

Report of the Chief Executive

APPLICATION NUMBER:	23/00051/REG3
LOCATION:	Pavilion, Hickings Lane Recreation Ground, Hickings Lane, Stapleford, Nottinghamshire
PROPOSAL:	Demolition of existing changing pavilion and construct community leisure pavilion together with associated external works including installation of MUGA and replacement of skate park with community garden.

The application is brought to the Committee as the applicant is the Council.

1. Purpose of the Report

1.1 The application seeks full planning permission for the demolition of the existing changing pavilion and the construction of a new community leisure pavilion including associated external works including the installation of a multi-use games area (MUGA) and replacement of a skate park with a community garden. The application includes the extension of the existing car parking facilities replacing the existing basketball court within the north-western corner of the site. The existing play area and bowling green located within the south-western corners of the site will be retained.

2. Recommendation

The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

3.1 The application seeks planning permission for the demolition of an existing changing pavilion and the construction of a new community leisure pavilion together with associated external works including the installation of a MUGA and the replacement of a skate park with a community garden. The proposal has been amended in response to concerns raised from local residents in relation to the siting and design of the proposal. The layout of the scheme has been changed with the inclusion of the replacement of the skate park with a community garden. The application includes the extension of the existing car parking facilities replacing the existing basketball court within the north-western corner of the site. The existing play area and bowling green located within the south-western corners of the site will be retained.

3.2 The project forms part of the Stapleford Town Centre Investment Plan and follows extensive community engagement. The Stapleford Town Deal was agreed in June 2021, on the signing of Heads of Terms, with 6 core projects identified from its TIP (Town Improvement Plan). As part of the Project Confirmation Process, the Stapleford Town Deal Executive Board confirmed its intention to progress with the six core projects in October 2021.

- 3.2 The site includes Hickings Lane recreation Ground in Stapleford which is afforded protection under Policy 16: Green Infrastructure, Parks and Open Space of the Aligned Core Strategy (2014) and Policy 28: Green Infrastructure Assets of the Part 2 Local Plan (2019).
- 3.3 The main issues relate to the impact of the proposal on Hickings Lane playing pitches, the impact on the character and appearance of the area, the impact on amenity of neighbouring properties and highway safety.
- 3.4 The benefits of the proposal are that the development would deliver a new community and leisure pavilion building. The proposal includes a MUGA which offers health benefits to children and the wider community. The proposed development includes a car park extension to ensure adequate off street car parking is provided. The design has been carefully considered to ensure the proposal would positively integrate within the street scene in this location including use of contemporary materials. The implementation of a community garden to replace the existing pavilion will help to enhance the appearance of the scheme. Finally, the proposed development has been designed to ensure there is no significant impact in terms of any potential overlooking, overbearing or overshadowing impact. Further to this, any potential noise or light pollution associated with the MUGA has been mitigated. On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5 Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7 Background Papers:

- Design and Access Statement

- Ecological Impact Assessment
- Energy Assessment
- Flood Risk Assessment
- Phase 1 Geo-Environmental Desk Study
- Noise Assessment
- MUGA Lighting Spillage Assessment

1. Details of the application

- 1.1 The application seeks full planning permission for the demolition of the existing changing pavilion and the construction of a new community leisure pavilion including associated external works and the installation of a multi-use games area (MUGA). The proposal has been amended and its siting, size and layout have changed. The proposed development includes the removal of the existing skate park and the creation of a new community garden area to the front of the pavilion. The application includes the extension of the existing car parking facilities replacing the existing basketball court within the north-western corner of the site. The existing play area and bowling green located within the south-western corners of the site will be retained.
- 1.2 The proposed pavilion will facilitate a range of community activities such as fitness classes, yoga, dancing, club groups, elections, meetings and event hire. Youth services including a MUGA will also be provided, delivering a wide range of social and recreational activities delivered, as well as post-16 learning. The building will also facilitate the local football club which already makes use of the site for training and games.
- 1.3 The project forms part of the Stapleford Town Centre Investment Plan and follows extensive community engagement. The Stapleford Town Deal was agreed in June 2021, on the signing of Heads of Terms, with 6 core projects identified from its TIP (Town Improvement Plan). As part of the Project Confirmation Process, the Stapleford Town Deal Executive Board confirmed its intention to progress with the six core projects in October 2021.
- 1.4 The application originally included the installation of a 3G football pitch and associated fencing and lighting. This aspect has been omitted and will form a subsequent planning application.

2. Site and surroundings

- 2.1 The site includes Hickings Lane recreation ground which is approximately 51209m² and is bound by the B6004 Hickings Lane to the north and residential properties to the south, west and eastern boundaries. The site is predominantly flat with a gentle fall from north to south. There are trees bordering the northern boundary of the site. The site includes a mixture of community recreation facilities including the existing redundant clubhouse.

3. Relevant Planning History

- 3.1 Planning permission was granted for the erection of 15 linear metres of 5m high ball stop fencing in 2007 (07/00674/REG3). Further to this, planning permission was granted for a storage container in 2017 and 2019 in association with Stapleford Town Football Club (17/00555/FUL and 19/00024/FUL).

