality of the buildings and consequently would preserve and enhance the character and appearance of the Conservation Area.

I am mindful that the site has been vacant for a number of years. Although more recent planning applications have sought to bring the site back into a viable use, permission has subsequently

been refused as the proposals sought to demolish some of the buildings and to intervene to an unacceptable degree.

Taking account of the current proposal, it is noted that the existing buildings are to be retained and generally in good repair and form a positive and historic group within the conservation area setting of the site. Notwithstanding this the saw tooth elements of the buildings fronting the unadopted lane are in fairly poor repair, much of the roofing materials are damaged or missing and the roof is currently protected by polythene sheeting. I am mindful that the proposal seeks to repair and retain this important element.

Given that the proposed works do not involve any demolition, are modest in scale and nature and would retain the overall form and appearance and the historic integrity of the site, I am satisfied that the proposal would bring back into a viable use these currently vacant buildings and preserve their heritage significance and their contribution to the Conservation Area. Furthermore I am satisfied that the proposal would retain its relationship with and positive impact on the character and integrity of the nearby Listed Buildings and do not consider that the proposed use of the buildings would unduly impact on these historic heritage assets.

It is noted that the Conservation Officer raises no objections to the proposal subject to conditions. Given that scheme seeks to preserve the important elements of the asset the proposals are considered positive in conservation terms. This carries significant weight in the planning balance.

Impact on Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime, anti-social behaviour.

Neighbouring Amenity

Dealing firstly with the former, I acknowledge that the site is adjoined by residential properties. Windows to western elevation of Block A will serve ground floor bedrooms and the common room which overlook the lane (which continues north east towards Jalland Row) and the secondary windows serving the communal lounge and the entrance door and small secondary ground floor window serving the wardens accommodation of the elderly residents housing on the opposite side of the lane. There is a maximum 7m separation between the two buildings at this point. I have given very careful consideration to this modest separation. However, given the tight urban grain of this town centre location, I am mindful that it is not unusual for residential properties to face each other across narrow lanes. There is some planting to the boundary treatments to the curtilage of the St Leonards sheltered housing complex which affords some modest screening. I acknowledge that the proposal would result in a level of overlooking. However, I am mindful that these windows are at ground floor level and am of the view that, on balance, this would not be such an incongruous situation with an urban setting to justify refusal on these grounds, particularly when

balanced against the limited ability to use these windows for anything else as part of a residential conversion.

I note that existing windows exist to the ground and first floor of the gable elevation of Building A which forms the boundary with the rear garden of 5 Jallands Row which directly face this private garden and the high level windows to the rear elevations of the other properties forming this terrace. I note that revised plans have been deposited which propose to block up the lower panes of glass with brickwork to match the existing building, obscure the central areas of glazing and clear glaze the upper sections of these windows. I am satisfied that providing that the glazing within the central section of these windows is of sufficiently strong obscurity to prevent any views into or out of the rooms which these windows serve, then the privacy and amenity of occupiers of the properties on Jallands Row and any future occupiers of the Piano School building would not be unduly compromised. I consider it reasonable, should permission be granted, to secure this by condition.

It is noted that revised plans have been received which propose to block up existing windows serving the first floor apartment B/9 on the elevation facing the rear gardens of properties on Mount Lane and Appleton Gate to safeguard the amenity of the occupiers of these properties. These are secondary windows, the primary windows serving this apartment facing into the inner courtyard.

Taking the above into account I am satisfied that, on balance, the proposed development would not result in such significant overbearing, overshadowing or overlooking impact to justify refusal on these grounds.

Amenity of future occupiers

With regards to the level of amenity for the proposed occupiers, I am mindful that although some of the rooms within the HMO seem to have a modest floor space they do generally meet the relevant space standards set out in the Housing Act 2004 Guidance entitled Amenities and space in HMO's.

The minimum room size for the HMO rooms (which comprise a bedroom with adequate lounge and dining facilities and cooking facilities not provided in the bedroom) as identified within the above guidance as being between 8-12 sq.m All rooms meet the minimum required standard.

With regards to the self contained units, the Government has produced a Technical Housing Standards (March 2015). However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA "wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard." Provision in a local plan must also be predicated on evidence, as the NPPG goes on to describe.

"Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

- viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.” (Paragraph: 020 Reference ID: 56-020-20150327)

In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way. The performance of this scheme against the standard is detailed in the table below:

SC Units	✓	X	Sq.m short
3 x 1 bed apartment	2	1	-5 sq.m
1 x 2 bed apartment		1	-10 sq.m
5 Studio		5	-13 sq.m
			-13 sq.m
			-15sq.m
			-12 sq.m
			-4 sq.m
TOTAL	2	7	

Following the request by members for clarification in terms of the how far out the self contained units were in terms of space standards, I have calculated this as follows:-

- Studio B6 – 40%***
- Studio B4 – 43%***
- Studio B3 – 30%***
- Studio B7 - 33% and***
- Studio B2 – 10%***

1 x 1 bed aptment B1 – 12%

1 x 2 bed apartment B9 – 16%

Whilst falling below the threshold is clearly not ideal I am mindful of the NPPG guidance that any requirement from the LPA should be provided by the LDF, that the rooms are to a large degree dictated by the current built form (in terms of utilising the existsing buildings and the openings), and that units of the size proposed will meet a need. Taking careful consideration of this I remain of the view that given the nature of the development and on balance, this would not result in such a modest level of amenity for future occupiers of these rooms or apartment to justify refusal on these grounds. I also weigh this against the heritage benefits of the scheme.

I note that the applicant has confirmed that they have DASH accreditation. This is a scheme for accredited landlords with proven record of good management with their tenants. Whilst this cannot be guaranteed for perpetuity (or if another landlord were to take control) I consider that the DASH scheme and the applicants track record in Lincolnshire does offer a degree of comfort.

I am mindful that relationships and separation distances between some facing windows overlooking the internal courtyard are also modest. However these are existing windows and an existing situation. At ground floor level direct views would be partially obscured by the proposed planting to the central courtyard. At first floor level there is a 6m separation between windows serving Bed A/13 and AptB/5. I am also mindful that the ground floor windows serving Apt B/4 and Apt B /6 directly face the ground floor windows serving Bed A/9 and Bed A/8 and similarly at first floor level windows serving Apt B/5 directly face those serving Bed A13.

Clarification has also been received from the applicant with regards to the ratio of bathrooms to bedrooms within the HMO.

On the ground floor there are three bedrooms which use a shared bathroom and six en-suite bedrooms

First Floor: three bedrooms which use a shared bathroom and a shared shower room and two en-suite bedrooms.

A balanced judgement has to be taken as to whether this situation would result in such a significant impact to be detrimental to the amenity of future occupiers the building. In this instance I am mindful of the tight urban grain within town centres particularly in relation to residential developments such as that as proposed. Such modest separation and relationships between units of accommodation is not unusual and would not, in my opinion, be so detrimental to future occupiers of the proposal development to justify refusal. Furthermore I am also mindful that the retention of these windows in these positions is an existing situation. It would allow the conversion of the building without its historic integrity being unduly compromised or lost through alteration or harm. Taking account of this I am of the view that the level of any impact would not cause such harm to the level of amenity for future occupiers to warrant refusal on these grounds.

With regards to comments received in relation to the lack of provision of open space and recreational areas, an internal courtyard area is proposed with a central seating and landscaped area. Given the nature of the development, I am of the view that amenity space to serve the residents of the development would be provided. There are also public recreational areas and open spaces within the area.

Other amenity matters

It is acknowledged that the proposal would result in an increase in the level of activity to that of previous use of the buildings. I note comments received with regards to the potential number of residents should the proposed development be fully occupied. Again I am mindful that this is a town centre location and that a residential development of this density would not be unusual. I am also of the view that such a level of activity would not be so significantly harmful within the urban centre to justify refusal on these grounds.

I note the comments received with regards to potential light pollution. In terms of planning considerations I am of the opinion that by virtue of the proposed residential use of the site, the

level of lighting would not be such to unduly impact on neighbouring amenity. I note that external lighting is proposed to the inner courtyard and consider it reasonable should permission be granted that a condition be attached requiring the submission of precise lighting details.

In terms of concerns raised with regard to anti-social behavior, the proposal would bring into residential use a currently vacant building with windows that would overlook the unadopted lane and the internal courtyard. This would provide optimum natural surveillance of these areas and would in my opinion discourage anti-social activity.

With regards to anti-social behavior, the applicant has responded to the comments received from the Police Authority.

'The proposal features the HMO and self-contained studios and apartments breaking out into an enclosed courtyard. The HMO also has a large communal living area with first floor mezzanine. The applicant is aware that the police have concerns with regards to the strip of road along the west elevation of the building but would contend that to prevent anti-social behavior it is better to have an occupied building rather than a derelict vacant building.'

The planning system can only consider the use of the building rather than individual behaviours of residents. The planning system can give no weight to individual end users as a material planning consideration. The application is required to be considered on the Use Class which is sought, and there are a number of freedoms within any use class. I am therefore of the view that it would be difficult to justify refusal on these grounds, given that no formal objection has been raised by the police authority and the concerns raised have not been supported by any evidence.

Having carefully assessed the scheme I am satisfied that, on balance, the proposal could be developed such that there will be no significant or unacceptable detrimental impacts upon the amenity of future occupiers of the proposed development or dwellings adjacent to the application site in accordance with the Policy CP9 and DM5.

Highway Issues

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I acknowledge the comments received with regards to the lack of vehicular access to the site, off street parking provision requirement for such a high density development, potential damage to property and highway and pedestrian safety concerns.

The highway authority has not requested provision for off street parking and have consequently raised no objection to the proposal. Taking account of these comments, I am of the view that the site lies within a highly sustainable location being within the Town Centre close to town centre employment, facilities and services and is well served by public transport. There are car parking facilities in close proximity to the north east of the site. Cycle storage has also been included within the scheme.

I therefore consider that the proposed development would not result in any significant parking or traffic problems or highway safety issues to justify refusal in this instance and is therefore in accordance with the requirements of Spatial Policy 7 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. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

An ecological survey has been deposited with the application which concludes that no evidence of roosting bats was found and no features were considered suitable for roosting bats. As a small amount of very old nesting material was found during the survey, building works may be constrained by the bird breeding season.

Nottinghamshire Wildlife Trust are satisfied with these results subject to conditions to secure the precautionary measures outlined in the survey relating to bats and birds.

Overall and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' sets out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

Affordable Housing

I note the comments from Housing Strategy in that the proposal to develop 9 self contained units does not meet the qualifying thresholds detailed in the District Council's Core Strategy (ten units and above in Newark). The remaining 14 units are designated HMO and therefore the application will be exempt from an affordable housing contribution.

Other contributions

I note that the NCC Highway Authority, NCC Education and Libraries, NSDC Parks and Amenities and Community Sports and Arts Development have confirmed that no developer contributions would be requested in this instance.

Other Matters

Consultation

Consultation has been undertaken in accordance with legislative requirements. A site notice was posted, a press notice placed in the local newspaper and adjoining neighbours have been notified of the proposal.

Rights of Access and boundaries

The comments received with regards to rights of access and servicing together with trespass over boundaries are noted. The agent has completed Certificate B on the application forms stating that they have notified land owners/interested parties of the proposal. Moreover the agent has confirmed by email that there is right of access along Mount Lane to the entrance to the Piano School as proposed. Taking this into account and from the information put forward I consider that this would be a private legal matter to be resolved by both parties.

Following planning committee in January Members requested clarification on the issue raised with regards to rights for postal deliveries. I consider that this relates to land ownership and rights of access as outlined above. As Members will be aware issues of ownership and/or rights of access are private legal matters not material to the determination of the application. Equally a planning permission does not over-ride any private legal rights.

Accuracy of plans

A comment has been received which expresses concern that the plans deposited with the application are out of date, particularly in relation to no. 35 Appletongate. However, this property does not form part of the application site. From my site visits I am satisfied that the details and plans deposited with the application allow full consideration of the proposal.

Deeds and Covenants

I note the comments received with regards to deeds which restrict the enlargement of windows, the nature of openings and opaque glazing to windows facing residential properties. Should planning permission be granted this would not override any deeds or covenants. This would not be a material planning consideration but would be a private legal matter to be resolved between parties.

Nature of tenancy

Issues raised with regards to the nature of tenancy of the residential units would not be a material planning consideration and would therefore carry limited weight in the determination of this application. The use and numbers of units proposed (and the associated activity) is material, and has been addressed above.

Trees

The concerns raised with regards to the presence of a large tree immediately to the boundary of the site with the rear garden of 5 Jallands Row which has not been identified within the application are noted. This tree lies just outside of the application site boundary. Any works to this tree would require consent as it is afforded protection by virtue of it being within the Conservation Area. For the avoidance of doubt this application does not consent for the tree to be removed.

Waste Management

I note the comments received with regards to matters of waste management. The applicant has undertaken lengthy discussions with the District Council with regards to the types and numbers of bins required and the storage and collection of waste. Revised details of household waste and recycling bin types and have been deposited and a meeting held to discuss bin storage and collection. Following these discussions I note that a solution to bin collection arrangements has been suggested by NSDC Waste Management which would require the developer to arrange for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school. Then following collection the same arrangements would need to be done in reverse. Plans have been drafted to alter collection routes to allow for a smaller vehicle to access that area.

Notwithstanding this I consider it reasonable that should permission be granted, a condition be attached requiring the submission and written approval of precise details of the management of bin collection arrangement and bin collection points to secure appropriate measures are implemented to the satisfaction of the District Council.

The applicant has confirmed that the refuse bins will be brought to the top of the access road for collection (Mount Lane) and returned by a member of the Unity Lettings management. The tenants for the self contained units will be responsible for taking and out and returning their own bins.

I am of the view that this would be in line with the comments of NSDC Waste management.

Reduction in the number of units

The agent has confirmed that given the cost of the repairs and alterations required to the building fabric, the reduction of units would result in the development becoming economically unviable.

Consultation with the Fire Authority

The Fire Authority has advised that any access would have to comply with Approved Document B – The Requirement for access and facilities for the Fire and Rescue Service and the advice of the Building Control Officer should be sought. NSDC Building Control has been consulted with regards to this matter. The Building Regulations state that for buildings not fitted with a fire main, vehicle access for a pump appliance to small buildings up to 2000m² with a top floor up to 11m above ground level should be within to either 15% of the perimeter or within 45m of every point on the projected plan or footprint.

The Building Control Officer has clarified that the furthest point of the building should not be more than 45m the main road. The site is within 45m of Appleton Gate with access to the rear through the courtyard.

I am satisfied that the furthest point of the building is within 45m of Appleton Gate. Furthermore there is a courtyard immediately to the rear of the Piano School building accessed from Appleton Gate.

Management of the Building

With regards to the management and maintenance of the building the applicant has made the following comments:-

The building will be let and managed by the Unity Group and will be owned for 20 plus years securing long term management and maintenance of the building.

The development will be managed by Unity Lettings located in central Lincoln with group of 5 staff responsible for the management and maintenance of the portfolio with 2 full time maintenance officers to maintain the high standards of the units.

The company currently manages approximately 260 units with a mix of students, families and working professionals and a limited number of local housing authority tenants. It does not operate sheltered housing.

The HMOs are rented to working professionals only following on from a strict referencing procedure.

The applicant has emphasised that there is no intention of renting the property to non-working tenants or students.

The applicant has also submitted a Design And Access Statement and supporting images of a similar development granted planning permission relating to a Listed Building within a conservation area in Lincoln, attached as an appendix 1 to this report.

The applicant has advised that in the photographs the student flags shown outside the Unity office are due to it being student rental season.

Market and Need for this type of housing

The applicant has submitted a statement with regards to the market and need for the proposed type of accommodation as summarized below:-

'Given the present cost of living, coupled with the transient nature of employment many people are now choosing to live in HMOs. Tenants can move into a luxury home offering weekly cleaners, high speed internet and contemporary decor situated in respectable area of the town, without having to commit to long tenancies or have the hassle of 'setting up home'. We find that across all our professional HMO rooms [150+] that presently the average tenant is aged 23-25 and has a salary of c. £20,000, certainly very different from the tenant profile the committee have in mind I think. The demand for this type of accommodation is further illustrated by the attachment showing that within 3 miles of Newark there are presently 512 rooms available for let. Furthermore, it can also be supported with the recent survey carried out last year by Spareroom.com showing that the average rent paid has increased for HMO rooms by 8.6% over 2014, and that presently, on average, there are 6.46 people competing for every room advertised.'

Conclusion and Planning Balance

Taking account of the additional information received both by the applicant and consultee responses, I remain of the view that the proposal before Members represents a finely balanced one. However, the original recommendation presented to Members in January remains the same on the basis that officers do not envisage any of the identified impacts to be sufficient to justify and sustain a reason for refusal.

As the site is located within Newark Urban Area, the principle of residential development on this site is considered to be acceptable.

The application is not considered to result in any adverse impacts on highway safety, residential amenity, ecology, or heritage assets subject to conditions.

Proper consideration has been given to all material planning considerations and the appropriate weight afforded to each matter. On balance, I consider that the applicant has done enough in each area to persuade me that the recommendation should be an approval. Subject to the requested conditions from consultees I consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations.

RECOMMENDATION

That full planning permission is granted subject to the following conditions:

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:-

Drawing Number 1000 Rev H (Revised Floor Plans)

Drawing Number 1050 Rev B (Block Plan)

Drawing Number 2000 Rev E (Revised Proposed Elevations)

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

Reason: So as to define this permission.

03

Samples of all external facing materials to be used on the development hereby permitted shall be submitted to and agreed in writing by the District Planning Authority before works commence. The works shall be carried out using only the agreed materials.

Reason: To ensure that the development respects the character and appearance of the conservation area.

04

All new external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:10 scale, shall be submitted to and agreed in writing by the District Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

05

In relation to condition 4 above, trickle vents shall not be inserted into the windows unless otherwise agreed in writing with the District Planning Authority before works commence.

Reason: To ensure that the development respects the character and appearance of the conservation area.

06

All new roof tiles shall be natural slate, a sample of which shall be submitted to and agreed in writing by the District Planning Authority before development commences. The development shall be carried out using only the agreed roof tiles.

Reason: To ensure that the development respects the character and appearance of the conservation area.

07

Full details of the siting, appearance and materials to be used in the construction of all roof lights, extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the District Planning Authority prior to the development commencing. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

08

Prior to the commencement of works, a detailed methodology shall be submitted to and agreed in writing by the District Planning Authority. This shall include a full schedule of works which comprehensively addresses repairs to the external masonry, roof timbers and existing external joinery.

Reason: To ensure that the development respects the character and appearance of the conservation area.

09

A programme of historic building recording and full recording report shall be submitted to and agreed in writing by the District Planning Authority before development commences.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

010

Prior to the commencement of the development hereby permitted, a detailed waste management plan shall first be submitted to and approved in writing by the local planning authority. The waste management plan shall include bin collection areas and measures for the

putting out and returning of bins to the bin storage areas within the development on waste collection days. Waste management measures shall be carried out in accordance with the approved details and shall be retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

011

Prior to the commencement of the development hereby permitted, precise details of any external lighting shall first be 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.

Reason: In the interests of visual amenity and biodiversity and in the interests of amenity of occupiers of neighbouring properties.

012

No part of the development shall be occupied until the landscaped area of the internal courtyard has been carried out in accordance with drg. no. 1000 REv H The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. 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.

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

013

No rooms compromising the HMO shall be converted to self-contained residential units at any time unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

014

The development hereby permitted shall be carried out in full accordance with the precautionary measures outlined in Appendix 2: procedure to follow if bats are discovered during works of the Daytime Bat Survey produced by EMEC Ecology and dated October 2015 and deposited on the 5th October 2015.

Reason: To ensure that adequate protection is afforded to ecology in accordance with the recommendations of the ecology appraisal accompanying this scheme.

015

The development hereby permitted shall be carried out in full accordance with the recommendations of Section 5.2 of the Daytime Bat Survey produced by EMEC Ecology and dated October 2015 and deposited on the 5th October 2015 in relation to nesting birds.

Reason: To ensure that adequate protection is afforded to ecology in accordance with the recommendations of the ecology appraisal accompanying this scheme.

016

Precise details of the level of obscurity together with samples of all obscure glazing to be used on ground floor windows on elevation G-G as shown on drg. No. 2000 Rev E which serve Bed A/4 and A/5 of the development hereby permitted shall be submitted to and agreed in writing by the District Planning Authority before works commence. The works shall be carried out using only the agreed obscured glazing materials.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

Note 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 given that there is no net additional increase of floorspace as a result of the development.

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in the Environmental Health at Newark and Sherwood District Council on 01636 650000.

04

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a license; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>.

05

The applicant should ensure that the facilities provided for the shared accommodation complies with the attached DASH guidance on amenities and space standards. Such provisions should be in consultation with the District Council.

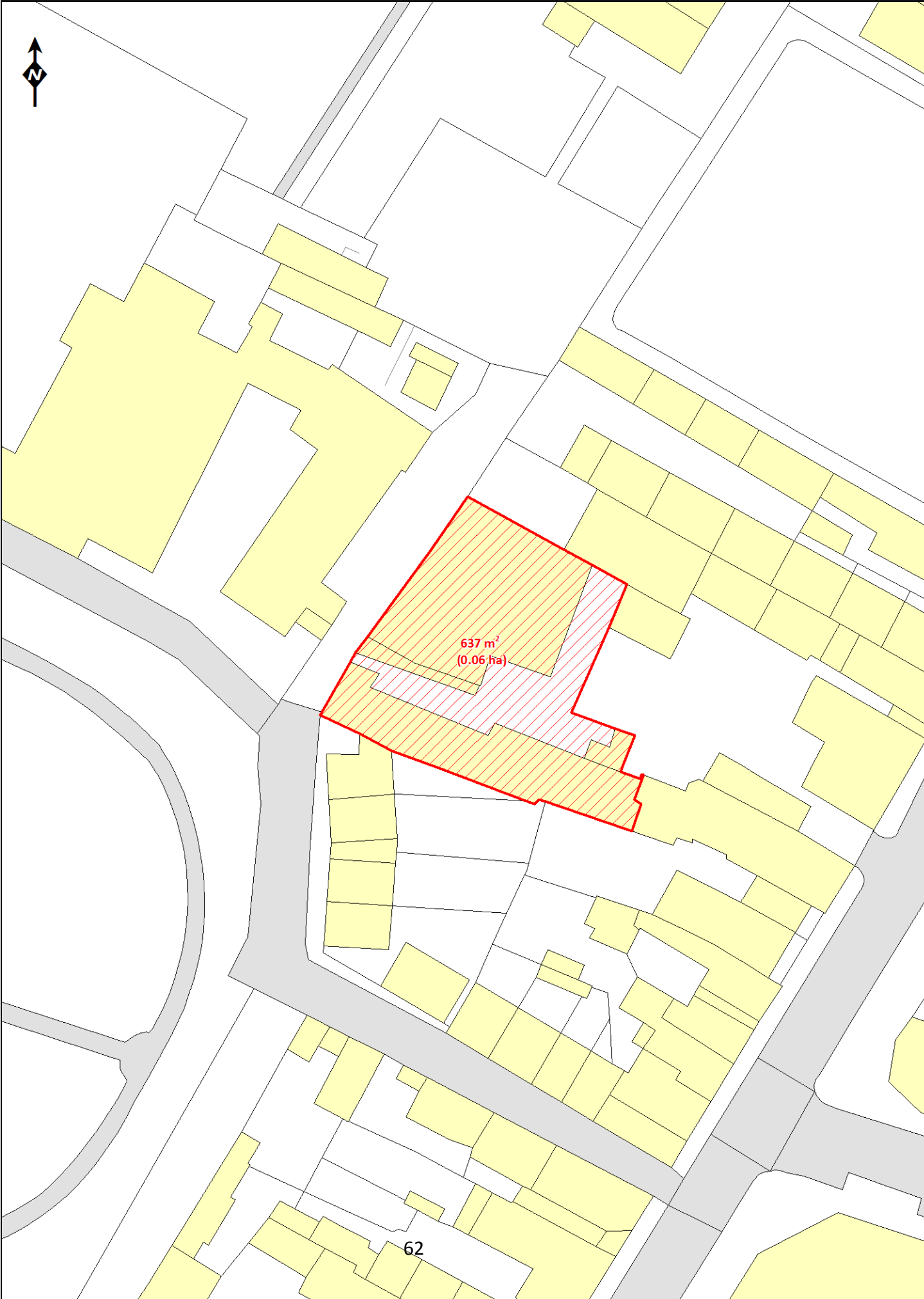
BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext 5842.

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





Design and Access Statement



26 MAR 2013

5 Lindum Road

Sympathetic Conversion of a Listed Building

It is our aim to convert the current commercial premises into residential luxury accommodation intended for working professionals. With a lot of businesses relocating to the outskirts of the city in search of purpose built commercial offices, the city centre features many vacant (previously residential) commercial properties that are becoming increasingly difficult to rent due to their size and the ongoing maintenance commitments.

With this in mind we have put forward a scheme to rejuvenate a once impressive residential property back to its former glory with a more modern residential purpose. Unity has had great success in converting vacant properties into tasteful, high end units and we look to continue this trend in more central locations in Lincoln with a combination of traditional finishes in grand units such as 5 Lindum Road.

You will see from the existing and proposed drawings that we have tried to eliminate the need to demolish, alter or remove any of the interior walls and features. Every existing doorway with frame and architrave is to be kept. The only addition being fire doors to bring the property up to building regulation requirements.

The scheme is made up of en suite bedrooms with shared kitchen and living amenity and is to be registered as a licensed HMO. Residents will access the property through a shared entrance to negate the need for multiple entrances that could be harmful to the structure of the building.

Introduction to Unity Partnership

The Unity Property Partnership, formerly the Opulen Property Partnership, was formed in November of 2009 with the intention of creating a portfolio of good quality rental accommodation for families, students and working professionals.

Throughout our first year we rapidly expanded with mostly Local Authority style housing of 2-3 bed houses and flats throughout the city. After providing high quality accommodation our letting agent was approached by the charity Catch 22, we proceeded to supply them with accommodation for 16 of their dependants.

The ambitions of the partnership altered around the end of 2010 as our focus shifted onto HMO's, predominately for working professionals, in Lincoln. It was the success of 6 en suite rooms in 217 Monks Road that played a part in our decision to pursue this strategy and respond to the evident demand for this type of accommodation.

Employing strict systems and procedures to ensure a consistency throughout our portfolio is embodied in the end product. On studying the availability of rental properties for residents of Lincoln we found that there was no one offering consistent, high quality and affordable accommodation – a niche we have successfully filled. Our aim is to approach the buy to let market with a commercial attitude to clean up the stereotype that landlords are unorganised and not to be trusted. This is an impression that a lot of tenants have of their landlords and one we strive to stamp out.

Luxury let approach

Observing this active transition in the rental market the partnership set out to produce a type of housing to fulfil the demands of the modern day working individual and the luxury room let was born.

We began to buy larger residential units of 4+ bedrooms in the view that we would alter the interior to incorporate additional bedrooms leaving space for en suites where possible. The rooms needed to be big enough for double beds, a wardrobe, desk and set of draws.

Specification

- Approximately 1 mile from the city centre
- On good bus route
- Brand new Kitchens with modern tiling
- Range cookers (900mm, 6 point gas hob)
- Modern appliances like large fridge freezer and decent microwaves
- Powerful pressurised cylinders to ensure no loss of pressure if all showers operate simultaneously
- LED spot lights as standard throughout the property
- Quality timber floor coverings
- TV points in all bedrooms linked to a digital aerial
- Hardwired internet data points to all rooms should the wireless router not be powerful enough
- Sturdy bedroom furniture with plenty of storage including under bed compartments
- Low maintenance and attractive outdoor areas to socialise
- Intercom systems to each room provide tenants with privacy
- Feature walls and interesting decor throughout the dwelling
- High speed internet
- Weekly cleaner
- All bills rolled into the rent including council tax

Adding Value/Investment

The scale of works carried out to get a HMO up to our standard dwarfs that of a conventional refurbishment. We understand that our involvement in property will stretch far into the future so getting the works carried out with long lasting materials is a priority.

Our investment in these buildings shows our commitment to a higher standard of living for our tenants, one of which is hard to come by when surveying the majority of rental properties available.

Raising the standard of property is positive for local values in a time when the stagnation in property prices looks to continue. To date we have spent over £1,600,000 on refurbishment in Lincoln, much of this investment has gone into empty, dilapidated buildings. We use the same tiles, kitchens, carpets, windows, boilers, sanitary ware units, doors, door furniture, electrical appliances and more, all so that we can maintain a level of consistency and to keep a handle on maintenance in the future.

