



COMMITTEE REPORT

Item Number:
Application Number:
 S/RES/18/0027/JABU

Ward: St Andrews
Parish:
 St Andrews

Proposal: Reserved matters application (following outline planning permission (S/12/1826) for the demolition of existing stadium and construction of a new stadium, racing building, training kennels, new stands, acoustic barrier, car parking and associated development including minor access works to western access and laying out of open space/linear park. (Amended Proposals) (Modification to reserved matters approval reference S/RES/16/0036)

Site Location: Abbey Stadium, Lady Lane, Swindon

Case Officer: Mrs Janet Busby

Agent: N/A

Applicant
 George Edwards
 Abbey Stadium
 Lady Lane
 Swindon
 SN2 4DN

Officers Report

Background:

1 This application for the approval of reserved matters, relates to revised proposals to re-develop the Abbey Stadium on its existing site; it seeks approval of the access, the appearance, the landscaping, the layout and the scale of the development. The proposals included modifications to the existing track for greyhound and speedway racing (some works for which have already been implemented), to construct a new stadium building, customer facilities, a new acoustic barrier, car parking and include the laying out of part of the open space/linear park, the equipped play area and multi-use games area (MUGA).

The application was called to Planning Committee for determination by Cllr G Sumner Cabinet Member for Strategic Planning and was considered at the meeting held on November 2018 when it was resolved that:

- (4) That the Head of Planning, Heritage and Regulatory Services be authorised to approve the Reserved Matters, subject to the planning conditions set out in the report, together with the additional and amended conditions set out below and upon the completion of a Section 106 agreement in the terms set out in the report to mitigate the impact of the

development and to ensure the satisfactory completion of the stadium development and the other strategic development including the open space and play areas and the construction of the necessary drainage infrastructure. The Head of Planning, Heritage and Regulatory Services be authorised to explore in conjunction with the Interim Director of Law and in consultation with the Cabinet Member and Chair of Planning details of an Escrow Account jointly controlled by the developer and Swindon Borough Council.

In the event that the applicant fails to enter into an agreement under the above terms, the application should be brought back to the committee for re-consideration.

Summary of Recommendation:

That the Head of Planning, Regulatory Services and Heritage be authorised to APPROVE the reserved matters, subject to the conditions set out in the report (together with any amended, omitted or additional conditions) upon the completion of a Section 106 agreement to mitigate the impact of the development and to ensure the satisfactory completion of the stadium development and the other strategic infrastructure, including the open space and play areas and the construction of the necessary drainage infrastructure.

In the event that the applicant fails to enter into an agreement or fails to agree to an extension of time for the determination of the application to enable the Council as Local Planning Authority to deal with these matters, then the Head of Planning, Regulatory Services and Heritage be authorised to refuse the approval of reserved matters and;

The Head of Planning, Regulatory Services and Heritage, in consultation with the Head of Legal Services, be authorised to take planning enforcement action and other legal action regarding the breaches of the s106 planning obligation.

2 It is recommended that the section 106 agreement should include the following matters;

- a) No additional housing is to be developed until the new stadium is operational and substantially complete. (The definition of operational and substantial completion to be agreed in the s106 agreement.)
- b) Other permissions and approvals previously granted for alternative proposals (the revised outline S/OUT/14/0833 and subsequent reserved matters approval S/RES/16/0036 for the new stadium) are to be revoked.
- c) A full application for an alternative re-development of the stadium that includes an area of land owned by the Council (S/16/0959) is to be withdrawn.
- d) The outstanding drainage details that are to be agreed by the Council and Lead Local Flood Authority to be constructed and implemented by an agreed long stop date.
- e) The construction and laying out of the open space/linear park, including the equipped play area and multi-use games area (MUGA) consequent to the revised stadium proposals by an agreed long stop date.

3 Last year when the application was considered at the November 2018 meeting a draft section 106 agreement had been submitted by the applicant, together with a new timetable for the development; this was based on obtaining planning approval before the end of October 2018 and envisaged works commencing on site in November with completion of the new stadium by June 2019. Although at that time it was anticipated that rapid progress

could be made to agree the above Heads of Terms, following the above Resolution in November 2018 and alongside negotiations that have continued to conclude a new s106 agreement with the Head of Legal Services, the applicant submitted further revised proposals for the re-development of the stadium. These changes to the reserved matters application are summarised below.

- a) Relocation of the stadium building to the north of the racing tracks;
- b) Modification to the racing facilities for speedway and greyhound racing;
- c) Modification to the proposed acoustic barrier
- d) Modifications to the car parking layout, provision for taxi and coach drop-off areas; and
- e) Modifications to the open space to take account of the above alterations and to ensure that appropriate access for pedestrians to the stadium is provided.

4 As the application has previously been called to Planning Committee for determination, at the time of writing, as the above matters have not yet been agreed and taking account of the time that has elapsed since the November 2018 meeting, authority is sought for the Head of Planning in conjunction with the Head of Legal Services to agree the above changes and to conclude the s106 agreement.

Planning history

5 The planning history of the Abbey Stadium is lengthy and complex. The first outline planning permission was granted in 2011 for the demolition of the existing stadium and construction of a new stadium, with youth training facilities, business floor space (16,745sqm) a care home and 450 dwellings with the means of access not reserved.

6 Subsequently, before any applications for reserved matters approval were submitted a further outline application, made under section 73 of the Town and Country Planning Act 1990 (as amended) (reference S/12/1826) was granted in 2013. Principally this application modified some of the original outline planning permission conditions, to enable the development to be implemented in phases or sub-phases. Both of these permissions were linked to a section 106 agreement for the payment of developer contributions to mitigate the impact of the development and to control the phasing and implementation of the development. A planning condition controlled the time limit within which applications for the approval of reserved matters could be submitted, before the expiration of 5 years; this was 8th August 2018.

7 In 2014, 2015 and 2016 several applications for reserved matters approval were granted for residential development at the site and for the construction of roads and strategic drainage. Two applications reference S/RES/13/0951 and S/RES/13/1188 were granted for residential development of 66 houses and 120 houses for Persimmon Homes/Charles Church. An application reference S/RES/14/1539 was approved for Barrett Homes for 121 houses together with a later application for 16 houses (reference S/RES/16/1050). A separate reserved matters application was approved for a 73 bed care home (S/RES/13/1656) and this was developed by the Milestones Trust. All these developments are completed and occupied.