4. Relevant Policies and Guidance

- 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.2 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Health Lifestyles
- Policy 13: Culture, Tourism and Sport
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 25: Culture, Tourism and Sport
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 9: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

5. Consultations

First Consultation

5.1 **Broxtowe Environmental Health (noise)** – No objections subject to noise report submitted in respect of the MUGA and potential mitigation measures. Recommended conditions to restrict noise of roof plant, restrict lighting, ventilation/extraction, construction/demolition method statement and hours of use of pavilion and MUGA.

5.2 **Broxtowe Environmental Health (contamination)** – No objections subject to conditioning investigative survey of the site has been carried out and a report submitted and any required remedial measures to be implemented prior to the use commences.

- 5.3 **Broxtowe Tree Officer** – Some tree loss required for the car park extension. Poplars along front boundary may be in striking distance of the proposed pavilion building.
- 5.4 **Broxtowe Parks and Open Space** – No comments.
- 5.5 **County Highways** – No objections subject to conditioning that the parking and turning areas are surfaced in a bound material with clear parking bays.
- 5.6 **County Rights of Way** - No objections. No rights of way affected.
- 5.7 **County Planning Policy** – Bus stop infrastructure request of £15,600 to paid to provide improvements to the two bus stops on Hickings Lane and Pasture Road and shall include raised boarding kerbs and a real time bus stop pole and display including electrical connections. In addition to this, free introductory bus travel should be made available to employees of the development which should be set out in any travel plan/statement.
- 5.8 **County Lead Local Flood Authority** – No objections.
- 5.9 **Nottinghamshire Wildlife Trust** – No objections subject to conditioning an LEMP to include bird/bat boxes and habitat creation within a comprehensive landscaping scheme.
- 5.10 **Nottinghamshire Police** – No objections subject to conditioning Secured by Design standards.
- 5.11 **Sport England** – Objection to the application:
- The proposal removes the ability to play cricket at the site.
 - The proposal reduces the natural turf playing field area with the provision of football pitches.
 - The proposed building and the Artificial Grass Pitch (APG) which follows prevent the retention of the 11 v 11 football pitches on site.
 - The proposed sports hall is 423m² including 3 badminton courts measuring 24.4m x 17.4m. Sport England guidance confirms that a 3 badminton court sports hall should be 27m x 18m 486m². In summary, the application has failed to demonstrate that the proposal may meet one of the exceptions contained within Sports England Field Policy or with paragraph 99 of the National Planning Policy Framework.
- 5.12 **Resident comments** – 94 objections (including an online petition opposing the application) and 30 letters in support. Concerns raised have been summarised below:
- Principle of development*
- This is an inappropriate location for a new pavilion building.
 - The proposed development results in the reduction of public open space.

- The proposal would be contrary to local policies contained within the Aligned Core Strategy (2014) and Part 2 Local Plan (2019) and Part 8 – Promoting healthy and safe communities of the National Planning Policy Framework.
- Loss of community space.

Visual Amenity

- The proposed building would be out of character with the street scene.
- The proposed development is unacceptable in siting, size, scale and design.

Residential Amenity

- Loss of privacy on neighbouring properties.
- Loss of light on neighbouring properties.
- Noise pollution resulting from multi use of the proposed building and evening opening hours.
- Noise relating to proposed plant equipment.
- Noise and light pollution associated with the MUGA.
- Light pollution from floodlights.
- Sense of enclosure.
- Construction disturbance.

Highway Safety

- Increased traffic.
- Lack of parking proposed.
- Proposal will increase on street parking in locality.

Other matters

- Loss of green space.
- Wildlife disruption including protected species.
- Loss of mature trees.
- Impact on physical and mental health of residents.
- Anti-social behaviour associated with youth centre.
- Crime rates will increase as a result of building in this location.
- No economic benefits / facilities will be expensive to use and not viable.
- No need for 3G pitch facilities in this location.
- Existing buildings should be extended / refurbished.
- No benefits to the wider community / potentially less accessible.
- Lack of transparency at pre-application stages / lack of consultation.
- Displacement of football and cricket facilities.

Second Consultation

- 5.13 **Coal Authority** – No objections subject to conditioning a scheme of intrusive site investigations and any remedial works required. The application site is located within a high risk area.
- 5.14 **County Highways** – No objections subject to conditioning that the parking and turning areas are surfaced in a bound material with clear parking bays.
- 5.15 **Nottinghamshire Police** - No objections subject to conditioning Secured by Design standards.
- 5.16 **County Lead Local Flood Authority** – No objections.
- 5.17 **Nottinghamshire Wildlife Trust** - No objections subject to conditioning an LEMP to include bird/bat boxes and habit creation within a comprehensive landscaping scheme.
- 5.18 **Sport England** – no further comments received to date.
- 5.19 **Tree officer** – no comments
- 5.20 **Resident comments:** Neighbouring properties were re-consulted for 14 days expiring 24/05/23. 22 Objections and 3 letters raising no objections were received.
- Objections received repeated the above concerns raised in the first consultation period.
 - Other objections raised concerns in relation to having to book the MUGA / costs associated with use of the facilities and the possibility of the future expansion of the football club facilities.
 - It was recommended that the remaining green space should be legally protected.

