

**28 June 2016****Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/00944/CMA****PROPOSAL: PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF SPORTS  
CENTRE, LEISURE AND COMMUNITY CENTRE****LOCATION: THE GROVE LEISURE CENTRE, LONDON ROAD, NEWARK****APPLICANT: NCC PLACE DEPARTMENT****Purpose of Report**

1. To consider a prior notification for the demolition of a sports centre, leisure and community centre at the Grove Leisure Centre, London Road, Newark. The key issue relates to safeguarding the local environment from the uncontrolled impacts of demolition. The recommendation is to approve the prior notification submission subject to conditions set out in Appendix 1.

**The Site and Surroundings**

2. The Grove Leisure Centre lies to the west of the recently redeveloped Newark Academy on the east side of London Road, New Balderton (B6326) approximately 2.2km to the south-east of Newark town centre.
3. The buildings to be demolished lie immediately to the north of former Newark Academy school buildings which are currently being demolished. A former pupil referral unit (Grove House) lies to the east, and buildings for demolition are bounded to the north by a watercourse (Middle Beck Main River) with Balderton Resource Centre and The Orchard Special School beyond. Residential properties lie 120m to the north on Glebe Park, 90m to the west on the west side of London Road, and 160m to the south on Smith Street (Plan 1).
4. Trees, notably to the north and east are established close to the buildings to be demolished. The car park to the west of the Leisure Centre is included in the site subject of the prior notification.

**Proposed Development**

5. Prior Notification of demolition of the former sports centre, leisure and community centre buildings, with supporting method statements has been provided. The works would be carried out over a two month period.

6. Asbestos would be removed from the buildings prior to demolition. Demolition would take place Monday – Friday between 07:30-16:30, and it is proposed that demolition would also take place at the contractor's discretion on Saturdays and Sundays without specifying working hours. Consideration would be given to the need not to conflict with the adjacent operational school.
7. A bat scoping survey has identified three areas of buildings to be demolished with bat roost potential (one with high risk potential and two other areas of limited potential).
8. Buildings on the site would be demolished to slab level, with the slab and areas of hard standing remaining *in situ*. The void of the swimming pool would be backfilled to leave level ground.
9. It is proposed that a noise and dust management plan would be submitted by the appointed contractor. Measures for the control of vibration are not specified other than to reference compliance with BS:5228 Part 1 (Code of Practice for Noise and Vibration Control on Construction and Open Sites). Arising material would be disposed off-site. Where practical, materials would be segregated for recycling.
10. The site would be secured by temporary Heras fencing during the period of demolition.

## **Consultations**

11. **Newark and Sherwood District Council** - No response received. Any response received shall be orally reported.
12. **Balderton Parish Council** - No response received. Any response received shall be orally reported.
13. **NCC Highways Development Control** – No objection. *Lorry movements associated with demolition should follow those set out in the Environment Management Plan for the erection of the replacement Newark Academy, referring to lorry routeing, segregation of vehicles and pedestrians, and times of access to avoid school student arrival/departure times.*
14. **Trent Valley Internal Drainage Board** – No objection. *No Board apparatus would be affected by the proposals.*
15. **NCC Nature Conservation Team** – No objection subject to demolition proceeding in accordance with recommendations of additional surveys. *Cavity walls of the fitness suite have high bat roost potential. Further bat emergence/activity surveys are recommended but cannot be completed before mid-June due to the potential for the cavity wall features to support a maternity roost.*
16. **NCC Land Reclamation Team** – No objection subject to conditions. *The method statement is broadly satisfactory but it should be ensured that the validation process for asbestos clearance covers the exposed soils and the infilled materials designated for the pool basin.*

17. *Provision should be made for waste management and the designation of an asbestos waste skip or similar. The areas where crushing plant would stand should be identified. Materials used to fill the void of the swimming pool should be validated to confirm they are free of contaminants, including asbestos. Finished site surfaces should be tested to validate an absence of contaminants, including asbestos.*
18. **Environment Agency, NCC Project Engineer (Noise), National Grid (Gas), Severn Trent Water Limited, Western Power Distribution** - No responses received. Any responses received shall be orally reported.