Consideration for immediate neighbours of our properties is a priority. We use quiet extractor fans, acoustic insulation when it isn't necessary to meet building regulations, our cleaners maintain the properties exterior appearance and take out the bins, and our tenants are reminded to be aware of their noise with in-house notices.

Vacant Properties

Lincoln, like many other cities in a recession, has a problem with vacant properties, which have been proven to encourage antisocial behaviour.

In a time of economic uncertainty many commercial units are bearing the brunt of the lack of operating businesses that would otherwise be renting shops, pubs and offices. These properties are falling into disrepair and becoming a problem for towns and cities up and down the country. Everyone loses out as the property cannot produce council tax, rentable space or a decent frontage for the aesthetics of the area.

Professional Tenants

We knew that our customers would be 18-35 years of age, working and sociable. They would want a level of accommodation above the average rental property available on the market.

Generally our tenants earn anywhere from £13,000 - £20,000 a year. This demonstrates the relevance of a luxury room let model in today's climate. Despite the fact that these people represent the bottom 3% of earners in the country they can still afford our rooms and continue to rent from us in droves – this is due to the cost savings when compared to renting a complete apartment in a similar area.

We have found that by providing a quality product, it is treated with more respect. We have little to no complaints about tenant conduct from local residents and tend to far less maintenance issues through recklessness than in any other part of our portfolio.

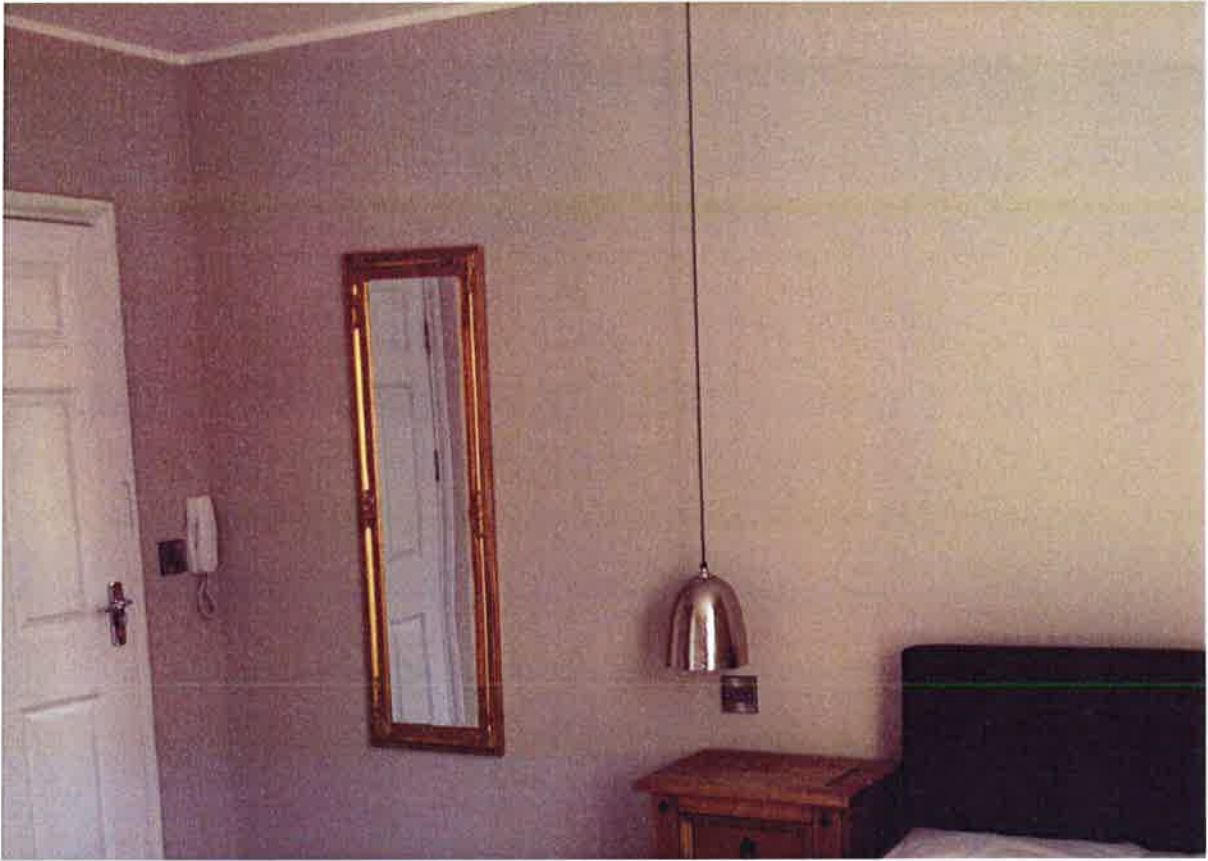
Less than 10% of our tenants own cars and pose little threat to the immediate neighbourhood in terms of added pressure on parking. We try to maintain adequate space for tenants to store/park push bikes to encourage responsible forms of transport.

Systems/bad Landlords

Part of the reason a lot of private landlords cannot provide a consistent and fair service to their tenants is because they lack the resources and systems to do so. This can be forgiven when a landlord works in the week and maybe has 2-3 houses with marginal cash flow to cover eventualities like maintenance and lettings fees.

We looked at the market and identified this problem: most tenants do not like their landlords. It's not uncommon to hear people complaining that their landlord didn't respond quickly enough or failed to deliver on time. We didn't want to fall into this category and have recently brought all management of lettings in house under the Unity brand. We now have full control to ensure a quick response for all maintenance issues.

- Maintenance contractors on hand 24/7 with a direct line for emergency call outs.
- Our cleaners report back on any minor maintenance issues every week to ensure they are seen to efficiently and don't escalate into larger problems.
- Incentives for tenants to provide feedback so that we can improve our service
- Different channels of communication available: phone, email, text, facebook, twitter.



Bedroom



Bedroom



Shared Kitchen



Shared Kitchen



Studio Kitchen





Lindum Road setting



Unity Office

Application No:	15/01198/FULM	
Proposal:	Change of use of unit 2 of the former poultry farm to develop and indoor motorbike training facility	
Location:	Oakham Farm, Forest Lane, Walesby, Nottinghamshire	
Applicant:	Mr Ryan Wilson	
Registered:	7th July 2015	Target Date: 2nd November 2015
	Extension of Time Agreed in principle	

Member Update

Following Planning Committee on the 2nd February 2016 Members deferred the determination of the application pending the further clarification of some details of the proposed development. The applicant has deposited additional information in response attached as Appendix 1 to this report and summarised within the relevant sections of the report and highlighted in bold text. For the avoidance of doubt, the remainder of the report below remains unchanged since Planning Committee on 2nd February 2016.

The Site

The application site forms part of a large former egg packing and distribution centre complex located to the north west of and on the periphery of the village of Walesby. The complex comprises 3 no. very large modern dark green profiled metal clad buildings which are sited in a line extending east west across the complex with large and open areas of hardstanding and vehicular turning. The complex also comprises a number of smaller wooden structures and detached brick buildings with associated hard surfacing with parking to the south of the complex. The site falls within open countryside.

The site is accessed via Forest Lane, a private shared road serving residential properties and a further poultry farm located to the south west. It is bounded to the north east and west by mature trees and small areas of woodland and is immediately adjoined by agricultural land to the north and west. To the east, the site is separated from the residential properties on Retford Road by an open field. The boundaries of these properties are approximately 335 metres from the application site. Residential properties also exist along Forest Lane approximately 205 metres from the main part of the application site.

This application relates specifically to Unit 2, the centrally located unit of the three modern very large buildings together with an area of land comprising areas of grass and hardsurfacing immediately between Unit 2 and Unit 1 to the east.

Unit 2 has maximum dimensions of 130 metres length, 25 metres width and 24 metres min height. There is a lean to structure which has maximum measurements of 14 metres length and 8.2 metres width.

Planning History

Conditional planning permission was granted in October 2012 for the change of use of former egg production sheds to storage and distribution use (B8) – application ref. 12/00795/FULM. This permission related to Units 1, 2 and 3. This permission remains extant and has not yet been implemented.

The Proposal

Full planning permission is sought for the change of use of the building identified as Unit 2 to an indoor motor bike training facility relating to motorcross. The proposed facility would accommodate a maximum of 30 motor bikes (limited in size to 450cc) per session with a maximum of 150 bikes expected per day.

The proposal involves internal alterations to the building and the construction of an indoor track comprising banked corners and various jumps ranging from 1.5 metres to 2 metres high.

No external alterations are proposed to the building.

Parking spaces for up to 12 staff members and 64 visitors would be provided in the open space between the application unit and the adjacent unit 1 which will be would be resurfaced.

The hours of operation are proposed as:

Monday and Wednesday – closed

Tuesday and Thursday - 1000 to 2100 hours

Friday to Sunday – 1000 to 1600 hours

The following documents have been deposited with the application;

- Planning Statement
- Design and Access Statement
- Noise Impact Assessment
- Transport Statement

A Supplementary Planning Statement has been deposited which comments on need, location, sustainability and comprehensive approach.

Confirmation has also been received that no racing will take place. Additional information has also been deposited with regards to the marketing of the site, need for the development, noise, no outdoor riding or maintenance, optimum use and which also comments on other criteria within policy DM5.

Departure/Public Advertisement Procedure

Occupiers of 33 neighbouring 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 Core Strategy Adopted March 2011

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 9 – Sustainable Design
- Core Policy 6 – Shaping our Employment Profile

Allocations and Development Management DPD Adopted July 2013

- Policy DM1 – Development within Settlements Central to Delivering Spatial Strategy
- Policy DM5 – Design
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Walesby Parish Council – Objections are raised on the grounds that the proposal would be an inappropriate use due to the noise and air pollution caused by high revving motorbikes and the close proximity of residential properties, not to mention the increase in traffic down a track.

NSDC Policy – ‘NPPF Sets the requirement for planning policies to support economic growth in rural areas including:

- Supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- Promoting the development and diversification of agricultural and other land based rural businesses.

Core Strategy Spatial Policy 3 –Rural Areas, states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Commits to the production of Policy DM8 set out below.

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities, states; The provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the District and beyond.

Allocations & Development Management DPD Policy DM8:

- Criterion 5 – Conversion of existing buildings, states; in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing

replacement development. Proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use.

- Criterion 9 – Community and Leisure Facilities, states; Community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements. In accordance with Spatial Policy 8, proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision.

Policy DM5 – Design.

ASSESSMENT:

The proposal inherently complies with some aspects of policy by involving the re-use of an existing building that is in close proximity to a settlement. The other assessments that need to be made in determining the suitability of the change of use are:

- Demonstration of the use meeting the needs of communities.
- Demonstration of most beneficial use of building.

The application states that there are very few similar facilities in the UK and nothing comparable in the area, and due to the longstanding concerns about the dangers to people from riding motor bikes it is considered that there is a demonstrable need to provide a facility which offers suitable training. The proposal is therefore clearly aiming to provide for a market both inside and some way outside of the district. Spatial Policy 8 does allow for this, but I think to defensibly support the need, more information is required. The application does not explore alternative uses as required by Policy DM8 and so does not satisfy the policy as it stands. I note the approval for storage & distribution use in 2012 which presumably was not taken up and so it may be the case that other uses have been investigated, but not referenced in the application. As above, more information is required. I defer to your and the relevant consultees assessment of the relevant criteria of Policy DM5.

It is concluded that the proposal has the potential to comply with the development plan if it can be shown that:

- The use meets the need of communities – I would suggest this could be addressed through more information on the nearest comparable facility and what the catchment area for this facility is expected to be.
- This is the most beneficial use of the building – I would suggest this could be addressed through more information on other uses that have been investigated.
- The relevant criteria of DM5 are addressed.

In response to the additional information submitted in respect of these applications I can comment as follows:

The applicant has set out a credible case for the proposal being relatively unique thereby meeting a deficiency in current provision and meeting the needs of communities within and far beyond the District. This would satisfy Spatial Policy 8 and would also contribute to the aims of Core Policies 6

& 7 by attracting economic and tourism development to the district. The information submitted in respect of the marketing of the site as evidence of the most appropriate use is also credible. Given the amount of time that has lapsed since the grant of various permissions by this Council and in the knowledge that former poultry buildings have limited re-uses I consider that criterion 5 of Policy DM8 would be satisfied. I consider that if the other relevant DM polices can be satisfied the proposal would be in accordance with the development plan.

Nottinghamshire Wildlife Trust - As advised in pre-application response to the applicant, it appears that the building is of a type which is less suitable for bats, although the possibility that they may be present cannot be entirely ruled out. As no changes are proposed to the roof then NWT would be satisfied that a survey is not required. However, if during works a bat is discovered, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering reckless damage or disturbance to a bat roost.

It is also recommended that consideration is given to any external lighting which may be required, keeping it to a minimum and ensuring it is directed downwards and away from any boundary features.

To avoid any disturbance effect on wildlife populations due to increased noise, the recommendations in the noise assessment report for keeping doors closed and sealing other openings should be secured via condition.

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, plans for biodiversity enhancements on and around the development site would be welcomed. These could include enhancing existing habitats, for example planting/landscaping the car park area with native species, as well as creating new habitats, such as installing bat and bird boxes.

NSDC Environmental Health Contaminated Land – No observations are made.

NSDC Environmental Health – No objections are raised in principle subject to an understanding that the following matters can be conditioned:

The specification of the ventilation is not provided, however I would be grateful if a condition is placed on any approval to provide a suitable ventilation system capable of removing exhaust gasses from the indoor facility, without the need for opening any doors/windows during the race operations. The ventilation system should also be designed or attenuated to ensure it does not exceed 36dBA as detailed in the noise assessment.

That all doors and other openings are kept closed during operation and only opened when all engine noise from inside has ceased. Where possible lobbies should be installed to entrances to prevent the escape of noise.

No motor repairs/servicing should be undertaken outside.

Noise monitoring should be undertaken on each day the facility is operating and during a time when a race is progress (peak operation), with a calibrated sound level meters and a written record of the results shall be kept for inspection by Environmental Health. Where readings are recorded which are higher than The World Health Organisation Guidelines for Community Noise (1999) (the outdoor sound level from steady, continuous noise should not exceed 50 LAeq), then corrective action must be taken to abate the noise within a time period agreed with Environmental Health.

Hours of opening as described in the application should be strictly adhered to.

Traffic calming measures shall be introduced to restrict speeding to and from the venue.

Additional comments have been received with regards to the impact on the local residents from dust, fumes and odour in connection with the proposal, I am of the opinion that the ventilation system and distance from dwellings to be sufficient for dust, fumes and odour to have no impact on residents. Furthermore the facility will have its doors and windows closed during training.

Environment Agency – The site is low risk. No comments are therefore raised.

NSDC Access and Equalities Officer - As part of the developer's considerations of access for all, with particular reference to access and facilities for disabled people, it is recommended that the developer's attention be drawn to BS 8300: 2009 'Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice' which contains useful guidance. Approved Document M of the Building Regulations contains further useful information in this regard. It is recommended that car parking includes appropriate carefully laid out and signed provision for disabled motorists. BS 8300:2009 gives details of layout and proportion of spaces. A safe accessible pedestrian route should be considered from parking and to, into around available facilities which should contain provision for disabled people and be carefully designed and equipped so as to be accessible to all users. Stair access to facilities precludes wheelchair users and those unable to negotiate this barrier. The proposal should be carefully designed to be equally convenient to access and use by everyone through inclusive design. It is recommended that the developer be mindful of Equality Act 2010 requirements and that a separate enquiry be made regarding Building Regulations Approval.

NCC Highways Authority – The application site was previously a poultry farm unit served by Forest Lane which is 'unadopted'.

This proposal is expected to accommodate 30 bikes per session with a maximum of 150 riders on any given day. Bikes will be transported to the site in vans or cars/trailers.

Parking will be provided within the site for 12 employees (3-4 ft are proposed at present), 42 trainee riders and 20 spectators – a total of 74 spaces. The track is expected to be utilised all day by the same group of riders, with occasional changeover at midday.

In view of the above, and taking into account the previous use of the site, it would appear that sufficient parking is provided, therefore, there are no highway objections to this proposal subject to the following:

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that all parking for the development remains within the site curtilage.

The applicant should note that Forest Lane is a bridleway and consultation should take place with NCC Rights of Way section for advice/approval.

NCC Rights of Way – The private road that provides the access to the former poultry site also carries Walesby Bridleway 9. This road is also used as access to other properties and land. Users of the bridleway are used to traffic, but it would be wise to display an advisory sign on entering the lane & exiting the site – especially as many horses are afraid of or spooked by motorbikes. The signage could be something along the lines of Caution – Public Bridleway – please drive slowly & give way to horses would be appropriate.

The road is un-adopted, therefore any maintenance required above the standard required for a rural bridleway, would fall to the private users. I would imagine that there is already an agreement in place with the current users as the poultry farms generated significant traffic. The developer would need to investigate this.

Police Authority – has considered the application and visited the site. It is noted that the noise assessment document that has been prepared for the site but have concerns regarding potential noise/nuisance anti-social behaviour, both from within the unit, within the external car parking area but especially on the roads, tracks and bridleways leading to the unit.

The closest residence is approximately 250m from the unit, with more residences some 400m away from the unit, and may suffer from noise nuisance from within the unit, especially if the unit is open until 9pm, plus they will have noise nuisance issues from vehicles accessing the site. However my main concern is how persons attending the site will actually travel to and away from the site. There may be a number of customers who will bring their motor cross bikes on a trailer and disembark these within the confines of the car park, with some increase in noise if engines have to be engaged, but it is likely that many young local persons will travel on their own motor cross bikes cross country, bringing the noise nuisance issues associated with these types of bikes, to many persons in the locality. It is understood from the Planning Statement that there are likely to be up to 150 motor bikes at the unit on a typical day.

Motor cross bikes are usually for use off road only, and generally they do not have to be road legal, as they are not expected to be used on a public highway. These bikes are therefore less likely to be fully compliant with engine noise levels, safety, lighting etc., but we have many problems in the local area with illegal off and on road use of these types of bikes, and it is likely that this development will attract further problems.

There are obvious management issues here, if the management are likely to refuse persons access if the customer has brought a non-road legal bike to the centre, which has not been transported by legal means, then this knowledge will become well known locally and prevent non road legal bikes from trying to access to unit cross country, because the unit will refuse them access. However the opposite also applies that allowing these bikes access is likely to increase the local problem of motor bike nuisance. I am not sure if such a condition could be given to any planning consent.

Neighbours/Interested Parties – 26 representations have been received from local residents or other interested parties raising objections to the proposal and 28 have been received in support. These comments can be summarised as follows:-

Objections

- The description of the proposal is inaccurate. It refers to motor bike training facility and not motocross
- It is inappropriate development – the building is in good order and is not suitable for such a use
- The proximity to residential properties – the measurements to the nearest residential properties are inaccurate
- Impact on residential amenity outlined as follows:-
- The existing facility at Beavercotes already impacts on amenity
- The application relates to a metal building which would amplify noise and the building is not soundproofed
- There is no provision shown for the repair/testing/test riding within the building
- The Noise Assessment is incomplete and inaccurate
- The applicant has stated that the planning officer has accepted the noise level test. It is requested that all residents are invited to take part in noise testing
- The proposal will result in fumes which will be carried to nearby residential properties
- The proposal will result in a risk to health by virtue of pollutants
- Loss of privacy due to proximity to residential properties
- Hours of operation will cause disturbance
- There are no details of ventilation or any assessment of the levels of heat that would be generated;
- The proposal will contravene the Human Rights Act
- Impact on character of the area
- The proposal fails to respect or enhance the village or the area
- It will be detrimental to the peace and quiet of the area
- The proposal would be detrimental to the environment

- It fails to support low carbon emissions or make any contribution to reducing pollution
- Impact of pollution on trees
- Impact on flora/fauna/wildlife
- The proposal would have a detrimental impact on highways
- The proposal would result in an increase in traffic
- Impact on highway safety as there are no pavements or street lighting on Forest Lane
- The access is unsuitable for the proposed levels of traffic
- The speed of traffic using the site would impact on highway safety
- The proposal has no economic, social or environmental role in Walesby. It will not promote tourism, users will not use local facilities
- The proposal contravenes policy. It fails to take account of local strategies or improve health and does not deliver on any key issues or objectives
- The proposal fails to promote rural diversification
- The proposal will impact on other uses that take place on the site and the users of the sports pitch
- There is a conflict of interest for the operator.

A further letter has been received from the local Member of Parliament raising the following concerns:-

- The potential for the hours and days of use of the facilities to be extended to weekends and evenings – reassurance is requested that should permission be granted there will be strict monitoring of the number quota of riders and visitors and how this will be implemented.
- Impact on the tranquil village in terms of noise and traffic and motor bikes being ridden outside.
- Reassurance is sought that the distances between the site and residential properties will be rigorously looked into, that highways are consulted with regards to volume of traffic and that noise levels will be investigated by the Council. It is questioned as to whether this type of facility is allowed in the Green Belt.

A further letter of objection has been received which expresses concern with regards to impact on amenity given the proximity of residential properties.

Support

- The re use of the building provides an all-weather facility and a safe environment
- It will attract tourism to the area
- It will help the local economy
- It provides a national facility and encourages the growth of a family sport
- It allows young riders to do so legally and give them skills for the future
- It will create employment
- The applicant will have a positive impact on the operation of the business
- Potential use by a school for core PE lessons or as a reward trip.
- It is innovative and would provide a facility for young people who are interested in motorsport with a legal and accessible venue.

An additional letter of support has been received which will provide an affordable, accessible and legal venue in a comfortable learning environment for young people to ride their vehicles and gain experience.

Two additional letters of support have been received from the MC Federation and the ACU attached as Appendix 2.

Comments of the Business Manager – Development

Principle of Development

A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (NPPF) and is identified as being seen as a golden thread running through decision taking. This means approving development proposals that accord with the development plan without delay.

Paragraph 7 of the NPPF advises that there are three dimensions to sustainable development, having an economic, social and environmental role by:-

- contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;
- supporting strong vibrant and healthy communities by creating a high quality built environment with accessible local services that reflects the needs of the community; and
- contributing to protecting and enhancing the natural built and historic environment and to adapt to climate change including moving to a low carbon economy.

Paragraph 8 of this document advises that these roles should not be seen as being independent of each other but that to achieve sustainable development these gains should be sought jointly through the planning system which should play an active role in guiding development towards sustainable solutions.

At paragraph 17 the NPPF identifies 12 core planning principles which should underpin planning decisions. Of particular relevance to this application are the principles that planning should proactively drive and support sustainable economic development, should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, should encourage and support the transition to a low carbon future (taking account for example the conversion of existing buildings). Moreover planning should contribute to conserving and enhancing the natural environment reducing pollution, encourage the effective use of brownfield land, promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas by actively managing patterns of growth and focusing significant development in locations which are or can be made sustainable and should deliver sufficient community facilities and services to meet local needs.

The NPPF goes on to recognise that significant weight should be attached to supporting economic growth through the planning system. Paragraph 28 relating to supporting a prosperous rural economy advises that planning should support economic growth in rural areas in order to create new jobs and prosperity by taking a positive approach to sustainable development by supporting sustainable growth and expansion of all types of businesses together with sustainable rural leisure and tourism developments in appropriate locations where identified needs are not met by existing facilities and which respect the countryside.

At a local policy level, Core Policy 9 of the Core Strategy discusses Sustainable Design. This policy outlines that the District Council will expect new development to achieve a high standard of sustainable design and layout that is capable of being accessible to all and is of an appropriate form and scale to its context, complementing the existing built and landscape environments. New development should demonstrate an effective and efficient use of land that, where appropriate, promotes the reuse of land and optimises the site potential at a level suitable to local character. Development should also contribute to a compatible mix of uses.

Policy DM12 of the Allocations and Development Management DPD further reflects the guidance and the presumption in favour of sustainable development identified in the NPPF. Planning applications which accord with the policies of the Development Plan will be approved without delay unless material considerations indicate otherwise. Account should be taken as to whether the impacts of granting of permission would significantly or demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF.

The proposal would reuse an existing large vacant building sited within a much larger vacant brownfield site. The existing building and associated land would require little external alteration or extension to facilitate the proposed use. It is acknowledged that some weight should be given to the consideration as to whether the proposal might be likely to compromise any possible future more comprehensive development of this wider site and a compatible mix of uses. The land and buildings to which this report relates together with the wider site has been vacant for a number of years and more recent marketing and planning permissions issued have not resulted in any land or buildings being brought into use. I am also mindful that the wider poultry farm site has not been identified or allocated for development in any current development plan documents.

I consider that the proposal will meet the economic, social and environmental role by contributing to the economy, providing a service not already available in the region and moving towards a low carbon economy through the conversion of an existing building. In these respects the development can be viewed as being relatively sustainable under the guidance in the NPPF. The NPPF states that planning should proactively drive and support sustainable economic development such as this. Whilst the proposal would not result in a comprehensive development of the site which would help in better understanding the future cumulative impacts of uses on the site and the relationship with the area, the NPPF also promotes mixed use developments and encourages multiple benefits from the use of land including in rural areas and in this sense this standalone proposal would not necessarily prejudice such an approach.

When considering the principles set out in Core Policy 9 above, the development would make effective use of the existing large former poultry building and therefore the impact on the existing built and landscape environment would be reduced. Given the development only relates to a single building, the proposal does not necessarily optimise the potential of the wider site but as stated above would not prejudice other proposals coming forward where consideration can be given as to whether they would result in a compatible mix.

The site falls outside of the main built up area of Walesby and therefore under the criteria of Spatial Policy 3 falls to be assessed against Policy DM8 of the Development Management and Allocations DPD (Development in the Open Countryside). Development away from the main built up areas of villages, in the open countryside is to be strictly controlled under these policies and Policy DM8 sets out 12 types of development considered to be appropriate in the open countryside. In the interests of sustainability, one such type of development is the conversion of existing buildings. The sub text of this policy recognises that there are many buildings within the district which are no longer needed or are suitable for their original purpose. Proposals for the conversion of buildings should investigate and assess alternative uses and a present a case for the most beneficial use of the site.

Details of marketing of the three buildings which form part of the wider former poultry farm complex have been deposited with the application. This outlines that the former poultry units have been marketed by WA Barnes LLP continuously since November 2012. A 'V' angle advertising board has been erected on Retford Road and the units have been listed on the advertising websites of WA Barnes, Rightmove, Zoopla, Movehut, Novaloca, Costar and the EGI/Property Link.

It is noted from the Supplementary Planning Statement submitted with this application that the site has been vacant for approximately 15 years, although no evidence has been put forward as to whether or how the site was marketed prior to 2012.

However, from the information provided I am satisfied that it has been demonstrated that the building has been unsuccessfully marketed for the last 3 years with only one successful approach for an alternative use resulting in planning permission being granted for a B8 storage use in October 2012. This permission, however, has not been implemented and has now expired and the buildings remain vacant.

Supporting information has also been deposited with regards to the possible reuse of the buildings for agricultural purposes. This states that the buildings are designed for egg production and changes in technology and processes have resulted in it not being financially viable to upgrade the buildings in order to continue this use. I acknowledge that the scale and form of the building does limit potential alternative uses.

Policy DM8 also identifies rural diversification, employment uses, community and leisure facilities and visitor based tourism development as being other types of appropriate development within the countryside. These are subsequently discussed within the report.

Taking these issues into consideration I am also mindful that the NPPF states that significant weight should be attached to supporting such economic growth in rural areas in order to create new jobs and prosperity. It is acknowledged that some weight should be given as to whether the proposal might be likely to compromise any possible future more comprehensive development of this wider site, however I am mindful that the NPPF encourages mixed use and any future applications would need to be considered on their own merits including whether they would contribute to a compatible mix. On balance, I therefore consider that the significant weight to be attached to supporting sustainable economic growth would weigh in favour of the proposal and on this basis the principle of the proposal would be acceptable. However, other site factors and local and national policy considerations need to be weighed in the planning balance and these are set out and assessed below.

Impact On the Character of the Open Countryside

Policy DM8 states that all proposals will need to satisfy other Development Management Policies, take account of potential visual impact they create and in particular address the requirements of landscape character in accordance with Core Policy 13.

Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified in the LCA as falling within the Sherwood character area and within character zone S PZ 27 Ollerton Estate Farmland, a landscape considered to be of moderate condition and moderate landscape sensitivity. The LVA identifies the policy action in this zone to conserve and create.

Given that the proposal seeks to reuse an existing vacant building and immediately adjoining land without the need for any extension or substantial alteration to either and that the building is adjoined by other vacant commercial buildings which are set within a brown field site formally occupied by a poultry farm business, I am satisfied that the proposal would not result in any undue physical impact on the landscape character of the area or the open countryside.

I have carefully considered the potential impact of the proposed use and levels of activity generated on the character of the area. Although it is accepted that the use of the single building would result in some change in the relationship of the site with the character of the area by virtue of the nature and level type of activity I am of the view that the proposed use would not generate such a significantly greater level of activity than either the previous use as a poultry farm or the B8 use previously approved in 2012 to adversely impact on the character of the countryside setting of the site or the wider area to justify refusal on these grounds.

I therefore consider that the proposed use would not result in such an impact on the landscape or character of the area to justify refusal on these grounds.

Impact on Amenity

Consideration of the impact of development on the amenity of neighbouring land uses is a long standing consideration in the planning process. Indeed Policy DM5 states that development proposals should have regard to their impact on the amenity of surrounding land uses and where necessary mitigate for any detrimental impact.

I note the discrepancies raised in relation to accuracy of the distances between the application site and the nearest residential properties particularly on Retford Road which form the boundary of the village stated in the Design and Access and Planning Statements. These distances have been measured and from my calculations the rear boundaries of the properties to the east of the site are some 335m from the building. The distance to the boundary with the nearest property on Forest Lane equates to some 245m. Notwithstanding this, in visiting the site and assessing the proposal very careful consideration has been given to these distances I am satisfied that the proposal would not result in any overlooking or loss of privacy in this instance, particularly given that there are existing buildings which would obscure any views.

The applicant has deposited the following additional statement in relation to trips generated by the proposed development which is summarized below:-

'For clarity the site has sufficient parking spaces to cater for training riders, staff and spectators. The visions of 150 car and bikes there at any one time is incorrect.

There will be a maximum of 30 bikes using the facility at any given time. However there are 42 rider training spaces to allow a buffer if riders are changing between sessions. There are 20 spectator parking spaces and 12 staff parking spaces which total 74 parking spaces.

The figure of 150 trips (in the Transport Statement) has been generated by multiplying the 74 parking spaces by 2 totalling 148 (rounded up).

Therefore if there is one group of riders in facility all day there will be a maximum of 74 two way trips. If there are two groups during the day, morning and afternoon for example there will be a maximum of 150 two way trips. It is likely that on the shorter days Friday, Saturday & Sunday only one group will be at the facility and on the longer days Tuesday & Thursday there will be two groups; splitting the day.

The Transport Statement indicates the very maximum that could happen as a means of assessing the proposal on the worst case scenario - a scenario for which the assessment concluded that the impacts would be acceptable and which the Highways Authority agree. The normal operation would be 30 riders plus staff and spectators totalling 75 people per day.

When it comes to transport assessment terminology - one person visiting the site has to arrive and then go at some point later - that is 2 trips -so the 150 would only actually be 75 in and 75 out anyway - far less than 150.

It is envisaged that most riders to come for a full days training session, especially given the distance some will travel to get there. However if there were to be a changeover in the afternoon this would occur during the one hour lunch break which to prevent the venue becoming congested.

Taking account of the volume of traffic identified in the Transport Statement deposited with the application and the clarification received from the agent I am of the opinion that the levels of vehicular traffic generated would be unlikely to result in adverse impact particularly on the occupiers of the residential properties on Forest Lane given the unrestricted levels of traffic and the types of vehicles that were associated with the previous and previously approved B8 storage use of the site, which were substantial commercial enterprises.'

With regards to noise nuisance Paragraph 123 of the NPPF makes reference to amenity in terms of noise. It states inter alia that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.

I note the comments received with regards to noise and the quality and accuracy of the Acoustic Assessment carried out by Acoustic Associates and deposited with the application. This has been reviewed by the NSDC Environmental Health Officer. The Assessment states that background noise levels have been monitored at representative locations and that noise from a specific model of motorbike has been measured and the effect of noise of 30 similar bikes has been calculated. It also states that roller shutter doors will be kept closed during all sessions and existing ventilation opening will be adequately sealed. It concludes that noise from the development will not exceed the No Observed Adverse Effect Level guidance contained within the Noise Policy Statement for England 2010.

Having taken the professional advice of the Environmental Health Officer, I have no reason to question the assessment and its conclusions and am satisfied taking account of the distances to the nearest residential properties and provided the suggested conditions in relation to details of ventilation, noise mitigation and monitoring measures, no racing or outdoor maintenance and repairs to take place, and hours of opening are attached should members be minded to grant permission; the proposal would not have a detrimental impact in respect of noise. As such the proposals would accord with Policy DM5 in terms of impact on amenity, the NPPF and guidance outlined in the Noise Policy Statement for England 2010.

With regards to comments received in relation to pollution, I am mindful that specific details of any proposed ventilation systems have not been deposited with the application. Having sought the advice of the Environmental Health Officer I am of the opinion that any emission, fumes or dust generated within the building can be mitigated by the installation of efficient ventilation systems which would be the subject of condition should members be minded to grant planning permission.

Members at the committee meeting in February 2016 requested further clarification with regards to noise, noise monitoring and means of ventilation and extraction. The agent has submitted the following information in response to this request:-

NOISE

The applicant has submitted additional information which is summarized below:-

The initial noise report was carried out by a fully qualified and experienced noise consultant from a well-established noise consultancy firm in line with a methodology agreed with the NSDC Environmental Health Officer.

The existing noise levels in the area used to establish the base line conditions was deliberately undertaken on a Sunday as it would be the quietest time of the week which would be worst-case scenario for the impact of the noise to be generated by the proposed development.

The assessment and conclusion were in line with the correct guidance from the NPPF and refers to the current level of noise where any operation creating noise levels above it would be regarded as a nuisance would be unacceptable.

The assessment was based on the noise levels to be generated during the noisiest hour at the facility and measured the noise from one 450cc motocross bike of the type to be used at the facility and then interpolated this up to represent the noise generated by 30 bikes - again taking the worst case scenario.

The assessment made recommendations for changes to the building to stop noise escaping and to keep it within the required limits including a ventilation system to include noise reduction measures and the sealing of all openings in windows and keeping all doors closed. However, the assessment concluded that the building structure was already capable of restricting noise emissions to the outside and therefore the suggested mitigation measures were for additional protection.

Therefore it is considered that there is no reason to cast doubt on the validity and accuracy of the noise assessment and the conclusions it makes. The proposed development in this building is capable of being undertaken without detriment to the amenity of the surrounding area.

NOISE MONITORING

The applicant has stated that monitoring will be carried out in full accordance with current industry standards and as agreed with NSDC Environmental Health. In addition as stated in the Design and Access Statement (5.8.1) levels will be kept to Federation International Motorcyclisme (FIM) regulations and testing of each bike used on the facility will be recorded and kept for a minimum of 3 years. The mitigation measures are covered in the noise assessment report – “the roller shutter doors must be kept closed throughout each session, the current air paths through the walls and roof must be blocked up and the closures must achieve the same sound insulation as double skin insulated cladding in the roof and single skin cladding to the walls”.

VENTILATION AND EXTRACTION AND NOISE/POLLUTION

The applicant has advised that the ventilation system has not been designed yet. However the system must attenuate any duct borne noise (fan noise plus reverberant noise) to the south, east and north so that it does not exceed 36LAeq at any dwelling, with no highly perceptible tones at the receptors.

An additional statement has been received from a Principal Mechanical Engineer confirming that the building will require a mechanical supply and extract ventilation system in order to meet the requirements of Approved Document Part F and to control the carbon monoxide levels. It is anticipated that all plant will be located internally with air handling units complete with acoustic silencers to ensure external noise levels will meet all necessary planning conditions. The time period of the dBLeaq will be determined by NSDC Environmental Health and the sound spectrum will be examined to ensure that the specified acoustic silencers attenuate all break out noise at

the appropriate frequency. The engineer concludes that there are no foreseeable issues that would prevent suitable ventilation being designed to meet all necessary acoustic and planning requirements.

It is requested that this be conditioned.

I have reconsulted with the Environmental Health officer with regards to the Noise Assessment and additional information deposited with the application. It is considered that the Noise assessment has been carried out by a competent person and no concerns have been raised with regards to the assessment and its conclusions.

Taking account of the members concerns raised at the previous committee meeting Environmental Health have suggested the following revised or additional conditions, which I consider to be reasonable, be attached should Members be minded to grant permission requiring:

- *the submission and approval of a scheme setting out the protocol for the assessment of noise in the event of any complaint being received, including the remedial measures to be taken;*
- *In the event of a complaint about noise, the operators will carry out a noise assessment and undertake remedial works to the satisfaction of the LPA.*
- *details of a programme of routine noise monitoring shall be developed and submitted and agreed by the LPA.*
- *the noise levels from the facility shall not exceed those stipulated in the noise report deposited with the application at the locations specified within the report and with additional consideration being given to any neighbouring or future dwellings.*
- *the submission of precise details of a ventilation/extraction system capable of removing exhaust gasses etc and designed and attenuated to ensure it does not exceed 36Laeq (15mins)*
- *no engines shall be started or revved outdoors*
- *the submission of details of lobbies within the building*

Being mindful of the above comments and suggested conditions and taking account of the distances to the nearest residential properties I am of the view that the proposal would not have a detrimental impact in respect of noise to justify refusal on such grounds. As such the proposals would accord with Policy DM5 in terms of impact on amenity, the NPPF and guidance outlined in the Noise Policy Statement for England 2010.

With regards to pollutants, Environmental Health have advised that it is difficult to monitor outside pollutants at any nearby dwelling which could establish a link to the proposed use and not to the general air quality of the area given the proximity of properties to the busy main road.

With regards to comments received in relation to pollution, although specific details of any proposed ventilation systems have not been deposited, I note that confirmation has been

deposited from an appropriately qualified engineer that an appropriate ventilation/extraction system can be designed to the required stringent standards set out in the Building Regulations so as to meet the acoustic requirements of the Council.

A further statement has been deposited in response to Environmental Health's comments with regards to the standard for short term exposure limit (15 minute reference period). This states that the referred to is a HSE document SR15. As the works would be carried out under the Building Act (Under the supervision of Building Control) the Approved Document Part F is the more stringent standard to apply. It is reiterated that the required rate of air change can be designed in line with the external acoustic requirements and alarms etc this would form part of the detailed design.

Again having sought the advice of the Environmental Health Officer I remain of the opinion that any emission, fumes or dust generated within the building can be mitigated by the installation of efficient ventilation systems to the required standard which would be the subject of condition should members be minded to grant planning permission.

I note the comments received with regards to impact on the amenity of other users of the site and of the nearby sports pitch. The remainder of this former poultry site remains vacant and there are no current proposals for any alternative uses. The application before members has to be assessed on its own merits in relation to impact on the current uses of the site. The compatibility and mix of uses would need to be assessed as and when any further proposals come forward. Furthermore, I do not consider that the proposal would unduly impact on the operation or users of the sports pitch facility to the east of the site at the junction of Forest lane and Retford Road given the separation distances.

Taking very careful account of the above considerations I am of the view that, on balance, the proposal would not have such an impact on the amenity of local residents or users of other facilities in the village to justify refusal on these grounds. I am also satisfied that amenity can be safeguarded by restrictive conditions as outlined above. The proposal would therefore comply with Policy DM5 of the DPD.

Transport Impacts

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note that the Highways Officer has raised no objection to the proposal in terms of parking provision or impact on the public highway from an engineering perspective and I consider it would be reasonable to attach the suggested conditions should members be minded to grant permission.

I also note the comments of the Rights of Way officer suggesting appropriate signage to assist reduction of speeds on the public bridleway. I am mindful that the applicant would not have control of land outside the application site and the highway officers have not raised any safety concerns. However I consider it would be reasonable to attach a condition requiring details of a traffic calming scheme to be submitted to and approved in writing by the district council in liaison with NCC Rights of Way. This could include signage on exiting the site and if signage at the entrance to Forest Lane cannot be secured alternative measures could be put forward for example

through publicity for the motorcycle training facility e.g. on their website and any information leaflets they send out. An informative providing additional suggestions for a traffic calming scheme and bridleway maintenance could also be attached should members be minded to grant permission.

Therefore overall, taking account of the comments of the highway authority and subject to conditions, it is not considered that the proposed development would have an adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM4 of the DPD.

Rural Diversification

Policy DM8 identifies that proposals which diversify the economic activity of rural businesses will be supported but should seek to re use existing buildings wherever possible. Particular and careful consideration should be given independent businesses which may be more sustainably located elsewhere. The applicant has put forward an argument that no suitable sustainable alternative or viable locations have been found for the proposed use in the north Nottinghamshire urban area. The building to which this application relates is of an appropriate scale and form and is in a relatively sustainable location with good links to transport links to other major road networks and towns and cities within the region to meet the requirements of the proposed use. Its reuse would negate the need for any construction of new buildings or development of Greenfield sites.

With regards as to whether the applicant has considered any alternative sites to the north of the County, that agent has advised that the applicant has looked at the Vertical Park Industrial Estate at Bevercotes, a site with permission to build industrial style units. This was discounted due to viability.

The agent has put forward that the application site at Oakham farm has a an existing suitable building which has been redundant and empty for a long period of time, therefore there are no construction costs Oakham farm is perfect in size, height and scale and the location has good access from surrounding road networks and adequate parking on site. With minor alterations for very little cost the building would be more than fit for the purpose.

It should be reminded that this planning application is not an application under the Environmental Impact Regulations so the need to describe alternatives is not a planning requirement for this application. What is relevant is the merits of this application - this being one for which the building is entirely suitable and there is a complete absence of policy objections. The fundamental basis of the planning system is 'each case on its merits'.

I consider that other alternative sites have been considered and discounted for acceptable reasons. The site to which this application relates is reasonably sustainable, relating to an existing building which requires little external alteration and which has good transport links.

I therefore consider that, on balance, the proposal would keep the building in a viable use and contribute to the local economy and thus meet the aims of Policy DM8 of the DPD.

Leisure and Tourism

Spatial Policy 8 of the Core Strategy identifies that new community or leisure facilities will be supported where they address a deficiency in current provision and where they meet the needs of communities within the District and beyond.

Core Policy 7 states that significant attractions and facilities should be located within or on the edge of town or sub regional centres. In rural areas such development will only be supported where a rural location is necessary to meet the tourism need, which can support local employment and where rural regeneration is promoted through the re use and conversion of existing buildings which are soundly constructed and are adaptable without the need for rebuilding or extension. Policy DM8 reflects this guidance.

I am mindful that the supporting information deposited with the application identifies the proposed use as being a unique attraction which would serve both the local community and wider district together with providing a national facility. The facility would therefore attract visitors from a substantial catchment area supporting an all year round economy within the area.

I have no evidence to dispute that this facility would serve a national and regional rather than a local need (i.e. the village of Walesby) and thus I would conclude and attach weight to the proposals addressing a deficiency in current provision of such a facility within the District in line with Spatial Policy 8.

The application site does not fall within or on the edge of town or sub regional centres and lies within the open countryside, outside of the built up area of the village of Walesby. The proposed use clearly relies on significant indoor space which the application site provides in the form of a substantial building which requires no major external adaptation or extension.

Taking the account of the above, I am of the opinion that the proposal is likely to address a deficiency in current provision of such a facility through provision of a substantial building suitable for the proposed use in accordance with the above aims of Policy CP7 of the Core Strategy and policy DM8 of the DPD.

Employment

In considering the principle of the development regard has been given to the NPPF which states significant weight should be attached to supporting such economic growth in rural areas in order to create new jobs and prosperity. Core Policy 6 of the Core Strategy identifies that the economy of the district will be strengthened and broadened to provide employment by a number of factors including supporting the rural economy by rural diversification that will encourage tourism providing the proposal meets local need and is small scale in nature to ensure acceptable scale and impact. Additionally the economy will be strengthened by providing and retaining sites that can meet the needs of modern businesses in existing employment areas. However, proposals for uses wider than B Use Classes should have regard to how proposals respond to local needs, the lack of suitable alternative sites and the need to safeguard the integrity of neighbouring uses.

Policy DM8 of the DPD reflects the aims of Core Policy 6 and supports small scale employment proposals in rural areas only where it can be demonstrated that there is a particular need for a rural location and that the proposal will contribute to sustaining rural employment.

Whilst the proposal does not specifically address a local need in terms of the nearest settlement the applicant has put forward an argument that no suitable sustainable alternative or viable locations have been found for the proposed use in the north Nottinghamshire urban area. I am mindful that a number of full and part time jobs are proposed by the applicant and that the proposal would bring back into use a vacant building and part of a wider site providing employment opportunities. Furthermore, the applicant has demonstrated that there are no other comparable facilities to that proposed both regionally and nationally. I am of the view that a building of a such a scale and in a more sustainable location such as within the urban area and separated from residential properties may be difficult to find and such buildings are likely to be located in rural locations, as is this case.

I am therefore of the opinion that, on balance, the proposal meets the criteria contained with Core Policy 6 and Policy DM8.

Other Matters

The majority of the concerns raised by both the Parish Councils and neighbouring residents have already been addressed, however the outstanding matters that were raised are answered below.

I am mindful of the comments in relation to the description of the proposal. However, I am satisfied that the documents deposited with the application clearly outline the details of the proposed use and allow full consideration of the proposal.

I note the comments received with regards to contravention of human rights. I am satisfied that the processes and practices undertaken in the determination of this application are compatible with the Human Rights Act 1998. It is an integral part of the decision-making process for the District Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

With regards to ecological impacts and impact on flora and fauna I am mindful that the Nottinghamshire Wildlife Trust have raised no objections to the proposal.

I note the issue raised with regards to the proposal failing to support low carbon emissions or make any contribution to reducing pollution. I am conscious Paragraph 7 of the NPPF includes a requirement to adapt to climate change including moving to a low carbon economy. The nature of the use proposed means that there will be an increase in emissions when compared to the existing situation, however, this is not to a degree that has raised specific objections from Environmental Health. The reuse of an existing building in itself helps to support the transition to a low carbon future as opposed to the environmental impact of a new build elsewhere and needs to be considered within the planning balance. Environmental Health have requested a ventilation system is installed to ensure emissions are suitably controlled.

Anti Social Behaviour Issues

The agent has responded to the comments received from the Police Authority as follows:

‘There will be strictly no bikes running outside of the building, if this occurs the rider will have to leave the site. There are indoor holding areas where engines can be started. A noise assessment has been carried out which concludes that noise levels will sit below the required levels. The

facility will be operated in accordance with any planning conditions and the requirements of Environmental Health and the facility rules will be strictly enforced. The level of activity would not be significantly different to the unrestricted vehicle movements associated with the previous uses and approved use of the building. A booking system with rider details will be in place to avoid over subscription. Lights from motorbikes in outdoor areas will not be required. This is an indoor facility with expert training and for indoor motorcross bikes only. Bikes brought to the facility have to be transported to the facility. The facility will help reduce the number and safety of people on the roads. The car park will be secure'.

I note the comments of the Police Authority. Issues of illegal bikes travelling to and from the site would not be a material planning consideration but would be covered by other legislation. Issues with noise have been addressed earlier in the report.

Members may recall that at the committee meeting in February 2016 further clarification was sought with regards to the operation of the facility. The agent has submitted the following information in response to this request:-

HOW WILL THE TRACK BE USED AND TRAINING SESSIONS OPERATE

The agent has submitted the following additional information with regards to the operation of the proposed development which is summarised below:-

There will be a maximum of 30 bikes using the track at any one time (only 450cc max engine size allowed on the track). As there are 42 parking spaces for riders this may mean 12 no. buffer spaces. It is envisaged that a maximum of 30 riders will arrive in the morning and stay until closing time. There may be some change over which will be regulated by a booking system to ensure the facility is not over subscribed.

In terms of using the track as there is NO starting /race gate the training riders will NOT be in a position to race. There will be a safe paddock area. The starting marshal will release a safe number of riders / bikes at intervals, this will give riders room and space on the track, a method used in many training/practice motor sport venues which will assist with providing a safe environment for riders to train. There will also be marshals placed around the track with safety flags ensuring there is a safe distance between groups of riders.

The training activity will be concentrated in 15-minute sessions in 3 groups (Experts /Intermediate or Novice/ Children) with a 15-minute break in between sessions and a 1-hour lunch break and additional breaks on longer days as detailed.

Details of a sample day have been provided and are attached within Appendix 1.

There will be very strict rules on riders and spectators, if clients are not following the rules they will be asked to leave the site. Riders will use the track for the training / practice purposes in a safe controlled environment. The facility will cater for all ability of riders from beginners to top level GP Riders. We will operate the facility within ACU and MIF guidelines see attached Appendices 3 and 4.

ARE THE BIKES FOR HIRE OR DO ALL RIDERS BRING THEIR OWN

The agent has stated that it is planned to have a number of bikes available on site to hire. Support and interest has been received from several local secondary schools as motocross is now an option within the PE curriculum. As well as students learning skills to ride the motorbikes there may also be the opportunity to learn mechanical skills. Grants are available from Sport England which will assist with us purchasing hire equipment and bikes for adults and children who can possibly not own their own motocross bike to enable them to gain experience and learn the skills if they plan to purchase a bike in the future. Several international bike manufactures such as KTM, Honda and Kawasaki have expressed interest in having demo bikes on site for both training and also advertising. Our aim is to provide a facility that is safe, controlled and accessible for people of all ages and backgrounds giving equal opportunity to all.

The agent has confirmed that noise levels will be kept to Federation International Motorcyclisme (FIM) regulations and testing of each bike used on the facility will be recorded and kept for a minimum of 3 years as outlined above.

I note that the agent has confirmed that there will be some bikes for hire from the facility and some bikes brought to the site by riders.

With regards to bikes brought to the site, I note that the agent has confirmed that noise levels will be tested (within the building) and recorded and that these records will be retained as part of the operational requirements of the facility. I am satisfied that this testing and recording will monitor and ensure that noise levels within and from the building will be kept within the levels required by Environmental Health and by planning conditions should members be minded to grant permission.

SPEED LIMITS ON THE TRACK

The agent has commented that there will be no physical speed limit on the track but the track is designed with a number of bends and obstacles which will physically restrict speed; this allows riders to lean skills on how to navigate twists, turns, jumps and bumps but will also stop riders gaining high speeds. Riders will be released in small groups keeping riders separated to some degree making the facility safe and manageable.

In terms of safety and marshalling there will be no riding in paddock or outside (engine off), Yellow flag - slow and roll jumps, Red flag – stop immediately, Black flag - pull into holding area, Chequered flag- end of session, First aid flag, Follow track direction, Strictly no stopping on track to wait for friend, pull of and use holding area. (as outlined in the Design and access Statement)

Motocross especially indoor (arena cross) is more to do with balance and skill than 'speed'.

GOVERNING AND REGULATORY BODY

The agent has confirmed that the proposed facility intends to be a MC Federation (MCF) and The Auto Cycle Union (ACU) approved facility. The applicant is aware that other indoor facilities have failed and closed down in the past, by reason of not having the correct procedures, staff or insurances in place. Moto101 will operate with the highest level of insurance cover for staff, visitors and riders. The facility will be safe and managed by highly trained staff with first aid training.

In the United Kingdom the MC Federation (MCF) organisation understands the requirements for organising motorsport events. Additionally the Auto Cycle Union (ACU) is the internationally recognised National Governing Body for motorcycle sport in the British Isles and is a founder member of the World Governing Body, the Federation Internationale Motocyclisme (FIM).

The ACU represents a large number of people in the sport and issues large number of motorcycle sport permits each year. It provides for all forms of motorcycle sport ranging from Road Racing to all disciplines of Off Road activity (Motocross, Trials, Enduro, Grass Track and Speedway) and has successfully organised world class events.

The ACU aims to ensure that everyone has a genuine and equal opportunity to participate in motorcycle sport at levels in all roles and fully supports youth activity in all disciplines.

The MCF supports and sanction all forms of motorsport related practice and competition.

Moto101 in partnership with MCF & ACU have a long-term vision to make motorsport more accessible and recognisable to people outside the realms of motorcycling, Moto101, ACU and MCF will continue to develop strong foundations to ensure the training facility remains safe, manageable and enjoyable for everyone.

The membership of any Regulatory Body would not be a material planning consideration and has therefore not informed the final recommendation in this report.

Emergency Services and procedures

With regards to this matter the agent has stated that it is proposed that the facility operates within the Auto-Cycle Union Ltd – Minimum Standards for the Safe Operation and Management of Off Road Facilities ©Auto-Cycle Union Ltd. April 2015. This document details the required emergency and first aid procedures and is attached at appendix 3.

There should be written Site Emergency Incident Plan available which all staff are aware of, procedures are delegated during marshal briefing sessions, officials are aware of the location of the nearest A and E department which can cope with a number of people and minors which together with the local emergency services have to be notified of the location of the facility and the number of likely participants.

In brief, there must be a minimum of one qualified first aider for each track, a first aid kit has to be readily available in close proximity to the track, in remote locations the facility may employ specialist medical cover.

It is therefore proposed that the facility will operate under these ACU and MCF standards.

I am mindful that this would not be a material planning consideration and has therefore not informed the final recommendation in this report.

HEALTH AND SAFETY

With regards to concerns raised with regards to fumes and pollutants within the building and internal air quality during the operation of the facility, legal opinion has been sought which has

confirmed that the concern for those who may work in the building does not give rise to a material planning concern and is properly dealt with by Health and Safety legislation.

I therefore consider that it would be unreasonable to refuse permission on such grounds.

Conclusion and Balancing Exercise

The NPPF states that significant weight should be attached to supporting economic growth in rural areas in order to create new jobs and prosperity. The applicant has demonstrated that alternative uses been explored for the building and has provided marketing evidence. It is considered the proposal represents an appropriate use bearing in mind former poultry buildings have limited re-uses. The proposal would re-use this building which has been vacant for some time without significant external alteration, it would provide a unique facility and attract visitors to the area and offer support to the local and the rural economy. The facility would have also have a wider community benefit in encouraging safer motorcycle riding. It is acknowledged that some weight should be given as to whether the proposal might be likely to compromise any possible future more comprehensive development of this wider site but it is considered that this should only be limited weight being mindful that the NPPF encourages mixed use and any future applications would need to be considered on their own merits including whether they would contribute to a compatible mix. The proposal would result in some impact on the character and amenity of the area but not to a degree that would warrant a refusal of planning permission.

Taking account of the comments within the Committee Report presented to Members in February 2016 and the additional information submitted by the agent together with the additional consultee comments I remain of the view that, on balance, significant weight should be attached to supporting sustainable economic growth as well as the other benefits of the proposal which weigh in its favour and on this basis it is recommended that planning permission be 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:

Revised site location plan (amendment dated 21.08.15) - drg no. UKSD - SA- 08 – 0001

Proposed ground floor layout - drg no. UKSD - SA- 08 – 0008

Proposed first floor layout - drg no. UKSD - SA- 08 – 0009

Proposed elevations -drg no. UKSD - SA- 08 – 0010

Proposed Section - drg no. UKSD - SA- 08 – 0011

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission. Reason: So as to define this permission.

03

The noise levels from the facility hereby approved shall not exceed those stipulated in the Noise Assessment Report produced by Acoustic Associates dated 14 May 2015 deposited with the application at the locations specified on page 8 of this report together with any new neighbouring and future dwellings

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

04

Details of a programme of noise monitoring to include a scheme of a written record of results to be kept for inspection by Environmental Health shall be submitted to and approved in writing by the Local Planning Authority. The approved programme shall be carried out for the lifetime of the development.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

05

Prior to the commencement of the development hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority setting out the protocol for the assessment of noise in the event of any complaint being received, including the remedial measures to be taken. Operation of the facility hereby approved shall be in accordance with the approved protocol.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD

06

Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging disturbance from noise from the facility hereby approved at a dwelling that is lawfully occupied and lawfully existing at the time of this consent or any future dwelling which may be constructed, the operator of the facility shall at its expense provide a scheme for the investigation and alleviation of noise in accordance with the protocol required by Condition 5. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with the scheme thereafter.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

07

All doors and other openings shall be kept closed during operation and only opened when all engine noise from inside has ceased.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

08

No external motor repairs/servicing should be undertaken or outdoor riding or revving of motorcycles take place at any time.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

09

Before development is commenced precise details of a ventilation system capable of removing exhaust gasses from the indoor facility shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system should also be designed or attenuated to ensure it does not exceed 36Laeq (15mins) as detailed on page 9 of the Noise Assessment Report produced by Acoustic Associates dated 14 May 2015.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

010

The means of ventilation shall be installed and maintained at all times in accordance with the details approved under condition 9 of this permission.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

011

Before development is commenced precise details of lobbies at the entrances to the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the lobbies retained for the lifetime of the development.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

012

The development hereby approved shall not operate outside the hours of 10:00 to 21:00 Tuesday and Thursday and 10:00 to 16:00 hours Friday to Sunday.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

013

The development hereby approved shall be operated on a booking only system at all times and development shall be carried out in accordance with details of the operation of the facility stated within the Design and Access Statement dated July 2015 deposited with the application.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

014

Before development is commenced precise details of external lighting and any CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be kept to a minimum and directed downwards away from boundary features. The development shall be undertaken in accordance with the approved details and all must be so maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to protect neighbouring residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD.