6. Assessment

6.1 The main issues for consideration are the principle of the development, the impact of the development on the character and appearance of the area, its impact on the amenity of neighbouring properties and highway safety.

6.2 Principle of Development

6.2.1 Policy 12 - Local Services and Health Lifestyles of the Aligned Core Strategy (2014) states that new, extended or improved community facilities will be supported where they meet a local need. Policy 13 - Culture, Tourism and Sport of the Aligned Core Strategy (2014) states existing where appropriate, sporting facilities will be protected and their further development will be supported. Policy 16 – Green Infrastructure, Parks and Open Spaces of the Aligned Core Strategy (2014) advises parks and open space should be protected from development and deficiencies addressed in Part 2 Local Plans. Exceptions may be made if the development is a small part of the Green Infrastructure network

and will not be detrimental to its function, or the development is a use associated with parks and open spaces or if none of the above apply the park or open space is shown to be underused or undervalued.

- 6.2.2 In accordance with Policy 28 – Green Infrastructure Assets of the Part 2 Local Plan (2019), the site comprises of a playing pitch and as a result permission will not be granted for development that results in any harm or loss to the Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm.
- 6.2.3 Paragraph 92 of the NPPF advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; and
 - b) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 6.2.4 Paragraph 93 of the NPPF advises to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and...
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 6.2.5 Paragraph 99 of the NPPF advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.2.6 A number of concerns have been raised by local residents about the reduction in green space and displacement of natural turf football pitches and cricket facilities. The proposal has been amended in response to concerns about the loss of green space and has been repositioned adjacent to the existing car park.

The proposed pavilion building will replace the existing pavilion. The new pavilion and MUGA will provide improved facilities for children and the wider community during all months of the year. The proposal comprises of areas for community sport, youth services, football and shared. The shared spaces will include teaching/lecture rooms and catering facilities. The proposed development will be used to provide multiple community and leisure purposes and is intended for use by the public and clubs throughout the week and weekend.

- 6.2.7 Policy 28 of the Part 2 Local Plan (2019) states development proposals which are likely to lead to increased use of green infrastructure assets, will be required to take reasonable opportunities to enhance green infrastructure assets. Whilst the proposed development would result in the partial loss of existing grassed playing fields, the proposed development offers significant benefits to the local community in respect of the pavilion building and enhanced sports facilities. It is noted that the long term proposal is to submit an application for a 3G pitch east of the new pavilion building, this is to be assessed in a subsequent application to enhance existing playing pitches.
- 6.2.8 After the first consultation, Sports England raised a number of concerns with the proposal due to the displacement of the cricket team with no alternative cricket playing area planned. Concerns raised related to the reduction of football playing pitches and sizing of the indoor badminton courts. Sport England had previously advised that the proposal failed meet one of the exceptions contained within Sports England Field Policy or with paragraph 99 of the NPPF.
- 6.2.9 The proposed community pavilion on the Hickings Lane recreational site would provide improved access to sport and leisure facilities and increased sporting opportunities for people of all ages within the local community. The proposal would also support a number of the Sport England planning for sports principles, including; encourage and secure wider community use of new and existing sport and physical activity provision and provide new opportunities to meet the needs of current and future generations. Mitigation for the impact on the cricket pitch is currently underway to ensure a suitable relocation that would replicate the current facility and considers the prospective use. Discussions are ongoing with the Local Planning Authority and England & Wales Cricket Board Regional Facilities and Nottinghamshire Club & League Officer. As such, a condition has been added requiring a cricket club relocation plan is submitted to the Local Planning Authority and approved prior to the opening of the new facility.
- 6.2.10 Sports England second response – to follow (discuss call in powers). Additional info about removal of the skate park.
- 6.2.11 The proposed development is for an indoor and outdoor facility for sport, the provision of which would be of significant benefit to the development of sport in this location which would outweigh any detriment caused by the loss, or prejudice to the use, of the area of the playing pitches.

6.2.12 It is therefore considered that the principal of development is acceptable subject to an assessment of the design of the proposal and the impact on neighbouring amenity and highway safety.

6.3 Design

6.3.1 The Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 Policy 10 - Design and Enhancing Local Identity states that all new development should be designed to make a positive contribution to the public realm and sense of place, reinforce valued local characteristics and have regard to the local context and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their setting.

6.3.2 The site is located on Hickings Lane recreation ground, consisting mostly of a grassed area used for cricket and football. The character of the site is predominantly residential including properties to the north, east, south and west of the site. The existing pavilion located in the south-west corner of the site is redundant and to be demolished. The existing bowling green and play area are to be retained. The existing basketball court would be removed as part of the proposed car parking extension within the north-west corner of the site.

