



## 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/07/1365) 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 whilst retaining it on its existing site; it seeks approval of the access, the appearance, the landscaping, the layout and the scale of the development. The application is brought back to Planning Committee in accordance with the Resolution from the meeting in November 2018.

2 The proposals are to modify to the existing track for greyhound and speedway racing, 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:

- (1) 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. (our emboldening)**

In the event that the applicant 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.

- (2) That a report be brought back to a future meeting of the Committee in respect of breaches of the previously agreed Planning Permission and Section 106 Agreement.
- (3) That Ward Councillors and the Parish Council be consulted on the travel plan associated with the application through a Section 106 agreement.
- (4) That access for construction traffic to the site shall be from the North side of the site.

### **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 obligation 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.

3 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 extant 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 to be carried out by an agreed long stop date.

4 When the application was previously considered at the November 2018 meeting, a draft section 106 agreement had been submitted by the applicant, to propose works commencing on site in November with completion of the new stadium by June 2019. It was anticipated that rapid progress would be made to agree the above Heads of Terms, following the above Resolution in November 2018 to complete the agreement; however alongside the negotiations with the Head of Legal Services, earlier in 2019 further revised planning proposals for the re-development of the stadium were submitted as follows;

- 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.

5 As the application had previously been called to Planning Committee for determination and as the heads of terms for the section 106 agreement were not complete, authority is sought for the Head of Planning in conjunction with the Head of Legal Services to agree the above changes to the reserved matters application and to conclude the terms of the s106 agreement.

### Planning history

6 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.

7 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 conditions, to enable the development to be implemented in phases or sub-phases. Both 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 limits the time within which applications for the approval of reserved matters could be submitted; this is before the expiration of 5 years which was 8<sup>th</sup> August 2018. Consequently no further applications for reserved matters approval can be made.

8 Several reserved matters applications were approved in 2014, 2015 and 2016 for residential development at the site and for the construction of roads and strategic drainage.

Applications for 66 and 120 homes, reference S/RES/13/0951 and S/RES/13/1188 for Persimmon Homes/Charles Church were approved and a further 121 homes for reference S/RES/14/1539 for Barrett Homes and later a further 16 houses (reference S/RES/16/1050). An application for reserved matters approval for a 73 bed care home (S/RES/13/1656) was developed by the Milestones Trust. All these developments are completed and occupied.

9 In April 2015 a third outline planning permission was granted, reference S/OUT/14/0833, to modify the original permission, for a mixed use development comprising up to 100 dwellings, car parking for stadium events, a fire station, access, landscaping and open space. It replaced the former employment use with additional housing and 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.

10 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 approval has not been implemented.

11 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) was not 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 this current application being determined, but at the present time it remains pending determination.

12 Another application for reserved matters approval for an additional 56 dwellings for Persimmon Homes was approved (reference S/RES/16/0357). Reserved matters approval was granted for the laying out and construction of the open space/linear park. Both of these applications were made 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 was not implemented and the area was not laid out. Overall 379 dwellings have been permitted at the site and the majority of these are occupied.

13 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 was submitted and is pending consideration.

#### The Proposal:

14 The application seeks approval to demolish the existing stadium building buildings and to

build a replacement stadium building on the opposite site of the race track and to re-construct speedway and greyhound racing tracks within the current stadium site (some improvement works to the track have already been carried out). 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 stadium building 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 application includes 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.

15 The market hall that was part of the original outline permission, no longer forms part of the proposals, as the market was closed in 2017; 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).

16 Access for vehicles to the development is from Lady Lane, on the northern side and this will provide access for all construction traffic; there is no vehicle access from the south (Salzgitter Drive). The acoustic barrier is 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 public open space/linear park and 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:

17 The 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.

18 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. It is material to note that the use and continued use of the land for these purposes is a lawful use of land.

19 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/12/1825 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.

20 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:

21 St Andrews Parish Council; no objections.

22 Highways England - no objection

23 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.