## **Publicity**

19. The prior notification has been publicised by means of a site notice displayed by the applicant in accordance with the procedure set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B - *demolition of buildings* B.2(b)(iv).
20. Councillor Keith Walker has been notified of the application.
21. No representations have been received.

## **Observations**

22. The purpose of Prior Notification is to give Local Planning Authorities the opportunity to regulate the details of demolition in order to minimise the impact of that activity on the immediate environment. *The developer must, before beginning the development—in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;* - Schedule 2 Part 11 Class B Conditions -B.2(b)(i)(aa).
23. Advice in DCLG Planning Practice Guidance explains that: *Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.*
24. The Bat Scoping Report supporting the submission has identified the need for additional bat surveys to be carried out. Whilst the safeguarding of protected species falls outside of matters for consideration in determining this prior notification, bats are protected by The Wildlife and Countryside Act 1981. It will still be necessary for the applicant to undertake additional surveys and if required carry out suitable mitigation in accordance with a bat licence to be obtained from Natural England. An appropriate Note to Applicant is recommended (Note 1).
25. The proposed method of demolition, within recognised working hours, is generally acceptable and should not give rise to unacceptable impacts on neighbouring amenity. However proposed working hours and restrictions on demolition traffic movement need to be more tightly defined. Although NCC Highways Development Control has identified that lorry movements should take

place in the same way as for the construction of the adjacent school, the proposed demolition would be undertaken as a separate project, but would be secured through recommended Condition 6 and Condition 7. Condition 6 would remove the contractor's stated discretionary operation on a Saturday afternoon and all day on Sunday.

26. The works would take place in excess of 90m from the nearest residential property and demolition is considered unlikely to give rise to complaints. However, noise impacts should be limited and is the subject of recommended Condition 6e). Statutory nuisance which may arise would be regulated under separate legislation by Newark and Sherwood District Council.
27. The submission of a pre-demolition asbestos report is the subject of recommended Condition 9. A watching brief for asbestos will also be required (Condition 8). The void of the swimming pool will need to be backfilled with inert uncontaminated materials which should be tested as being free of asbestos containing materials and other contaminants (Condition 10). A validation report should be submitted that the ground surface, following the completion of demolition of the buildings to slab level, is free of contaminants, including asbestos (Condition 11).
28. Trees adjacent to the works will need to be safeguarded during construction (Condition 5) and any site vegetation works during the bird nesting season will need to be undertaken following inspection by a suitably qualified ecologist (Condition 4).
29. There are no current proposals for redevelopment of the site. The site would remain secure, enclosed by a perimeter fence and the visual appearance of the site is unlikely to deteriorate or impact on the visual amenity of the area. The proposal, to clear the site without covering the slab and retained areas of hardstanding with topsoil, is considered to be acceptable.
30. No additional details related to the method of demolition and restoration of the site are considered to be required prior to the commencement of demolition.

### **Other Options Considered**

31. The report relates to the determination of a prior notification related to proposed demolition. The County Council is under a duty to consider the prior notification as submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

32. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### **Crime and Disorder Implications**

33. The site would remain secured following the completion of works of demolition.

### Safeguarding of Children Implications

34. The site would remain secured during and following the completion of works of demolition.

### Implications for Sustainability and the Environment

35. Materials from demolition are to be separated into different waste streams and recycled where possible.

### Human Rights Implications

36. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
37. There are no Implications for Service Users, Financial Implications, or Equalities Implications arising from the development.

### Statement of Positive and Proactive Engagement

38. In determining this prior notification the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against all material considerations and consultation. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### RECOMMENDATIONS

39. It is RECOMMENDED that the prior notification for demolition is granted in accordance with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B - *demolition of buildings* subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**TIM GREGORY**

**Corporate Director – Place**

### Constitutional Comments

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 08.06.2016]

## **Comments of the Service Director - Finance**

There are no specific financial implications arising directly from this report.

[SES 08.08.2016]

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division(s) and Member(s) Affected**

Balderton

Councillor Keith Walker

Report Author/Case Officer

David Marsh

0115 9932574

For any enquiries about this report, please contact the report author.

PN/3503

W001607.doc