

PLANNING COMMITTEE – 4 AUGUST 2020

Application No:	20/01069/FUL	
Proposal:	New swimming pool, link building and associated changing rooms and plant, with additional and overflow car parking on land adjacent to the Dukeries Leisure Centre	
Location:	Dukeries Leisure Centre Dukeries Complex Main Road Boughton NG22 9JJ	
Applicant:	Newark And Sherwood DC - Mr Andrew Hardy	
Agent:	Box Architects Ltd - Mr Lee Holmes	
Registered:	09.07.2020	Target Date: 03.09.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QC6KMNLBHVE00	

The application is referred to committee in line with the scheme of delegation as an Officer of Newark and Sherwood District Council is the applicant and the Council owns 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 mostly 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

20/00927/S73 - Application to vary condition 02 of planning permission 19/01835/FUL to allow a change in RAL colour of the proposed cladding materials to the new pool facility; Change to the GA Plan, Roof layout and elevations to introduce a glazed link for the purposes of security, and orientation of customers

This application was withdrawn in June 2020 prior to determination. The application was essentially seeking the changes which are sought through the current proposal but it was determined that it could not be assessed as a Section 73 application as some of the works falls outside of the original red line site location plan – hence the need for the current full application.

19/01835/FUL - New swimming pool, associated changing rooms and plant on the car park adjacent to the Dukeries Leisure Centre.

Application approved by Planning Committee on December 3rd 2019 (decision issued 4th December 2019).

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 685m² and would occupy the space taken by 42 of the 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 is very similar to the scheme referenced above which was approved in December last year. The principle difference is the introduction of a glazed link entrance which would connect the existing building and the proposed swimming pool as well as clarification of RAL colour changes. Ordinarily these changes could be dealt with through a Section 73 minor amendment application but this was not possible procedurally in this case as the additional works fell marginally outside of the original red line site location plan.

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

- Design and Access Statement Rev. B dated 19-06-20;
- Planning Statement Rev. A dated June 2020;
- Transport Statement (and associated appendices) Rev. A dated June 2020;
- Site Location Plan – NS-BOX-XX-XX-DR-A-(03)01 Rev. D;
- Existing General Arrangement - NS-BOX-XX-XX-DR-A-(03)02 Rev. B;
- Proposed General Arrangement - NS-BOX-XX-XX-DR-A-(03)03 Rev. D;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04 Rev. C;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05 Rev. B;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06 Rev. B;
- Block Plan - NS-BOX-XX-XX-DR-A-(03)07 Rev. A;
- Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C;
- Proposed Link Building – GA Plan - NS-BOX-XX-XX-DR-A-(03)09 Rev. A;
- Proposed Link Building – Roof Plan - NS-BOX-XX-XX-DR-A-(03)10 Rev. A;
- Proposed Link Building – Elevations and Views - NS-BOX-XX-XX-DR-A-(03)11 Rev. A.

Departure/Public Advertisement Procedure

Occupiers of 61 properties have been individually notified by letter.

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 2019

Consultations

Ollerton and Boughton Town Council – No comments received to date.

NCC Highways Authority – The Highway Authority understand that full planning permission was granted at this site under planning application reference 19/01835/FUL which the Highway Authority at the time offered no objections to subject to conditions; this new application is in effect a minor variation to change to the RAL colours for the external cladding, and the introduction of the link building and external covered walkway. On this basis, the Highway Authority offer no objections.

Cadent Gas - Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or
- National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent And / or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47
- Avoiding Danger from Underground Services' and GS6
- Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Nottinghamshire Fire and Rescue Estates Manger - I have viewed the documents on the Planning Portal in relation to the proposed new swimming pool development at the Dukeries, Ollerton Road, Edwinstowe. I would note that in previous discussions and emails between Newark and Sherwood Council and Nottinghamshire Fire and Rescue, there has always been a stated intent that 20 car parking spaces would be permanently allocated adjacent our facility within the area identified as car park 4 for the sole use of Nottinghamshire Fire and Rescue. I note that this is not mentioned in any of the documents contained within the portal and application nor is it shown on any of the plans - other than a reference to our current use in the traffic management documents. These spaces are needed, well used and will continue to be required by Nottinghamshire Fire and Rescue post completion of the swimming pool build. At that, I would request that this previously agreed allocation be recorded within any approval of this or any other revised proposal and ask that they be suitably marked for NFRS use only on completion of the works. It is concerning that there is reference to the loss of spaces and the potential for demand on car parking on busier days and times reaching 80-90% of capacity - the loss of any spaces for Notts Fire and Rescue personnel would very seriously compromise our training facility. I would thus request that this allocation be deemed a constraint of any planning approval.