- 24 Transport Development Management Officer; no objection, subject to conditions.
- 25 Urban Design Officer; no comments.
- 26 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.
- 27 Environmental Health (Pollution) Officer; see comments later in the report in respect of noise (para 33 and 61 onwards)

### Neighbours and Third party representations

28 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.

29 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)

30 In response to the revised proposals submitted in June and July 2019 further consultation responses were received as follows.

31 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?

32 Highways England: No objection.

33 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 were provided by the applicant's acoustic consultant to illustrate how noise associated with speedway events can be mitigated by the proposed acoustic barrier to achieve the agreed racing noise levels. Further details are set out below within the planning considerations section of this report (para 61 onwards)

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

35 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.

36 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.

37 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.

38 Three further letters of representation were received to respond to the revised layout plans 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:

39 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

40 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.

41 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.

42 Policy DE1 (High Quality Design) refers to four key criteria and that high standards of design are required for all types of development. 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.

43 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.

44 Policy CM2 (Active, healthy and safe lifestyles) refers to sporting participation and improving the cultural offer in Swindon.

45 Whilst the submission draft of the Borough Local Plan Review is currently at consultation Dec 17<sup>th</sup> 2019 to Jan 31<sup>st</sup> 2020, the application under consideration is reserved matters following the grant of outline planning permission and thus the principle of development is established.

#### The principle of the stadium re-development:

46 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. 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. The Proposed Submission Draft version of the Local Plan 2036 was published on 17<sup>th</sup> December 2019 and consultation will run to 31<sup>st</sup> January 2020.

#### Layout and design:

47 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.

48 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.

49 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).

50 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:

51 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

52 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.

53 The open space is affected by the location of 4 drainage basins, as works to partially construct the basins were undertaken in 2015, before a 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 altered the proposed drainage

scheme, due to the changes to the layout of the new stadium and 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.

54 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. 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 was indicated on the detailed drawings. In terms of the impact on the usability of the open space the basins will affect the usability of the linear park and its function as public open space.

55 In response the applicant has indicated that overall the area of land for open space is similar to that previously approved, but there are no proposals to revise or increase the areas of open space. The Landscape Officer has recommended 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.

56 In terms of the planning balance, there are other planning considerations to consider, including the importance to Swindon to deliver a new stadium and ancillary facilities, the delays to the scheme and the continuing absence of open space made for use by the new residential occupiers. Taking account of national planning policy (NPPF 2019) it is considered that despite the fact that the original design and layout of the linear park was adversely affected by the construction of the drainage basins, in the planning balance this should be considered against the need to provide recreational open space, including the equipped play area and MUGA for the play and open space needs of the existing occupiers.

57 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 can take 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:

58 The Transport Development Management Officer has raised no objection, in terms of the transport and highway safety implication of the development. This is on the basis of the additional and supplementary details provided, 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 was 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.

59 Pedestrian routes through the site are 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.

60 A planning condition (number 33 of the outline permission) restricts the number of parking spaces on site to 290 and the car parking complies 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

61 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 were 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. The current design follows the principles of the previous acoustic proposals by incorporating similar noise mitigation measures.

62 The proposed noise attenuation has been assessed by the Council's Environmental Health Officer who has also attended speedway events to monitor noise levels at the site. The impacts of noise has been considered in terms of its frequency, the direction and any variability around the race-track. It includes the public address system which is also a source of noise. Detailed noise modelling was carried out to assess the impact of an agreed target racing noise level and the proposed measures to attenuate noise from speedway events. The 3.5m high acoustic barrier surrounding the race track circuit has a visual appearance similar to a high fence, but is designed by a specialist acoustic contractor.

63 The Environmental Health Officer previously recommended that the proposed target racing noise level would be appropriate to provide a reasonable level of amenity for neighbouring residential occupiers, including the new residential occupiers of the new housing that has been constructed. However, following the on-site noise monitoring carried out by the Council, the applicant's acoustic consultant has submitted a further noise assessment. This demonstrates that the agreed racing noise levels described above cannot

be achieved, either for the existing occupiers and for the additional land located to the east.