6.3.3 In response to concerns raised by residents the layout, scale and design have been amended. The revised layout includes the pavilion building located adjacent the extended car park. The orientation of the building has been changed with the front elevation being west facing and the rear elevation facing Hickings Lane recreation ground. The proposed pavilion would be sited within the north-west part of the site set back from Hickings Lane by approximately 40m and set away from the eastern boundary of the site by approximately 120m. The MUGA would be located to the south of the pavilion building. The building is two storeys with a flat roof design which is staggered in height rising north to south. The front elevation includes a set back and a row of columns projecting from the front elevation of the pavilion building.

6.3.4 The design is contemporary and will be constructed using cladding and blockwork to help break up the block appearance of the proposed building. Use of full height windows on the ground floor will help create an active frontage. A community garden is proposed to replace the existing pavilion building and skate park which will help to improve the overall appearance of the scheme. A new pedestrian access would be created leading to the pavilion building. Covered cycle and bin storage would be located to the north of the pavilion building and a condition has been added requiring further details to be provided. Further to this, boundary treatment details have been conditioned to ensure appropriate fencing and hard surfacing is secured in relation to the proposed MUGA. The MUGA will be sited to the south of the pavilion building set back from Hickings Lane and therefore this would reduce the visual impact of this aspect.

6.3.5 It should be noted that on the amended plans that were submitted a small sub-station was shown adjacent to Hickings Lane. This has been removed from the proposed site plan (drawing number: 0102 Rev. P06) as it is likely the erection

of a sub-station subject to the relevant criteria contained within Part 15 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 6.3.6 There are a number of trees lining the site boundaries. The existing tree line fronting Hickings Lane would be retained. Additional tree planting is proposed and a landscaping condition has been added to ensure appropriate use of native planting is used. Some tree loss is required to accommodate the new pavilion building and the extended car park. Trees to be removed are set back from the highway and whilst the scheme has been designed to maximise tree retention, to offset any loss of trees tree planting can be included in the landscaping plan which has been conditioned.
- 6.3.7 To conclude, the design and scale of the proposed development is considered not to adversely impact the character and appearance of the locality.

6.4 Amenity

- 6.4.1 The proposed pavilion building would be set back 40m from Hickings Lane and 120m from the eastern boundary of the site. Due to the separation distance of the proposed community leisure building, there are limited concerns in terms of any potential overlooking, overbearing or overshadowing impact on any neighbouring residential properties. The opening hours of the proposed community leisure pavilion would be 08:00-22:00. Given the separation distance of the building from surrounding residential properties, it is considered that the proposed opening hours would not be detrimental to the amenity of neighbouring properties. The proposal includes a café and therefore a condition has been added in relation to details of suitable ventilation and filtration equipment to suppress and disperse odour from food preparations shall be provided prior to installation.
- 6.4.2 The location of the MUGA has been amended and has been reallocated to a central area of the recreation ground, to the south of the pavilion building. The proposed MUGA would be sited approximately 95m away from the eastern boundary of the site and 48m from the southern boundary of the site. To the north, east and south of the site includes residential properties. The Councils Environmental Health team have reviewed the submitted noise report and have provided no objections. Most sensitive properties to the MUGA include properties off Hickings Lane to the north, West Avenue and West Cross Avenue to the east, Tevery Close to the south-east, Savile Close to the south and Hemlock Avenue to the south-west. The plant/equipment assessment results have shown that the rated level of noise, falls below the typical daytime background sound levels at the closest receptors by more than 5dB and therefore impacts are concluded to be negligible. On this basis, no mitigation is proposed for the operation of plant associated with the proposed pavilion. The assessment of MUGA noise has shown noise levels at receptor locations would be below the threshold for moderate annoyance. Noise from the use of the MUGA may still be noticeable but not intrusive, therefore, it is concluded the use of the MUGA would have no observed adverse effect at Noise Sensitive Receptor (NSR) locations. Other proposed site uses including football training

and matches already form part of the existing use of the site, and therefore, whilst noise from the activities may still be noticeable, it is unlikely to be intrusive. Therefore, it is considered that these activities would have no observed adverse effect at NSR locations.

- 6.4.3 Further to this, a lighting plan has been provided which indicates light spillage from the proposed lighting. Environmental Health have raised no concerns with the proposed lighting in association with the MUGA which appear in be with the current guidance from the institute of lighting professionals regarding controlling light spillage. Any floodlight lighting associated with the proposed MUGA shall only be used Monday to Sunday 8.30am – 9pm to protect the amenity of neighbouring properties from excessive operation noise and light pollution. Given the separation distances of the proposed MUGA from the nearest surrounding neighbouring properties, it is considered that noise or light pollution would not be significantly detrimental to the amenity of any neighbouring properties.
- 6.4.4 The Councils Environmental Health team have requested that a construction and demolition method statement is conditioned in the interests of protecting the amenity of any neighbouring properties.
- 6.4.5 To conclude on amenity, it is considered the proposed development will have no significant impact on neighbour amenity.

