

PLANNING COMMITTEE – 3 DECEMBER 2019

Application No:	19/01835/FUL
Proposal:	New swimming pool, associated changing rooms and plant on the car park adjacent to the Dukeries Leisure Centre
Location:	Dukeries Leisure Centre, Dukeries Complex, Main Road, Boughton Nottinghamshire, NG22 9JJ
Applicant:	Total Swimming - Mr Adrian Turner
Agent:	Box Architects - Mr Toby Harling
Registered:	11.10.2019 Target Date: 06.12.2019
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZ79DYLB0EP00

The application is referred to committee in line with the scheme of delegation as Newark and Sherwood District Council own part of the site.

The Site

The application site relates to a site forming part of the existing Dukeries Leisure Centre complex car park and the associated access road from Main Road to the south east as well as land to the east of the existing Leisure Centre car park. The site is within the urban boundary for Ollerton and Boughton immediately adjacent to areas of public open space / school playing fields to the north west and east associated with the Dukeries Academy. Other adjacent land uses include the Fire Training Centre and White Water Community Centre.

The site as existing is laid to hardstanding forming part of the car park serving the existing Leisure Centre. Part of the site is grassed (to the east of the Leisure Centre car park) albeit used informally for car parking. The site is within Flood Zone 1 and in an area of very low risk of surface water flooding according to the Environment Agency maps. There is a gradient change within the site such that the site itself is set at a lower level than the existing leisure centre building and the Dukeries Academy buildings.

Relevant Planning History

There is no planning history of relevance to this application.

The Proposal

The proposal seeks full planning permission to extend the existing leisure centre through the erection of a swimming pool building and associated facilities including a unisex changing facility; plant room and an enhanced entrance and circulation area. The swimming pool itself would measure 20m x 10m and be positioned to the eastern elevation of the building within the existing car park. The total floor area would be approximately 640m² and would result in the loss of 42

existing car parking spaces.

The design of the building would be modern in nature with a shallow pitched roof reaching approximately 6.8m. The material palette would feature cladding of metallic grey and metallic orange in colour.

The application has been considered on the basis of the following plans and documents:

- Site Plan - NS-BOX-XX-XX-DR-A-(03)01 Rev. C received 5th November 2019;
- Existing General Arrangement - NS-BOX-XX-XX-DR-A-(03)02;
- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06;
- Block Plan – NS-BOX-XX-XX-DR-A-(03)07;
- Design and Access Statement dated October 2019;
- Planning Statement dated September 2019;
- Transport Statement dated October 2019.

Departure/Public Advertisement Procedure

Occupiers of 61 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 6 - Shaping our Employment Profile

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 13 - Landscape Character

ShAP2 - Role of Ollerton & Boughton

Allocations & Development Management DPD

DM1 - Development within Settlements Central to Delivering the Spatial Strategy

DM5 - Design

DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Consultations

Ollerton and Boughton Town Council – Support the proposal.

NCC Highways Authority – *Verbal discussion and agreement in respect to the wording of conditions 4 and 5.*

Original comments received 1st November 2019:

This proposal is for a swimming pool adjacent Dukeries Leisure Centre. The pool facility within the adjacent Dukeries Academy site was closed in 2017. The existing vehicular access to the site from Main Road is to be used for this proposal.

The Transport Statement provides considerable information and survey results relating to the available parking for the existing leisure centre and expected available parking for the proposed development. Occupancy surveys have been carried out for the existing parking arrangements with a site plan provided demonstrating car parks 1-4, and additional parking along the access drive (car park 5). However, car parks 2-5 (car park 4 is shown as a grassed area and not suitably surfaced) are not shown within the red line of the application site and so cannot be considered as parking for this proposal, leaving only car park 1 to be considered. It is stated that the proposed pool building will result in the loss of 42 parking spaces from the 67 currently available in car park 1, leaving only 25 spaces for this proposal. Taking into account the existing maximum occupancy of 39 vehicles for car park 1 (*Headline results Car Park 01*), the parking facilities would be insufficient for the proposed use.

Therefore, as submitted, the Highway Authority is unable to support this proposal as the information as submitted fails to make adequate provision for the parking of vehicles within the red line of the application site.

Cadent Gas - Should you be minded to approve this application please can the following notes be included an informative note for the Applicant

****PLEASE NOTE** – the below information is related to Low and Medium Pressure Assets. You may be contacted separately by our engineers regarding High/Intermediate Pressure Pipelines.**

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

The Spatial Hierarchy within the Core Strategy recognizes Ollerton and Boughton as a Service Centre intended to act as a focus for service provision for a large area. Moreover, Spatial Policy 8 is supportive of the provision for new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision.

The submitted Planning Statement confirms that, since July 2017 when the Dukeries Academy closed its swimming pool facilities, users of Dukeries Leisure Centre have had to rely on the temporary use of facilities in the surrounding area. These arrangements have however now ceased such that *"no public swimming can be offered by Active4Today in the "Sherwood" area of the district."* The provision of swimming pool facilities would therefore be a welcome addition to the leisure facilities in the area and the development is acceptable in principle. The proposal is required to satisfy the remainder of the Development Plan with the main issues being the impact on parking and highways and the impact of the design of the building on the character of the area.

Impact on Character

The proposed extension would be a significant scale totaling around 640m² in area to a maximum pitch height of approximately 6.8m. Clearly the size of the building is dictated by the facilities in which it is intended to serve with the application submission confirming that there is a need for a 5m internal ceiling height above the pool deck.