64 The Environmental Health Officer advised that noise from speedway events is potentially more disturbing than other noisy uses, for example a typical music concert. This is because noise from motorcycles in the pits and whilst racing for periods could be seen as significantly more disturbing than a typical (though not all) music event, although it is noted that Swindon and the local area has relatively strong links with speedway and historically the use is well tolerated. At the time of the previous consented application, the stadium sat in a large plot of open land, and the applicant favoured a fixed noise control target relative to the background noise level. After further discussions the proposed condition was amended such that the Racing Noise Level should not exceed 57dB  $L_{Aeq,15mins}$  (with the same low frequency noise limits).

65 In the intervening years several parcels of land were developed for residential use around the stadium; bringing homes significantly closer to it. On the western and southern sides new housing has been built and occupied as is the housing to the immediate north side of Lady Lane. The land used for the existing stadium car park, to the east aspect, is also proposed to be developed for housing and an indicative layout shows homes located close to the track edge. The proximity of the new housing has both altered the ambient noise level and increased the likelihood of regular significant disturbance for residents. During the same time improvements have been made to speedway motorcycles that now emit a little less noise.

66 The background noise level in the area is dominated by road noise, principally from the A419, but also from Lady Lane and the new estate roads. With the building out of the estates and the passage of time; the background noise level has changed, and the area is now relatively quiet; a typical residential area. This is particularly marked on the south and western sides of the current stadium, furthest away from the A419. Officers have carried out acoustic surveys of the area to consider this and other planning applications, and have found that the background noise level across the site reduces from around 30-33dB  $L_{A90}$  on the western side to around 50dB on the eastern side (both measured in line with the Code; as an average of the 4hours between 1900 and 2300 on a typical day).

67 Your Environmental Health officers consider that the originally agreed noise criteria are still the most appropriate standard at 15dB above the Background Noise Level. This would indicate that a Racing Noise Level limit value of 45-48dB  $L_{Aeq,15mins}$ , should apply in order to protect existing sensitive receptors (housing) on the west and south aspects. This is however significantly (>9dB) lower than the current design that is proposed using the 3.5m high noise absorption barrier. The Environmental Protection Officer has advised that this difference equates to a near doubling of perceived loudness.

68 The applicant's submitted Technical Note (reference 7261.191015.TN2.3) helpfully includes a number of modelled noise maps, that correlate well with the Council's surveys and understanding of the site. It is considered that figure 1 (on page 4 of the TN) depicts the current situation, with the existing stadium on its current site and reflects the existing noise currently experienced by residents. It shows a noise exposure of 60-65dB  $L_{Aeq,15mins}$  in the western quarter which is about 12-20dB above what the Environmental Health Officer considers to be reasonable using the agreed criteria. During the current Speedway racing season the Council has received some complaints about noise this season and your officers' view, from subjective judgement and measurement, is that noise currently

experienced (during the 2019 season) is well above what might be considered reasonable.

69 The TN (figure 2, on page 5) shows a model of noise propagation with the currently proposed mitigations; these are principally a redesigned public address system, a continuous 3.5m high noise absorptive barrier, and alterations to the building layout and starting line of the track. For the residents located to the west (touched by the orange contour band on the model) this represents an exposure of 54dB or slightly above. Your officers consider that it is reasonable to assume that this model is accurate, but as an acoustic model it has an element of uncertainty and it could slightly over or under report future noise from the stadium; there is estimate for the level of uncertainty attached to this model.

70 The submitted TN indicates that some suggested improvements, such as moving the start line, reconfiguring the PA system etc may offer further improvements, but does not quantify these. The noise model plot shows that the proposed design of the stadium incorporating the 3.5m high noise barrier falls short of achieving the required control of noise by about 6-8dB. To assist in understanding what a 6dB change in sound level represents, the Environmental Protection Officer has advised that in terms of perception, an increase of 6dB may be perceived by the listener as a 50% increase in loudness. (A 10dB increase is perceived as twice as loud). To reduce the sound level from a generator 10 metres away by 6dB it would be necessary to move it a further 10 metres away (to 20m). In order to reduce the perceived noise from a busy road located 10 m away by 6dB it would be necessary to move a further 30m away, to 40m distant.