015

Before development is commenced details of a traffic calming scheme to reduce speeds to and from the venue on Walesby Bridleway 9 shall be submitted to and approved in writing by the Local Planning Authority in liaison with NCC Rights of Way. Once approved the traffic calming scheme shall be implemented in accordance with the approved details prior to the use of the building hereby approved first being brought into operation.

Reason: In the interests of highway safety.

016

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that all parking for the development remains within the site curtilage

017

Before development is commenced details of planting or landscaping of the car park area with native species shall be submitted to and approved in writing by the Local Planning Authority. The planting/landscaping shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity

018

Before development is commenced details of bat boxes and bird nest boxes to be incorporated into the development and a timetable of implementation shall be submitted to and approved in

writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework.

Note 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

Your attention is drawn to BS 8300: 2009 'Design of Buildings and their approaches to meet the needs of disabled people - Code of Practice' which contains useful guidance. Approved Document M of the Building Regulations contains further useful information in this regard. It is recommended that car parking includes appropriate carefully laid out and signed provision for disabled motorists. BS 8300:2009 gives details of layout and proportion of spaces. A safe accessible pedestrian route should be considered from parking and to, into around available facilities which should contain provision for disabled people and be carefully designed and equipped so as to be accessible to all users. Stair access to facilities precludes wheelchair users and those unable to negotiate this barrier. The proposal should be carefully designed to be equally convenient to access and use by everyone through inclusive design. It is recommended that the developer be mindful of Equality Act 2010 requirements and that a separate enquiry be made regarding Building Regulations Approval

03

If during works a bat is discovered, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time).

04

The applicant should note that Forest Lane is a bridleway and consultation should take place with NCC Rights of Way section for advice/approval

05

With regards to Condition 15 of this permission, NCC Rights of Way have suggested an advisory sign on entering the lane & exiting the site - especially as many horses are afraid of or spooked by motorbikes. The signage could be something along the lines of Caution - Public Bridleway - please drive slowly & give way to horses would be appropriate. In the event that signage at the entrance to Forest Lane cannot be provided, alternatives to encourage reduced speeds on the approach to

the site should be considered including information on any publicity for the site including the website and/or information leaflets.

06

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

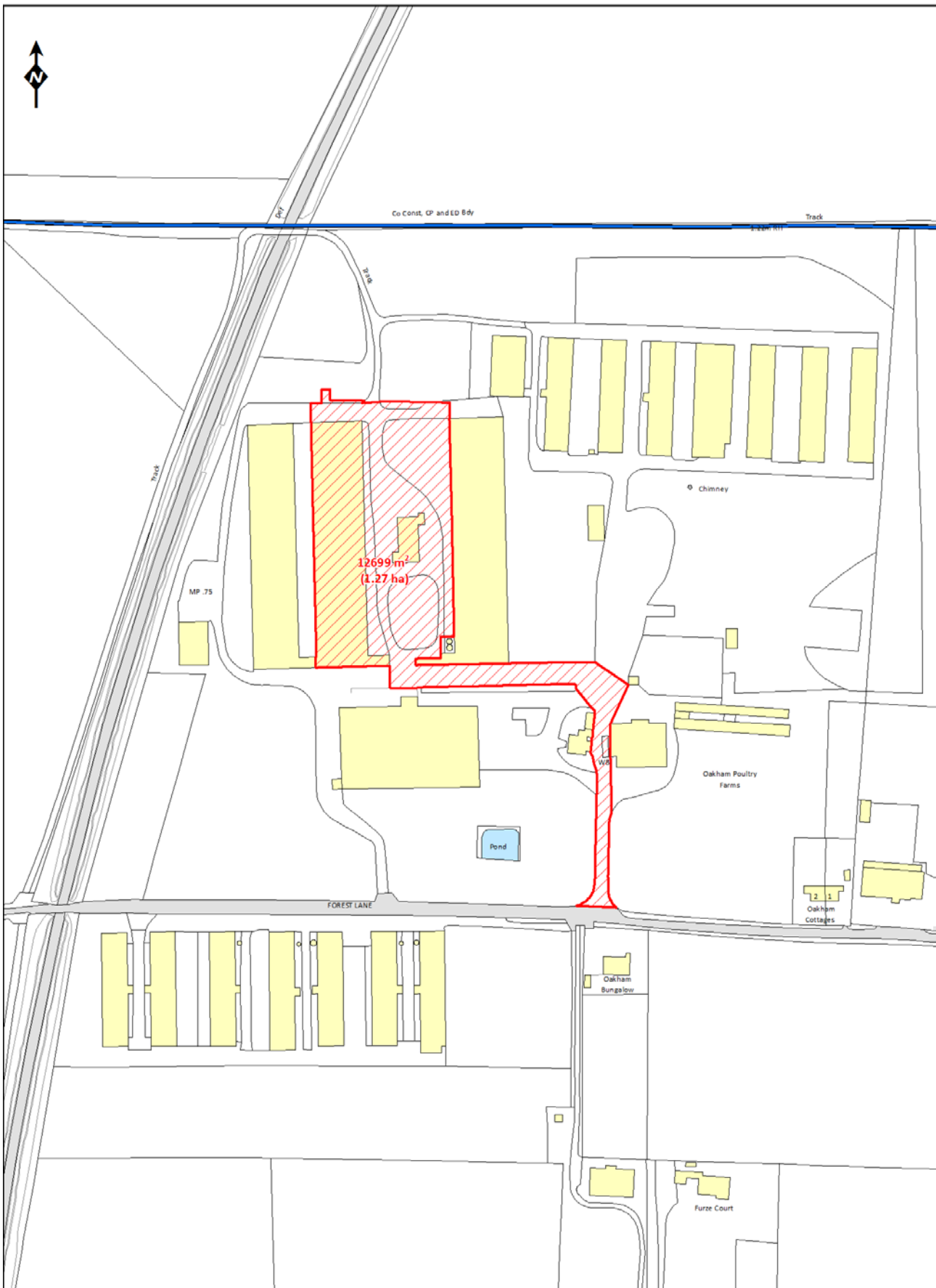
Application case file.

For further information, please contact Bev Pearson on ext 5840.

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 - 15/01198/FULM



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To Bev Pearson, Planner (Development)

Technical Support (Growth) Business Unit
Newark and Sherwood District Council
Kelham Hall
Kelham
Newark
Nottinghamshire
NG23 5QX
(Sent Via Email Only)

9th February 2016
REF: 160208.01.UKSD/RM/BP

Dear Mrs Pearson,

Application 15/01198/FULM for the change of use of Unit 2 of the former poultry farm to develop an indoor motor bike training facility at Oakham Farm, Forest Lane, Walesby, Nottinghamshire for Mr Ryan Wilson

Following your email dated 4th February 2016 detailing the members concerns and detailing the following points. We have provided below additional clarification / information that will hopefully address the members concerns.

In addition we have no objection to the condition to be changed from 'race' to 'motorised' activities.

1. Can you confirm/clarify how, where and when the noise monitoring required by condition 3 of the officer report would be carried out. (This will need to be agreed by Environmental Health.) Other than keeping windows and doors closed is there any additional insulation required/proposed to mitigate noise levels.

In response to the concerns raised by members at the meeting about the noise assessment and the impacts on the area we confirm that all the issues raised were fully and properly addressed and considered in the noise assessment. In summary:

- 1. The assessment was carried out by a well-established noise consultancy firm (Acoustic Associates of Leicestershire).*
- 2. The person who carried out the assessment is a fully qualified noise consultant who has over 30 years of experience.*
- 3. The methodology for the assessment and the equipment used was agreed in advance with the Environmental Health Officer at the District Council.*
- 4. The background noise environment (existing noise levels in the area) which are used to establish the base line conditions was undertaken on a Sunday. This was chosen deliberately as it would be the quietest time of the week. Accordingly this set the bar very low so that the assessment examined the very worst-case scenario for the impact of the noise to be generated by the proposed development.*
- 5. The assessment report includes the correct guidance from the National Planning Policy*

Framework. It was undertaken in accordance with those guidelines and the conclusions it made were fully in accordance with that guidance.

6. The assessment report correctly refers to the current level of noise where any operation creating noise levels above it would be regarded as a nuisance would be unacceptable.

7. The assessment was based on the noise levels to be generated during the noisiest hour at the facility - again establishing the credibility of the assessment by considering the worst case scenario.

8. The assessment measured the noise from one 450cc motocross bike of the type to be used at the facility and then interpolated this up to represent the noise generated by 30 bikes - again the worst case scenario.

9. The assessment made recommendations for changes to the building to stop noise escaping and to keep it within the required limits. These included a ventilation system which included noise reduction measures and the sealing of all openings in windows and keeping all doors closed. However, the assessment concluded that the building structure was already capable of restricting noise emissions to the outside. The suggested mitigation measures were for additional protection.

In conclusion there is no reason to cast doubt on the validity and accuracy of the noise assessment and the conclusions it makes. The proposed development in this building is capable of being undertaken without detriment to the amenity of the surrounding area.

Further Comments:

Monitoring will be carried out in full accordance with current industry standards and as to be agreed following detailed discussion with the EHO. We trust that this item can be conditioned and details submitted prior to operation to fully satisfy the EHO & LPA.

In addition to the above measures to monitor noise and mitigate noise, extracted from submitted design and access statement (5.8.1): As advised by the Environmental Team noise levels will be kept to Federation International Motorcyclisme (FIM) regulations and testing of each bike used on the facility will be recorded and kept for a minimum of 3 years. This particular section should be read in conjunction with the noise assessment report that forms part of this planning application.

The mitigation is covered in noise assessment report – “the roller shutter doors must be kept closed throughout each session, the current air paths through the walls and roof must be blocked up and the closures must achieve the same sound insulation as double skin insulated cladding in the roof and single skin cladding to the walls”.

The ventilation system has not been designed yet so a noise specification for it is provided. It must attenuate any ductborne noise (fan noise plus reverberant noise) to the south, east and north so that it does not exceed 36LAeq at any dwelling, with no highly perceptible tones at the receptors. As before we trust that this item can be conditioned and details submitted prior to operation to fully satisfy the EHO & LPA.

2. It was noted that doors/windows will be kept closed during track sessions.....With regards to noise/fumes etc do you have any details/specifications of the ventilation extraction systems proposed? I am mindful that this relates to condition 6 of the officer report but it would be useful to have these so that members can be informed at committee.

The EHO was satisfied that a suitable ventilation system could be installed - after all it would be something similar to ones used in more demanding industrial premises on a daily basis. We cannot justify providing a full scheme at this stage given the response of the EHO. We trust that this item can be conditioned and details submitted prior to operation to fully satisfy the EHO & LPA as previously discussed.

3. Is there an operating manual/management plan in place for the proposed use? Exactly how the unit would be operated and the track used will need to be clarified for members. For example:-

It is proposed that a unique operating manual will be produced that is uniquely for the facility however as we explain in point 5. We plan to be an ACU approved facility. It is proposed that the facility will operate within the Auto-Cycle Union Ltd – Minimum Standards for the Safe Operation and Management of Off Road Facilities ©Auto-Cycle Union Ltd. April 2015.

We have attached the Minimum Standards for the Safe Operation and Management of Off Road Facilities document to the reverse of this letter (Appendix C).

a. It is stated within the supporting information that there will be no more than 30 bikes allowed on the track at any one time. Does this mean that there will be more than 30 bikes at each session but only 30 will be allowed to ride at anyone time or there will just be 30 bikes allowed at the facility at any one time;

As detailed in the supporting information there will be a maximum of 30 bikes using tracked training facility at any given time. However there are 42 parking spaces for training riders, this means there is the possibility of 12 number buffer spaces. During the operation through the day, it is envisaged that a maximum of 30 riders will arrive in the morning and stay for the duration until closing time. However there is a possibility that there will be some change over during the day, we plan to use a booking system this will ensure that the facility does not become over subscribed.

b. how do the training sessions actually operate....do riders set off at the same time (if so how many at a time) and travel round the circuit as a group or is it just single riders;

As said in the supporting information there will be NO starting / race gate this means that the training riders will NOT be in a position to race, as there will be a safe paddock area as illustrated on the proposed track layout (drawing number UKSD-SA-08-0008-B_00) The starting marshal will release a safe number of riders / bikes at intervals, this will give riders room and space on the track. This method is used in many training / practice motor sport venues such as other out door motocross tracks as well as car circuits when track days take place. This will assist with providing a safe environment for riders to train. There will also be marshals placed around the track with safety flags ensuring there is a safe distance between groups of riders.

c. is the activity concentrated in short bursts or is it a continual level of activity for each of the whole 15 minute sessions;

The training activity will be concentrated in 15-minute sessions with a 15-minute break in between sessions and a 1-hour lunch break and additional breaks on longer days as detailed.

No more than 30 bikes will be allowed on track at anyone time and as recommended by the Environmental Team. There will be 15-minute sessions in 3 groups;

*1. Experts 2. Intermediate / novice 3. Children.
(450cc max engine size aloud on track)*

As detailed in the supporting statement there will be 15-minute sessions in 3 groups throughout the business day dependent on the length of the day will determine how many sessions there are.

*An example for how the sessions would run on a Friday, Saturday & Sunday:
Facility opens at 10:00 and closes at 16:00...*

Riders Sign On 10:00 – 10:15

First group on track 10:30 – 10:45

Change over 10:45 – 11:00

Second group on track 11:00 – 11:15

Change over 11:15 – 11:30

Third group on track 11:30 – 11:45

Lunch Break 11:45 – 12:45

First group on track 12:45 – 13:00

Change over 13:00 – 13:15

Second group on track 13:15 – 13:30

Change over 13:30 – 13:45

Third group on track 13:45 – 14:00

Break 14:00 – 14:15

Change over 14:15 – 14:30

First group on track 14:30 – 14:45

Change over 14:45 – 15:00

Second group on track 15:00 – 15:15

Change over 15:15 – 15:30

Third group on track 15:30 – 15:45

Sign Off / Leave 15:45 – 16:00

An example for how the sessions would run on a Tuesday & Thursday: Facility opens at 10:00 and closes at 21:00...

Riders Sign On 10:00 – 10:15

First group on track	10:30 – 10:45
Change over	10:45 – 11:00
Second group on track	11:00 – 11:15
Change over	11:15 – 11:30
Third group on track	11:30 – 11:45

Lunch Break 11:45 – 12:45

First group on track	12:45 – 13:00
Change over	13:00 – 13:15
Second group on track	13:15 – 13:30
Change over	13:30 – 13:45
Third group on track	13:45 – 14:00

Break 14:00 – 14:15

Change over	14:15 – 14:30
First group on track	14:30 – 14:45
Change over	14:45 – 15:00
Second group on track	15:00 – 15:15
Change over	15:15 – 15:30
Third group on track	15:30 – 15:45

Dinner / Track Maintenance 15:45 – 16:45

Change over	16:45 – 17:00
First group on track	17:00 – 17:15
Change over	17:15 – 17:30
Second group on track	17:30 – 17:45
Change over	17:45 – 18:00
Third group on track	18:00 – 18:15

Change over	18:15 – 18:30
First group on track	18:30 – 18:45
Change over	18:45 – 19:00
Second group on track	19:00 – 19:15
Change over	19:15 – 19:30
Third group on track	19:30 – 19:45

Change over	19:45 – 20:00
First group on track	20:00 – 20:15
Second group on track	20:15 – 20:30
Third group on track	20:30 – 20:45

Sign Off / Leave 20:45 – 21:00

Note. Depending on the number of riders the 15 minutes change over may be reduced; we have allowed 15 minutes to allow for safe and unrushed change over.

d. Will there be bikes for hire at the site or do all riders have to bring their own?

We plan to have a number of bikes available on site to hire, we have received support from several local secondary schools, motocross is now an option within the physical education curriculum and the schools have shown interest in utilising the facility. For this to be possible we would have bikes available for the students to use. As well as students learning skills to ride the motorbikes there may also be the opportunity for school students to learn mechanical skills. There are also grants available from Sport England such grants will assist with us purchasing hire equipment / bikes for juniors / adults who can possibly not own there own motocross bike this way they can still experience and learn the skills if they plan to perchance a bike in the future. Several international bike manufactures such as KTM, Honda and Kawasaki have expressed interest in having demo bikes on site for both training and also advertising. Our aim is to provide a facility that is safe, controlled and accessible for people of all ages and backgrounds giving equal opportunity to all.

e. Is there a speed limit on the track and how will this be enforced.

There will be no physical speed limit on the track. But the way the track is designed it has a number of bends and obstacles; this both puts the riders in a position to lean skills on how to navigate twists, turns, jumps and bumps but it also will STOP riders gaining high speeds. Motocross especially indoor (arena cross) is more to do with balance and skill than 'speed'. The track does not have large straight runs allowing riders to gain high speed, also as detailed above the riders will be released in small groups keeping riders separated to some degree making the facility safe and manageable.

The basics of the track rules as detailed in the design and access statement (5.12) There will no riding in paddock or outside (engine off), Yellow flag - slow and roll jumps, Red flag - stop immediately, Black flag - pull into holding area, Chequered flag- end of session, First aid flag, Follow track direction, Strictly no stopping on track to wait for friend, pull of and use holding area.

Guidance for further rules and regulations will be taken from the Auto-Cycle Union Ltd – Minimum Standards for the Safe Operation and Management of Off Road Facilities ©Auto-Cycle Union Ltd. April 2015.

Any information as to the operation and management of the facility would be useful as I think members were unclear as to what actually happens and how the riders use the track.

The basics of the facility's operation should hopefully be clearer from reading the above opening / operating times. The facility will be operated in accordance with the rules and regulations set out in the Auto-Cycle Union Ltd – Minimum Standards for the Safe Operation and Management of Off Road Facilities ©Auto-Cycle Union Ltd. April 2015.

We have attached the Minimum Standards for the Safe Operation and Management of Off Road Facilities document to the reverse of this letter (Appendix C).

We will have very strict rules on riders and spectators, if clients are not following to the rules provided and will be asked to leave the site. Riders will use the track for the training / practice purposes in a safe controlled environment. The facility will cater for all ability of riders form beginners to top level GP Riders. We will operate the facility within ACU and MIF guidelines.

4. The Highway Authority has commented that the track is expected to be utilised all day by the same group of riders with the occasional changeover at midday. With reference to point 3 a. above please could you clarify paragraph 3.2.3 of the transport statement which refers to 'the proposal could generate between 50 and 150 two way trips'. Does this mean that there could be 150 bikes at the facility although only 30 could use the track? Will there be 30 bikes during the morning session and 30 bikes using the facility in the afternoon.

As we currently understand following the committee members comments there was some confusion about the number of bikes the venue would cater for. From the comments made at the committee meeting members was under the impression that there could be up to 150 at any one time or any one-day such that parking would be inadequate at change over times.

We would like to reinforce that the site has enough parking spaces to cater for training riders, staff and spectators, visions of 150 car and bikes there at any one time is wrong.

As previously explained there will be a maximum of 30 bikes using the facility at any given time, however there are 42 rider training spaces to allow a buffer if riders are changing between sessions. 20 spectator parking spaces and 12 staff parking spaces. This totals 74 parking spaces, the figure 150 has been generated by multiplying 74 by 2 totalling 148 (and rounded up) this means if there is one group of riders in facility all day there will be a maximum of 74 two way trips and if there are two groups during the day, morning and afternoon for example there will be a maximum of 150 two way trips. It is likely that on the shorter days Friday, Saturday & Sunday only one group will be at the facility and on the longer days Tuesday & Thursday there will be two groups; splitting the day.

The transport statement was phrased in the usual manner to indicate the very maximum that could happen as a means of assessing the proposal on the worst case scenario - a scenario for which the assessment concluded that the impacts would be acceptable and which the Highways Authority agree. The normal operation would be 30 riders plus staff and spectators totalling 75 people per day.

When it comes to transport assessment terminology - one person visiting the site has to arrive and then go at some point later - that is 2 trips -so the 150 would only actually be 75 in and 75 out anyway - far less than 150.

We envisage most riders to come for a full days training session, especially given the distance some will travel to get there. However if there was to be a change over in the afternoon to allow people to swap over as noted above in the operating hours, there is a one hour Lunch Break 11:45 – 12:45 this will give people time to change over without the venue becoming congested.

5. Will the facility have to operate under the guidance of a motocross or motorsport governing or regulatory body? If so please provide brief details of such a body and regulations in terms of health and safety, noise and emissions.

In the United Kingdom The MC Federation (MCF) is an exciting and innovative organisation, which understands the requirements for organising motorsport events. There is also the Auto Cycle Union (ACU). The ACU is the internationally recognised National Governing Body for

motorcycle sport in the British Isles (less Northern Ireland). Formed in 1903, the ACU has a long tradition in the world of motorcycle sport being a founder member of the World Governing Body, the Federation Internationale Motocyclisme (FIM).

The ACU has a major role in furthering the interests of motorcycle sport on a global basis. The ACU represents 23,000 licence holders, 3,000 volunteer Marshals and Officials, 550

members Clubs and issues up to 4,000 motorcycle sport permits each year. Domestically, the ACU provides for all forms of motorcycle sport ranging from Road Racing to all disciplines of Off Road activity (Motocross, Trials, Enduro, Grass Track and Speedway) and has successfully organised world class events such as Moto GP, World Superbikes, the Isle of Man TT Races, the Motocross of Nations and Trials Des Nations.

The ACU aims to ensure that all people irrespective of their age, gender, disability, race, ethnic origin, creed, colour, social status or sexual orientation, have a genuine and equal opportunity to participate in motorcycle sport at levels in all roles. The ACU fully supports youth activity in all disciplines and through the ACU Academy, some of our young riders go on to become British, European and World Champions in their chosen sport.

The MCF was created to not only stage leading events but to support and sanction all forms of motorsport related practice and competition. MCF operate with a no-nonsense and approachable way of thinking. The MCF are there to listen and understand the requirements of each club, organisation, venue or facility that are keen to join the MCF – after all, every club is different and therefore needs to be treated as an individual case.

We plan to be a MCF and ACU approved facility, operating to the highest standard possible setting an example of how such venue should be run. We are aware that other indoor facilities have failed and closed down in the past, the main reason been that the facilities did not have the correct procedures, staff or insurances in place. Moto101 will operate with the highest level of insurance cover for staff, visitors and riders. The facility will be safe and managed by highly trained staff with first aid training.

Moto101 in partnership with MCF & ACU have a long-term vision to make motorsport more accessible and recognisable to people outside the realms of motorcycling, Moto101, ACU and

MCF will continue to develop strong foundations to ensure the training facility remains safe, manageable and enjoyable for everyone.

6. Given the nature of the use has your client sought or received the advice of any of the emergency services.

It is proposed that the facility operates within the Auto-Cycle Union Ltd – Minimum Standards for the Safe Operation and Management of Off Road Facilities ©Auto-Cycle Union Ltd. April 2015. Within this document it details the emergency procedures are set out below (extracted from the above document):

Emergency Procedures:

All staff members, volunteers and officials must have detailed knowledge of the site Emergency plan. Emergency situations can include fire, bomb alerts, unsafe track issues and even aggressive behaviour exhibited by members of the public.

b) A written Emergency Incident plan must be available and clearly displayed at the venue, for inspection by any member of staff at any time. All staff must be formally instructed as to its contents and purpose.

c) Depending on the staff rota system put in place at the facility, it must be agreed that 'incident' procedures are delegated and confirmed during the marshals briefing session. It is also important that all officials are aware of the location of the nearest hospital with an accident and emergency department. It must be confirmed that the hospital can cope with a number of people at the same time for emergency treatment and also that the facility can accommodate 'minors' (Young People under the age of 18)

d) Local Ambulance and Police Services must be instructed as to the location of all facilities/venues, both permanent and temporary, to assist them to locate the venue easily in an emergency.

e) The local A&E hospital must be advised in advance of the date of all events/activities at the facility/venue at which significant numbers of participants are likely.

f) All Venue/Facility Operators must include within their Emergency Plan, provision for Emergency Vehicle access to all points of the Venue/Facility via an Emergency Vehicle Rendezvous Point and access route. This must be clearly marked on the Venue/Facility plan.

In Addition To Emergency Procedures, Information On First Aid Equipment and First Aid Qualified Personnel:

Auto-Cycle Union Ltd – Minimum Standards for the Safe Operation and Management of Off Road Facilities ©Auto-Cycle Union Ltd. April 2015. Within this document it details the Information On First Aid Equipment and First Aid Qualified Personnel: set out below (extracted from the above document):

a) There must be a minimum of one First Aider for each track being used. The minimum standard of First Aid qualification is a Basic First Aid for Appointed Persons course.

b) If two tracks are being used simultaneously, regardless of numbers of riders, two First Aiders must be in attendance - one covering each track.

c) First Aid Qualified Personnel can also act as trackside marshals or carry out other trackside duties. However, First Aid providers must remain within the vicinity of the track at all times.

d) First Aid kits must be located at the venue/facility, with special consideration to its proximity to the track and ease of access by training First Aiders.

e) First Aid Kit contents must correspond with the 'contents checklist' contained within each kit. All items must be within expiry dates and there must be unopened/unused sterile eye wash bottles at each kit location clearly marked and visible.

f) All First Aid qualified marshals and officials may also consider carrying a small first aid pack with them at all times during activity taking place.

g) At larger tracks or remote venues where 999 emergency response times may be excessive, the operator/organiser may, through appropriate risk assessment, decide to employ specialist medical cover, through Red Cross/St Johns Ambulance/private ambulance provider. The operator/organiser must ensure that those providing medical cover have available the appropriate pre-hospital immediate care equipment relevant to the age and size of the participants involved in any riding activity.

h) Copies of all staff First Aid Certificates must be kept on sight for inspection if required.

i) For more information on required levels of first aid cover please see the HSE web site at www.hse.gov.uk

j) Operating without appropriately qualified First Aid Personnel/cover constitutes a Level 1

k) Accident Book: The use of the HSE Accident Book BI 510 is recommended since this enables personal details of entrants to be readily removed for secure filing. This prevents information being readily available to anyone reading or making entries into the book (as required by the Data Protection Act). The Accident Book must be kept safe yet easily accessible. The Book must be kept up to date and accurate.

l) The facility/venue Management must be aware of all incidents that require any kind of first aid intervention and know that any and every incident of this kind, including burns, scrapes and even small cuts is entered in the book.

m) RIDDOR Regulations: It should be ensured that all incidents where a member of the public is taken to hospital from the site are reported in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations. For more information see <http://www.hse.gov.uk/riddor/>

7. It is noted that your client has look at alternative sites which have been discounted. The only one specified seems to a site at Burton on the Wolds. Did your client consider any alternative sites in the north of the County. If so could you specify which ones and reasons they were discounted.

We also looked at the Vertical Park Industrial Estate at Bevercotes, a site with permission to build industrial style units. The main factoring reason why the sites was not viable was down to cost, the site at Oakham farm has a suitable building already constructed and has been redundant and empty for a long period of time, therefore there is no cost for constructing a suitable building to house the facility we have proposed was simply unviable.. The building at Oakham farm was perfect in size, height and scale. And the location has good access from surrounding road networks and adequate parking on site. With minor alterations for very little cost we will have a venue that is more than fit for the purpose.

It should be reminded that this planning application is not an application under the Environmental Impact Regulations so the need to describe alternatives is not a planning requirement for this application. What is relevant is the merits of this application - this being one for which the building is entirely suitable and there is a complete absence of policy objections. The fundamental basis of the planning system is 'each case on its merits'.

