Planning Committee: 19 July 2016 Item Number: 11

Application No: <u>W 16 / 0777</u>

Registration Date: 11/05/16

Town/Parish Council: Warwick **Expiry Date:** 10/08/16

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St Nicholas Park Leisure Centre, Banbury Road, Warwick, CV34 4QY

Erection of an extension to the existing leisure facility and associated ramps,

steps and landscaping. FOR Warwick District Council

This application is being presented to Committee because the District Council are the applicant.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a two storey extension together with internal and external alterations to the existing leisure centre building. The proposals will provide a new entrance foyer, new wet and dry change facilities, a spin studio, 2 multi-use studios and an enlarged fitness suite.

The proposals also include changes to the grassed area to the front of the existing leisure centre including the construction of new paths, steps and a ramp. A number of trees are proposed to be removed in this area.

A range of supporting reports were submitted with the application. This included a Design and Access Statement which gives the following rationale for the project.

"The project is to deliver an investment in existing Leisure Centre facilities in order to improve the viability and the longevity of the buildings, and to improve the offer to customers.

The existing facilities, in their current state, are not producing the best possible return for the Council for three reasons. Firstly, some of the facilities such as changing rooms and receptions are now dated and tired and are not of the quality expected by customers of leisure facilities these days. Secondly, a recent survey has shown that some of the mechanical and electrical plant is out of date and could be replaced with more efficient and cost-effective alternatives. Thirdly, some of the key income-generating elements of a modern leisure centre are not present in the existing six Centres, such as substantial fitness facilities.

This project therefore seeks to redress these deficiencies by improving the changing rooms and reception areas in some of the Centres, replacing obsolete plant and machinery and installing income-generating elements such as fitness facilities. The Council wishes to invest significant capital sums in two of its

existing leisure centres (Newbold Comyn and St Nicholas Park) to make them fit for purpose for the next 20/30 years.

Without this investment, there is a significant risk that these major leisure facilities will no longer be fit for purpose, resulting in a reduction in usage and a potential increase in public subsidy. There is also robust evidence supported by the Sport England Facilities Planning Model to support the view that without this investment the facilities will be insufficient for the growing population of the District."

THE SITE AND ITS LOCATION

The existing leisure centre comprises a 25m swimming pool, a toddler pool, fitness suite and sports hall. The leisure centre is situated towards the northern edge of St. Nicholas Park. The site is situated within the Warwick Conservation Area.

Vehicular access to the site is from Banbury Road, via the main St. Nicholas Park car park. On-site parking and vehicular access is only available for staff and disabled visitors.

In terms of surrounding uses, there are dwellings adjoining the western boundary of the site in Weston Close, while Coten End Primary School adjoins the site to the north west. St. Nicholas Park wraps around the other boundaries of the site.

There are a number of trees on and adjacent to the site. Land to the south of the site is situated within Flood Zone 2, although the existing leisure centre and the area of the proposed extension are situated within Flood Zone 1.

PLANNING HISTORY

In 1982 planning permission was granted for "Construction of swimming pool and ancillary changing rooms and plant room" (Ref. W81/1303).

In 1992 planning permission was granted for "Erection of a sports hall and ancillary changing rooms, stores, fitness area and viewing gallery (Phase 1); extension to form further changing room, sauna, lounge and kitchen area (Phase 2)" (Ref. W92/0227).

In 1992 planning permission was granted for "Erection of extensions for sports hall to provide sauna, solarium and changing rooms on ground floor with first floor kitchen and lounge" (Ref. W92/1256).

RELEVANT POLICIES

National Planning Policy Framework

The Current Local Plan

- DP1 Layout and Design (Warwick District Local Plan 1996 2011)
- DP2 Amenity (Warwick District Local Plan 1996 2011)
- DP3 Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 2011)

- DP6 Access (Warwick District Local Plan 1996 2011)
- DP8 Parking (Warwick District Local Plan 1996 2011)
- DP9 Pollution Control (Warwick District Local Plan 1996 2011)
- DP11 Drainage (Warwick District Local Plan 1996 2011)
- DP13 Renewable Energy Developments (Warwick District Local Plan 1996 -2011)
- DP14 Crime Prevention (Warwick District Local Plan 1996 2011)
- DAP8 Protection of Conservation Areas (Warwick District Local Plan 1996 -2011)
- DAP9 Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS3 Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- PC0 Prosperous Communities (Warwick District Local Plan 2011-2029 -Publication Draft April 2014)
- CT1 Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 Sustainable Communities (Warwick District Local Plan 2011-2029 -Publication Draft April 2014)
- BE1 Layout and Design (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE3 Amenity (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR1 Access and Choice (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 Parking (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HS1 Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HS5 Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 Creating Healthy Communities (Warwick District Local Plan 2011-2029
 Publication Draft April 2014)
- HS7 Crime Prevention (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CC1 Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- CC3 Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- FW2 Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE2 Protection of Conservation Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- NE1 Green Infrastructure (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- NE2 Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- NE3 Biodiversity (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- NE4 Landscape (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- NE5 Protection of Natural Resources (Warwick District Local Plan 2011-2029
 Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Town Council: Support the application, but are very concerned that there will be sufficient parking and are saddened that consideration has not been given to residents' comments regarding lack of facilities for infants, i.e. baby/splash pool.