71 The applicant has also modelled a number of scenarios with further mitigations. Further modelled mitigations are:

1. The absorptive noise barrier is increased to 4m height (+0.5m)
2. The absorptive noise barrier is increased to 4.5m height (+1.0m)
3. The absorptive noise barrier is at 3.5, as proposed, with the track level excavated to a depth 1.0m lower than proposed.
4. The absorptive noise barrier is increased to a 4.5m height and the track level excavated by a further 1.0m lower than proposed.

72 The submitted TN assesses these four options and assigns an increasing insertion loss to them and by how much they would reduce noise exposure. The difference between the proposed noise barrier at 3.5m in height compared to that provided by the above options of a significantly higher barrier and a lowered track base would amount to only 2dB. The Environmental Protection Officer has advised that this indicates how difficult it is to improve noise emission in that location. Furthermore, it is not certain that any of them could be applied in practice. In any case none of these options would achieve the appropriate noise limit criteria.

73 However, the applicant's TN considers some other less tangible mitigations to try to bridge the gap; these are:

1. A Neighbour Hotline, manned during all events, to enable residents to report noise complaints directly to the stadium.
2. Regular Community Liaison Events, such as coffee mornings or evening meetings to inform residents as part of continuing liaison.



3. A Noise Management Plan; a working document detailing how noise will be managed at the site which could respond to concerns raised.

74 The Environmental Health Officer has advised that all of the above can be useful in managing noise and limiting perceived disturbance of local residents in certain circumstances. A Neighbour Hotline could be useful if it is well publicised and if concerns that are raised are properly and quickly acted upon. However, if the hotline falls out of use or, if concerns are not immediately acted on local resident's trust will be lost. Secondly, community liaison can be very useful, and the Council has experience of a good scheme (that accompanied the rail electrification works through the town). These schemes rely on regular leafletting, meetings, letters or other wide engagement however. Although useful, community liaison in itself will not reduce noise emission, but can have some impact on how it is perceived by some residents.

75 As it is difficult to enforce either of the above measures, a planning condition would be required to control the implementation, deliver and regular monitoring of a hotline and community liaison, but this would require an on-going resource to ensure compliance. Similarly, a Noise Management Plan (NMP) can be very effective at limiting excess noise impacts, but usually this is to ensure that agreed noise limits are met and maintained through affirmative action, as noise is managed to a standard or limit. In this instance, as appropriate noise limits (the racing noise limit) cannot be met, the impact of a NMP would relate to minimising excess or non-conforming noise. Again this could be controlled through a planning condition.

75 In summary, on the basis of the Council's noise monitoring and the applicant's acoustic TN, it is clear that appropriate noise limits based on the agreed formula for an agreed racing noise limit, can be achieved with the stadium retained in the proposed location. The Environmental Health Officer has advised that in acoustic terms the current proposal falls short by a significant margin. However it is acknowledged that a new stadium in the same current location with the noise mitigation measures proposed would improve the situation for current residents, who are currently significantly affected as there is currently no acoustic mitigation and no measures by the applicant to monitor or control noise impacts. However, planning conditions 45 and 46 of the outline permission do refer to the noise levels to be achieved in bedrooms and living rooms, post construction. This requires that noise from individual external events typical to the area shall not exceed 45 dBLA max when measured in bedrooms and living rooms internally between 23:00 and 07:00 post construction. It is unlikely that the development will fall foul of this condition as the speedway activity tends to finish before 11pm.

76 The Environmental Protection Officer recommends that there are no planning conditions that can be recommended to achieve the agreed racing noise levels and that if reserved matters approval is granted the previously agreed racing noise levels cannot be met, albeit that these were for the re-development of the site on land to the east which is further away from the nearest residential dwellings.