8 A third outline planning permission was granted in April 2015, pursuant to application S/OUT/14/0833 to modify the original development for a mixed use development

comprising up to 100 dwellings, car parking for stadium events, a fire station, access, landscaping and open space. This permission replaced the former employment element with additional housing and made a new provision for a site for a new fire station for the Dorset and Wiltshire Fire and Rescue Service (DFWFRS). This new permission was subject to a Deed of Variation to link to the existing s106 agreement and included triggers to control the implementation and delivery of the new stadium together with a revised phasing programme for the construction and laying out of the open space.

9 In August 2016 reserved matters approval, reference S/RES/16/0036 was granted for the demolition of the existing stadium and the construction of a new stadium, racing building, training kennels, market, new stands, car parking and associated development on land to the east of the existing site. This development has not been implemented.

10 Later in 2016 a modified proposal for full planning permission was submitted to re-develop the stadium on land located slightly to the east of the above proposals, including an area of land owned by the Borough Council. This application, reference S/16/0959 has not been determined, partly as the sale of the Council owned land did not proceed. The applicant was advised to withdraw this alternative proposal in advance of the current reserved matters application being determined, but at the present time it remains pending determination.

11 Another application for reserved matters approval for an additional 56 dwellings was approved for Persimmon Homes (reference S/RES/16/0357). Reserved matters approval was also granted for the laying out and construction of the open space/linear park. Both of these applications were submitted pursuant to the later 2016 outline planning permission S/OUT/14/0833. The additional 56 dwellings have been constructed, completed and are occupied, but the other reserved matters approval for the open space has not been implemented and this area has not been laid out. Overall 379 dwellings have been permitted at the site and the majority of these are occupied.

12 An application for the discharge of planning conditions relating to drainage was approved at the end of 2016, but the works to implement this drainage scheme have not been carried out. In August 2018 just in advance of the expiry date for any further reserved matters applications to be submitted, a final application for the approval of reserved matters for the construction of an additional 127 dwellings on land to the east of the existing stadium was made; this application is pending consideration and determination. A further discharge of condition application for the drainage scheme modified to reflect this application has been submitted and this is pending consideration.

The Proposal:

13 The proposal is to demolish the existing stadium building and to build a replacement stadium building and to construct speedway and greyhound racing tracks within the current stadium site. The proposals include new racing facilities and kennels located within the ground floor of the new stadium building, together with offices and other ancillary facilities and new customer facilities on the first floor, including hospitality areas. The design includes an external viewing platform located on the southern side of the new stadium building facing towards the tracks, together with new stands, a speedway pits and kennel building to the north of the tracks; a maintenance compound and building is proposed to be located to the south of the tracks, together with the car park, coach and mini-bus parking. The proposals

include providing an acoustic barrier to enclose the racing tracks and racing facilities. The disabled car parking spaces, space for taxi and bus drop off, motor cycle and cycle parking is located to the north and to the side of the stadium building.

14 The market hall which was part of the original outline permission no longer forms part of the proposals, as the market use at the site ceased last year, but the proposals include the Young Person's Training facility which is a requirement of the original s106 agreement. The proposals no longer include providing a site of 0.8 hectares for the Dorset and Wiltshire Fire and Rescue Service (DWFRS) as the DWFRS no longer wish to pursue proposals to construct a new fire and rescue station (north).

15 Access for vehicles to the development is from Lady Lane on the northern side, as is access for all construction traffic, as there is no vehicle access from the south (Salzgitter Drive). The layout includes an acoustic barrier located around the perimeter of the stadium to attenuate noise from speedway events to an agreed Race Noise Level. The application further includes details of the linear park and public open space, including the centrally located equipped areas of play (LEAP) and multi-use games area (MUGA); the location and form of the open space has been modified from that previously approved.

The Site and Surroundings:

16 This brownfield site is located on the northern edge of the Swindon urban area adjacent to St Andrews Ridge and Abbey Meads, within the former northern town expansion area. Salzgitter Drive is to the south and Lady Lane to the north and these two roads define the external boundaries of the original stadium site. The existing stadium is located within the north and north-eastern part of the site and the former Motorola (now the Vygon) premises are to the east. The new residential development and the care home that have been constructed and are occupied are located to the south and to the west and the St. Andrew's Ridge residential area and local centre, the public house, retail units and a nursery are located to the south of Salzgitter Drive.

17 The Abbey Stadium has been in continuous operation for more than 60+ years as a recreation and leisure site; it is home to the Swindon Robins speedway team and greyhound racing and other events.

18 For completeness full details of the applications, including those for the approval of reserved matters previously determined are listed below.

a) S/RES/13/0344 for the construction of roads and strategic drainage (part of the site) pursuant to outline permission S/12/1826 was granted in April 2014 and this approval has been implemented.

b) S/RES/13/0951 for the erection of 66 dwellings (Persimmon/Charles Church) pursuant to outline permission S/12/1826 was granted in December 2013 and this approval has been implemented and all the dwellings are occupied.

c) S/RES/13/1188 for the erection of 120 dwellings (Persimmon) pursuant to outline permission S/12/1826 was granted in July 2014 and this approval has been implemented and all the dwellings are occupied.

d) S/RES/13/1539 for the erection of 121 dwellings (Barrett Homes) pursuant to outline permission S/12/1826 and has been implemented and the majority of the dwellings have been implemented.

e) S/RES/13/1656 for the erection of a 73 bed care home (Castle Oak) pursuant outline permission S/12/1826 was granted in July 2014 and this reserved matters approval has been implemented and the care home constructed and is operational.

f) S/OUT/14/0833 new outline planning permission for a mixed use development of up to 100 dwellings, car parking in association with stadium events, a fire station and associated facilities including landscaping/open space was granted in April 2015 subject to a new section 106 agreement. This new outline permission replaced the business/employment development with additional housing and included a site for a new fire station for the Wiltshire Fire and Rescue Service. This 2015 section 106 agreement included provisions for the delivery of the new stadium and other strategic elements, including the open space/linear park and young person's training facility; the main provisions of the 2015 agreement are summarised below.