6.5 Highway Safety

- 6.5.1 The existing site access will be retained off Hickings Lane and is considered to be a sufficient width for the proposal to allow a two-way flow of traffic. The principal entrance for pedestrians is proposed to the north of the site through a new gated entrance from Hickings Lane. Emergency services can easily access the proposed building via the main vehicle access from Hickings Lane.
- 6.5.2 A number of concerns have been raised in respect of the amount of parking provided to accommodate busy periods during football matches whilst other parts of the pavilion are being used at the same time. The site is proposed to include 80 general parking spaces and 5 accessible parking spaces. There will be 20 covered cycle spaces provided adjacent to the community leisure building. County Highways have provided no objections to the proposed development. It is considered that the site provides sufficient car parking for the scale of the proposed development and would not be detrimental to the safety or capacity of the highway.

6.6 Developer Contributions

- 6.6.1 The County Council have requested a fee of £15,600 towards improving the bus stop infrastructure to two bus stops on Hickings Lane denoted BR0137 and BR0149 Pasture Road and shall include raised boarding kerbs at BR0137 and a real time bus stop pole and display including electrical connections at BR0149, to supplement this development. However, as part of the wider

enhancement works provided in Stapleford through the Town Deal work, £4.6 million has been invested in a safer cycling scheme for Stapleford. This will include 3km of new cycle paths to be constructed around Stapleford town centre to reduce traffic and congestion and enhance cycling as an alternative mode of transport. Further a cycling proficiency track has been constructed at Ilkeston Road recreation ground and concurrently Ridewise are delivering free repairs, training, servicing, route planning and general advice to cyclists out of a purpose built cycle hub in the same location. To date this project has been hugely successful. Consequently, it is considered that the wider benefits of the Stapleford Town Deal, in promoting and encouraging alternative transport provision is acceptable and any further contributions in this area are unjustified. Therefore, it is not considered that this proposal is contrary to Policy 19: Developer Contributions of the Aligned Core Strategy (2014) and Policy 32: Developer Contributions of the Part 2 Local Plan (2019).

6.7 Sustainability and Climate Change

6.7.1 The proposed development uses a low-carbon approach which comprises of a highly insulated development and renewable energy generation. The use of electrically powered air source heat pumps, photovoltaic panels and a fabric first construction will ensure that the scheme has been designed in consideration of Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF. As such, a condition has been added requiring full details of the design and management of any renewable energy structures on site.

6.8 Other Matters

6.8.1 The application site is located within a high risk area therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application is supported by a Phase 1 Geo-Environmental Desk Study, dated January 2023 and prepared by Mewies Engineering Consultants Ltd. The report authors recommend that further investigatory works are carried out on site to confirm if shallow coal seams have been worked and to inform any remedial works necessary. The Coal Authority have been consulted and have provided no objections subject to conditioning a scheme of intrusive site investigations to be carried out on site to establish the risks to the development by past coal mining activity and any remedial works required. As such, this has been conditioned accordingly.

6.8.2 A number of concerns have been raised in relation to the impact on ecology and loss of trees. The proposed development includes the demolition of the existing pavilion building and the removal of a number of trees to accommodate the extended car park area and pavilion. The Councils tree officer has reviewed the submitted tree survey and has provided no objections. Trees to be removed are considered not worthy of protection. The location of the pavilion has been

selected to avoid major disruption to the works to the existing landscaping and leisure spaces. There are a number of trees lining the site boundary to Hickings Lane, a mature hedge and tree line exists, which will be retained. However, there will be some loss of existing biodiversity across the site. It is proposed to plant a number of native species trees with the majority to the perimeter of the site in particular to the south east edge to provide screening to the neighbouring properties.

- 6.8.3 A full ecology report and bat survey has been undertaken and no evidence of bats were found within the pavilion building. Nottinghamshire Wildlife have reviewed the ecology report and provided no objections subject to conditioning a Landscape and Ecology Management Plan to ensure the development delivers a biodiversity net gain.
- 6.8.4 Concerns were previously raised by local residents in relation to the siting of the building reducing natural surveillance on the Hickings Lane recreation ground and therefore increase potential criminal activities. Moreover, concerns have been raised in respect of the proposal increasing potential anti-social behaviour in this location associated with the new pavilion. The revised layout has been designed in consideration of concerns raised in relation to the siting of the pavilion. Nottinghamshire Police have been consulted and no objections have been provided. A Secure by Design condition has been proposed in the interests of reducing the potential for crime.

