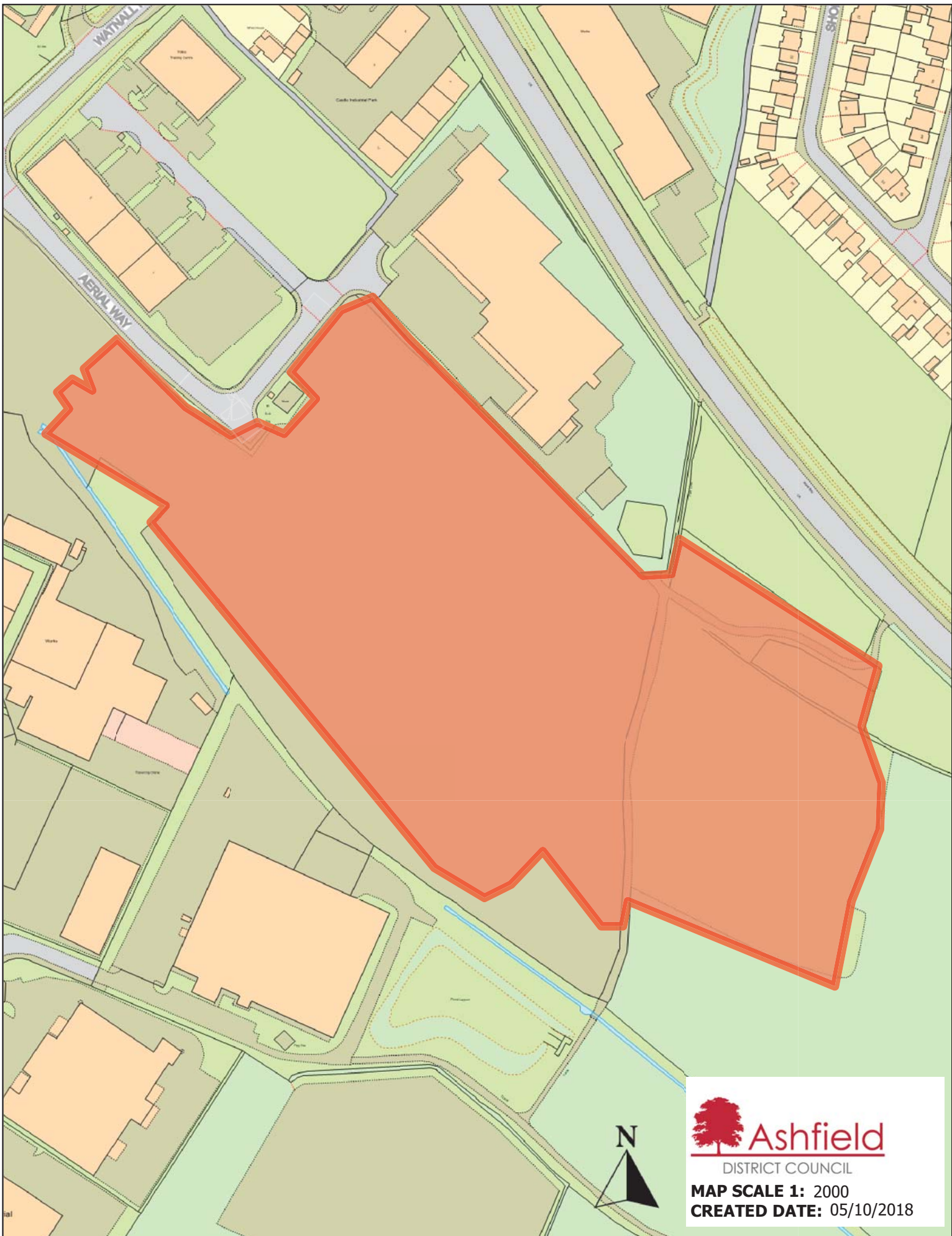


V/2018/0586 Land Off Aerial Way Hucknall



COMMITTEE DATE 18/10/2018 **WARD** Hucknall West

APP REF V/2018/0586

APPLICANT Bolsover Properties Ltd

PROPOSAL Construction of West Stand, Clubhouse, and 2 Community Changing Rooms

LOCATION Land off Aerial Way, Hucknall

WEB-LINK <https://www.google.co.uk/maps/@53.0261509,-1.2167899,17z>

RECOMMENDATION Grant conditional outline consent subject to s106 agreement

BACKGROUND PAPERS A, B, D, F

App Registered 28/08/2018 Expiry Date 27/11/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee as it is of local interest.