We consider that this additional statement should provide all the additional clarification and reassurance that members of the committee require in order to determine the application at the next available meeting. However, I will be attending the meeting on behalf of the applicant and would be willing to answer any further questions that may arise regarding the operation of the facility and the measures we have taken to ensure that it can do so without detriment to local amenity. I trust that this additional response now enables you to have full confidence in the assessment of the Environmental Health Officer and the Highways Authority, which combined with the views of your planning policy officer which demonstrated that there were no planning policy objections, you will be able grant planning permission for the proposal. The proposed development is fully compliant with the policy and objectives of the National Planning Policy Framework in terms of sustainable development and should therefore benefit from the presumption in favour of such development as advocated in that document.

Yours sincerely



Reece Musson
Director



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General Secretary
Gary Thompson MBE BEM



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Wednesday 10th February 2016

Reece Musson
UKSD
Sparkhouse Studios
Ropewalk
Lincoln
LN6 7DQ

Dear Mr Musson

Letter of Support: **Indoor Off Road Motocross Centre**

I write in support of the proposed indoor Off Road Motocross Centre – Unit 2, Oakham Farm, Retford Road, Walesby that if planning permission is approved, has the potential to provide much needed facilities for enthusiasts in this well-established area.

The Auto-Cycle Union (ACU) is the governing body for motorcycle sport in the UK and as such, is also a founder member of the world governing body; the Federation Internationale de Motocyclisme (FIM). The ACU has a rich history and extensive experience of organising well managed events at all levels – from Club level to International / Grand Prix across all disciplines of our sport.

Regrettably, some legitimate motorsport activities suffer a negative image in the minds of the general public because of the irresponsible actions of a minority of people who engage in illicit off road riding. The ACU however firmly believes that the development of a properly managed facility will provide a positive response to this issue whilst enabling users to enjoy motorcycle sport in a regulated and controlled environment.

In conclusion, the ACU believe that UKSD/Moto101 will successfully cater for enthusiasts at all levels of the sport, from people who wish to enter the sport through to professional riders who wish to hone their existing skills.

Such a venue at Walesby will indeed provide such facilities and we therefore fully support the planning application being put forward.

Yours sincerely

Gary Thompson MBE BEM
General Secretary

The ACU is the internationally recognized National Governing Body for motorcycle sport in the British Isles (less Northern Ireland). Formed in 1903, the ACU has a long tradition in the world of motorcycle sport being a founder member of the World Governing Body, the Federation Internationale Motocyclisme (FIM). The ACU has a major role in furthering the interests of motorcycle sport on a global basis. Domestically, the ACU provides for all forms of motorcycle sport ranging from Road Racing to all disciplines of Off Road activity and has successfully organized world class events such as MotoGP, World Superbikes, the Isle of Man TT Races, the Motocross of Nations and Trials Des Nations. The ACU aims to ensure that all people irrespective of their age, gender, disability, race, ethnic origin, creed, colour, social status or sexual orientation, have a genuine and equal opportunity to participate in motorcycle sport at levels in all roles. The ACU fully supports youth activity in all disciplines and through the ACU Academy, some of our young riders go on to become British, European and World Champions in their chosen sport.



Mr R Musson
UKSD
Sparkhouse Studios,
Ropewalk,
Lincoln,
LN6 7DQ

08/02/2016

RE: INDOOR MOTOCROSS TRAINING FACILITY

Dear Reece

Thank you for sending through the information on Moto101's plans to open an indoor training facility for Motocross riders, this is the type of facility that is drastically needed in the UK, there are currently very limited indoor facilities that are in operation, one good example is that at Wheeldon Farm in Devon that is affiliated to and regulated by the MC Federation with its trainers holding MCF Licences.

We also currently regulate a number of outdoor training facilities around the country and would be delighted to have the chance to work with your project going forward. We currently have in place regulations that relate to track and site layout and well as the Health, Safety and Wellbeing of participants, staff and the general public.

The guidelines for Practice facilities are attached as a separate document with this letter and will give an outline of the requirements of working with the MCF, as yours would be one of very few indoor facilities we would need to work together to ensure that the guidance works for your needs whilst maintaining the integrity of the policies and regulations of the MCF.

The guidelines will cover some of the areas of concern raised in your application for planning with regards to the regulation and noise issues, we will also be able to help with setting out a policy for monitoring emissions levels as this is an area that we work in with our indoor Arenacross events although currently there are no regulations specific to Motocross laid out.

Should you require anything further at this stage then please do not hesitate to get in touch.

Best Regards

A black ink signature of Roy Barton, written in a cursive style. The signature is somewhat obscured by a large black redaction mark.

Roy Barton
General Manager



Auto-Cycle Union

Minimum standards for the operation & management of off road motorcycle facilities

Updated 2015



HSE Statement of Support

The HSE welcomes and supports the manner in which the Auto-Cycle Union has worked in partnership with operators and others to produce the Minimum Standards for Off Road Facilities and Venues and for those who operate and manage any location where non-competitive motorcycle activities take place. The Minimum Standards are designed to ensure that those who operate and manage such facilities can focus on the need for competence in the management of safety in their facilities, based on the implementation of sensible control measures following thorough risk assessment of the activities taking place.

HSE recognises that those who operate motorcycling facilities are best placed to identify and make safe these facilities by working with those who use facilities, other operators and Industry Associations. The HSE commends these Minimum Standards and hopes that they will assist the Industry to improve standards of safety based on assessment of risk of the venues and the activities that take place there. This is an important step for the industry in ensuring that the safety standards they set are maintained and approved and the image and credibility of the activity is upheld.

Leisure and Entertainment Section, CACTUS

Auto-Cycle Union

These Minimum Standards are published by the Auto-Cycle Union Ltd (ACU), National Governing Body for motorcycle sport throughout the British Isles, excluding Northern Ireland.

The ACU was formed in 1903 and is a founder member of the Federation Internationale de Motorcyclisme (FIM), the World Governing Body. The ACU is recognised by the FIM as the National Motorcycling Federation (FMN) for the British Isles, except Northern Ireland.

ACU and Auto Cycle Union are trading names of the Auto Cycle Union Ltd registered under company number 134679; Registered Office: ACU House, Wood Street, Rugby, Warwickshire, CV21 2YX.

Disclaimer

The ACU does not assume or accept any responsibility in relation to activities not covered by an ACU Permit. The Auto-Cycle Union Ltd., its Directors and Officers accept no liability in respect of loss or damage occasioned directly or indirectly as a result of the publication of the Off Road Facility/Venue Minimum Standards.

Owners/operators of Off Road Motorcycle Facilities/Venues have a legal responsibility to the rider, officials and general public to ensure that all safety precautions at the venue are appropriate for such activities and to seek independent advice as necessary in relation to them.

These Minimum Standards refer to recreational, non-competitive motorcycle activity and are aimed at those engaged in the operation or management of Venues/Facilities. Facility/Venue owners/operators are to be encouraged to implement safety standards of the highest level practicable.

These Minimum Standards do not replace or remove the requirement for a full written risk assessment prior to any activity at a Facility/Venue. It is the responsibility of the Facility/Venue owner/operator to ensure that such a risk assessment is completed and an ongoing review is carried out during the day's activities.

All Facility/Venue owners/operators are encouraged to read these Minimum Standards in the context of their individual venues, activities and existing safety protocols and apply the contained guidance within that context.

It is recommended that owner/operators seek advice from their insurers who may wish to impose their own operating conditions.

**ACU Ltd.
April 2015**

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Appendix Documents

1. Off Road Motorcycle Facilities – Signing On Documentation
2. Sample Pre-Activity Inspection Form – Off Road Motorcycle Facility
3. Sample Risk Assessment Form – Off Road Motorcycle Facility

1) INTRODUCTION

- a) These Minimum Standards refer to recreational, non-competitive motorcycle activity at outdoor venues and tracks and must be considered as the MINIMUM STANDARD for those engaged in the operation or management of such venues/facilities.
(For guidance relating to competitive motorcycle activity, please consult the Code of Practice for Off Road Motorcycle Competitive Events, by visiting www.mscode.co.uk)
- b) These Minimum Standards do relate to the safe running and management of an outdoor off road facility/venue and certain aspects of track/course design, construction, maintenance and the positioning of trackside & spectator safety fencing.
- c) Throughout these Minimum Standards reference is made to other publications, guidelines or documents. These are all public domain documents, which can be accessed by web addresses included in this document.
- d) Within these Minimum Standards reference has been made to level 1 breaches of the Minimum Standard.
- e) A **Level 1** breach is a serious Health and Safety issue and may result in a serious risk to the health and/or safety of participants, officials or spectators and third parties. If identified by a visiting Environmental Health Officer or other Local Authority Official or similar, such a breach must bring about an immediate cessation of any riding activity until such time as the breach has been addressed in line with these standards.

2) GENERAL MINIMUM STANDARDS

This section deals with current legislation that may affect an off road riding business and riding activity. Each area outlines the legislation, however we strongly recommend that you follow the web link to the relevant web site and ascertain exactly what implications the full legislation may have for what you do.

2.1) Discrimination Act 1995 (c. 50)

- a) The DDA applies to all employers and everyone who provides a service to the public, except the Armed Forces.
- b) The track/site management must demonstrate that they have given consideration to ensuring that those with a disability are not excluded from any activity, which it is possible to participate in without endangering the individual or others by doing so.
- c) Under the DDA, small to medium sized businesses have to make 'reasonable adjustments' so they do not discriminate against disabled customers or employees.
- d) This may affect the way you treat your staff, job applicants and customers.
- e) The law has been designed so that you only have to make reasonable changes, but if you fail to do what is reasonable, a disabled person could take legal action against you for treating them unfairly.
- f) If your organisation is not accessible to disabled people, you could be missing out on a lot of potential customers.

A 'disabled person'

- g) The definition of a disabled person used in the DDA covers a wide range of people, including:
- i) People with long-term health conditions, such as diabetes
 - ii) People with progressive conditions, such as multiple sclerosis
 - iii) People who have been diagnosed with HIV, cancer
 - iv) People with learning disabilities
 - v) People with mental health conditions
 - vi) People who have mobility impairments
 - vii) Blind and partially-sighted people
 - viii) Deaf and hearing-impaired people
- h) This is not a full list. If you are in doubt if someone is covered by the DDA you can contact the Disability Rights Commission or phone it's helpline on 0845 622 633.

Hidden disabilities

- i) It is not always obvious that someone is disabled. Generally you will not know if a person has a 'hidden' impairment, such as a heart condition or arthritis, when you first meet them. These people can be covered by the DDA.
- j) Some people who do not consider themselves as disabled may also be covered by the DDA. This includes people with long-term health conditions, such as diabetes, and older people, who can sometimes think of their impairment as part of ageing.
- k) Full details of the Disability Discrimination Act can be found at <http://www.dwp.gov.uk/employers/dda/> <http://www.opsi.gov.uk/acts/acts1995/1995050.htm>

2.2) Child Protection

- a) Current legal obligations apply to the involvement of Children and Young People in particular activities.
- b) Parents, Guardians and appropriate adults appointed by the Courts to act on behalf of Children and Young People must give clear consent for an under 18 year old to participate in any form of motor related activity.
- c) Adults who bring children other than their own must have a letter of consent from the child's parent/legal Guardian, signed and dated, giving explicit permission for the child to participate in the specific activity on that day and at that venue.
- d) "Parental Agreement" forms must be completed and kept securely. For more information on Data Protection visit <http://www.ico.gov.uk/eventual.aspx>
- e) All those participants who are under the age of 18 years must have clearly written emergency telephone contact numbers (or number) entered on to their Parental /Guardian agreement forms. This must not be the telephone number of the Parent/Guardian who has brought them to the facility.
- f) Any Parent/Guardian who brings a child/young person to a facility/venue and signs on as such must remain at the facility/venue to supervise the child/young person, subject to the control and/or supervision of the coaches or track marshals.
- g) All relevant paperwork must be retained for future reference for a period of at least three years.
- h) *Full details of current Child Protection legislation can be found at* <http://www.nspcc.org.uk/html/Home/training.htm>

3) OPERATIONAL MINIMUM STANDARDS

3.1) Toilet Facilities

- a) Adequate provision for toilets must be made at all facilities/venues. These must be situated not more than 250 metres from the main paddock / parc ferme area.
- b) Where a venue operates/caters for less than 50 persons at any one time, it is sufficient to supply a single 'portaloo' type unit, which can be utilised by both males and females. This must include a working handwash basin with running water.
- c) Where more than 50 persons attend the venue at one time, two toilets must be provided, and three where numbers exceed 150. When numbers exceed 200, separate male and female toilets must be provided, again, with handwash basins and running water.
- d) These provisions include access for disabled persons to spectator areas. (See section 1 General Minimum Standards)
- e) Where on site changing is catered for, separate male and female changing areas are recommended.

3.2) Drinking/Fresh Water

- a) Participants, Officials and Spectators must have access to drinking water whilst they are on site. The potential for dehydration is a very serious issue, particularly for those participating in a strenuous activity.
- b) It is not essential to have a free-flowing supply of drinking water, but sufficient bottled water must be available for all users of the facility for the duration of every active day.
- c) Any free-flowing supply of water which is not drinkable must be clearly marked to this effect.
- d) The issue of de-hydration is one which tends to be overlooked during the course of a day or session activities on the track. Regular re-hydration rest breaks must be adhered to.
- e) Where food is supplied on site there must be a dedicated area for the preparation and/or consumption of food, which is properly signed and maintained as such. Also, all appropriate food hygiene arrangements must be in place.
- f) Not having fresh water available constitutes a **Level 1** breach.

3.3) First Aid Equipment and First Aid Qualified Personnel

- a) There must be a minimum of one First Aider for each track being used. The minimum standard of First Aid qualification is a Basic First Aid for Appointed Persons course. For more information visit <http://www.redcrossfirstaidtraining.co.uk>
- b) If two tracks are being used simultaneously, regardless of numbers of riders, two First Aiders must be in attendance – one covering each track.
- c) First Aid Qualified Personnel can also act as trackside marshals or carry out other trackside duties. However, First Aid providers must remain within the vicinity of the track at all times.
- d) First Aid kits must be located at the venue/facility, with special consideration to its proximity to the track and ease of access by training First Aiders.
- e) First Aid Kit contents must correspond with the 'contents checklist' contained within each kit. All items must be within expiry dates and there must be unopened/unused sterile eye wash bottles at each kit location clearly marked and visible.

- f) All First Aid qualified marshals and officials may also consider carrying a small first aid pack with them at all times during activity taking place.
- g) At larger tracks or remote venues where 999 emergency response times may be excessive, the operator/organiser may, through appropriate risk assessment, decide to employ specialist medical cover, through Red Cross/St Johns Ambulance/private ambulance provider. The operator/organiser must ensure that those providing medical cover have available the appropriate pre-hospital immediate care equipment relevant to the age and size of the participants involved in any riding activity.
- h) Copies of all staff First Aid Certificates must be kept on sight for inspection if required.
- i) *For more information on required levels of first aid cover please see the HSE web site at www.hse.gov.uk*
- j) Operating without appropriately qualified First Aid Personnel/cover constitutes a **Level 1**
- k) **Accident Book:** The use of the HSE Accident Book BI 510 is recommended since this enables personal details of entrants to be readily removed for secure filing. This prevents information being readily available to anyone reading or making entries into the book (as required by the Data Protection Act). Copies of The HSE Accident Book ISBN 0 7176 2603 2 are available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA, tel: 01787-881165 or fax: 01787-313995). HSE priced publications are also available from all good bookshops. The Accident Book must be kept safe yet easily accessible. The Book must be kept up to date and accurate.
- l) The facility/venue Management must be aware of all incidents that require any kind of first aid intervention and know that any and every incident of this kind, including burns, scrapes and even small cuts is entered in the book.
- m) RIDDOR Regulations: It should be ensured that all incidents where a member of the public is taken to hospital from the site are reported in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations. For more information see <http://www.hse.gov.uk/riddor/>

3.4) **Emergency Procedures**

- a) All staff members, volunteers and officials must have detailed knowledge of the site Emergency plan. Emergency situations can include fire, bomb alerts, unsafe track issues and even aggressive behaviour exhibited by members of the public.
- b) A written Emergency Incident plan must be available and clearly displayed at the venue, for inspection by any member of staff at any time. All staff must be formally instructed as to its contents and purpose.
- c) Depending on the staff rota system put in place at the facility, it must be agreed that 'incident' procedures are delegated and confirmed during the marshals briefing session. It is also important that all officials are aware of the location of the nearest hospital with an accident and emergency department. It must be confirmed that the hospital can cope with a number of people at the same time for emergency treatment and also that the facility can accommodate 'minors' (Young People under the age of 18)
- d) Local Ambulance and Police Services must be instructed as to the location of all facilities/venues, both permanent and temporary, to assist them to locate the venue easily in an emergency.
- e) The local A&E hospital must be advised in advance of the date of all events/activities at the facility/venue at which significant numbers of participants are likely.
- f) All Venue/Facility Operators must include within their Emergency Plan, provision for Emergency Vehicle access to all points of the Venue/Facility via an Emergency Vehicle Rendezvous Point and access route. This must be clearly marked on the Venue/Facility plan.

3.5) Landline/Mobile Telephones

- a) There must be at least one working telephone connection at the facility/venue at all times. If there is no landline connection, then a nominated individual must have a fully charged mobile telephone with them, preferably with a vehicle charger and/or spare battery and/or power pack. All officials must be aware of the name and location of the nominated individual at all times, and this information should be recorded on the venue inspection form for the day's activities.
- b) Where a facility is sited outside of the range of mobile telephone network coverage, the operator must make other arrangements via radio links to a base station with a telephone connection.
- c) All appropriate officials/marshals must ensure they have radio or mobile phone contact with each other.
- d) Failure to have any form of telephone communication constitutes a **Level 1 Breach**

3.6) Risk Assessment Procedure

- a) All Facilities/Venues must have completed a Master Risk Assessment before any riding activity takes place at a venue/facility. It must be born in mind that each venue /facility owner/operator has a 'duty of care' to all persons visiting the premises, whether employed, participating, visiting or spectator.
- b) The Master Risk Assessment must be reviewed and amended if any changes take place to the track, venue/facility in general or operating protocols.
- c) A 'Risk Checklist' must be created based on the Master Risk Assessment, and must be used as a daily check list prior to any riding activity taking place. The Checklist must also be adjusted if any significant local changes occur during the day's activity such as changes to the weather conditions or track lay out.
- d) All areas of operation must be considered within the Risk Assessment, with particular consideration given to the following areas:
 - i) Riders and their safety
 - ii) Marshals (and other employees) and their safety
 - iii) Segregation of Riders by age/ability/engine capacity
 - iv) Number of Riders on track at any one time
 - v) Jumping hazards
 - vi) Lane separation
 - vii) Risk of collisions with or across lanes
 - viii) Safety fencing
 - ix) Lighting and fume extraction (where appropriate)
 - x) Bikes stopping on track
 - xi) Condition of the track and on going monitoring
 - xii) Spectator safety
 - xiii) Members of Public on the track
 - xiv) Track access/egress supervision
 - xv) Bike movement within the paddock area
 - xvi) Fuel/re-fuel hazards
 - xvii) Fire precautions
 - xviii) Emergency Medical Provision
 - xix) Any additional precautions
 - xx) A continued assessment and recording process of what is done via the daily check list
- e) The following publications will provide more information on Risk Assessment:
 - i) "Five Steps to Risk Assessment" – Health & Safety Executive www.hse.gov.uk
 - ii) Management of Health & Safety Regulations 1999, sections 3 & 5 <http://www.opsi.gov.uk/SI/si1999/19993242.htm>
- f) Within the Risk Assessment, all elements of these Best Practice Guidelines must be incorporated.

- g) For more information on all matters relating to Risk Assessment Procedures and paperwork, please contact:

HEALTH AND SAFETY EXECUTIVE (HSE)
HSE INFORMATION SERVICES
HSE INFORMATION CENTRE
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BROAD LANE
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HSE BOOKS
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CO10 2WA
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FAX: 01787 313995
www.hsebooks.co.uk

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH (COSHH) SAFETY DATA SHEETS MAY NOT BE AVAILABLE FROM ALL SHOPS OR SUPPLIERS BUT MUST BE AVAILABLE FROM THE MANUFACTURER OF THE PRODUCT.

If an accident occurs that requires a person to go to hospital and involves a product for which you have a data sheet, give that sheet to ambulance or medical staff so the correct treatment can be given.

CLEAPSS
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- h) Please note that CLEAPSS only give health and safety advice and supply publications to schools and colleges that subscribe to their services.
- i) Health and Safety Signs
One sign that all venues must have on display is the HEALTH AND SAFETY LAW poster.
Reference number: ISBN 0717624935
This has blank spaces that you must fill in.
- j) A sample Risk Assessment form and Daily Check List form are attached to these Guidelines in the Appendices. However, these forms are for Guidance ONLY. You MUST create a specific Assessment form for your venue and operation.

3.7) Paddock Area & Track Access

- a) All Facilities/Venues are required to provide a Paddock area for participant's vehicles and motorcycles. This must be separate to the parking area/viewing area for non- participants.
- b) The rider's paddock/parc ferme area should be reasonably flat with direct access to the track starting/collecting area, which must be clearly marked and securely fenced.

- c) Where the paddock is immediately adjacent to the course the whole length adjoining the course shall be fenced in an appropriate manner similar to that used to separate spectator enclosures.
(See Track Safety Fencing Minimum Standards)
- d) The riding of any motorcycle within the paddock area must be prohibited at all times and policed rigorously by Venue/Facility staff. The use of Paddock Bikes must also be prohibited. The only exceptions to this rule are quad bikes which may be ridden at walking pace.
- e) A clearly marked collecting area must be available for riders to wait before joining the track. This must be clearly signed and a strictly enforced one way system used in this area. There must be clear signage at the entrance to the track with pictures to identify flag signals, length of sessions etc.
- f) Where a facility/venue has more than one track, a separate collecting area must be provided for each track. However, the same paddock and refuelling point may be used.
- g) The track must also have an emergency access route allowing emergency vehicle access to all parts of the circuit.

3.8) Spectator Areas and Signage

- a) A separate and well signed spectator area must be provided for spectators. This must be clearly signed with appropriate barriers between the area and the track. Consideration must be given to access for disabled persons.
- b) Signs must be appropriately displayed and consideration must be made for those who have literacy and reading difficulties.

Other signage around the venue must include:

- i) MOTOR SPORT IS DANGEROUS Sign A)
- ii) PROHIBITED AREA (Sign B)
- iii) NO SPECTATORS BEYOND THIS POINT (sign C)
- iv) HAZARDOUS CHEMICALS (FUEL ETC)
- v) NO ENTRY
- vi) RE-FUELLING POINT
- vii) FIRE EXTINGUISHER POINT
- viii) FIRST AID POINT
- ix) NO SMOKING / NO NAKED LIGHTS
- x) NO RIDING OF MOTORCYCLES IN THE PADDOCK

c) WARNING & PROHIBITION NOTICES

The following requirements regarding the display of notices are applicable to all speed events.

WARNING NOTICE (A)

"WARNING TO THE PUBLIC MOTOR SPORT CAN BE DANGEROUS

*Despite the organisers taking all reasonable precautions, unavoidable accidents can happen.
Please comply with all instructions of marshals and notices and remain in permitted areas only."*

(750 x 500mm) Warning notices as detailed must be displayed on each side of every entrance to the course, including the entrance to car parks and paddock.

These notices must be prominently displayed and where they can be easily read by the public before any admission charge is paid, or where no admission charge is made, before entry is gained into the circuit.

Where it is not possible to define the limits of the site and to control admission of the public (e.g. War Department and heath land) warning notices must be profusely displayed around the course and also in the car parks.

PROHIBITED AREA NOTICE (B)

"PROHIBITED AREA

The Public is not permitted in this area"

(750mm x 500mm) Areas where the public are not permitted must be clearly defined by the display of an adequate number of "Prohibited Area" notices. These notices must also be displayed in any prohibited area facing the public. Warning Notice (A) must also be erected in these areas but they must be used in addition and not in place of Prohibited Area Notice (B).

WARNING NOTICE (C)

"WARNING

The Public must not go beyond this notice"

(500mm X 400mm) Those parts of the course to which the public may be admitted and where it is neither practical nor necessary to erect a barrier, e.g. those parts of the course which are straight and are only used by the public to reach other parts of the course, may be indicated by the erection of the special type of Warning Notice (C). These notices must be displayed at least 10 metres from the course. It is recommended that the limit of these areas could also be defined by a boundary tape affixed to the stakes supporting the notices.

- d) Directional flow signs must also be utilised on track as well as Emergency route signage as appropriate. Track exit/paddock entrance points must be clearly signed.
- e) All Facilities/Venues must have a sign displaying a full site plan, with toilets, track exit and entry point, spectator areas, refuelling points, and emergency RV points clearly marked.

3.9) Ages of Riders on Track

- a) Riders under the age of 6 must not ride motorcycles on Facilities or Venues.
- b) Age definitions:
 - i. 6 years of age – classed as Child
 - ii. 7 to 9 years of age – classed as Junior
 - iii. 9 to 14 years of age – classed as Youth
 - iv. 15 years of age – Adult
- c) 'Child, Junior and Youth' riders must not share the track with 'Adult' riders
- d) Permitted age ranges are grouped as follows:
 - i) Autos (50cc with automatic gearbox) – **GROUP 1**
 - (a) 6 to 7 year old riders.
 - ii) Maximum 65cc two stroke & 110cc four stroke (Gearbox) – **GROUP 2**
 - (a) 7 to 10 years of age
 - iii) Maximum 85cc two stroke & 150cc four stroke (Gearbox) – **GROUP 3**
 - (a) 9 to 15 years of age
 - iv) 145cc two stroke & 250cc four stroke (Gearbox) – **GROUP 4**
 - (a) 14 to 17 years of age
- v) All riders should be able to sit astride their machines and with one foot firmly on the ground must be able to control the gear lever or the footbrake with the other foot.

e) Machine/Rider Age Groupings

The following machines/rider age groups may share a track at the same time:

- (1) **GROUP 1 AND GROUP 2** can be combined on the separate training track/oval
(Note: **GROUP 1** must not use the main track)

The following machines/rider age groups may not share a track at the same time:

- (1) **GROUP 2 AND GROUP 3 cannot** be combined on the training track/oval or main track
- (2) **GROUP 4** can use the main track or training track/oval but must not be combined with any other group
- (3) A **GROUP 4** rider (on a GROUP 4 machine) who has been issued with (and can present) a current ACU Motocross Competition Licence may be allowed to ride with the Adult Group.

f) At all times, the appropriate Child Protection Policy guidance must be applied.

g) The mixing of 'Youth' riders with 'Adult' riders constitutes a **Level 1** breach of the Minimum Standards.

3.10) Marshalling

- a) All marshals must be provided with adequate training/instruction in their duties and responsibilities.
- b) This training must, as an absolute minimum, take the form of a briefing and explanation of flags, meanings and uses, communication and safety protocols and operational procedures for the day's activities, including session timings.
- c) A record of training must be held by the Facility/Venue operator/manager for inspection or review.
- d) The level of Marshalling at any Facility/Venue will depend largely on the track layout and topography. However, all tracks must provide at least 2 marshals for each track in use.
- e) All marshals must be able to see the entire track surface between their Marshal post and the next manned Marshal Post, in both directions. In other words, there must be no blind spots.
- f) This is a minimum level and operators must be encouraged to use more than the minimum when track usage is higher. Travelling marshals provide a good additional means of providing rapid assistance to riders in difficulty. However, the travelling marshal must not be counted as one of the static marshals with visual contact with one another.
- g) Marshals must be able to access all areas of the given track without delay in order to assist a participant should the need arise. However if a static marshal deems it necessary to leave his post, rendering his post unoccupied, to assist a fallen/stricken rider the session must be first halted via Red Flag signals around the course.
- h) The positioning of static marshals must have been thought out carefully in order to:
 - i) To maximise the visibility of the track area
 - ii) To be sited at positions of the track most prone to difficult manoeuvres, such as bends, whoops and jumps.
 - iii) Avoid positioning where a participant may lose control and their machine continues on to the marshalling point. This would clearly create an elevated risk to both participant and marshal.
- i) Marshals must be provided with the appropriate equipment and clothing by the Facility/Venue to enable them to perform their duties properly.