7. Conclusion

- 7.1 The benefits of the proposal are that the development would deliver a new community and leisure pavilion building. The proposal includes a MUGA which offers health benefits to children and the wider community. The proposed development includes a car park extension to ensure adequate off street car parking is provided.
- 7.2 The design has been carefully considered to ensure the proposal would positively integrate within the street scene in this location including use of contemporary materials. The implementation of a community garden to replace the existing pavilion will help to enhance the appearance of the scheme.
- 7.3 Finally, the proposed development has been designed to ensure there is no significant impact in terms of any potential overlooking, overbearing or overshadowing impact. Further to this, any potential noise or light pollution associated with the MUGA has been mitigated.
- 7.4 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.
- 7.5 It is recommended that conditional planning permission be granted subject to conditions outlined in the appendix.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> • Site Location Plan • Utility Survey 45652_T_UG Rev. 0 • Topographical Survey 45652_T Rev. 0 • Existing Site Plan 0101 Rev. P02 • Existing Building 0016 Rev. P01 <p>(All received by the Local Planning Authority 19/01/23)</p> <ul style="list-style-type: none"> • Proposed Floor Plans 0010 Rev. P06 • Proposed Roof Level Plan 0012 Rev. P04 • Proposed Elevations 0015 Rev. P05 <p>(All received by the Local Planning Authority 04/05/23).</p> <ul style="list-style-type: none"> • Proposed Site Plan 0102 Rev. P06 <p>(Received by the Local Planning Authority 25/05/23).</p> <p>Reason: For the avoidance of doubt.</p>
3.	<p>No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>

<p>4.</p>	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p>Reason: In the interest of public health and safety in accordance with Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>5.</p>	<p>No development shall commence until;</p> <p>a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p>Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>6.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local</p>

	<p>Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) numbers, types, sizes and positions of proposed trees and shrubs (b) proposed boundary treatments (c) proposed hard surfacing treatment (d) proposed lighting details (e) planting, seeding/turfing of other soft landscape areas (f) proposed retaining walls or similar structures <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>7.</p>	<p>Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall include enhancement measures and habitat creation. The development shall be implemented in accordance with the approved Landscape and Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</p>
<p>8.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method</p>

	<p>Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and f) details of dust and noise suppression to be used during the construction phase. g) a scheme for the identification and safe removal of asbestos containing material. <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect the amenity of neighbouring residents in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>9.</p>	<p>Prior to the commencement of any development that may affect the function use as a cricket pitch, a cricket club relocation plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be carried out in accordance with the details.</p> <p>Reason: To ensure suitable relocation of the cricket club is secured in accordance with the aims within Part 8 - Promoting healthy and safe communities of the of the National Planning Policy Framework 2021.</p>
<p>10.</p>	<p>Prior to the commencement of the development, a detailed renewable energy and sustainability management plan shall be submitted to and approved by the Local Planning Authority. Details should include the siting, design and required maintenance of any renewable energy structures. The renewable energy and sustainability management plan shall be in accordance with the recommendations contained within the Energy Statement dated 12th May 2023.</p> <p>Reason: In the interests of sustainability in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan</p>

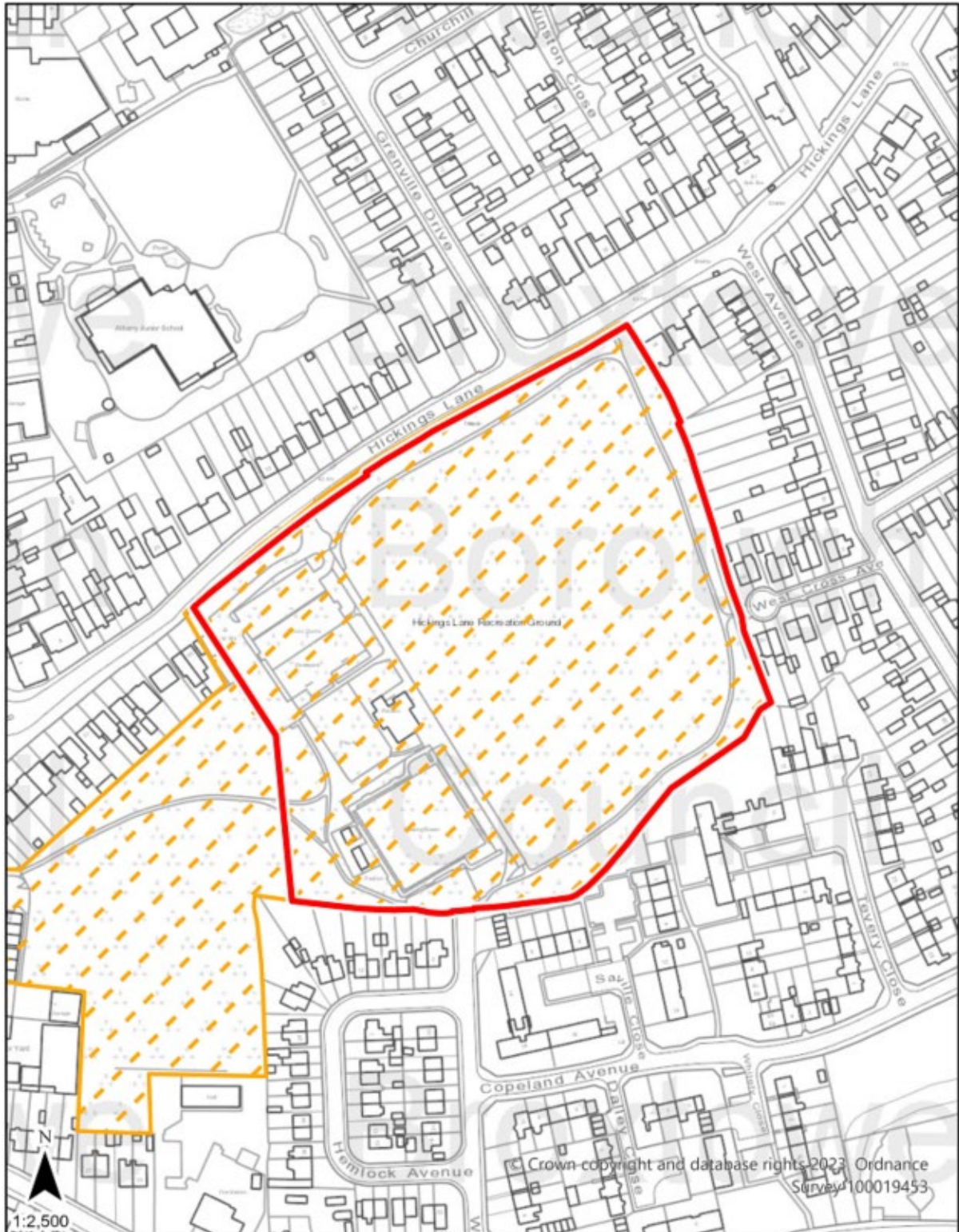
	<p>2014 and Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF 2021.</p>
11.	<p>Prior to development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p>Reason: In the interest of public health and safety in accordance with Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
12.	<p>Suitable ventilation and filtration equipment shall be installed to suppress and disperse odour created from food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer’s instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of the any ventilation and filtration equipment. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.</p> <p>Reason: To protect nearby occupiers from excessive odour in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
12.	<p>No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number SCP - LFA - XX - XX - DR - A – 0102 S2 PO6. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>