Site Description

The application site is 4.93ha which comprises open land to the south east of Aerial Way. It formerly comprised part of Hucknall No1. Colliery. Works have commenced on site implementing the previous planning permission V/2016/0515 to create the football ground. The pitch is laid and the floodlights erected but work has not commenced on any of the buildings granted planning permission. To the north of the site land has been redeveloped for employment purposes in accordance with the Ashfield Local Plan Review 2002 (ALPR)

The Application

This is a planning application seeking to erect smaller buildings than previously granted planning permission and to provide new community changing facilities along side the training pitch. In summary the changes are:

1. North stand 4 metres shorter (100.85m long). Painted steel profile sheeting
2. West stand 21 metres shorter (28.75m Long). Painted steel profile sheeting
3. Club house reduce to single storey (previously 2 storey) Facing brick and profiled metal cladding to walls and roof
4. Hospitality Box No change
5. Groundsman store No change
6. WC cabins No change
7. Community changing rooms (2no 11.65m x 3.7m Portable type buildings)

The main change therefore is the reduction in height to the club house the provision of community changing facilities.

Planning History for site

V/2009/0453 – Full application for construction of replacement football ground with training pitch, ancillary club area, changing facilities and car and coach park. New employment units for b1, b2 and b8 uses and engineering

works. Approved on 12 January, 2012. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings and £8,000 per each 1,000sqm of B2 and B8 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

V/2016/0515 – Full application for construction of football ground with clubhouse and spectator facilities. Including spectator stands, 3no. portable wc buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundsman's store proposed communal building for use with b1 or as a trade sale counter and showroom; engineering works to reprofile existing ground contours and formatting access road to remove turning head. Approved on 7 April 2017. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

Planning History for existing Football Ground Site

V/1998/0636 - Outline planning application for residential development and restaurant/pub/diner. **Refused 28 October 1999.**

V/2006/0517 – Full application for residential development and relocation of Hucknall Town Football Club. **Refused 12 October 2006.**

V/2009/0452 – Outline application for mixed use development comprising 108 dwellings with (B1) business units. **Approved on 12 January, 2012.** Subject to a S106 Legal Agreement which required the following:

1. The existing football stadium not to be demolished or rendered unfit for continued use until the new stadium is ready for use.
2. Open space contribution £270,000 (Triggers £135k - 1 dwell, £135k - 55 dwellings)
3. Public transport infrastructure £132,250 (Triggers £41,125 – 1 dwell, £41,125 – 55 Dwellings, £50k - 1 Office building)
4. 20 affordable housing units (18 rented, 2 Shared ownership)

V/2016/0619 - Outline application with some matters reserved for mixed use development comprising of residential development and Business use (B1). **NO DECISION** (see previous report on agenda)

V/2017/0014 - A Reserved Matters Application for 108 Dwellings (outline V/2009/0452 refers) **NO DECISION** because there are issues outstanding and discussions have been taking place regarding viability which is linked to the following Section 106A application.

V/2017/0239 - Section 106A Application Relating to Planning Permission V/2009/0452 to (1) Modify the Agreement in Relation to the Payment of Off Site Contributions As Set Out in the First Schedule and (2) Discharge the Requirements in Relation to Affordable Housing As Set Out in the Second Schedule **NO DECISION** because there has been discussions regarding the viability of the scheme.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2018

- Part 2** – Achieving sustainable development
- Part 6** – Building a strong, competitive economy
- Part 8** – Promoting healthy and safe communities
- Part 9** – Promoting sustainable transport
- Part 11** – Making effective use of land
- Part 12** – Achieving well designed places
- Part 14** - Meeting the challenge of climate change, flooding and coastal change

Ashfield Local Plan Review 2002 (ALPR)

- ST1** – Development
- ST2** – Main urban areas
- EV1** – Green Belt
- EM1** – Employment land allocations
- EM5** – protection of existing employment sites and buildings
- RC2** – Open areas in main urban areas
- TR2** – Cycling provision in new developments
- TR3** – Pedestrians and people with limited mobility
- TR6** – Developer contributions for transport schemes

Consultations

Site Notices have been posted together with individual notification of neighbours. The proposal has also been advertised in the local press. No comments have been received from local residents

The following representations have been received:

NCC Lead Local Flood Authority (LLFA)

No objection.

ADC Drainage

No known drainage issues with this site. The SUDS have already been constructed as part of the previous application for the site so should have been approved by the LLFA, Severn Trent should be consulted on the foul water drainage proposals for the development and any connection to the existing main sewer system. An informative is required to advise the land owner of their responsibility for maintaining the drainage of their land.

ADC Environmental Protection

Earlier ground investigations have identified necessary remedial works at this site. In line with such works and to ensure the current proposals are made suitable for their intended use, the following two contamination conditions are required to be applied to any planning approval that may be subsequently granted.

- All new enclosed buildings i.e. Clubhouse and 2 Community Changing Rooms, shall be fitted with previously agreed gas protection measures. Prior to each building coming into use, the Applicant shall submit to the LPA, written confirmation from the approved building control provider that this has been done.
- Prior to their placement, the Applicant shall submit to the LPA, written confirmation from Severn Trent Water that the specification of all buried water service pipes is suitable for use in the prevailing ground conditions.