i) To transfer to the Council a site for the (former) Wiltshire Fire and Rescue Service (WFRS) a site for a new fire station;

ii) To vacate the "fire station site" once transferred to the Council; the site may be used temporarily by the stadium as car parking until it is required by the WFRS.

iii) Alternative provisions should the Council not serve notice within 5 years on the owners for the fire station site to be transferred;

iv) Not to submit further reserved matters applications unless and until the owners submit a reserved matters application for the new stadium. (This clause was complied with by the submission of this reserved matters application.

v) Not to occupy any additional residential units (granted pursuant to the new outline S/OUT/14/0833) unless and until practical completion of the new stadium. (This clause has not been complied with).

vi) The owners to use their "reasonable endeavours" to ensure and procure practical completion of the stadium by a "long-stop date" defined in the agreement as April 2017. (This clause has not been complied with.)

vii) The delivery of the open space and associated management plan. (This clause has not been complied with.)

g) Application reference S/RES/16/0272 for the development of open space/linear park; this reserved matters approval was granted on 26th August 2016, but has not been implemented.

h) Application reference S/RES/16/0357 for the development of 56 houses (Persimmon Homes); this reserved matters approval was granted in 26th August 2016 and has been implemented and these dwellings are occupied.

i) Application reference S/RES/16/1060 for the development of 16 dwellings (Barratt Homes); this reserved matters approval was granted on 9th September 2016 and is being implemented.

j) Application reference S/RES/16/0036 for the demolition of existing stadium and construction of a new stadium, racing building, training kennels, market, new stands, car parking and associated development; this reserved matters approval was granted on 26th August 2016. This approval has not been implemented.

19 Various applications to discharge of planning conditions relating to the original and subsequent outline planning permissions and the reserved matters approvals have been approved. Two applications to discharge surface water drainage conditions, reference S/COND/16/0270 and S/COND/16/0271 were discharged on 19th December 2017. At the time of writing the works to construct the permitted drainage scheme and the construction and laying out of the open space have not been agreed nor implemented.

Representations:

20 St Andrews Parish Council; no objections.

21 Highways England - no objection

22 Dorset and Wiltshire Fire and Rescue Service (DWFRS);

i) Recommend a planning condition in relation to fire safety recommendations, including recommending commercial sprinkler protection.

ii) The application has not assessed future access and egress for emergency vehicles and requests an assurance from the Council as local highway authority that an additional access junction for 24 hour emergency response vehicles would be feasible. The DWFRS also refer to the need to ensure that the highway verge and any pedestrian path that is construction along the frontage would be able to report accommodate the weight of larger goods vehicles (20 tonnes).

iii) The DWFRS have commented in relation to the proposed change to the site for a new fire station, noting that the shape of the site has changed from a more desirable quadrilateral profile to a "restrictive narrower boundary" which the DWFRS state would impact on the movement of operational vehicles, the ability to conduct community safety activities, the provision of a training environment and the capacity to facilitate future operational requirements. No further comments have been received from the DWFRS.

23 Transport Development Management Officer; no objection, subject to conditions.

24 Urban Design Officer; no comments.

25 Landscape Officer; the following concerns have been raised.

i) The acoustic barrier will appear stark, substantial and potentially unattractive, however it is sited internally near to the stadium building and there will be planting to screen the east and west sides. Additional tree planting should be carried out on the north side of the car park.

ii) The revised landscape and open space layout has affected the quality of the open

- space, particularly the extent of flat open usable areas.
- iii) The Neighbourhood Area of Equipped Play (NEAP) is the same as proposed previously and is unaffected by the changes.
- iv) The location of paths within the open space should be carefully considered if the area adjacent is developed for housing.
- v) Further details are required of the hard landscape details, boundary treatment, lighting and seating proposed.

26 Environmental Health (Pollution) Officer; no objection to the acoustic proposals subject to conditions.

Neighbours and Third party representations

27 A letter was received from Solicitors acting for Barratt Homes in February 2018, who developed an area of land adjacent to the site for residential development. In summary the letter expresses concern about the proposed siting of the stadium and that it will have a detrimental effect on local residents who have recently purchased properties and future occupiers. The letter further queries the status of the application and its scope as a reserved matters application and to the change to the layout and the mix of uses. Further Barratt Homes expressed concern regarding the proposed noise attenuation measures. No further comments were made in response to the additional technical noise attenuation details that were submitted in March 2018.

28 Eight letters of objection have been received relating to objections to the inclusion of a greyhound racing track within the proposals, not to other aspects of the development. In summary the main points raised are;

- a) Greyhound racing is widely recognised as cruel and distasteful and that approval of the redevelopment should be without the inclusion of greyhound racing.
- b) The popularity of greyhound racing is in decline and many tracks have closed changing to other uses and since the 1940s the number of licensed tracks has fallen from 280 to 22 tracks, with one track in administration. The number of people attending greyhound racing in Swindon has also declined and the UK is now one of only eight countries where greyhound racing remains; recently decisions have been taken in the USA and Australia to end greyhound racing.
- c) The representations refer to Government strategies to curb gambling and state that it would be sensible to phase out greyhound racing, as it is not a sustainable development, it does not support the policies in the Swindon's Local Plan and the Council's vision to improve the quality of life and to enable economic development.
- d) The refurbishment of the stadium for competitors to participate in sports through their own choice, is different to greyhound racing.
- e) Thousands of dogs are bred each year for racing, but many dogs do not compete and go missing and some dogs are being culled; during 2018 there were 86 incidents of greyhound injuries at the Swindon track during 2018.
- f) Although some trainers treat their dogs well there is evidence of welfare concerns, including that some dogs are kept in poor conditions, are neglected, for example being locked in kennels for long periods of time with little social contact and being muzzled 23 hours a day.
- g) Other objections relate to the death and injury of greyhounds and to their short racing careers and the alleged use of drugs to affect performance.

Revised Proposals (2019)

29 In response to the revised proposals submitted in June and July further consultation responses were received as follows.