The proposal would form an extension to the existing leisure centre facilities and has been carefully designed to ensure that the overall height would not exceed the existing maximum height of the leisure centre. This is partially achieved through the use of an area of the site which is set at a lower land level.

The design of the building would be modern in nature with cladding materials of both grey and orange. The Design and Access Statement qualifies that this precedence is taken from the recent development of the Leisure Centre in Newark. This modern design is not disputed in principle albeit it is acknowledged that it would represent a contrast to the existing leisure centre buildings on the site which include both brick and horizontal cladding. Nevertheless, the immediate site surroundings feature a variety of materials such that it is not considered necessary for the proposal to explicitly conform to any particular material palette. The plans detail exact materials including the colour of the cladding by reference to the RAL colour chart and therefore it would not be necessary to seek any additional details by condition. The distinction of different colours of cladding would break up the bulk of built form adding visual interest.

The proposal is considered to comply with the intentions of Core Policy 9 and the relevant elements of Policy DM5.

Impact on Highways and Parking

The proposal would occupy an area of existing car parking and therefore implicitly will have a negative impact on the parking provision for the overall leisure centre facility through the loss of 42 spaces. Spatial Policy 7 and Policy DM5 both seek to ensure that development is appropriately served in terms of parking provision to avoid issues of overspill on to the highways network.

The loss of parking provision is explicitly referenced by the application submission including through the preparation of a Transport Statement. The evidence collected to compile this Statement includes occupancy surveys of the existing parking provision on both a weekday and a weekend. The surveys were conducted between 6am and 10pm with spaces counted every 15 minutes. Five car parks were reviewed with Car Park 01 being the area potentially affected by the development.



The data collected shows peak areas of parking between 9am and 10am; 2pm and 3pm; and 6pm and 6:30pm.

Car park 01 (i.e. where the proposed extension would be) has a capacity of 67 spaces. The range of occupation recorded was from 3 to 39 spaces with the average use over the course of the day being 22 spaces. Clearly the loss of 42 spaces would mean that there are occasions throughout the day when car park 01 would be insufficient to meet the existing parking demands taking account in the potential increases in demand arising from the development.

The case made by the Transport Statement is that the other areas of car parking would have sufficient capacity to serve the development with the results showing that the other car parks empty significantly before the evening peak and other have spaces available during the lesser peaks in the morning and at lunchtime. It is stated that there is currently a significant over provision of spaces to the complex as a whole.

The original application submission did not include the other areas of parking referred to by the Statement within the red line site location plan and relied on the following statement:

“The Leisure centre enjoys a good relationship with the Academy and will employ an informal management plan to ensure that visitors to the leisure centre park appropriately to not inconvenience the other users of the Complex.”

It was also stated that there are other more sustainable modes of transport to the site with the access arrangements for pedestrians and cyclists to remain as existing (which is not disputed in principle).

Nottinghamshire County Council assessed the proposals as the Highways Authority. Their original comments echo the above concerns that the wider parking provision was not within the red line site location plan and therefore could not be relied on to serve the development.

The applicant has addressed this matter throughout the life of the application through the submission of a revised site location plan (and serving relevant notice on NCC as the land owners) which incorporates car park 04 as well as a strip of land between car park 04 and car park 01. It is notable that this land is not laid formally to car parking and therefore for this to be relied on as a true compensation for loss of formal spaces, a condition would need to be imposed demonstrating this area being laid as available spaces. This approach has been agreed in discussion with NCC and their original objection has been lifted. In the context of the ability to secure alternative car parking to compensate for the loss of spaces in car park 01, no harm has been identified to the highways network and the proposal would therefore be compliant with the relevant elements of Policy DM5 and Spatial Policy 7.

Other Matters

The site is within an area of commercial uses with the nearest residential neighbour being over 80m away and intervened by other built form. No adverse amenity impacts have therefore been identified.

The site is within an area at low risk of flooding or surface water drainage. The site is already laid to hardstanding such that the development of built form is unlikely to materially affect surface water run-off. The application form confirms that the swimming pool water would be treated on site most likely with Sodium Hypochlorite and Sodium Bi-Sulphate for pH correction. The Health and Safety Executive has published a document entitled ‘Health and safety in swimming pools – HSG179’ designed for those involved with the operation and management of swimming pools. The need to comply with the requirements of this document falls outside of the planning regime and therefore is not material to the current decision albeit would be a requirement of the operational use of the development if Members were minded to approve the application.

Overall Balance and Conclusion

The principle of the development is acceptable and indeed welcomed as an enhanced community and leisure facility to serve the west of the District in an area lacking in provision as existing. The greatest adverse impact arising from the development would be the loss of existing parking provision serving the leisure centre. This has been addressed through the application submission through the acknowledgement of alternative means of parking to serve the existing and proposed use. The impacts of the development can therefore be appropriately mitigated and the recommendation is for approval subject to the conditions outlined below.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06;
- Site Plan - NS-BOX-XX-XX-DR-A-(03)01 Rev. C received 5th November 2019

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be completed in accordance with the material details submitted through the application submission unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall commence until replacement temporary parking facilities are provided to match the loss of spaces occupied by construction works in accordance with plans to be first submitted to and approved in writing by the LPA. The parking areas shall be available throughout the construction period and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is available to serve existing development.

05

No part of the development hereby approved shall be brought into use until replacement parking of a minimum of 42 spaces surfaced in a bound material clearly delineated in accordance with plans to be first submitted to and approved in writing by the LPA has been provided. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure adequate parking provision is available to serve existing development.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

03

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

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Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

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BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01835/FUL