<p>13.</p>	<p>No part of the development shall be brought into use until illustrative details of the siting and design of the bin and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>14.</p>	<p>No part of the development shall be brought into use until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details.</p> <p>Reason: To reduce the potential for crime in accordance with Part 8 - Promoting healthy and safe communities of the National Planning Policy Framework 2021.</p>
<p>15.</p>	<p>Any floodlighting installed and operated by way of this permission shall be installed and maintained in line with the current guidance from the institute of lighting engineers ‘Reduction of obtrusive Light’ guidance for the duration of the permitted use.</p> <p>Reason: To protect nearby residents and road users from excessive light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>16.</p>	<p>The floodlit MUGA shall only be used at the following times: Monday to Sunday 08.30-21.00 only.</p> <p>Reason: To protect nearby residents and road users from excessive operational noise and light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>17.</p>	<p>The pavilion building shall not be used except between 08.00 – 22.00 Monday to Sundays without the prior agreement in writing of the Local Planning Authority.</p> <p>Reason: To protect existing residents from noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 –</p>


	Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.
18.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: To protect nearby occupiers from excessive construction noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
19.	<p>The hereby permitted development shall be carried out in accordance with the recommendations contained within Section 6.3 of the Sustainable FRA and Drainage Strategy by Tunstall Smith King dated May 2023.</p> <p>Reason: In the interests of flood risk in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF 2021.</p>
20.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The applicant is advised that the proposed will require a Food Registration. Please contact the Councils Environmental Health Department on Tel 0115 9173485.

3.	The internal layout, design and construction of the premises must meet the current Food Safety and Health and Safety requirements. The applicant must therefore contact the councils Food and Occupational Safety Section on tel :01159173485.
4.	The applicant is advised that the proposed may require a Premises Licence. Please contact the Councils Licensing Department on Tel 0115 9173485.