30 St Andrews Parish Council: The Parish Council has raised No objection to the revisions but also states that as it is concerned about the noise levels it would like to know whether this has been taken into consideration and whether a drop-off point for taxis has been included?

31 Highways England: No objection.

32 Environmental Protection (Pollution) Officer: With respect to noise, further investigations have been carried out to establish the current background noise levels and to test the proposed “racing noise level” proposed. These investigations have indicated that a complex model is required to take into account background noise levels as well as the proposed stadium racing noise levels. Further details are awaited from the applicant’s acoustic consultant to demonstrate that the noise associated with speedway events can be mitigated by the proposed acoustic barrier to achieve the agreed racing noise levels. If further acoustic details are available these will be reported at the meeting.

33 Landscape Officer: No objection to revised proposals following the submission of further details of the equipped play areas and proposed new planting.

34 Environmental Health Officer (Animal Welfare): The welfare of racing greyhounds is covered by Regulations dating from 2010 and is managed by the Greyhound Board of Great Britain and as such is exempt from local authority involvement.

35 Transport Development Management Officer: No objection to the revised layout and car parking provision and the revised layout plan includes 4 number parking spaces for taxis drop-off use, located to the north of the site by the main entrance to the stadium.

36 Environmental Protection (Animal) Officer: in response to the third party representations, the Council’s Environmental Protection Animal Officer has reviewed the objections and advised that the welfare of racing greyhounds is covered by Regulations dating from 2010 and is managed by the Greyhound Board of Great Britain and as such is exempt from local authority involvement. The Regulations have been recently reviewed by Government and although there were recommendations for changes to the licensing arrangements, at the present time there are no firm proposals to alter the existing arrangements. All tracks and trainers are required to adhere to primary legislation, in the main this is the Animal Welfare Act (2006) and the Council may act upon a complaint and take action for the RSPCA. The Environmental Protection Animal Officer has advised that no complaints have been received about the Swindon track, although complaints have been made about trainers; these were investigated, but the animal’s welfare was not at risk and previous investigations locally have not required any action.

37 In response to the revised layout plans, three further letters of representation have been received stating that the importance of the speedway track to Swindon is recognised and its re-development is supported, but that the greyhound track and the related amenities for

greyhound racing should be excluded from the proposals.

- a) The adopted Swindon Borough Local Plan seeks to promote social justice and to improve the quality of life of the town; greyhound racing is in decline and its continuation does not support the town's long term vision and plan.
- b) The proposal is not sustainable development and will not improve the economic and social conditions for the residents of Swindon. The presence of a greyhound track detracts from the image of Swindon as a progressive, sustainable and inclusive town.
- c) Many greyhound racing tracks have been closed in the UK and in the United States of America 40 states have banned greyhound racing and once it ends in Florida in 2021 only 6 American tracks will remain.
- d) This is not a sustainable development proposal as 130 jobs were lost when Towcester racecourse was closed in 2018 and it is unlikely that jobs created by the development will be long term.
- e) Greyhound racing promotes the combination of drinking and gambling and does not support aspirations of social justice or to promote health and well-being for Swindon.
- f) The applicant should revise the proposals to exclude the greyhound race track.

Planning Considerations:

Policy:

38 The Swindon Borough Local Plan 2026 provides the strategy to deliver sustainable development and economic growth to 2026. In accordance with the development plan policies and the National Planning Policy Framework (NPPF 2018) the main considerations in the determination of this application for reserved matters approval are:

- The principle of the development.
- The layout, scale, external appearance and landscaping of the development.
- Highway safety, the access for vehicles and pedestrians and car parking; and
- The phasing and delivery of infrastructure, including the delay to the provision of open space, the equipped areas of play and the drainage proposals.

The National Planning Policy Framework

39 The NPPF (2018) refers to the presumption in favour of sustainable development and advises that where development accords with an up-to-date development plan, it should be approved without delay.

40 Local Plan policies SD1 (sustainable development principles), SD2 (the sustainable development strategy) and SD3 (managing development) are relevant and these policies refer to delivering sustainable development in accordance with a number of key criteria. These include a high quality design, promoting healthy, safe and inclusive communities, accessibility including by walking/ cycling and public transport and the efficient use of land and resources (policy DS1). When considering development proposals the Council will take a positive approach reflecting the presumption in favour of sustainable development (policy SD3). Local Plan policy SD3 states that reserved matters submissions should be guided by an overarching design approach, including management strategies to secure the long term maintenance of infrastructure.

41 Policy DE1 (High Quality Design) refers to four key criteria and that high standards of design are required for all types of development; these criteria are firstly the context and character with respect to existing built characteristics, acknowledged features of importance and existing site conditions; secondly to layout form and function including accessibility, siting, orientation, scale, massing, materials and detailing; thirdly amenity with respect to light, outlook, privacy, noise/disturbance, pollution and lastly the quality of the public realm.

42 Policy TR2 (transport and development) refer to a number of criteria including providing access appropriate to the scale, type and location without detriment to highway safety and local amenity, promoting sustainable travel choices and providing parking including for cars and cycles in accordance with the Council's adopted standards.

43 Policy CM2 "Active, healthy and safe lifestyles" is relevant referring to sporting participation and improving the cultural offer in Swindon.

44 In July 2019 the Council published the Local Plan Review and Draft Development Management Policies to replace the Swindon Borough Local Plan 2026. Consultation took place on the emerging strategies stage from 29th July to 23rd September 2019 and feedback from this consultation will be used to set out the Council's preferred approach in the final draft Plan.

The principle of the stadium re-development:

45 The re-development of the Abbey Stadium was established through the grant of outline planning permission in 2011, to ensure the continued operation of stadium events, including racing facilities for the Swindon Robins speedway team, for greyhound racing and other events. Therefore the principle of the development is well established and this proposal seeks to re-develop the premises on its current site rather than moving the stadium to a new location on land to the east. There is no objection therefore to the principle of the development.

Layout and design:

46 In terms of the layout and the design, as a change to the previous proposals, the main stadium building will be located on the northern side of the site and will provide the main entrance for visitors and spectators. The layout includes ancillary buildings similar to those previously permitted for the alternative scheme to re-develop the stadium on land to the east, to provide customer facilities including two stands, WCs and food/beverage refreshment building located on the track side, on the northern side. The stands for spectators are located either side of the main stadium building, together with changing rooms, car parking for competitors, the speedway pits and compound area. Disabled car parking spaces for customers are located immediately outside the entrance in a very accessible location together with parking for motor cycles, cycles and taxis.