Assessment

In consideration of this application there are five main issues of:

1. Principle of development
2. The layout, scale and appearance of the Site
3. Highways
4. S106 requirements

These are discussed below.

The Principle of Development

The scheme has been partially implemented proposal site is located within the main urban area of Hucknall where the principle of new development is considered to be acceptable under the provision of policy ST2 of the Ashfield Local Plan Review 2002 (ALPR) subject to there being no conflict with other policies. The main part of the site is allocated for recreational use however a small area to the north west is allocated for employment development provision has been made for this area to be developed in the future but to enable shared car parking on match days. The south east part of the site is located in the Green Belt. This area of land was regraded in accordance with the previous planning permission and is not proposed to be changed in this application.

The proposal is for recreational and community use therefore it complies with policy. It has previously had planning permission and the pitch and floodlights are in place this current proposal is for different buildings and therefore the principle is considered to be sustainable and accords with the NPPF and Local Plan policies.

The Layout, scale and appearance of the Site

The application submitted reduces the size of buildings previously granted planning permission as stated above but proposes two new, portable type, buildings to be used for changing facilities to serve the training pitch. These buildings are located within the area designated as open space but are buildings required to serve the recreational use and therefore consider to be appropriate and in accordance with policy RC3 of the ALPR. The buildings are all single storey and the materials and design are similar to those buildings previously granted planning permission. It is therefore considered that the scheme as presented will not adversely affect the character, quality, amenity or safety of the environment and therefore accords with policy ST1 of the ALPR.

Highways

There are no proposed changes to the car parking arrangements that were previously granted planning permission and the access remains the same, there are therefore

considered to be no highway safety implications relevant to the consideration of this proposal.

S106 contributions and requirements

The previous planning permission for the football ground V/2016/0515 required the applicant to enter into a section 106 legal agreement and this included the following requirements.

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

The fee for the footpath upgrade has been paid and the transport infrastructure is dependent on the development of the B1 business units. The outstanding issue relative to this application is the community use of the facilities and it is expected that this is to be provided through the scheme. It is therefore recommended that a deed of variation is entered into to include this application in the agreed S106 to ensure the requirements are delivered.

Other Issues

Drainage

There are no concerns subject to the main sewer connection.

Contamination

There are no concerns subject to gas protection measures and any buried water service pipes being suitable.

Conclusion

This revised scheme is considered to be acceptable in principle, layout, scale and appearance and complies with policies in the ALPR and NPPF. The proposal will provide a new high quality sporting facility for players, spectators, and to the benefit of the wider community. The applicant has stated that the original application for the relocated stadium was considered to be overly ambitious in the ability of the Club to sustainably maintain the financial overheads. The whole scheme has been reappraised to achieve a scale and form of football stadium, which is high quality and financially manageable for the Club to support.

Recommendation: That conditional planning permission is granted, subject to a deed of variation to the s106 agreement to ensure the community benefits are secured and continue.

CONDITIONS –

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. No development comprising the construction of external walls and roofs shall take place until samples of the materials and finishes to be used for the external elevations and roofs of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
3. Notwithstanding the submitted details no occupation of the development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first

planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development 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 the Local Planning Authority gives written consent to any variation.

4. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the following plans:
 - Location Plan - 1932(02)001.C. 18 August 2018
 - Proposed Clubhouse Floor Plan - 1932(08)034. 25 July 2018,
 - Spectator Stand Elevations - 1932(08)008.revO 27 November, 2017
 - Proposed Portaloo Cabins - 1932(08)009. 18 July, 2016
 - Proposed Hospitality Box and Groundsman Store - 1932(08)010. 27 July, 2016
 - Community Changing Block Proposed Elevations- 1932(08)030, 26 July 2018
 - Community Changing Block Floor Plans- A100, 17 July 2018
5. No part of the development hereby permitted shall be brought into use until two pedestrian refuges are provided on Watnall Road, located either side of Aerial Way, are available for use and constructed in accordance with the Highway Authority specification. Details should be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development.
6. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
7. The hours of working on site during construction, including deliveries, shall be between 8.00am and 6.00pm only, Monday to Friday, and 8.00am to 1.00pm on Saturdays with no working on Sundays and Public Holidays. Any variation to these hours must be agreed in writing by the Local Planning Authority prior to the change in working hours being implemented.
8. No occupation of the development hereby permitted shall be take place until such time as a cycle parking scheme, including phasing, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASONS:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. To define the terms of this permission and for the avoidance of doubt.
5. In the interests of highway safety.
6. In the interests of highway safety
7. To safeguard the amenities of residents living in the vicinity of the application site.
8. In the interests of highway safety.

INFORMATIVES

1. The applicant is reminded of the developer obligations agreed under the Section 106 Agreement attached to planning application.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. 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 Highways Development Control North Office on 0300 500 80 80 for details.