I would further note that we currently experience significant issues during particularly wet weather due to inadequate capacity/arrangement of the surface water drains. Our smoke house / training tower is downhill from the car parking and access road and the proposed new development - when the rainfall is heavy which is becoming an increasingly regular occurrence with climate change, the water cannot be contained by the surface water drains and it all then flows downhill to the level of our smoke house / training tower, breaching the door threshold and making use of this facility impossible at times. On the very numerous occasions when this has happened, it has posed a significant threat to the bespoke and sophisticated mechanical and electrical systems in the tower which we use to simulate fire conditions for trainees and which we use to monitor their position and safety and welfare during what can be very stressful training sessions for new and inexperienced trainee fire fighters. This is a critical part of our infrastructure. We would ask that as a condition of the planning, the surface water drainage arrangements be reviewed and that changes be made to re-direct the surface water away from our building and thus prevent it from flooding the facility. This matter is of particular concern

given that a larger area adjacent our facility will now be surfaced with a tarmac finish which we strongly fear will exacerbate the flooding issues.

I would also remind of the need to preserve our existing right of way into and out of our facility both during the construction works and upon completion which is of concern given the proposed works now impinge more substantially on this area than we anticipated.

Finally, I enclose below a screen shot which indicates are existing right of way and the area (identified as car park 4), where we would expect 20 no. spaces to be provided for NFRS personnel.

No letters of representation have been received to date. The formal date for consultation expires on 30th July 2020 and thus any representations will be reported to Members through the schedule of communication received after agenda print.

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.

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.

It is relevant to the current application that there is a fallback position for a similar form of development which was approved by Members in December 2019. The key difference with the current scheme is an additional glazed link between the existing and proposed building to orientate customers and increase on site security. Given the similarities, extracts of the previous committee report where relevant have been included and italicised below.

Impact on Character

The proposed extension would be a significant scale totaling around 685m² 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 additional glazed link not considered on the previous scheme would be discretely positioned between the two buildings and at the rear of the site but in any case would consolidate the built form within the site which overall is welcomed as a design approach. The changes to RAL colours are marginal (still shades of orange / copper) and are unlikely to be perceivable in comparison to the extant scheme.

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 potentially 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 red line site location plan has changed since the consideration of the extant approval, partially to acknowledge additional areas of parking which were agreed through the discharge of condition process.

Prior to the submission of the previous scheme, parking surveys were undertaken at the site to determine the likely demand for additional spaces.

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 plans submitted to accompany the current application show that the area above marked as Car Park 04 would be re-developed to increase the parking provision on site. 44 spaces would be created on a tarmac surface (10 of which are existing) and an additional 25 spaces would be created as a grasscrete overflow. This would represent 59 spaces thereby creating an overall increase of 17 available spaces (the application form states that the development would lead to a loss in 1 space but this has been clarified as an error during the life of the application).

Comments have been received from the Estates Manager for Nottinghamshire Fire and Rescue who are immediate neighbor to the site. The comments make reference to a shared parking agreement requiring the use of 20 parking spaces and requesting for these to be indicated on the plans. It is understood that this arrangement operates as existing and therefore the demand for

these spaces would have been included in the parking surveys. The allocation of the parking spaces is a private agreement outside of these application and it is not considered reasonable or necessary to formally secure their allocation through this application.

The impact on parking provision is acceptable subject to securing the additional spaces through suitably worded conditions.

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.

The comments of Nottinghamshire Fire and Rescue make reference to drainage issues. As covered above, the extension would be on an existing area of hardstanding and the additional car parking spaces have been designed with grasscrete to assist in drainage on the site. It is therefore not considered reasonable to insist on further details regarding drainage given that the arrangements would not be materially different to the current scenario.

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 changes presented in the current application in comparison to the previously approved scheme are not considered fundamental and if anything would improve the leisure offer of the site through an enhanced legibility for proposed users.

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 Rev. D;
- Proposed Roof Plan - NS-BOX-XX-XX-DR-A-(03)04 Rev. C;
- Proposed Elevations - NS-BOX-XX-XX-DR-A-(03)05 Rev. B;
- Proposed Sections - NS-BOX-XX-XX-DR-A-(03)06 Rev. B;
- Block Plan - NS-BOX-XX-XX-DR-A-(03)07 Rev. A;
- Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C;
- Proposed Link Building – GA Plan - NS-BOX-XX-XX-DR-A-(03)09 Rev. A;
- Proposed Link Building – Roof Plan - NS-BOX-XX-XX-DR-A-(03)10 Rev. A;
- Proposed Link Building – Elevations and Views - NS-BOX-XX-XX-DR-A-(03)11 Rev. A.

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

The parking areas shown on plan reference Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C 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 as demonstrated by plan Proposed Additional Parking - NS-BOX-XX-XX-DR-A-(03)08 Rev. C have been provided in a bound material and clearly delineated. 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.

Note 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.

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

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 – Growth and Regeneration

Committee Plan - 20/01069/FUL