47 The site layout and car parking and access is very similar to the arrangement approved previously, with the main car parking areas located to the south of the tracks and includes a designated area for bus/coach and drop-off. The race facilities are within part of the ground floor of the stadium building and the pits, changing rooms, kennels and competitor's car parking located to north-east of the stadium building.

48 In terms of the layout and arrangement, the main stadium building is a similar design, appearance and layout to the previous proposals and provides facilities for competitors and racing greyhounds, race veterinary facilities, a meeting room that could be made available to the local community and a garage workshop for the young person's training centre (the Wheels Project).

49 The design and visual appearance for the main building and the ancillary buildings are the same as previously approved, with a contemporary design using cladding, together with areas of glazing and a grey metal roof. It is considered that the palette of materials, the visual appearance, the scale and the layout of the buildings are appropriate for the form and function of the development, whilst providing new and accessible facilities within the re-developed site.

Access for All:

50 The buildings have been designed to provide access for all, including the ancillary facilities and the designated disabled car parking area located immediately outside the entrance to the Stadium building. The application drawings indicate that flush thresholds are proposed to the buildings to ensure accessibility and includes a lift to provide access to the first floor. As described above, provision has been made for the young person's training facility, taking forward the existing "Wheels" project that currently operates from the stadium.

Landscape impact and public open space

51 The application proposes to modify and alter the proposed "linear" park and public open space, due to the change in location of the stadium and the layout differs from that previously permitted in 2016 (pursuant to reserved matters approval S/RES/16/0272). The linear park is required to provide for the open space needs of the development and for the occupiers living within the completed residential development and this element of the original outline permission was a key component of the original Design Brief and master plan proposals.

52 The open space is been affected by the location of 4 drainage basins as works to partially construct these basins were undertaken in 2015, before the drainage design was approved. The depth, extent and gradient of the 4 basins has affected the amount of the land available as flat usable open space and the safety of users, due to the close proximity of the proposed pedestrian paths which are required to provide access to the development and to link with the surrounding area. However, the new proposals have further altered the proposed drainage scheme due to the changes to the layout of the new stadium and to provide suitable drainage for this development. The basins are linked together by pipes and discharge into a larger drainage basin constructed in 2014 that is located to the south-east of the site, adjacent to Salzgitter Drive.

53 The revised drainage details, including modifications to the attenuation basins within the open space have been submitted to the Council to discharge the drainage conditions and these revised proposals are currently being assessed by the Drainage Officer. In terms of the impact on the usability of the open space, the Landscape Officer has expressed concern that the application drawings do not show the full extent of the basin's footprints, and that basins 1 and 2 will occupy a greater area and land-take within the open space than has

been indicated on the detailed drawings and that consequently these basins will adversely affect the usability of the linear park and will compromise its usability as public open space.

54 In response the applicant has indicated that the actual area of land proposed to be provided for open space is similar to that previously approved but has not revised or increased these areas of open space. The Landscape Officer has advised that additional flat land within the "residual/remaining" residential parcel should be made available to supplement the flat areas available for informal recreational use within the linear park as this would compensate for the loss of usable flat areas and the harmful impact on the quantity and quality of open space due to the location of the drainage basins.

55 However, given the importance to Swindon that the new stadium and ancillary facilities are delivered and the delays to the scheme and the continued absence of any open space for use by the new residential occupiers, taking account of the national planning policy in the NPPF (2019) it is considered that despite the fact that the original design and layout of the linear park has been adversely affected by the construction of the drainage basins, in the planning balance this is to be considered against the need to provide some recreational open space, including the equipped play area and MUGA so that the recreational and play space needs of existing occupiers are met.

56 Your Officers have been seeking to negotiate some improvement to the boundary landscaping within the open space at the boundary with the adjacent proposed residential development (for the application pending consideration for an additional 127 dwellings), but this can only be achieved by agreement with the applicant. However, to ensure that the stadium re-development does takes place without further delay and taking account of the exceptional and complicated circumstances that have affected this development, it is considered that the open space element of the development as proposed be accepted, provided that it is laid out and constructed within a reasonably short timescale and that this is controlled through a new timetable within the new section 106 agreement.

Highways:

57 In terms of the transport and highway safety implication of the development, the Transport Development Management Officer has raised no objection, on the basis of the additional and supplementary details provided that has demonstrated that a safe and suitable means of access will be provided and that appropriate arrangements are in place, in accordance with the section 106 planning obligation for the Travel Plan and transport arrangements for stadium events. The Stadium Events Travel Plan has been updated to reflect the changes that have occurred since it was originally secured as part of the original outline permission and this element will be controlled and delivered through the section 106 agreement. The Stadium Events Travel Plan requires that details are submitted to the Council to make provision for promoting sustainable transport and to manage car demand associated with stadium activities, including off-site car parks. The details of these travel measures, including the specific location of the off-site car parks for Stadium Events will be agreed with the Council's Travel Plan Officer and will be controlled through the s106 agreement.

58 Pedestrian routes through the site have been included to provide safe routes for customers visiting the stadium, including routes within the car park to reduce the risk of conflict with cars. A pedestrian link to the site from the open space is provided and the

application has demonstrated that coaches and taxis can be accommodated within a designated coach and taxi parking areas, close to the main entrance and dedicated car parking for the disabled (14 no. accessible spaces) which are located close to the main entrance.

59 A planning condition (number 33 of the outline permission) restricts the number of parking spaces on site to 290 and the level of car parking proposed accords with the condition and is similar to the previously approved layout to re-development of the stadium, on land to the east. On this basis it is considered that the transport and highway safety elements of the proposal accord with policies DE1 and TR2 of the Swindon Borough Local Plan 2026 and will provide an appropriate means of access and sustainable transport for the development including for cyclists and pedestrians.