Site Location Plan



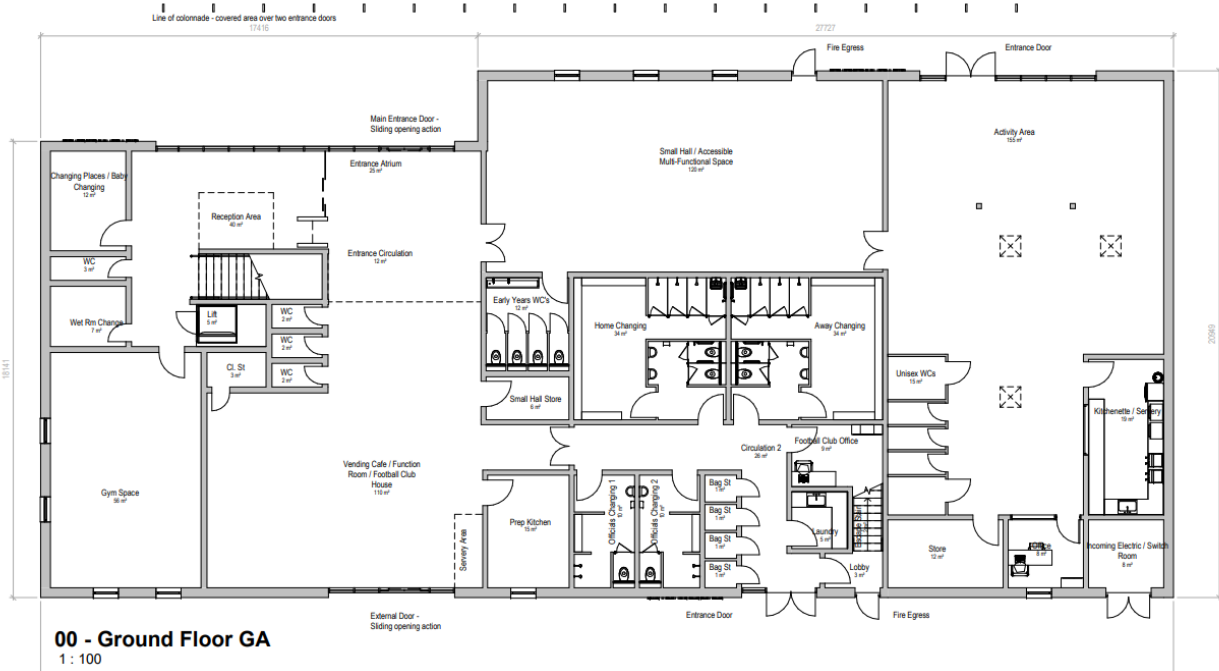
Legend

-  Site Outline
-  Open Spaces

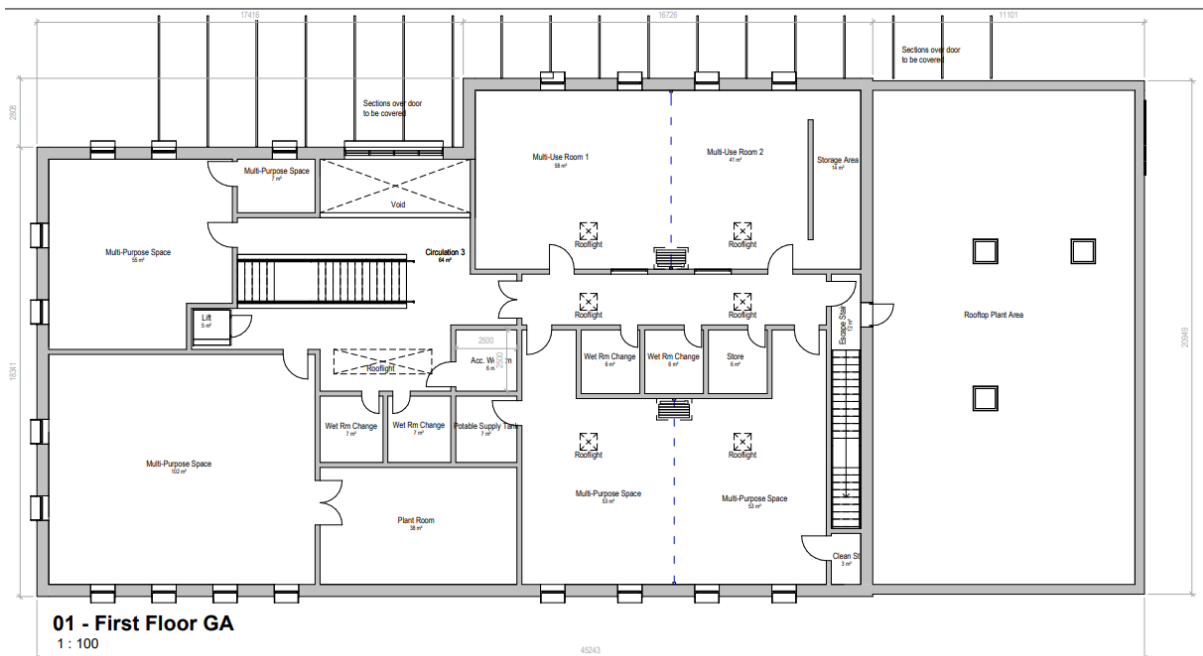
Proposed Site Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Elevations



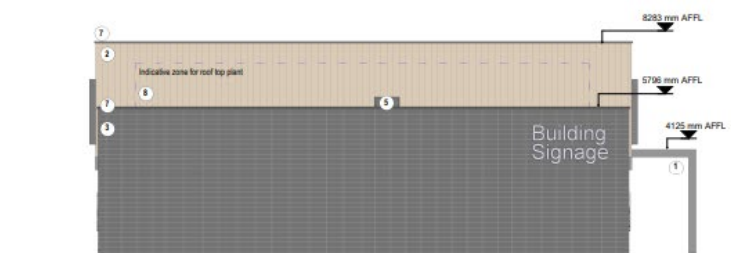
EL01 - North - Front Elevation
1 : 100



EL02 - West - Side Elevation
1 : 100



EL03 - South - Rear Elevation
1 : 100



EL04 - East - Side Elevation
1 : 100

Photos

Existing access to be used



Existing car park to be extended



Existing basketball court to be replaced by car park extension



Existing skate park to be replaced by community garden



Existing cricket club playing pitch



Location of new pavilion



Existing pavilion to be demolished



Location of MUGA