This must include:

- i) A full set of flags with appropriate training to use them correctly
- ii) Leather Gloves
- iii) Hi-Visibility coat/jerkin
- iv) Appropriate foot wear for conditions
- v) Waterproofs if appropriate
- vi) Ear protection
- vii) Eye protection
- viii) Radio/mobile phones

- j) These are basic Health and Safety requirements for working in a hazardous environment and are the responsibility of the venue operator. Consideration must also be given to the food, water and toilet requirements of the Marshal.
- k) It is advisable, if practicable, to provide Marshals with basic First Aid training and supply marshal posts with basic First Aid Kits.
- l) All Marshals posts must be equipped with the following signal flags prior to any activity taking place.
 - i) Yellow
 - ii) Red
 - iii) Chequered (finish line marshal)

3.11) Participant Riding Equipment

- a) All participants must wear a minimum level of riding kit whilst taking part in any riding activity.
 - i) An ACU stamped (White stamp for Auto riders, Silver or Gold stamp for others), properly fitting safety helmet
 - ii) Goggles or protective safety glasses. Not sunglasses
 - iii) Boots which cover the ankle, ideally without external laces
 - iv) Gloves
 - v) Clothing which covers the arms and legs and leaves no flesh exposed - Shorts and T-shirts must not be permitted whilst on track.
- b) Additional kit such as Body Armour should be optional and left to the rider's discretion.
- c) Venue/Facility operators must take appropriate measures to ensure that all riders are properly and adequately dressed before taking to the track.
- d) The Venue/Facility operator must also ensure that the official/marshal controlling circuit access carries out a visual check of all kit, with special attention to helmet straps before letting riders onto the circuit.
- e) Allowing anyone to ride without a helmet constitutes a **Level 1 Breach** of the Minimum Standards.

3.12) Rider Assessments

- a) All riders must be visually assessed by an ACU Certified Coach or other similarly qualified person, upon their first visit to a Facility/Venue, to gauge their level of riding competence.
- b) Post assessment, riders must be issued with some type of 'Record Card' to record this level for future visits.
- c) This system must grade rider ability levels between A, B or C; A being the highest level (expert) and C being the lowest (novice). B could be viewed as good recreational/club level rider.
- d) The venue management must use discretion and judgement when deciding on the number of groups. Consideration must be given to the number and ability of participants when making these judgements.
- e) Any rider returning to a venue wishing to ride who does not have their previously issued record of ability card must be re-assessed.
- f) Spot checks concerning a participant's performance must be regularly carried out by ACU Certified Coaches, or persons holding a similar equivalent qualification, in order that a re-grading can be applied. Please note: this can be an 'improvement grading' or can also mean a 'de-classification' if the participant is seen to have reduced ability or is proving to be a danger to himself or others on the track.

3.13) Maximum Number of Riders on Track

- a) The maximum number of Riders on a track should be decided by the facility/venue management as part of the risk assessment. This should be agreed with the venue insurer.
- b) The track manager must have written and agreed limits for numbers of riders on track at any one time and make this known to participants and officials during briefing sessions.
- c) This information must also be displayed on signs within the building/area.

3.14) Mixing Vehicles/Groups on Track

- a) Under no circumstances must Quad bikes, sidecar machines, Solo motorcycles and mini bikes ride on the same track at the same time. Where Quad and Solo motorcycles are at the same venue at the same time, separate tracks or separate sessions must be used for each. Quads and sidecars are permitted to share a track.
- b) The mixing of youth groups other than specified in these Guidelines constitutes a Level 1 breach
- c) The mixing of quads or sidecars or Mini Bikes with solo motorcycles constitutes a Level 1 breach

3.15) Duration & Level of Sessions

- a) The duration of each session must be decided by the Venue/Facility manager on the day, according to type and size of vehicles, ages of participant, their skill level and other salient factors such as weather conditions.
- b) Clear Signage must be displayed at the track access point indicating the duration of the session and the level of session currently on track e.g. A, B or C. All officials must be made aware of the length of time and the level of the sessions.

3.16) Signing On – Participant and Official

- a) All riders must sign the appropriate indemnity forms before taking part in any activity.
- b) Signing on forms will be created on the advice of the individual Venue/Facility Insurance Providers. An example signing on form is attached to the appendices. However, all Persons signing on must give an emergency contact number for a contactable relative/friend. This must not be their own telephone number.
- c) All Participants under the age of 18 years must have clearly written emergency telephone contact numbers (or number) entered on to their Parental /Guardian agreement forms. The parent/responsible adult who signs on for the rider must stay at the Venue/Facility for the duration of any riding activity.
- d) The signing on process must be verifiable at any time during the day by the use of colour coded wrist band, indelible hand stamps or some other mechanism.
- e) The venue manager must ensure that this process is robustly monitored at all track access points and carry out cross referencing with signing on forms at appropriate intervals during the day's operation.
- f) All Officials must sign the appropriate indemnity form before performing any duties at the venue. Officials signing on forms must also include an emergency contact number.
- g) Allowing riders on to the track who have not signed on constitutes a Level 1 breach.

3.17) Rider & Officials Briefing

- a) All Participants must be informed about the rules and regulations of the site before taking part in any track activity.
- b) This information must include Paddock Rules, track access and exit point, emergency assembly points and location of First Aid posts. It must also detail the flag and any other signalling system being used on the day.
- c) Ideally this information will be on a leaflet given to riders at signing on, and given verbally at a group/individual briefing.
- d) All Marshals and Officials must be briefed on the day's activities prior to any activity on track.
- e) There must be a clearly defined verification process to demonstrate that all participants have been briefed.

3.18) Rider Information Signs

- a) All venues must display a permanent track map sign in the paddock area. This must display the venue plan, with emergency access routes, location of First Aid posts, toilets and fire extinguisher points. The sign must have a clear track map showing marshal points and track access and exit points.

3.19) Paddock Refuelling Point & Fire Extinguisher Point

- a) All Venues/Facilities must have a designated refuelling area for the storage of fuel cans and refuelling of participant motorcycles.
- b) This area must be equipped with fire extinguishers - There must be fire extinguishers which contain water (for fires to straw bales, paper, wood etc) and also foam based and/or CO² which can be used on petrol/oil fires.
- c) Ideally this area must be supervised by a marshal or venue official.

3.20) Condition and ownership of Vehicles being used at the Venue

- a) Where the Venue/Facility owns/operates motorcycles that are used at the venue a schedule of maintenance is, at the very minimum, required to be made available, in order to evidence that all vehicles are in the appropriate condition for the purposes intended. (i.e. off road riding/driving)
- b) Where the motorcycle or quad bike is privately owned, the duty to ensure that the motorcycle or quad is in good and safe working order rests absolutely with the rider/owner of the machine. Riders/owners must take full responsibility to ensure that their motorcycle is fit for the intended purpose and should seek professional advice from an appropriately qualified technician if they are not.
- c) Where the machine is owned by the Participant, a visual check of the machine for obvious defects must be carried out in the collecting or waiting area immediately prior to the bikes joining the circuit.
- d) Where a motorcycle develops a visibly detectable problem whilst on track, marshals must alert the rider in order that they leave the track at the track exit point in order to rectify the problem.
- e) Anti-Theft measures should be in place to discourage the use of stolen motorcycles at Facilities/Venues.

3.21) Coaches

- a) All coaches working at or conducting training at a Facility/Venue must be appropriately qualified to ACU Certified Coach standard in the appropriate sporting discipline or Basic Skills or other equivalent Coaching qualification in off road motorcycling. All Certificates must be available for inspection.
- b) For more information on National Governing Body Coach qualifications, contact the ACU on 01788 566400 or e-mail admin@acu.org.uk

3.22) Marshal Training

- a) All marshals and officials must have undertaken adequate training relevant to their role/responsibility. Copies of Marshals/Officials training records and qualifications must be kept by the facility/venue operator owner for review at any time.

3.23 Sound

- a) All motorcycles using the venue must comply with a maximum sound level of 96db for 4 stroke engines and 96db for 2 stroke engines. This level may be achieved by the fitting of a secure baffle or with a standard silencer system. Any machine failing this test must not be allowed on track.
- b) Ideally, all machines must be sound tested before being allowed on the track. For more information on sound testing please contact the ACU on 01788 566400.
- c) **Note:** This maximum sound level will reduce in line with the competition sound level as laid down by the Auto-Cycle Union.

4) MOTOCROSS COURSE SAFETY PRECAUTIONS

4.1) Track Lay Out

- a) The Track must be of a type which restricts the average speed to a maximum of 65km per hour. The course must not contain straight sections permitting high speed in excess of 115km per hour.
- b) Course width must not be less than approximately 5 metres for solos and approximately 6 metres for sidecars and quads.
- c) The track must not be divided by an obstacle (tree, etc.)
- d) The width of a course on a jump must be at least 1 metre wider on landing than the take off point.
- e) The length of a start straight must not exceed 125 metres to the first bend and a minimum length must not be less than 80 metres.
- f) The use of start straights at practice facilities must be monitored at all times with controlled start and return to start marked clearly. Riders using a start area must not be able to join a track unsupervised or must be guided through a suitable marked junction.
- g) The start straight will not have any jumps constructed along this area.
- h) The free vertical space between the track and any obstacle above ground level must be 3 metres minimum. This must be risk assessed individually in areas around jumps.
- i) Any jump must not exceed approximately 1 metre in vertical height unless a marshal is positioned at that jump and the landing area of the jump is clearly visible to the approaching rider – i.e. not completely blind.
- j) All jumps must be ride-able i.e. negotiated safely without the wheels leaving the ground.
- k) Multiple jumps, double, triple jumps etc are forbidden. The minimum distance between jumps must not be less than approximately 30 metres, measured from the top of one jump to the top of the next.

4.2) Track Safety Fencing

- a) All track fencing which marks out the area of the track, separates one track from another or the track from areas to which the public are to be permitted must be protected by one of the following methods or by a combination of these methods.
- b) All wooden posts described in methods 1 or 2 shall be round and have a diameter of approximately 75mm with a maximum diameter of 100mm.
- c) **Any course/track must not have a catch rope fence within approximately 3 metres of the marked track**

4.3) Method 1

- a) The track edge can be marked with just pegs, pegs and tape, wooden posts and tape, just short posts, natural boundary (earth bank, escarpment), bale bags, track markers or any combination of practical safe material.
- b) Where a fence of chestnut paling is deemed necessary, it must be of a height of not less than 1.2m and mounted on round posts of an approximate diameter of 75mm firmly driven into the ground. This fence must be at least 1 metre back from the edge of the track.
- c) A paling fence must be of the three wire strand type. The supporting posts must not be more than 3.0 metres apart with the pointed ends of the paling at ground level. The fencing must be securely fixed

to the posts on the track side of the fence, away from the spectator area. The space between palings must not exceed 100 millimetres.

- d) A minimum safety zone of approximately 1metre must be provided on the track side of chestnut paling, to act as an 'escape zone' for riders. Access for medical services must be clearly signed at regular intervals.
- e) Access points through the paling fence must have a gate or paling fencing returning into the spectator area.

4.4) Method 2

- a) The track edge can be marked with just pegs, pegs and tape, wooden posts as specified above and tape, just short posts, natural boundary (earth bank, escarpment) bale bags, track markers or any combination of practical safe material.
- b) Electrical fencing pins, re-bar or steel construction pins are not permitted.
- c) Where a rope catch fence is deemed necessary, it must be at least 3metres back from the defined or marked track. The fence must have two ropes; the top rope must be set at 600mm to 750mm from the ground. The second rope must be set at 50% of the height of the top rope. The catch fence stake must protrude approximately 150mm above the top rope and the posts set at 4.5 metre spacing. The size of the rope must not be less than 12mm diameter.

4.5) Spectator area

- a) Where there is a spectator area behind a rope fence, there must be a continuous strip of land of an approximate width of 10.0 metres which shall be prohibited to the public, between the spectator area and the roped area.
- b) Prohibited Area Notices (B) shall be displayed at intervals, facing the public within this 10 metre strip.
- c) Outside this Prohibited Area there must be erected a fence consisting of wooden posts approximately 75 mm diameter driven in approximately 4.5 metres apart. Between these posts must be a fixed single rope at a height of not less than 910mm and not more than 1.2m from the ground. This fence will be known as the spectator safety rope. A second rope fence shall be erected 3 metres back from the track. This shall be known as the catch fence. The fence must have two ropes; the top rope must be set at 600mm to 750mm from the ground. The second rope must be set at 50% of the height of the top rope. The catch fence stake must protrude approximately 150mm above the top rope and the posts set at 4.5 metre spacing. The size of the rope must not be less than 12mm diameter.
- d) Where chestnut paling is used to protect the public, the spectator safety rope is not required.

4.6) Opposing Traffic

- a) Where there is opposing traffic i.e. on a loop or where tracks run parallel, unless the tracks are fenced with Chestnut paling or some similar none rope barrier, the minimum distance between the tracks must be at least 10 metres.
- b) The potential risk must be assessed before allowing an unprotected area of track to exist.
- c) When using chestnut paling, fencing posts must be positioned each side of the paling at a distance of 3.0 metres centred with a safety zone of approximately 1.0 metre each side of the paling fence.
- d) A catch fence using rope can be installed between opposing traffic where the tracks are a minimum of 10m apart, and a barrier is required. The post must be placed centrally between the tracks and placed approximately 4.5m apart. The top rope must be set at 600mm to 750mm from the ground. The second rope must be set at 50% of the height of the top rope. The catch fence stake must protrude approximately 150mm above the top rope.

4.7) Other Methods of Protection

- a) A combination of the above methods may be adopted subject to appropriate course risk assessment.
- b) Where the natural terrain provides adequate protection to the public or some other form of substantial fencing is erected, the above requirements may be modified.
- c) Steel crowd control barriers may be used; if crowd control barriers are used there must be a safety zone between the barrier and the track of approximately 3 metres from the edge of the track marked with pegs and tape, bales or other as per method 2.
- d) The track risk assessment may require a wider safety zone if warranted.

4.8) Other Areas (Not Prohibited)

- a) Those areas around the course to which the public may be admitted in order to gain access to other parts of the course and when it is neither practical nor necessary to erect a fence by method 1 or 2, may be defined by the erection of the Warning Notice C.

4.9) Parking

- a) Vehicles must not be parked close to the spectator fence, leaving a reasonable gap. A limit line must be indicated by the use of rope or tape.

4.10) Paddock

- a) There must be a suitable paddock for the use of riders. Where the paddock is immediately adjacent to the course the whole length adjoining the course shall be fenced by one of the above methods applicable to spectator enclosures.

4.11) Controlled Crossings

- a) All Controlled Crossings must be adequately marshalled and the movement of spectators across the course during riding must not be allowed.

Appendix Documents

1. Off Road Motorcycle Facilities – Signing On Documentation
2. Sample Pre-Activity Inspection Form – Off Road Motorcycle Facility
3. Sample Risk Assessment Form – Off Road Motorcycle Facility

Sample Pre-Activity Inspection Form – Off Road Motorcycle Facility

This document provides an example of the content to be checked prior to the facility being used. The list of items to be checked is not exhaustive and may need to be amended to reflect specific activities or layout of individual venues.

Location		Date	
Inspected By		Weather Conditions	
Track maintenance / changes since previous inspection			

General Facility	Acceptable?		Comments
	Yes	No	
Toilets clean and in appropriate condition	<input type="checkbox"/>	<input type="checkbox"/>	
Adequate fresh water available for all persons	<input type="checkbox"/>	<input type="checkbox"/>	
Spectator fencing in place and in good condition	<input type="checkbox"/>	<input type="checkbox"/>	
Warning signs on display	<input type="checkbox"/>	<input type="checkbox"/>	

Track Arrangements	Acceptable?		Comments
	Yes	No	
Track surface adequately groomed	<input type="checkbox"/>	<input type="checkbox"/>	
Track clear of obvious rocks / debris	<input type="checkbox"/>	<input type="checkbox"/>	
Adequate rider catch fencing in position (where necessary)	<input type="checkbox"/>	<input type="checkbox"/>	
Sections of track with opposing traffic direction adequately separated / fenced	<input type="checkbox"/>	<input type="checkbox"/>	
Edge of track clear of fixed obstacles / fixed obstacles protected (as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	

Marshal Arrangements	Acceptable?		Comments
	Yes	No	
Adequate number of trained marshals available	<input type="checkbox"/>	<input type="checkbox"/>	
Marshal posts equipped with flags, personal protective equipment and fire extinguishers	<input type="checkbox"/>	<input type="checkbox"/>	
Marshal positions suitably protected against motorbikes	<input type="checkbox"/>	<input type="checkbox"/>	

Emergency Preparedness	Acceptable?		Comments
	Yes	No	
Fire extinguishers in position and charged	<input type="checkbox"/>	<input type="checkbox"/>	
First aid kits in position and stocked	<input type="checkbox"/>	<input type="checkbox"/>	
Emergency plan document available	<input type="checkbox"/>	<input type="checkbox"/>	
Emergency services pre-warned of event	<input type="checkbox"/>	<input type="checkbox"/>	

Actions taken to address concerns identified

ACU Discipline Moto Cross Practice Track
 Event Location On Track Hazards

Assessment undertaken by A N Other
 Signed A N Other
 Date 23rd March 2007

Date for review March 2008

Identify Hazards	Who is at Risk?	Existing Controls	Further Action	Who & When	Sign Off
<p>What could cause harm or ill health?</p> <ul style="list-style-type: none"> o Review previous accidents and near misses. o Review best practice guidance and rules. o Consider activities on and off the track. o Ask other peoples opinion. o Consider the different people at risk. <p>On Track Activities Elevated risk arising from mixing of different types of bike (quad, sidecar etc) and /or riders of differing ages and abilities.</p>	Identify the different people at risk e.g. <ul style="list-style-type: none"> o Marshals o Spectators o Participants o Special needs All riders	List the precautions that are already in place. Consider whether these are actually effective and applied consistently. <ul style="list-style-type: none"> • Different types of bike (quad, solo, sidecar) • Different age categories of participants and bike size • Novices and experts Separate sessions are held for:	What further precautions need to be taken to make things acceptably safe?	Who is responsible for taking the action? What should be the deadline?	Once action has been taken, sign and date this column.
<p>On Track Activities Bike coming into contact with another bike during practice sessions. Potential for serious injury.</p>	All riders	Maximum numbers of riders on track limited to 25. The activity is non-competitive i.e. no racing. The track is of good width (minimum 9m). Marshals instructed to take action where riders are bunched up. Riders are grouped according to bike type, bike size, age and ability. Thus ensuring compatible performance and handling characteristics of machines. Reckless riding results in riders being asked to leave the facility.	Introduce formal method for grouping riders according to ability – possibly through assessment process and rider membership scheme.	AN Other To be reviewed by May 2007	
<p>On Track Activities Potential for a fallen or stopped rider to be hit by following machines.</p>	All riders	The track is designed to minimise any blind areas of track. Marshals are positioned on all obstacles where onward visibility is a problem to riders. Flag system in use and all marshals trained in when and how to use flags. Riders are grouped according to bike type and size.	Introduce a safety briefing to riders explaining flag systems.	AN Other Action to be taken by end of Feb 2007.	A N Other 26 th Feb 2007

Motocross Practice Track – Sample Risk Assessment

Identify Hazards	Who is at Risk?	Existing Controls	Further Action	Who & When	Sign Off
<p>On Track Activities Out of control riders could leave the track and hit spectators or riders on opposing section of track.</p>	All riders Spectators	Track is designed with at least 10m of run off area. Chestnut fencing introduced on corners where spectators less than 10m from track. Safety fencing is inspected prior to practice days. Further work required to separate back straight from table top.	Erect chestnut fencing between back straight and table top according to Off Road Facilities guidance document	AN Other Action to be taken by end Feb 2007	<i>John Bates</i> 6 Feb 2007
<p>On Track Activities Novice riders struggle with jump on bottom corner – high rate of incidents here.</p>	Riders (particularly novices)	Track design and width according to Off Road Guidelines.	Decrease angle of jump or provide alternative route for novices.	Track grader By end March 2007	
<p>On Track Activities Poor track condition elevates potential for incident. Large stones on track could cause rider to fall or be flicked up into face.</p>	Riders, spectators and marshals.	Track is graded before each practice session and large stones removed. Documented inspection of track performed and signed off by operator before session opens.	No further action required.		
<p>On Track Activities Potential for injury to riders from general motocross riding activities.</p>	Riders	All riders required to wear the following protective equipment – ACU stamped helmet, goggles, overalls, gloves, and boots. All riders are issued with a copy of the rules that set out the minimum requirements for bikes and safety equipment. Safety briefings provided for all riders prior to going onto the track.	No further action required.		
<p>Marshal Safety Potential for marshal posts to be hit by bikes – particularly on table top.</p>	Riders and marshals.	Marshal locations are carefully positioned to minimise risk of being hit by bikes so far as possible. All marshals attend half day course and are closely supervised until appropriate competence is demonstrated. Marshal safety briefings provided prior to practice activities commencing. Hi visibility jackets / vests provided to all marshals and required to be worn.	Extra protection needed for marshal post on table top – e.g. straw bales.	Track grader. By end Feb 2007	<i>John Bates</i> 17 Feb 2007
<p>Marshal Safety Potential for harm from weather conditions – e.g. wind, rain, cold, heat. In addition to direct affects of adverse weather – it is also likely to distract marshals from doing a good job.</p>	Marshals	Marshals advised on suitable clothing in advance of practice session. Waterproof and insulated jackets provided. Spare gloves available. Bottled water available for marshals to take to their positions.	Consider having high factor sun protection cream available for sunny weather.	AN Other By end May 2007	

Motocross Practice Track – Sample Risk Assessment

Identify Hazards	Who is at Risk?	Existing Controls	Further Action	Who & When	Sign Off
<p>Spectator Safety Spectators gaining access to the track during general operation.</p>	Spectators and riders	<p>Spectator areas have been defined and are clearly signed. There is no requirement to cross the track to gain access to these areas. Chestnut paling fences used to prevent spectators gaining access to the track. Warning signs on display alerting spectators to risk of motorsport.</p>	None required.		
<p>Spectator Safety Parents of riders on junior track tend to rush onto the track to help fallen children. Potential to be hit by following riders.</p>	Spectators and riders	<p>Where parents provide trackside supervision, they must attend safety briefing, be issued with hi-viz vest and sign on. Dedicated marshal also present on track.</p>			
<p>Spectator Safety Potential for slip and trip injures as spectators access viewing area due to overgrown undergrowth.</p>	Spectators	No formal measures – area allowed to become overgrown.	Vegetation to be cut back. Condition to be monitored as part of track inspection.	Track Manager By end March 2007	Completed 16/3 AGF Blake
<p>Medical Arrangements Delays in treatment (or incorrect treatment) to an injured rider could result in condition deteriorating rapidly.</p>	Riders	<p>An appointed first aider is present on both tracks whenever practice activities take place. The local A&E is less than 3 miles from the track and a good response time has always been encountered in the past. Clear instructions have been provided to enable A&E personnel to locate the track. Emergency procedures have been developed and are understood by all marshals. All areas of the track can be accessed by county ambulance.</p>			
<p>Paddock Areas Bike movements in paddock areas could result in collision with pedestrians.</p>	All pedestrians in paddock	Riding in paddock areas is strictly prohibited. This requirement is displayed on signs and contained upon the signing on form.	No further action required.		
<p>Fire Risk Potential for fire – particularly during re-fuelling activities.</p>	All personnel	All riders are required to bring their own extinguisher to site. Dedicated refuelling area in place. This is at the far end of the paddock – well away from other vehicles and people. Fire extinguishers provided in this area and no-smoking signs displayed. Rules regarding refuelling and fire extinguishers are communicated to all participants within rules.	No further action required.		

Motocross Practice Track – Sample Risk Assessment

Identify Hazards	Who is at Risk?	Existing Controls	Further Action	Who & When	Sign Off
<p>Track Security Potential for trespassers to gain access to the track out of hours and ride track. Damage to property is likely, although also potential for trespassers to fall and suffer injury.</p>	Trespassers	No history of this problem. Site remote. Entrance to site gated and locked using closed shackle padlock.	None required.		
<p>Jet wash area Potential for oil to be washed off bikes during jet wash and enter neighbouring stream via surface water drains.</p>	Pollution incident	None	Approach Environment Agency for guidance.	AN Other By end March 2007	
<p>Track Grading Potential for JCB to overturn or injure other persons in the area.</p>	Plant Operator	JCB only driven by B Jones who works in construction industry and has operator license. JCB inspected annually by engineering insurer.	None required.		

Appendix D

MCF Practice Track Guidelines 2014



PRACTICE TRACK GUIDELINES

Issue #4 SEPTEMBER 2014

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INTRODUCTION

These guidelines are put together for practice and leisure facility owners and managers who are working under the authority of the MCFederation. The MCFederation are a regulatory body for off road motorcycle sport throughout the UK.



STANDARDS OF OPERATION

Licence Requirements

All participants are required to hold a MCFederation practice or competition licence to take part in any session at an MCF recognised facility. Licences will be issued on an annual basis by the MCFederation office. Participants not in possession of an MCF practice or competition licence will be permitted to take out a temporary licence* that will be valid only for the date and venue stated on the application form.

*See appendix A

Sign On Requirements

All participants will be required to sign on at the venue; organisers must use the forms as supplied by the MCFederation*. All participants must include their MCFederation Competition, Practice or Temporary licence number on the form. Signing on forms or copies thereof must be returned to the MCFederation office after the activity.

All persons acting as officials are required to sign on at the venue.

*See sample appendix B

Insurance

Insurance will be issued through the MCFederation and will cover £20 Million of Public, Products and £10 Million of Employers liability for any single incident and a level of Personal Accident and rehabilitation cover for signed on officials.

Insurance Costs:

- 1 – 20 Riders £ 50.00
- 21 – 50 Riders £140.00
- 51 – 100 Riders £240.00
- 100+ Riders £350.00

* Individual rates for high use and permanent venues and per capita can be arranged.



Discrimination

All organisers must work within the parliamentary act for discrimination and must make every effort not to exclude individuals with disabilities.

More details can be found by visiting:

www.dwp.gov.uk/employer/disability-discrimination-act/

Child Protection

All organisers have a duty to understand legislation with regard to child protection issues at their venue. Please refer to the MCF Safeguarding Children Policy.

More information can be found at the NSPCC Child Protection in Sport Unit:

www.nspcc.org.uk/inform/cpsu/cpsu_wda57648.html

When signing in at a venue all participants or officials under the age of 18 years must have a parent, guardian or person with parental responsibility give clear consent for their participation by signing the required form on their behalf. This person must remain at the venue for the duration of the participation of the minor.

Risk Management

Every MCF approved facility must carry a master risk assessment policy that takes into account the operators duty of care to ALL persons visiting the facility.

A separate risk checklist* must be completed prior to commencement of any activity at the facility on a daily basis. Items that should be included in the checklist are:

- Site Access Conditions
- Site Signage
- Site Facilities for Number of Expected Participants
- Adequate Number of Officials for Expected Participants
- Adequate Protection for Trackside Officials
- Adequate Administration Facilities (weather related)
- Adequate Medical Cover for Number of Expected Participants
- Public Protection from the Activity is Adequate as per guidelines
- Circuit Conditions are Acceptable
- Circuit is Clearly Defined and Clear of Debris
- Circuit Safety Precautions are in Place as per Guidelines
- Emergency Plan is in Place with Medical Staff or Local Hospital
- Fire Fighting Equipment is Available and in Working Order
- Are all Riders Grouped as per These Guidelines
- All Riders are Organised by Ability** (if more than 1 session is run per group)

More information on Risk Management can be obtained from the Health and Safety Executive at:

www.hse.gov.uk/risk/

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All persons not participating on the circuit or waiting for a session in the staging area must be regarded as members of the public and must remain in permitted areas only.

*See sample at appendix C

**As judged by the facility manager or MCF Certified Trainer/Clerk of the Course.

Medical Requirements

As a minimum, each facility must have in attendance an official who is qualified through the Basic First Aid for Appointed Persons course for each circuit that is in use. For larger venues running with excess of 100 participants or venues in remote areas where response times may be excessive or if mobile network coverage is intermittent it is recommended that specialised first aid cover with one ambulance and ambulance technician be employed.

Each facility must carry a sufficient first aid kit and the location of the kit and trained official must be clearly defined.

More information regarding first aid at work can be found at:

www.hse.gov.uk/firstaid/

Notifications

It is the responsibility of the facility management to inform the local ambulance service, A & E hospital and police force of the location of the facility as well as operational dates.

Meeting points and access and egress should be agreed with the ambulance service.

Communications

All facilities must have outside communication via landline telephone, mobile telephone or radio for emergency situations.