Noise attenuation

60 The application includes measures to attenuate noise, primarily from Speedway events. During the speedway season from April to September racing typically starts at 19.30 finishing at 23.00, although racing is generally completed by 21.30. Although noise from speedway bikes has reduced gradually as measures have been introduced to improve the environmental impacts of motor sport, speedway racing is a noisy activity. The previously approved proposals to re-build the stadium on the new site, to the east of the current site and at a different orientation, included similar noise attenuation measures and this design follows the previous proposals incorporating the same noise mitigation measures. The noise attenuation has been assessed by the Council's Environmental Health Officer who has monitored noise from speedway events at the site. The impact of noise from motorcycles has been considered in terms of the frequency of the noise, the direction and any variability around the race track. Detailed noise modelling has been carried out to assess the impact of an agreed target racing noise level and the measures to attenuate noise from speedway events includes the construction of a 3.5m high acoustic barrier to surround the race track circuit. The barrier has a visual appearance similar to a high fence, but is provided by a specialist acoustic contractor. The Environmental Health Officer has indicated that the proposed target racing noise level would be appropriate to provide an reasonable level of amenity for neighbouring residential occupiers, including the new residential occupiers, however, at the time of writing a further revised technical note prepared by the applicant's acoustic consultant has just been received and is being reviewed and assessed by the Environmental Health Officer. A further update on this technical note and whether it has demonstrated that the agreed racing noise levels can be achieved for existing occupiers, including for the additional residential land to the east will be provided at the meeting. It is recommended that the Head of Planning, in consultation with the Council's Environmental Health Officer approve the further acoustic proposals and that this assessment is controlled a number of planning conditions, including a condition to requiring future monitoring and reporting to the Council of both noise levels and noise sources to ensure compliance with the agreed racing noise levels.

61 Whilst the acoustic barrier will be screened to some extent by proposed new landscaping, there will be a visual impact, but this has to be considered in the context of the mitigation and the overall benefit to local residents by controlling and improving the existing noise environment during speedway racing events. Whilst policy DE1 requires a high standard of design, this has been considered in the context of the functional need of the development, the close relationship with neighbouring residential development and the

existing site conditions, as there is currently no noise attenuation. It is considered that the proposed noise mitigation measures will reduce noise disturbance to levels that are at or below the agreed target noise levels across the existing and proposed residential areas. It is considered that the provision of the new noise attenuation barrier is an important public benefit that will ensure that speedway racing can co-exist alongside the new residential occupiers, enabling new facilities for speedway racing to be provided whilst mitigating the impacts on residential amenity. On this basis, notwithstanding the visual impacts of the acoustic barrier, it is considered that the proposals are acceptable in terms of noise and the impact on living conditions and accord with policy DE1 of the Swindon Borough Local Plan.

Third party representations

62 With respect to the third party representations relating to the greyhound racing part of the proposals, the Council's Environmental Protection Animal Officer has advised that the objections have been reviewed and that all racing tracks and trainers are required to adhere to primary legislation, in the main this is the Animal Welfare Act (2006) and that upon receipt of a complaint the Council may take action for the RSPCA. The Environmental Protection Animal Officer has advised that no complaints have been received about the Swindon track although complaints have been previously received about trainers; these complaints were investigated, but it was found that the animal's welfare was not at risk and no other previous investigations locally have required action.

63 The representations relating to animal welfare concerns, specifically the greyhound aspect of the development, have been carefully considered, but this reserved matters application and the relevant planning issues to be considered relates to the layout and scale of the development, its external appearance and its landscaping, not whether or not greyhound racing is part of the development. The original outline permission permitted a mix of greyhound and speedway racing and this application includes facilities to continue greyhound racing. It is considered that the type and mix of racing activity that is carried out is a matter for the stadium operator and this proposal does not affect the requirement to comply with statutory provisions regarding animal welfare legislation.

Section 106 agreement

64 The original section 106 agreement and subsequent Deeds of Variation required that part of the open space be laid out before the occupation of 100 dwellings; this included for the construction of the equipped areas of play, with the remaining open space and facilities, within 6 months of the practical completion of the new stadium. The Deed of Variation agreed in 2014 between the Council, the applicant and other parties with an interest in the land, inserted replacement clauses for the phasing and delivery of the open space to enable additional homes to be occupied, to 307 dwellings, before the open space was laid out; this was agreed by the Council to enable the owners to carry out additional "enabling" development to come forward and to be carried out before the open space was constructed. However, despite agreeing this additional flexibility that allowed additional residential occupations to take place, the open space has not been constructed and at present 379 homes are occupied at the site without access to any open space or play areas.

65 In 2015 the new s106 agreement that was agreed alongside the new 2015 outline planning permission, included further safeguards for the delivery of the new stadium,

amongst other planning considerations and included the following requirements;

- a) To submit an application for reserved matters approval for the new stadium before the defined "long stop date" and to use their reasonable endeavours to obtain planning consent for the new stadium on or before the new stadium reserved matters planning application long stop date; this was defined as 12 months after completion of the agreement, namely before April 2016.
- b) That the applicant use "their reasonable endeavours to ensure and/or procure Practical Completion of the New Stadium" on or before the defined stadium construction "long stop date", defined as 18 months after the completion of the agreement in April 2015, namely before October 2017.
- c) Not to occupy any additional residential units constructed on land identified within the agreement (described as the "restricted zone" that is occupied by the existing stadium) until the practical completion of the New Stadium.
- d) To make provision for a site for the Wiltshire Fire and Rescue Service (now the Dorset and Wiltshire Fire and Rescue Service) for a new fire station north.

66 As described above at paragraph 15, although an application for reserved matters approval for the new stadium was approved in August 2016, works to carry out the development did get underway and as a result the new stadium was not completed in accordance with the agreed "long stop date" of October 2017. The Borough Solicitor formally notified the applicant and other parties with an interest in the land, that the failure to provide the open space and to complete the new stadium was in breach of the s106 agreement.