77 In addition to the above acoustic matters, there will be some visual impacts of the acoustic barrier that will be screened to some extent by proposed new landscaping. It is considered that this is in the context of the proposed acoustic mitigation and the overall benefit to local residents that will improve the existing noise environment during speedway racing events, although not to the level of noise attenuation that was previously achieved for

the alternative site to the east. Whilst policy DE1 requires a high standard of design, the proposed acoustic barrier is related to 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 race noise levels across the existing and proposed residential areas.

78 It is considered that notwithstanding the fact that the previously achieved racing noise levels cannot be achieved and taking careful account of the advice and recommendations of the Environmental Protection Officer, in terms of the planning balance it is considered that the provision of the new noise attenuation barrier is an important public benefit, compared to the existing situation where there are no noise attenuation measures. However it should be noted that on the basis of the applicant's TN and the analysis of the 4 options (for increasing the height of the acoustic barrier and/or lowering the height of the track) would not in any event achieve the previously agreed racing noise levels. Therefore it is the case that if the stadium is retained on the existing site, this would be on the basis that existing residential occupiers and their amenities continue to be affected by racing noise, albeit improved in terms of the existing situation by the proposed noise attenuation.

79 The alternative would be that the stadium is re-located to the site to the east. However, that alternative site is no longer proposed by the applicant and as the existing use is lawful, in planning terms it could continue on the existing site, without noise mitigation. The current application proposal seeks to provide for speedway racing to continue and to co-exist alongside the new residential occupiers, for new facilities for speedway racing to be provided whilst mitigating the existing impacts on residential amenity. On this basis, notwithstanding the visual impacts of the acoustic barrier and the recommendation by the Environmental Protection Officer, taking account of the complex history of the site your officers recommend that as there will be an improvement in terms of noise and the existing impacts on living conditions the application accords with policy DE1 of the Swindon Borough Local Plan.

### Third party representations

80 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.

81 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

82 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 provided 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 open space and increased the number of additional homes to be occupied, to 307 dwellings, before the open space was laid out; at that time this change 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 additional flexibility to allow additional residential occupations to take place, the open space was not constructed and at present 379 homes are occupied at the site without any open space or play areas.

83 In 2015 the new s106 agreement 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;

- 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.

84 As described above at paragraph 15, although an application for reserved matters approval for the new stadium was approved in August 2016, works to implement the development did get underway and 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.

85 The applicant and other parties responded to the Borough Solicitor and referred to delays to the implementation of the approved drainage works and to another subsequent

change to the proposal to retain and re-develop the stadium 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. Due to the fact that a significant period of time has elapsed since the outline planning permission was first granted in 2011 and the delays that have been caused to the delivery of the open space and the new stadium, your Officers recommend that approval of this new 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.

86 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.

87 Further negotiations have taken place to discuss the most recent draft agreement (September 2019) which 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.

89 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. As the legal matters raised in the s106 agreement 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:

90 In weighing the considerations for and against the development, officers have carefully considered the advice from EHO colleagues regarding the impact arising from noise from speedway events and that the predicted noise levels at the nearest residential properties will be above those than if the stadium was constructed to the new location to the east.

91 However that is no longer before members as the applicant wishes to refurbish and improve the existing stadium. It is clear that the acoustic mitigation measures proposed will improve upon the present situation and will be likely to result a significant reduction over the levels currently experienced by the nearest residents. Given that the present stadium use is lawful and could continue unmitigated, it is felt on balance that whilst a new location is preferable, the scheme before members does bring about improvements over the present situation and therefore on balance the scheme is supported. Further, the Speedway team had a successful season last year and that resulted in 23 home meetings so any impact is limited both in number and duration and is known in advance.

92 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).

91 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.

## **Recommendation**

92 That the 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, including for acoustic mitigation 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 30<sup>th</sup> 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  
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 Clarke Saunders acoustic report (reference AS7261.150513.RM1.2) 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/m<sup>2</sup> and at a height of 3.5m above the local ground height datum.

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 3320/0500 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, 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.

## **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