All main staff and officials must be in radio communication with each other at all times.

Paddock and Parking Areas

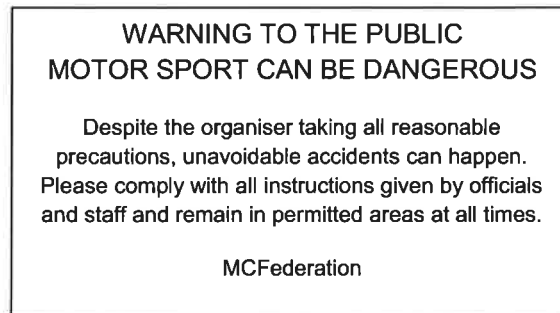
The areas should be of a suitable size for the expected attendance and vehicles must be parked with emergency egress in mind. Access to the circuit from the participants parking area should be of the nature to allow the participants to access the circuit without the need to ride their machines. The riding of machines in any area accessible to the public must be strictly forbidden.

No vehicle should be parked within 3 metres of the public safety fencing.

A staging area for participants must be provided whereby riders can be collected in their respective groups prior to accessing the circuit, this area must be prohibited to the public and clearly identified.

Facility Signage

Each entrance to the facility must clearly display two public warning signs. These signs must clearly display the wording as below and are available from the MCFederation.



All areas that are prohibited to the public must have a sufficient barrier and display the following signs in such a way that a member of the public cannot gain access to the area without having clear sight of a notice. The notices are available from the MCFederation.



Other areas that should be clearly signed include:

- First Aid Point
- Administration Point
- Fire Point
- Staging Area

Other signs that should be displayed include:

- Track Access
- Track Exit
- No Riding in Public Areas
- For further signs please refer to the MCF Code of Practice



Circuit Officials

Each circuit must have one person appointed as the chief official who shall be responsible for all other persons acting as officials at the circuit.

It is the responsibility of the chief official to ensure that all other circuit officials are briefed and fully competent with the roles that they are to fulfil. It is the duty of the chief official to keep a record of the content of all briefings given along with the names of the officials in attendance. A record should be kept of the roles of all officials at each activity. A copy of the officials sign on sheet should be returned to the MCFederation and include addresses and contact details.

Activity Marshals

Sufficient circuit marshals should be used at a venue to ensure that all sections of the circuit are observed at all times with three being the minimum number of marshals required. The chief official may act as a marshal. All marshals should be in radio contact with the chief official.

A marshal should be positioned close to the access and egress point of the circuit to manage the entry and exit of riders during a session.

Adequate protection of trackside officials must be taken into consideration and included on the pre activity check list. All trackside officials must wear high visibility clothing and safety footwear. It is recommended that marshal wear gloves that offer protection from the heat of a machines engine and exhaust.

All marshals and trackside staff should be issued with the appropriate flags:

- Yellow – Caution, incident on the course, ride with care
- Red – Danger, serious incident on the course, stop immediately until otherwise instructed, end of session
- First Aid – Attention required from the site firstaider, this flag should be agreed in advance but white with a green cross is preferable.
- Chequered – End of session, this may replaced by a red flag at a point prior to the circuit exit.

All participants should be briefed as to the instruction communicated by the display of all flags.

It is advised that all trackside staff are issued with radio communications.

Participants Machinery

All privately owned machinery is the responsibility of the owner. The owner must take full responsibility to ensure that their machine is fit for the intended purpose.

A visual check of all machinery for obvious defects should be conducted by the official in charge of the staging area upon entry by a participant.



Participants Clothing

All participants must wear a suitably tested and marked Safety Helmet, The acceptable standards are:

- British Standards Institution BS 6658-A
- British Standards Institution BS 6658-B
- UN ECE Regulation 22 ECE 22-05
- Snell Memorial Foundation Snell M2005 or M2010 (individual approval only)

All safety helmets must be securely fastened.

Participants must also wear:

- Safety eye protection with splinter resistant lenses, not sunglasses.
- Boots that cover the ankle. Any lace ends must be placed inside the boot or secured.
- Shirts with sleeves that cover the full arm.
- Trousers that cover the full leg.
- Gloves.

Participant Grouping

All participants must be 6 years of age or over

Participants must be grouped depending upon their age as follows:

- Group 1 – 6 to 10 years
- Group 2 – 7 to 14 years
- Group 3 – 14 to 17 years
- Group 4 - 15 years and Over
- Group 5 – 16 years and over

Minibike Groups

- Group M1 – 6 to 8 years
- Group M2 – 9 to 12 years
- Group M3 – 12 to 15 years
- Group M4 – 15 years and Over



Group Machinery

The machinery specifications that must typically be used by each group are as follows:

- Group 1 –65cc Twostroke or 110cc Fourstroke as a maximum
- Group 2 – 85cc Twostroke or 150cc Fourstroke as a maximum
- Group 3 – 150cc Twostroke and 250cc Fourstroke as a maximum
- Group 4 -
 - Up to 17 years, 175cc Twostroke and 450cc Fourstroke as a maximum
 - 17 years and over, 500cc Twostroke and 650cc Fourstroke as a maximum
- Group 5 – Sidecar and Quad machinery up to a maximum of 800cc.
- Group M1 – 50cc Minibike
- Group M2 – 110cc Minibike
- Group M3 – 140cc Minibike
- Group M4 – Unlimited Minibike

Chief officials may allow riders to compete outside of these guidelines following an assessment based upon safety grounds with regard to rider ability and size. This assessment must be documented and conducted by the site manager, a certified trainer or a licenced Clerk of the Course.

All riders should be able to sit astride their machines and with one foot firmly on the ground and must be able to control the gear lever or the foot brake with the other foot.

Group Combinations

Groups 2 & 3 may be combined where there is a novice group 3 rider. In situations where rider numbers dictate it is possible to split the groups between Youth and Adult as below. For Cross Country and Enduro venues the groups can be split between youth and adult.

Youth

Riders aged between 7 and 15 years inclusively riding machines between 65cc and 85cc Twostroke and 110cc to 150cc Fourstroke.

Adult

Riders aged 14 and over riding 125cc and over Twostroke and 250cc and over Fourstroke machines.

Sound Testing

All venues should have sound testing equipment available to them and sound levels should be kept to a minimum to ensure the continued use of circuits. Facility owners / managers are permitted to set their own sound levels of machines but this should not exceed the MCF limits tested by the standard MCFederation test method.

Public Safety Fencing

One of the following methods must be used to divide the public areas from the actual course at all points; non public areas must be clearly defined. All posts mentioned must be of a typical diameter of 75mm, rope must be a minimum of 10mm, debris netting must be to a minimum height of 500mm and paling fence to be 1.2 m high and of the three retaining wire variety.

Method A

- The track edge to be defined with dirt banks, pegs or small posts with or without tape, posts with rope no higher than 350mm from the ground or straw/hay bales.
- Behind this at a distance of 3 metres a catch fence of posts and two ropes, the first at a height of 600 – 750mm and the second at 50% of the height of the first
- Behind this at a distance of 7 metres a boundary fence of posts with a rope at 900 – 1200mm. All areas within this rope are to be deemed prohibited and signed as such.

Method B

- The track edge to be defined with dirt banks, pegs or small posts with or without tape, posts with rope no higher than 350mm from the ground or straw/hay bales.
- Behind this at a distance of 2 metres a catch fence of scaffold debris netting.
- Behind this at a distance of 5 metres a boundary fence of posts with a rope at 900 – 1200mm. All areas within this rope are to be deemed prohibited and signed as such.

Method C

- The track edge to be defined with dirt banks, pegs or small posts with or without tape, posts with rope no higher than 350mm from the ground or straw/hay bales.
- Behind this at a distance of 1 metre a catch fence of paling fence.
- Paling fence must have emergency access points. These points must be constructed so that the public are protected by the paling fence at all times.
- All areas within this fence are to be deemed prohibited and signed as such.

A combination of these methods may be adopted subject to the facility risk assessment. Where natural terrain provides adequate protection to the public a definitive point of no access for the public must be established.



Appendix A

Sample Temporary Licence Form

Section 1 - Your Details

First Name Surname

Address

Post Code

Date of Birth Home No

Email Nationality

Mobile No Evening No

Do you currently hold a recognised Motocross Competition License? Yes No

If you answered 'Yes', please state the type of License held

Section 2 - Medical Information

Please answer all the questions truthfully. A false declaration may have serious consequences. If you answer 'Yes' to any of the questions please give full details in the space provided at the end of this section. This should include the date you first developed the condition, details of any tests, investigations and of any treatment you have undergone. Please include the names and addresses of any specialists you have seen and hospitals you have attended. Please give full details of any medication you are taking.

Have you ever suffered from or are you currently suffering from any of the following illnesses or conditions:

- | | | | | |
|--|--------------------------|-----|--------------------------|----|
| 1) Epilepsy, fits, blackouts or any condition which may cause loss of consciousness? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2) Any condition that might cause dizziness, vertigo or loss of balance? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 3) Have you been unconscious because of a head injury or suffered from concussion? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 4) Any brain disorder such as a stroke, MS or Motor Neurone disease? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 5) Any loss of strength, feeling, control or movement of any of your limbs, head or neck? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 6) Amputation of any part of your limbs with or without an artificial replacement? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 7) Any condition or operation involving your heart or main blood vessels or any high blood pressure? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 8) Any kind of tumour or cancer? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 9) Diabetes? If 'Yes' please state whether treated by diet, tablets or insulin? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 10) Any psychiatric or emotional illness or any alcohol/drug/substance misuse? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 11) Any condition affecting your vision or eyes, including colour blindness? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 12) Are you taking any medication? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

(Include all tablets, medicines etc. whether prescribed or bought over the counter.)

MOTOR SPORTS CAN BE DANGEROUS AND MAY INVOLVE INJURY OR DEATH

Read carefully before signing to ensure you agree.

- The answers given by me in this License application are true.
- I fully understand the type of the events which the License allows me to enter and the rules and regulations that apply to such events and to competitors and will comply with them.
- I will ensure that before I enter any event I am competent to compete and that any vehicle that I use is safe and fit for the competition and nature of the course.
- I will satisfy myself (by sighting lap or otherwise) before taking part that the venue and track is acceptable to me with regard to its features and physical layout (unless prohibited to do so).
- I will NOT enter or take part in any competition where I have a doubt as to my safety.
- I will tell you immediately if, for any reason, I believe that I am no longer able to satisfy the terms of this License or I become aware that I have become unable to compete due to physical or other disability.
- I agree to accept the risks of injury and death that are inherent in motor sports and agree to take part at my own risk.
- If under the age of 18, my parent / guardian has read the above and signed the declaration and agreement below.

Signed..... Print name..... Date.....

If the applicant is under 18 Please read and sign below:

I the parent, or person with parental responsibility, does declare that the information given above is correct and I have read and agree to the declaration as written.

Signed..... Print name..... Date.....

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Appendix B

Sample sign on form

MOTOR SPORTS CAN BE DANGEROUS AND MAY INVOLVE INJURY OR DEATH

You must read and agree to the following. Sign below only if you agree.

- 1. I am aware that motor sport can be dangerous and may involve injury or death.
- 2. I am the holder of an MCF Competition, Practice or Temporary licence
- 3. I confirm that I aware of and accept the layout and safety of the track.
- 4. I declare that my machinery and safety clothing are fit for the purpose that I am using them.
- 5. I give permission for the details of any injuries that I may sustain being passed to the Organisers and the MCF.
- 6. I agree to be bound by the rules of the MCF and the facility.
- 7. I accept that this is a practice facility and will not take part in any timed or race activities.
- 8. I have been instructed verbally or by notice of the rules by which I am participating.

A person with parental responsibility (Where the rider is under 18 years of age) must sign this form

DATE	NAME	LICENCE NUMBER	SIGNATURE	PARENTAL SIGNATURE



Appendix C

Sample Risk Check List

Facility		Date	
Inspector		Weather Conditions	
Site Layout	Tick if Acceptable	Attention Required	Completed
Is the entrance to the site signposted on the road			
Has an emergency access and egress plan been discussed with the emergency services			
Track			
Is the circuit laid out suitably for the class of riders participating			
Are all hazards, run offs and crossings suitably protected and signed			
Is public protection in place as per the MCF Practice Facility Requirements			
Is the track condition suitable for the activity			
Are all areas prohibited to the public suitable signed			
Paddock / Car Parks			
Is paddock suitable for the amount of competitors			
Are emergency lanes clearly defined			
Is the no riding in the paddock policy clearly signed			
Officials			
Are all officials signed on and identified			
Are there an adequate number of officials			
Are marshals briefed on their duties			
Are the Marshals suitably protected from collision by a participant			
Participants			
Are all riders licenced by the MCF			
Are all classes and groups set out as per the MCF Practice Facility Requirements			
Are all participants wearing suitable clothing			
Emergency Requirements			
First aid kits in position and stocked			
Emergency documentation available			
Emergency Services informed of activity			
Additional Information and Notes			

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Application No:	15/02132/FUL	
Proposal:	Change of use of existing premises to display and sale of motorhomes (retrospective)	
Location:	Marehill Service Centre, Lowdham Road, Gunthorpe	
Applicant:	Affordable Motorhomes Ltd	
Registered:	02/12/2015	Target Date: 27/01/2016
		Extension of Time Agreed

This application is presented to the Planning Committee for determination at the request of Cllr Jackson in support of the views of the Parish Council.

Update

Members will remember that this application was deferred from last month's planning committee meeting so that further clarification could be provided regarding 1) the extent of mechanical operations that are undertaken on the site and 2) clarification regarding the use of the land to the north of the site.

Mechanical Operations

The agent has confirmed via email that as per the submitted planning statement the only repair based works that are undertaken on the site are in relation to the habitation parts of the motorhomes and no mechanical servicing or repair works are undertaken. It has also been confirmed that Cam Belt repairs as advertised on the roadside sign are undertaken by a 3rd party garage located elsewhere. Given the history of the site as a service station it is not considered necessary by officers to attach a condition to any forthcoming permission to restrict mechanical operations on the site.

Land Use

With regards the use of the land to the north of the site; this land falls beyond the red line boundary for this site as detailed on the submitted location plan. Colleagues in enforcement have visited the site to establish the use of the land. The land appears to be being used for the storage of vehicles and spare parts. The applicant (Affordable Motorhomes) has confirmed that they are not using this land but that the items are being stored by the land owner. Colleagues in enforcement have opened a file and are now pursuing the matter.

It is considered that the concerns raised by members have now been sufficiently addressed and as such it is not considered that there are any further material considerations that would warrant refusal of the application.

The remainder of the report is replicated from the report presented to Members at the February Planning Committee.

The Site

The site is located on Lowdham Road, beyond the built-up area of Gunthorpe. The site is situated within a ribbon of mixed development which is washed over by the Nottingham Derby Green Belt.

The area immediately around the site is typified by similar business uses with the land to the south occupied by motorhome retail, the land on the opposite side of the road appears to be predominantly used for car sales and repair. Further to the south is Lowdhams; a large motor home sales site. Further to the north of the site predominantly open fields occupy the western side of the road and residential properties on the eastern side. The nearest residential properties are Prospect Villas, situated approx. 45metres to the north-east of the site.

It is understood that the current use has been ongoing since December 2014, with the site previously being used for auto vehicle servicing. The access to the site is set back from the roadside and gated. A low dwarf hedge marks the boundary of the site from the roadside grass verge. The access to the site is tarmac with the land beyond that composed of compacted gravel. There is a steel portal building situated on the site and a fenced compound to the rear. Parking is available to the front of the building.

The site is also situated within Flood Zones 2 & 3 in accordance with the Environment Agency Flood Zone mapping.

Relevant Planning History

13/01812/FUL - Erection of Single Storey Extension to Existing Garage Workshop (Resubmission of 13/01325/FUL). Approved February 2014

12/00994/FUL - Erection of new building for office, storage and vehicle valeting (re-submission) – Refused September 2012. The development, by way of its location within the Green Belt, represented inappropriate development and would be harmful to the openness of the Green Belt.

12/00037/FUL – Extension of existing commercial curtilage and erection of single storey building for office and vehicle storage – Refused April 2012. The development, by way of its location within the Green Belt, represented inappropriate development and would be harmful to the openness of the Green Belt.

The Proposal

Retrospective planning permission is sought for the change of use of the site from a vehicle service centre, which included repairs, servicing and MOT's to the display and sale of motorhomes. As set out in the submitted Planning Statement there are no servicing, MOT's or mechanical repairs to be carried out on the site within the motorhome use. The only repairs that are carried out on site are to the habitation parts of the vehicles. It currently employs 3 local people on a full site basis. Eight motorhomes are to be displayed at the front of the site with customer and staff parking to the rear. The showroom accommodates 7/8 motorhomes. The Planning Statement also confirms that no motorhomes would be delivered to site on large transportable lorries, but would be driven independently to the site.

A Flood Risk Assessment and Planning Statement have been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 6 neighbouring properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 4B: Green Belt Development

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Newark and Sherwood District Council Development Management DPD (adopted July 2013)

Policy DM5: Design

Policy DM8: Development in the Open Countryside

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

Chief Planner Planning Policy Statement published 31st August 2015

Consultations

Gunthorpe Parish Council – Object

Any planning proposal within this area contravenes flood planning being sited within a designated flood corridor, an area that cannot be blocked (contravention of PPS25 REF 1.5)

Any building within this area also contravenes PPS25 ref 1.4 in that The EA must manage flood risk to existing properties. By allowing planning the EA would be putting existing property at greater risk. Any building in this area would also contravene PPS25 ref 1.7 by increasing flood risk to others. Also contravention of PPS 25 ref 1.6 increasing flooding elsewhere.

Also contravention of PPS25 ref 5.15 etc whereby any development would compromise the flood plain both storing and assisting flood water flows within the KNOWN and designated flood plain.

Also contravention of PPS 25ref 4.23 ,local surface water management plan, whereby the flood corridor will be locked and flows compromised creating greater risk to existing properties. This area is green belt the area is now saturated with car van motor home sales outlets creating nuisance to car users who slow to look at vehicles. The verges along this road side are used for the sale of vehicles creating obstruction and distraction to motorist vision. At roadway peak usage times, vehicle using sales outlets are unable to exit. GPC have requested Cllr Jackson to call in this application.

NCC Highways – No objection

This is a retrospective application for the display and sale of motorhomes which has been operating since December 2014. The previous use of the site was vehicle repair and restoration business.

There are 3 full time staff on site, and the 3 staff parking bays at the rear of the site are located in an area previously allocated for an extension to the garage workshop, approved under a previous planning application, ref. 13/01812/FUL. From the information submitted, it is assumed the workshop was required under the previous use and will now not be implemented. It would be beneficial if this could be clarified by the applicant. Should this be the case, the Highway Authority would raise no objection to this application.

Trent Valley Internal Drainage Board – No objection

The site is within close proximity to Cocker Beck drain which is a board maintained open watercourse and to which byelaws and the Land Drainage Act 1991 applies. The board's consent is required to erect any building or structure whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse/the edge of any board maintained culvert. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

NSDC Environmental Health Officer - I have no comments to make.

NSDC Access Officer – Observations.

Neighbours/Interested Parties – no letters of representation have been received.

Comments of the Business Manager

Appropriateness of Development and Impact on the Openness of the Green Belt

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 sets out that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Of particular relevance to this application is 'the re-use of buildings provided that the buildings are of permanent and substantial construction.' It is understood that the site has been in use for motorhome sales for the past year. The change of use involves re-using the building and facilities on the site previously occupied by the servicing centre and there is nothing to suggest that they are not of permanent and substantial construction.

The NPPF supports sustainable economic growth. Paragraph 28 states that *planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, through amongst other things the conversion of existing buildings.*

The use of the site for motorhome sales has resulted in the reuse of the existing building contained on the site and no new built form is proposed.

As such it is not considered that the proposed change of use would result in any further loss to the openness of the Green Belt and the proposal is considered to accord with the NPPF.

Impact on Highway Safety

The site is served by an existing access from the A6097 which is wide enough to allow 2 vehicles to pass. The Highway Authority has raised no objection to the proposed change of use but requested a letter of comfort from the applicant that there was no intention to build out the existing extant permission for an extension approved under reference 13/01812/FUL as this area is proposed to be used for staff parking. The agent has confirmed that this permission would not be implemented and this area would be used for staff parking. The Highway Authority has also confirmed that it does not require the extant permission to be removed through a S106 agreement to make the scheme acceptable in highway terms, as even if the extension is built, there is sufficient space elsewhere on site to provide staff parking. As such it is not considered that the proposal would result in any detriment to highway safety and the proposal would accord with Spatial Policy 7 of the Core Strategy.

Impact on Flood Risk

The applicant has submitted a Flood Risk Assessment in support of the application. The comments from Gunthorpe PC in relation to the proposed change of use are noted. With reference to these comments; if the site in question was currently open land, it may be that the use of the site for motorhome sales may not be considered an appropriate use and may result in increased flood risk through the creation of new hard standing. However, the change of use of the site from vehicle servicing to motorhome sales would result in no change to the area occupied by existing built form situated on neither the site nor the existing hard standing.

The change of use would result in no discernible change to the flood profile of the site and as such the proposal is not considered to detrimentally impact upon flooding concerns on the site nor the wider area.

The comments from the drainage board are noted and an advisory will be added to any forthcoming decision.

Impact on the Visual Appearance and Character of the Area

The change of use would re-use the existing facilities and hard standing on the site, for which an authorised permission exists for a vehicle-associated use. The predominantly commercial character of the area is recognised with a number of vehicle-associated uses already in the vicinity. For example, a garage and vehicle repair business opposite the application site, an existing motorhome sales site immediately to the south of the application site and beyond that further to the south is the large Lowdhams motorhome site. Whilst it is acknowledged that the new use is likely to have a greater reliance on displaying vehicles close to the frontage of the site (measuring approx. 24 m in width), it is likely that the site in its previous use is also likely to have been dominated by parked vehicles. As such there is not considered to be such a material change to the impact of the motorhome use on the visual amenities of the area to raise significant concerns. It is acknowledged that the use and character of the area around the application site is already characterised by similar types of uses. However, the extent of the site frontage itself is relatively limited (approx. 24m in width) and as such it is not considered that the proposed motorhome use when viewed within the existing character of the area would result in such a detrimentally worse cumulative visual impact to the area to warrant refusal of planning permission in this instance.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in residential amenity. The nearest residential properties are Prospect Villas, situated approx. 45metres to the north-east of the site. The previous vehicle servicing use is likely to have resulted in noise being generated from that use. The display of motorhomes for sale is therefore likely to result in a general decrease in noise from the site, although it is acknowledged that there may be some noise produced from the internal refurbishment of the vans, it is likely to be less intense than the previous use. The Environmental Health officer has no comments to make in relation to noise, despite the fact that the use has already been in operation for some time. It is therefore concluded that the proposed change of use would not have any further detrimental impact upon the amenity of neighbouring properties, compared to the previous authorised use.

Conclusion

This proposal seeks retrospective permission for this existing use. Reference is therefore made to the Chief Planner Planning Policy Statement published on 31st August 2015 relating to Green Belt protection and intentional unauthorised development which makes unauthorised development within the Green Belt a material planning consideration. The LPA needs to be mindful of the policy statement in determining this application.

Whilst it is noted that the site is located within the Nottingham Derby Green Belt and on land situated within Flood Zones 2 & 3 the proposal is considered to be acceptable. The change of use would not result in any greater built form than that currently in situ; it would not alter the flood profile of the site nor detrimentally impact upon highway safety. The impact of the use on the visual and residential amenities have been carefully assessed and found to be acceptable. There are not considered to be any further material considerations which would warrant refusal of the application. In accordance with the Planning policy Statement referred to above, the retrospective nature of this application has been taken into account however, is not considered to outweigh the acceptability of the scheme in all other respects. Given the existing commercial character of the area and the fact that the use has been operating for some considerable time without complaint, I do not consider it necessary to impose any restrictive operating conditions on the use.

Recommendation

The full planning permission is approved, subject to the following conditions:

01

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

- Proposed site plan drwg no 2098/1 received 30/11/15
- Site Location Plan received 1/12/15

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

Note to Applicant

01

The comments received from Trent Valley Internal Drainage Board dated 17th December should be noted.

02

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

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 - 15/02132/FUL



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Application No:	15/00440/RMAM		
Proposal:	Application for Reserved Matters (relating to planning application no 14/01978/OUTM) approval for access comprising Bowbridge Lane north of the southern link road including the junction with Bowbridge Road, Bowbridge Lane and Hawton Lane.		
Location	Land South Of Newark Bowbridge Lane Balderton Nottinghamshire		
Applicant:	Catesby Estates (Residential) Ltd		
Registered:	14.04.2015	Target Date:	14.07.2015
Agreed extension of time: Agreed in principle			

The Site

The application site relates to land comprising Bowbridge Lane north of the southern link road including the junction with Bowbridge Road, Bowbridge Lane and Hawton Lane. The Southern Link Road (SLR) itself has full planning permission under planning application reference 14/01978/OUTM and the proposals relate to land comprising the roundabout junction on the SLR with Bowbridge Lane and the proposed link roads north and south of the SLR linking in to this roundabout.

Relevant Planning History

- | | |
|---------------|---|
| 10/01586/OUTM | Outline planning permission was granted in November 2011 for means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/creches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a creche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works. |
| 10/01621/FULM | Planning permission was granted for a new roundabout on the dualled A46 Farndon Bypass to provide a link with the Southern Link Road (SLR). |
| 14/01978/OUTM | Planning permission was granted on 22 nd January 2015 to vary conditions |

of Outline planning permission 10/01586/OUTM with means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/crèches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a crèche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.

- 14/02039/OUTM Outline Planning Permission was granted on 4th February 2015 for the development of additional Class B2 and/or Class B8 use floorspace of up to 43,401 sqm, creation of landscaped areas, new access points, associated engineering operations and all enabling and ancillary works.
- 15/00082/FUL Planning permission was granted on 2nd October 2015 for a bridge over structure for cyclists, pedestrian and equestrian traffic using the Sustrans Route crossing the proposed Southern Link Road at Land South of Newark.
- 15/00913/RMAM Reserved Matters comprising landscape details for the SLR Phase 1 works – This application is yet to be determined.
- 15/02093/FUL Revised plans for the proposed bridge over structure for cyclists, pedestrian and equestrian traffic using the Sustrans Route crossing the proposed Southern Link Road at Land South of Newark were approved on 18th January 2016.

Whilst there are planning permissions relating to various other parcels of land within the wider site for Land South of Newark, none of these are relevant to this current application.

The Proposal

Reserved matters approval is sought for the details of access comprising Bowbridge Lane north of the southern link road including the junction with Bowbridge Road, Bowbridge Lane and Hawton Lane. The accompanying information submitted as part of this application states that the proposals are consistent with the Section 278 and Section 38 detailed highway drawings and the Vehicle Movement Parameter Plan (Drawing no.3013 rev Q) approved under planning application no.14/01978/OUTM.

Plans have been submitted showing an overview of the area under consideration with the proposals split into Areas 01, 02 and 03. Revised general arrangement plans submitted for each area have been submitted during the course of this application following discussions between the applicant, the Highway Authority and neighbouring residents at Bowbridge Road. The latest plans

submitted following technical approval from Nottinghamshire County Council as part of the Section 38/278 process can be described as follows:

Area 01

Provides the detailed design for the proposed highway on Bowbridge Road, just south of the junction with Grange Road, and incorporates the junction with Hawton Lane which is proposed to be a signalized junction. The highway then extends south on to Bowbridge Lane. Bowbridge Lane would incorporate the 'Central Street' crossroads within the development scheme approved under planning ref.14/01978/OUTM and this crossroads would be a signalized junction.

The signalized junction at Hawton Lane sits adjacent to the private access serving nos.252 – 256 Bowbridge Road. This private access is shown to be maintained during works but then closed with an alternative means of access to be provided to these properties via Grange Road. The detail of the alternative residential access to these properties is provided on a separate plan and is summarized below.

Area 02

Provides the detailed design of the new section of Bowbridge Lane extending south to the approach to the Southern Link Road roundabout and includes two junctions, one of which extends east and another extending west into the wider development site.

Area 03

Provides the detailed design for the approach to the Southern Link Road roundabout and Bowbridge Lane south of the roundabout. The road to the south of the roundabout follows a similar alignment to that shown on the parameters plans approved under planning application no.14/01978/OUTM and is angled away from the front elevations of Lowfield Cottages with a bellmouth junction serving the access to these properties.