67 In response the applicant and other parties referred to delays to the implementation of the approved drainage works and to other subsequent change to retain the stadium development on the existing site. Following the resolution of the November 2018 Planning Committee, the applicant decided to make further changes to the layout of the new stadium which has consequently resulted in further changes being made to the open space, landscaping and drainage proposals. As a result, given the fact that it has been a significant period of time since the outline planning permission was first granted in 2011 and the delays to the delivery of the open space and the new stadium, your Officers recommend that approval of this reserved matters application should be linked to a new section 106 agreement to address the following matters;

- a) No additional housing is to be developed until the new stadium is operational and substantially complete. (Definition of operational and substantial completion to be agreed.)
- b) Other permissions and approvals for alternative proposals (the revised outline S/OUT/14/0833 and subsequent reserved matters approval S/RES/16/0036 for the new stadium) are to fall away and be revoked.
- c) The full application for an alternative re-development of the stadium on land owned by the Council (S/16/0959) is to be withdrawn.
- d) The outstanding drainage details to be agreed by the Council and Lead Local Flood

Authority are to be constructed and implemented by an agreed long stop date.

e) The changes to the laying out of the open space/linear park, including the equipped play area and multi-use games area (MUGA) consequent to the revised stadium proposals are laid out and constructed by the applicant by an agreed long stop date.

68 As described above, following the November 2018 Planning Committee, the applicant's Solicitor submitted further draft s106 agreement, but the above Heads of Terms have not been agreed as the submitted draft agreement does not include all of the above matters.

69 The most recent draft agreement (September 2019) proposes a two stage process that certain works are carried out as "identified milestones" works in accordance with a works programme, including the construction of the stadium buildings, the outstanding drainage works, the landscaping and open space and not to commence development of the additional residential units until specific milestones relating to the stadium development have been completed and have been certified as being complete. The draft agreement also includes a clause that commits the operator to ensure continuous operation of the speedway and greyhound racing throughout the period whilst the "milestone" works are undertaken.

70 The applicant's willingness to agree draft provisions that prevent any works to construct additional housing at the site before the stadium works are completed is welcomed and subject to several minor changes being agreed relating to the scope of the agreement and dealing with outstanding provisions of the existing agreement, your officers consider that this approach is acceptable. Taking account of the fact that the matters raised are complex and have been difficult to resolve, it is recommended that the application is determined on this basis, given the conflicting planning considerations and legal issues set out above.

Concluding Comments:

71 It is considered that the design and layout of the development is appropriate for the proposed use and the proposed form and function of the development generally acceptable. Although the open space has been adversely affected by the drainage basins constructed, it is not considered that there are significant adverse design impacts that outweigh the benefits of the development as a whole and accords with the National Planning Policy Framework (NPPF 2019) in so far as "decision-makers at every level should seek to approve applications for sustainable development where possible." (para 38 NPPF 2019).

72 Taking account of all of the above material planning considerations, the NPPF and the relevant policies in the Local Plan set out above, it is considered that provided that a new section 106 agreement is concluded without further delay and includes appropriate time limits/long-stop dates and triggers for delivery, the proposals will secure the re-development of the stadium to provide new facilities for speedway and greyhound racing, whilst also mitigating the noise impacts and providing for the construction of the open space, the equipped areas of play and the drainage infrastructure in a timely manner without further delays or uncertainty.

Last November when the application was considered the committee also resolved:

That Ward Councillors and the Parish Council be consulted on the travel plan associated with the application through a Section 106 agreement. Members views are sought on whether they wish to retain this requirement.

That access for construction traffic to the site shall be from the North side of the site. A condition has been suggested to secure this. (no.15)

Recommendation

58 That Head of Planning, Regulatory Services and Heritage be authorised to APPROVE the Reserved Matters, subject to the planning conditions set out in the report, together with any amended, omitted or additional conditions, upon the completion of a Section 106 agreement to mitigate the impact of the development, and and to ensure the satisfactory completion of the stadium development and the other strategic development including the open space and play areas and the construction of the necessary drainage infrastructure.

In the event that the applicant fails to enter into an agreement before 30th November 2019 or fails to agree to an extension of time for the determination of the application to enable the Council as Local Planning Authority to deal with these matters, then the Head of Planning, Regulatory Services and Heritage be authorised to refuse the approval of reserved matters.

Conditions/Reasons

External facing materials

1. Prior to the commencement of works above damp proof course level to construct the stadium buildings, race buildings stands and for the avoidance of doubt other buildings shown on drawing 3320/0150 rev G (master plan) on site in connection with the development hereby permitted, details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

Reason: To ensure that the appearance of the development is satisfactory.

Boundary treatment

2. Prior to the commencement of works on site in connection with the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected during the course of construction works and for the development as shown on the master plan drawing reference 3320/0150 rev G shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the buildings are first occupied or in accordance with a timetable that has first been submitted to and agreed in writing with the Local Planning Authority, and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

Reason: In the interests of the amenities of the area.

Water supply

3. No development hereby permitted above damp proof course level shall commence until details for the provision of a water supply network and/or hydrants to meet the fire-fighting needs of the development (to include installation arrangements and the timing of installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided in accordance with the agreed details.

Reason: In the interests of safety

Drawings approved

4. This approval shall be in respect of the following drawings;

Original submission received 25 Jan 2016

Elevations 3320/301

Elevations Competitor Area 3320/300

Location Plan 3320/0110

Acoustic Plan 3320/0130

Training Kennels 33230/0210

Roof Plan 3320/205

Track Design

Ground Floor Plan Stadium 3320/203

First Floor Plan Stadium 3320/204

Swept Path Analysis for Taxi Lay-by 1307-31/SP08

Development Location Plan 1504-92/100

General Arrangement 1504-92/101

Original supporting documents received 25 Jan 2016

Design and Access Statement

Transport Statement

Phase II ecology surveys

Acoustic Report

Drainage Strategy

Geo-environmental Site Assessment Report

Archaeological Evaluation

Revised plans

Swept path 1307-31 SP05 rec E received 20 July 2016

Construction Details C SA 90 0003 A04 received 20 July 2016

Master plan-Altered site 3320/0150 rev G received 20 July 2016

General Arrangement C SA 90 001 A03 received 20 July 2016

Infrastructure Landscape Softworks Planting Plan to Balancing Pond AJA.2333.04 issue 05 received 1 July 2016

Open Space Layout Context Plan AJA.2333-11 issue 01 received 1 July 2016

Soft Landscape Scheme AJA.2435-01 issue 07 received 01 July 2016

Travel Plan (revised) received 31 May 2016

Ecology report 1st July 2016

Alternative site layout drawing reference 3320-160 rev I; refuse vehicle tracking western

boundary reference 519-002 rev E; amendments to car parking layout reference

519-0002/SK08 ref G and stadium landscape layout drawing reference RAL.325.04 rev 04

all received on 15th August 2019.

The above drawings and documents were received by the Local Planning Authority on the above dates.

Reason: To define the scope of the development hereby permitted, in accordance with

section 72 of the Town and Country Planning Act 1990.

Finished floor levels

5. Prior to the commencement of works on site to construct the stadium and buildings as shown on the master plan drawing 3320/0150 rev G in connection with the development hereby permitted, details of the proposed finished floor levels of the stadium and associated buildings in relation to the existing and proposed levels of the site and the surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

Reason: To ensure the details and appearance of the development is acceptable

Acoustic mitigation

6. The acoustic mitigation measures described in the revised and approved Clarke Saunders acoustic report (insert reference) and Technical Note shall be fully implemented as proposed in the report and detailed on the application drawings. The installation of the acoustic barrier shall be continuous and imperforate, with a minimum surface density of 12kg/m² and at a height of 3.5m above the local ground height datum. To be amended/altered

Reason: In the interests of the amenity of nearby residents.

7. In addition to the installation of the acoustic barrier to comply with condition 6 above, noise from stadium events shall be monitored. Details of a source noise monitoring scheme shall be submitted to the local planning authority for approval in writing and shall be implemented prior to the first Speedway racing event at the stadium. The noise monitoring scheme shall comprise a scheme for the accurate and continuous monitoring of Speedway noise levels, together with a reliable system and process of data management and storage and reporting to the local planning authority at regular intervals to be agreed with the local planning authority and/on demand at the reasonable request of the local planning authority. The noise monitoring scheme to be submitted for approval in writing shall include details of equipment precision, calibration, microphone location and measurement parameters.

Reason: In the interests of the amenities of nearby residents.

8. Noise emissions shall be monitored for each Speedway event held at the stadium and measured against the race noise trigger level of 57dBLAeq15min at the nearest residential properties. Before the third Speedway event takes place (at the new stadium) the stadium operator shall submit details to the local planning authority for approval in writing, of a trigger noise value at the monitoring location at the nearest residential properties. Where the race noise level exceeds the trigger level on three consecutive events, the stadium operator shall submit a further acoustic assessment report to assess and evaluate whether or not there were any extenuating meteorological conditions that may have affected these results. Where no such mitigating factors are reported to the local planning authority that may explain or justify exceedance of the trigger noise levels, before the expiry of 28 days of the notifiable third Speedway event, the stadium operator shall submit further details to the local planning authority for approval in writing of a scheme to identify additional noise control measures and these shall be implemented prior to the next Speedway event.

Reason: In the interests of the amenities of nearby residents.

9. Before the first Speedway event commences, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to identify and specify measures and provisions to be made for the control of noise emanating from the site in accordance with the Code of Practice for Noise and Vibration Control on Construction and Open sites BS 5228. The noise mitigation scheme shall be fully implemented prior to the first use of the site. The scheme shall thereafter be maintained in its approved form and shall not be modified or altered unless otherwise first agreed in writing by the local planning authority.
Reason: In the interests of the amenities of neighbouring residents.

Hours of work

10. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays or on Public or Bank Holidays.
Reason: In the interests of the amenities of neighbouring residents.

Trees and hedges protection

11. Prior to the commencement of works on site in connection with the development hereby permitted, details of temporary protective fences to safeguard the trees and / or hedges to be retained on the site and on land adjacent and adjoining the site's eastern boundary shall have first been submitted to and approved in writing by the Local Planning Authority and shall be erected in accordance with the current BSI 5837 and maintained to that standard until the development has been completed or the Local Planning Authority has confirmed, in writing, that the fencing can be removed.
Reason: To ensure that adequate protection is afforded to the trees and/or hedges on the site.

Ground remodelling

12. Prior to the commencement of works on site above damp proof course level in connection with the development hereby permitted, details of a scheme for the ground re-modelling and re-profiling of material currently stored at the site, including details of any tree protection measures necessary to protect trees at the site and adjacent to the site shall have first been submitted to and approved in writing by the Local Planning Authority. Such ground re-modelling/re-profiling measures shall be implemented in accordance with the approved details prior to the occupation / first use, of the development hereby approved.
Reason: In the interests of the amenity.

Pedestrian routes

13. The pedestrian routes and linkages to the adjacent open space shown on planning layout drawing 3320/060 rev I shall be constructed and made available for use prior to the first use or occupation of the development hereby approved, or in accordance with a timetable that has first been agreed in writing by the Local Planning Authority.
Reason: To accord with the terms of the permission and to ensure that pedestrian links are provided to the open space and surrounding pedestrian network.

Landscaping

14. Prior to the commencement of works on site in connection with the development hereby permitted, a scheme of landscaping to include a planting schedule and time table of works, to implement the landscaping proposals generally shown on drawing RAL.325.04 rev 04, shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented as per the approved timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

Reason: To ensure the appearance of the development is satisfactory.

Construction site access

15 Notwithstanding the submitted details, access for construction traffic to the site shall be from the North side of the site.

In the interests of amenity

Informatives

1. The applicant is advised that details of the surfacing of the car parking facilities submitted within the reserved matters have assumed a CBR of 5% which is not acceptable. This aspect is not to be decided at this stage as it is controlled by Condition 26 of the outline permission.

2. The applicant's attention is drawn to a number of pre-commencement planning conditions that form part of the outline planning permission S/07/1365 and S/12/1826 including but not limited to the following matters; construction management plan (condition 8); temporary access and car parking (condition 9) and wheel washing (condition 10).

3. The applicant's attention is drawn to the provisions of the section 106 planning obligations, specifically with respect to the implementation of the Travel Plan, delivery of the new stadium and other infrastructure.

4. The approval of reserved matters does not authorise any works to be undertaken on or over the public right of way and this route shall remain open and free from obstruction; further details can be obtained from the Council's Public Rights of Way Officer (Highways and Transport 01793 466382).

End of Report