New means of access serving nos. 252, 254 and 256 Bowbridge Road

A new residential vehicular access is proposed from Grange Road serving these properties. The access would measure approximately 81 metres in length and would have a width of 5.5m. The current plans propose palisade fencing to tie in with existing boundary fencing and private solar powered gates are proposed. Solar bollards are also proposed along the length of the drive. The existing public right of way which sits along the line of the proposed access drive would be diverted to the south of the proposed palisade fencing. The existing private driveway/car park/garage area is also shown to be resurfaced as per the new driveway surface treatment with drainage, although this area sits outside the application site and is a private matter between the applicant and the landowners.

At the time of writing the applicants have confirmed that following further discussions with the affected residents the following has been agreed and a revised plan reflecting these changes is to be provided in due course:

- The new residential access from Grange Road is no longer to be transferred to the affected residents but to remain in the developer's ownership and maintenance;

- Gates are to be positioned at the end of the new access drive adjoining the residents parking area rather than at the boundary of the new access with Grange Road;
- The gates will be manual swing gates rather than the previously proposed automatic gates with the centre point of the gates to be positioned opposite the middle of the two garages being served by the access;
- The existing driveway/parking area serving the affected residential properties is to be re-surfaced and extended further to the boundary with Bowbridge Lane to provide an additional tarmac area for parking;
- A kerb is to be provided between the existing drive and footpath on Bowbridge Lane;
- The existing driveway/parking area is to be secured with a 2m high palisade fence and the proposed gate;
- Because the existing driveway/parking area is to be made secure by the above palisade fence there is no longer a requirement to fence the full length of the proposed drive. Alternative options for boundary treatment to the proposed access off Grange Road are being considered for example a timber knee rail instead for delineation;
- Solar illuminated bollards are still proposed along the new access drive from Grange Road;
- A drainage solution to the proposed drive will also be provided;
- Signage on Grange Road to indicate 'Private Drive – No Through Road'

Relevant Planning Policies

National Planning Policy

National Planning Policy Framework (2012)
 Planning Policy Guidance (on-line resource)

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

- 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 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment
- Area Policy NAP 1 – Newark Urban Area
- Area Policy NAP 2A – Land South of Newark
- Area Policy NAP 4 – Newark Southern Link Road

Newark and Sherwood Allocations and Development Management DPD

Policies relevant to this application:

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions
- Policy DM4 – Renewable and Low Carbon Energy Generation
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)

Publicity

118 Neighbours Notified by Letter

Site Notice posted 16.04.2015

Press Notice published 17.04.2015

Representations

4 no. written representations have been received from neighbours or interested parties raising the following concerns:

- Concern the proposals will bring more traffic on to Bowbridge Road
- Impact on residential amenity
- Existing roads and pavements are not kept clean
- Speed of traffic
- Rubbish dumped on Bowbridge Road
- Properties on Bowbridge Road being affected are for the elderly. The new private access proposed for these properties is excessive in length and they should not be expected to maintain this in years to come. This will have a physical and financial impact on residents. No provisions have been made for the future.
- The proposed drive runs parallel to a narrow strip of private land which is overgrown. In time this will impede the new private driveway.
- No provision is made on the new private residential access at Bowbridge Road to stop dog walkers/public who walk over the private strip of land on Grange Road to get to the existing bridleway. The public would still have access to the private strip of land and will get on the new private driveway. Concern the new driveway will become an area used for dog fouling, off road motorbikes and 4 x 4 trucks out of view of the properties concerned.
- Concern there will be no lighting to the proposed private access driveway.
- The junction Hawton Lane/ Bowbridge Road controlled by traffic lights will be 3 metres closer to 252, 254 and 256 Bowbridge Road causing noise pollution and affecting house values. Drawing no.6704-01-100 should make this distance clear.
- The proposed plans affect dustbin collection, post, fire, police, ambulance and delivery drivers as well as normal visitors to 252, 254 and 256 Bowbridge Road.
- If the junction at Hawton Lane/ Bowbridge Road was planned 3 metres to the east there would be no need for the proposed gated and excessive rear access to these properties.

2no. letters to the local ward member (one of which was a copy of a letter sent to the local MP) have also been passed on to the case officer. These letters refer to the issues summarised above and also raise the following:

- The resident concerned considers the application should go before the Planning Committee.
- It is not true that the new driveway will not require maintenance for 10 – 20 years and residents are elderly and do not want this responsibility.
- The developers should build less houses and find a better solution for access to the properties concerned on Bowbridge Road.
- Residents have nothing in writing that the proposed new access, fencing and gates will be provided.
- Big business is being allowed to walk all over residents.

Consultations

Newark Town Council – No objection

Balderton Parish Council – Support the proposal. There is an acknowledged “dip” in the road on Hawton Lane that regularly floods. If it is at all possible it would be of great community benefit if this could be filled in/levelled by the contractors when the work to that area is undertaken.

Hawton Parish Council – No comments received.

Fernwood Parish Council – No objections.

Coddington Parish Council – No comments received.

East Stoke Parish Council – No comments received.

Farndon Parish Council – No comments received.

Trent Valley Internal Drainage Board – No objection. The proposals will affect some Board maintenance watercourses of which the applicants are aware.

Environmental Health – Provided these details are as initially represented in the outline application, no comments to make.

Environmental Services (Contaminated Land) – No observations in relation to this application. Refer to their comments in relation to 14/01978/OUTM dated 15/04/2015 in relation to contaminated land and the residential portion of the development site. These comments were as follows:

‘With reference to the above application, I have now had the opportunity to review the Ground Investigation Report carried out by WSP dated 11/03/2015 (project number: 70010693).

This document provides a summary of the previous investigations carried out at this site and concludes that as a result of this work, planning condition 38 has been complied with for phase one of the development.

I generally concur with these findings and am therefore in a position to be able to recommend discharge of planning condition 38 for the first phase of the development. I do however note the recommendations discussed within the 10.4 Redevelopment Considerations section of the report which I would expect to be complied with and to be consulted on as the development progresses. These are:

- Ground gas risk assessment should be agreed with the Local Authority and NHBC;
- If importation of soil is proposed as part of the construction works the chemical quality of the material should be certified;
- The local water provider should be consulted to assess whether localised upgraded pipes would be required across the residential area; and,
- If, during redevelopment, previously unidentified contamination is found the Local Authority should be informed and further risk assessment undertaken.'

Notts County Council (Highways) – 'The submitted drawings have gone through a process of checking, amendment and technical design approval.

Approved drawings are:

6704-01-100-N

6704-02-100-N

6704-03-100-M

6704-15-100-B

6704-15-101-B

In order to see implementation of these road schemes phased to suit traffic conditions as they arise during the site development, the following conditions are recommended:

With reference to drawing 6704-01-100-N a Highway Authority approved traffic signal controlled junction at Bowbridge Road/ Hawton Lane shall be provided and made operational prior to the occupation of the 50th dwelling.

Reason: In the interests of highway safety and capacity

With reference to drawing 6704-01-100-N, the crossroads at the Bowbridge Lane/ (new) 'Central Street' junction shall become signalised and operational to the satisfaction of the Highway Authority prior to the occupation of the 200th dwelling on either or both side road legs of this junction

Reason: In the interests of highway safety and capacity

With reference to drawings 6704-02-100-N and 6704-03-100-M, opening of new sections of Bowbridge Lane to public traffic shall only occur once redundant sections of Bowbridge Lane have been closed to traffic in accordance with details agreed in writing with the LPA/Highway Authority.

Reason: In the interests of highway safety.

With reference to drawing 6704-01-100-N, the existing private vehicular access associated with 252, 254 & 256 Bowbridge Road shall only be closed off to Bowbridge Road once alternative access from Grange Road has been made fully available in accordance with the approved drawings.

Reason: In the interests of highway safety.

With reference to drawing 6704-01-100-N a Highway Authority approved traffic signal controlled junction at Bowbridge Road/ Hawton Lane shall only become operational once the existing private vehicular access associated with 252, 254 & 256 Bowbridge Road has been closed off to Bowbridge Road in accordance with the approved drawings.

Reason: In the interests of highway safety.

Notes to Applicant:

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans on telephone number 01623 520735.'

Severn Trent Water – No comments received.

The Environment Agency – No comments received.

Notts County Council (Flood Team) – No comments received.

Nottinghamshire Wildlife Trust – The case officer has advised the Trust that any phase of development would need to address the ecology conditions on the outline planning permission 14/1978/OUTM and that the separate application for landscaping to the Southern Link Road (Application ref.15/02039/RMAM) provides an opportunity to address any such conditions with ecological mitigation confirmed within the ecology reports being produced as part of that application. Nottinghamshire Wildlife Trust have confirmed that this seems reasonable and if it is possible to consider this area now as part of the SLR landscaping, that would help to ensure that there are no surprises when work is due to commence.

Access and Equalities Officer – As part of the developer's overall considerations, it is recommended that careful consideration be given easy access and manoeuvre for all around the proposal with particular reference to disabled people.

Pedestrian footways should be carefully designed so as to be firm, smooth, non-slip and surfaced so that people are able to travel along them easily and ensure freedom of movement for all with carefully designed crossings.

It is further advised that the developer be mindful of the provisions of the Equality Act.

Comments of the Business Manager Development

Principle of development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development

being at the heart of the NPPF 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 of the Allocations and Development Management DPD.

Newark Area Policy NAP 1 of the Core Strategy refers to promoting Newark Urban Area as the main focus for residential, commercial and leisure activity within the District. Newark Area Policy NAP 2A is specific to Land South of Newark and identifies the wider area to which this application relates as being a strategic site for housing, employment land uses, two local centres and associated green, transport and other infrastructure. The general requirements of this policy include proviso of transportation measures which:

- i. maximize opportunities for sustainable travel and increasing non car use;
- ii. achieve suitable access to local facilities;
- iii. minimize the impact of the development on the existing transport network;

These will include:

- iv. high quality passenger transport links to Newark town centre;
- v. safe, convenient pedestrian and cycle routes within and adjoining the development'

The policy also refers to the provision of necessary infrastructure phased in relation to the progression of the development in accordance with the Infrastructure Delivery Plan, for 'provision of new and improved highway infrastructure'.

The parameters plans approved under the outline planning permission 14/01978/OUTM included the integration of Bowbridge Lane north of the southern link road including the junction with Bowbridge Road, Bowbridge Lane and Hawton Lane. The principle of the proposed road network and its relationship with existing infrastructure and the Southern Link Road was therefore established through the granting of outline planning permission for the wider development. The approved parameters plans indicatively showed the proposed road layout. The main issues therefore in the determination of this application are whether the design details meet the relevant criteria of NAP 2 and the other relevant policies set out in this report being particularly mindful of the following:

- The highway implications of the proposals
- Whether the proposals would result in a design solution which would have an acceptable impact on the character and appearance of the area
- Whether the proposals have an acceptable relationship with neighbouring amenity
- Any other material planning considerations including impact on ecology, drainage and flood risk as well as implementation of the proposals and the relationship with the outline planning permission.

Impact on the Highway

Spatial Policy 7 of the Core Strategy states that the Council will encourage and support development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. In particular the Council will work with the County Council and other agencies to reduce the impact of roads and traffic movement, to support the development of opportunities for the use of public transport, increase rural accessibility and to enhance the pedestrian environment. Development proposals

should minimise the need for travel, provide safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated, avoid highway improvements which harm the environment and character of the area, provide appropriate and effective parking provision, both on and off site, and vehicular servicing arrangements and ensure that the traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems.

Policy DM5 states that provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible.

In commenting on the Outline application for the site which was accompanied by a Transport Assessment and appropriate traffic modelling for the level of development proposed, the Highway Authority were comfortable with the range of scenarios considered for a development of up to 2,650 dwellings and that the road network would have sufficient capacity for this level of development. A condition was attached to the outline permission requiring a further Transport Assessment for any development beyond this number of dwellings. At the time advanced design work had taken place to provide an 'approval in principle' to the technical details of Phase 1 of the Southern Link Road and the realignment/improved Bowbridge Lane link through to its junction with Hawton Lane and this identified the need for signalised junctions at the Bowbridge Road/Hawton Lane and Bowbridge Lane/(new) 'Central Street' junctions. The Highway Authority considered at the time that any reserved matters approval would need to include a condition with trigger points for these junctions to be in place at relevant times of the development.

The Highway Authority has given technical approval to the submitted plans and have raised no objections to the proposals subject to a series of conditions including trigger points for the proposals to be provided.

I note that a relatively small section of the proposed highway works sit outside the application site boundary. The applicant has confirmed that these works are located on land owned by the Highway Authority and will comprise part of the Section 278 Agreement. The applicant has forwarded a letter from the County Council confirming the approval of the Section 38/278 detailed documents which includes the approved highway works at the junction of Bowbridge Road, Bowbridge Lane and Hawton Lane.

I note the concerns raised in written representations from local residents relating to increased traffic, and the speed of traffic. As set out above, the principle of the wider development at Land South of Newark has been established through the granting of outline planning permission. The Highway Authority were comfortable with the proposed road network and this would be suitable to accommodate the traffic generated by the development. Traffic exceeding speed limits in a residential area would be a Police matter.

With regards to the cleanliness of local roads, this is not a matter which is material to the consideration of this planning application and would be a matter for the Highway Authority to address.

I note the comment made with regards to access to nos.252, 254 and 256 Bowbridge Road for dustbin collection, post, fire, police, ambulance and delivery drivers as well as normal visitors being hampered by the new road arrangement. Pedestrian access to these properties would still be available and the Highway Authority have not raised any concerns with regards to access for

the various services referred to. With regards to assurances that the proposed new access with gates and fencing will be provided, any planning permission can be conditioned to refer to the approved plans and to provide a timescale for the proposed residential access to be provided.

Given the Highway Authority has worked closely with the applicant to ensure the proposals are acceptable from a highway design and safety perspective and appropriate for the level of development being served, I am satisfied that subject to the final comments of the Highway Authority the proposals are likely to be compliant with the aims of Spatial Policy 7 and Policy DM5.

Impact on the character and appearance of the area

The NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes. It is proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality inclusive design goes beyond aesthetic considerations and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Policy DM5 sets out the design criteria for assessing proposals for new development and requires that provision should be made for safe and inclusive access to new development. It states that where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible. The policy also requires that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass layout, design, materials and detailing of proposals for new development.

Through the development plan process and subsequent granting of outline planning permission for strategic site development at Land South of Newark with permission for the SLR granted in full and the approved parameter plans including details of vehicular movement, the context that the design of this proposal should be considered is that of the detailed highway design within a comprehensive development rather than a standalone proposal. The plans submitted as part of this reserved matters application are largely influenced by the technical requirements of the local Highway Authority. The layout of the proposed highway works follows that previously indicated on the parameter plans approved under planning application no.14/01978/OUTM. The character and appearance of the area comprising the application site will be radically changed through the wider development at Land South of Newark and the integration of the proposed works into the wider landscape will be aided through the separate soft landscape proposals being considered under planning application no.15/00913/RMAM.

In this context I am satisfied that the design of the proposed highway and associated works to provide the new residential access to properties on Bowbridge Road is appropriate in this location and therefore complies with the aims of the NPPF and Policy DM5.

Impact on ecology

Policy DM7 relating to Biodiversity and Green Infrastructure sets out that new development should protect, promote and enhance green infrastructure to deliver multi functional benefits and

contribute to the ecological network both as part of on site development proposals and through off site provision. This is in line with the requirements of Core Policy 12 which seeks the continued protection of the District's ecological assets and seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and increase provision of, and access to, green infrastructure in the District.

The ecology conditions attached to the outline planning permission (ref.14/01978/OUTM) and reserved matters requirements relating to landscaping provide an opportunity to ensure that the development maximises opportunities to enhance and restore biodiversity. A reserved matters application for landscaping adjacent to Phase 1 of the Southern Link Road and the adjoining roads forming part of this application is currently under consideration. The applicants have been working in consultation with Nottinghamshire Wildlife Trust on a Habitat Creation Plan and an ecology survey and revised landscaping plans are anticipated as part of that application following those discussions.

During the course of this application, the submitted plans have been altered to incorporate a new access serving dwellings at nos. 252, 254 and 256 Bowbridge Road. The new access would incorporate land currently occupied by a footpath and adjoining vegetation. This land was always anticipated to be developed and as part of the wider permission for Land South of Newark and any phase incorporating this land would need to address the ecology conditions on the outline planning permission (14/01978/OUTM). The applicant has confirmed that the ecology reports being produced to inform the Southern Link Road landscaping works will also cover this area. On this basis, I am satisfied that application no.15/00913/RMAM provides an opportunity to consider the level of ecological mitigation required and for this to be secured within the wider scheme. A condition could be attached to any permission requiring suitable ecological mitigation to be incorporated in landscaping works in line with the conditions on outline planning permission 14/01978/OUTM.

The principle of the roads being considered in this application was established at the outline application stage. I note Nottinghamshire Wildlife Trust have confirmed that they consider securing suitable ecological mitigation through the details and plans being considered under the wider development scheme would be reasonable in this instance. On this basis I am satisfied that the proposals accord with the aims of Core Policy 12 and Policy DM7.

Impact on Neighbours

Policy DM5 (Design) provides 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'. In addition a core planning principle of the NPPF is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

I am mindful of the comments received during consultation and the concerns relating to impact on amenity. One concern relates to the distance of the new highway arrangements on Bowbridge Road from the nearest dwellings. I am mindful that these properties have an established relationship with this road, and whilst the realigned road would introduce a signalized junction and bring the highway slightly closer to these properties, a minimum distance of 9.8m from the road edge to front elevations would be maintained. I do not consider that the relationship with properties would be so dissimilar to the existing situation that this would result in a significant change in relationship and impact on amenity sufficient to warrant a refusal in this instance.

Concerns have also been raised about the proposed new driveway access serving nos.252, 254 and 256 Bowbridge Road with regards to the potential for the general public to gain access to this access and that the access would be out of sight of these residents. The proposals indicated the access would have fencing tied in to existing boundary treatments and would be gated and I am satisfied that these measures would provide the necessary security to ensure the access is only used by the residents and visitors to these properties. In any case the applicant has now confirmed that the new residential access plans are to be updated following further discussions with the residents and the revised plans are anticipated to take the new residential access out of the responsibility of existing residents with new fencing and gates provided at the boundary of the new access with the residents existing driveway. Consequently the revised plans anticipated should also overcome the concerns raised by residents relating to future maintenance and any unauthorized access to their property.

Given the above considerations, I am satisfied the proposals would not unduly impact on neighbouring amenity and that they therefore comply with Policy DM5.

Drainage and Flooding

Core Policy 10 requires proposals for new development to mitigate the impacts of climate change through ensuring that new development proposals minimize their potential adverse environmental impacts during their construction and eventual operation, including the need to reduce the causes and impacts of climate change and flood risk. Policy DM5 states new development will be steered away from areas at high risk of flooding and in accordance with Core Policy 9 proposals should pro-actively manage surface water.

Construction of the proposed roads including appropriate drainage will need to be carried out by the developer in line with the Highway Authority's requirements. Conditions on the outline planning permission ref.14/01978/OUTM and the flood compensation areas indicated on the parameter plans address flood risk and drainage on the wider site and the outline planning application confirmed that the proposed development will involve strategic ground raising to ensure that the built development is located within Flood Zone 1. The Environment Agency and Lead Local Flood Authority have been consulted as part of this application but no comments have been received.

Given the above I am satisfied that the proposals will not raise any significant drainage issues or increased flood risk in accordance with Core Policy 10 and Policy DM5.

Other matters

Future maintenance of the private access drive serving nos.252, 254 and 256 Bowbridge Road is a private matter. However, I am mindful that the new driveway is proposed to be constructed to full road quality and is unlikely to need any significant maintenance for some considerable time. In any case the developer has confirmed they now intend to take responsibility for future maintenance of the residential access drive.

Any impact on property values is not a material consideration in the determination of planning applications.

Any rubbish being dumped elsewhere on Bowbridge Road is unrelated to this application and would be a separate matter to investigate.

Conclusion

The principle of the road network and links in to the Southern Link Road was established as part of the Section 73 application to amend the original outline planning consent for Land South of Newark. The proposals seek to deliver a section of the road network established through the parameter plans approved under the outline planning permission for the wider site.

I am satisfied that there are no material considerations that have been raised that would outweigh the significant weight attaching to the aforementioned development plan policies and the delivery of this element of the strategic site development.

RECOMMENDATION

Planning permission be granted 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 except in complete accordance with the following plans:

6704-01-100 Rev N – General Arrangement Area 01

6704-02-100 Rev N – General Arrangement Area 02

6704-03-100 Rev M – General Arrangement Area 03

6704-15-100 Rev B – General Arrangement Adoptable Highway Works Area 15 THIS PLAN IS TO BE SUPERSEDED BY A PLAN PROVIDING THE DETAILS SET OUT IN THE COMMITTEE REPORT

6704-15-101 Rev B – General Arrangement Private Access Road Area 15 – THIS PLAN IS TO BE SUPERSEDED BY A PLAN PROVIDING THE DETAILS SET OUT IN THE COMMITTEE REPORT

Reason:

So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

The first reserved matters application relating to landscaping for Phase 1 of the Southern Link Road shall include an ecological survey of the land to be developed as part of this application with the findings used to inform the associated landscape proposals.

Reason: In accordance with the aims of the conditions relating to ecology attached to Planning Application no.14/01978/OUTM in the interests of ensuring the development maximizes opportunities to conserve, enhance and restore biodiversity in accordance with the aims of Core Policy 12 and Policy DM7.

04

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

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

The development hereby permitted shall be carried out under the terms agreed in the Construction Environmental Management Plan (CEMP) and hours of work defined under Conditions 25 and 26 of planning permission 14/01978/OUTM.

Reason:

To protect the amenity of the occupants of nearby dwellings and to accord with the objectives of the NPPF.

06

With reference to drawing 6704-01-100-N a Highway Authority approved traffic signal controlled junction at Bowbridge Road/ Hawton Lane shall be provided and made operational prior to the occupation of the 50th dwelling.

Reason: In the interests of highway safety and capacity.

07

With reference to drawing 6704-01-100-N, the crossroads at the Bowbridge Lane/ (new) 'Central Street' junction shall become signalised and operational to the satisfaction of the Highway Authority prior to the occupation of the 200th dwelling on either or both side road legs of this junction.

Reason: In the interests of highway safety and capacity.

08

With reference to drawings 6704-02-100-N and 6704-03-100-M, opening of new sections of Bowbridge Lane to public traffic shall only occur once redundant sections of Bowbridge Lane have been closed to traffic in accordance with details agreed in writing with the LPA/Highway Authority.

Reason: In the interests of highway safety.

09

With reference to drawing 6704-01-100-N, the existing private vehicular access associated with 252, 254 & 256 Bowridge Road shall only be closed off to Bowridge Road once alternative access from Grange Road has been made fully available in accordance with the approved drawings.

Reason: In the interests of highway safety.

10

With reference to drawing 6704-01-100-N a Highway Authority approved traffic signal controlled junction at Bowbridge Road/ Hawton Lane shall only become operational once the existing private vehicular access associated with 252, 254 & 256 Bowbridge Road has been closed off to Bowbridge Road in accordance with the approved drawings.

Reason: In the interests of highway safety.

Note to Applicant

01

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

Your attention is drawn to the comments of the Environmental Health Officer dated 15th April 2015.

03

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 given that there is no net additional increase of floorspace as a result of the development.

04

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans on telephone number 01623 520735

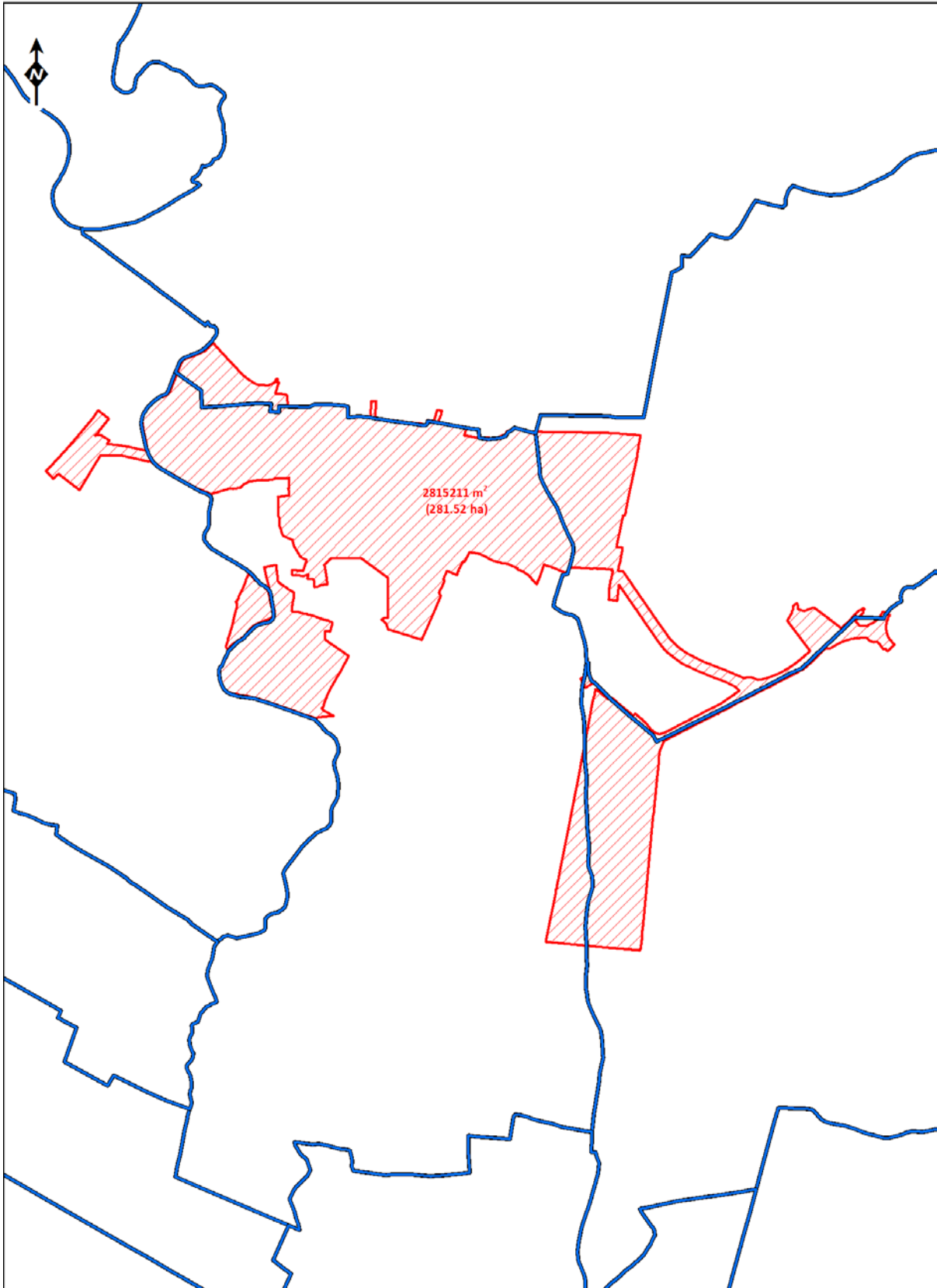
BACKGROUND PAPERS

Application case file.

For further information, please contact Martin Russell on 01636 655837

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



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APPEALS A

APPEALS LODGED (received between 15th January 2016 and 15th February 2016)

1.0 Members are advised that the appeal listed below has been received and will to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

Appeal reference	Application No.	Address	Proposal	Procedure
APP/B3030/W/16/3143096	14/01955/FUL	Land Off Caythorpe Road, Lowdham Nottinghamshire	Change of use to operational railway and erection of equipment building	Written Representation

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager Development

APPENDIX B: APPEALS DETERMINED (between 15th January 2016 and 15th February 2016)

App No.	Address	Proposal	Decision	Decision date
14/02172/FUL	Land Rear Of 49 The Ropewalk Southwell Nottinghamshire NG25 0AL	Erection of two detached dwellings	DISMISSED	21.01.2016
15/00806/OUT	Scotfield 59 Great North Road Carlton On Trent Nottinghamshire NG23 6NL	Erection of 1 No. dwelling	DISMISSED	26.01.2016
15/00574/FUL	20 Pelham Street Newark On Trent Nottinghamshire NG24 4XD	Change of Use and extension to Existing Outbuilding to form a Detached Single Bedroom Dwelling	DISMISSED	28.01.2016

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager Development