Public response: 4 objections have been received, raising the following concerns:

- the baby splash pool is an essential and valuable facility that should not be removed; and
- safety concerns about the unisex changing facilities.

Friends of St Nicholas Park: Object on similar grounds to those summarised under the public responses above.

WCC Highways: No objection, subject to a condition.

WCC Landscape: No objection.

WCC Ecology: No objection, subject to conditions.

WCC Archaeology: No comment.

WDC Environmental Health: No objection, subject to conditions.

WDC Green Space Team: Raise queries about various detailed aspects of the scheme.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- · the principle of development;
- impact on the living conditions of neighbouring dwellings;
- impact on the character and appearance of the conservation area;
- impact on trees;
- car parking and highway safety;
- impact on bats;
- health and well-being; and
- flood risk.

Principle of development

The Adopted Local Plan does not include any specific policies relevant to the location of leisure centre facilities. However, Policy HS5 of the Draft Local Plan is relevant in this regard. Whilst there have been objections to aspects of this policy, these objections do not raise any issues with the general locational requirements of the policy in an urban context. The draft policy is in accordance with the NPPF and is at a relatively advanced stage in the process towards adoption and consequently it is considered that the elements that are relevant to the consideration of the current proposals can be afforded significant weight.

Draft Policy HS5 indicates general support for proposals for new and improved open space, sport and recreation facilities. It then goes on to require such proposals to demonstrate that they address any shortfall in provision identified in the Built and Indoor Sports Facilities Strategy. In this regard it is clear that the proposed development is a direct response to the shortfalls identified in the Council's Indoor Sports and Leisure Strategy (March 2014).

Draft Policy HS5 then goes on to set out a "town centre first" approach to the location of new sport and recreation facilities, unless: (i) the proposal is accessible to the community it proposes to serve by means other than the private car; and (ii) there is a need to enhance an existing facility or provide a new facility that has specific locational requirements. Paragraph 5.74 of the explanation to the policy gives the example of where it may be more appropriate to enhance an existing facility, co-locate or combine with other community uses, at other sustainable locations, to ensure long term viability.

The starting point for the assessment under Draft Policy HS5 has to be the fact that the site contains the main existing sports and leisure centre facility for Warwick. The proposals are for an expansion of this existing facility in order to ensure its long term viability. Consequently Criterion (ii) above is clearly met. With regard to Criterion (i), whilst situated outside of the town centre, the site is in a relatively sustainable location approximately 400m to the east of the town centre. There are a number of high frequency bus services running close to the site along Emscote Road and Banbury Road. Therefore it has been concluded that the proposals comply with Criterion (i).

For the above reasons it has been concluded that the proposals are in accordance with Draft Local Plan Policy HS5. Therefore the proposals are considered to be acceptable in principle in this location.

<u>Impact on the living conditions of neighbouring dwellings</u>

The proposed extension would be approximately 11m from the rear boundary of the nearest dwelling in Weston Close and 21m from the rear elevation of that property. This is far enough to ensure that the proposed extension will not cause unacceptable loss of light, loss of outlook or loss of privacy for the nearest dwellings, particularly considering the fact that the extension will not project to the rear of those dwellings.

In terms of noise and disturbance, a Noise Survey Report has been submitted with the application and this concludes that any plant and equipment associated

with the proposed development can be designed and installed so as to comply with Environmental Health's requirements in relation to noise limits. Environmental Health have raised no objection to the application and therefore it has been concluded that the proposals would not cause an unacceptable increase in noise and disturbance for nearby residents.

Impact on the character and appearance of the conservation area

The existing leisure centre is not particularly attractive, being rather utilitarian in appearance with limited areas of glazing. The proposals seek to improve this by adding an extension that is in keeping with the design and form of the existing building but which includes more glazing and a greater variety of design features. The extension will also make the entrance to the building more prominent and welcoming. Therefore it is considered that the proposals will enhance the character and appearance of the conservation area by virtue of its improved design.

Impact on trees

The application proposes the removal of 6 existing trees. Of these, the Tree Survey submitted with the application identifies 1 as Category A (high quality and / or value), 4 as Category B (moderate quality and / or value) and 1 as Category C (low quality and / or value). Whilst the loss of these trees is regrettable, this must be weighed in the balance against the positive impacts of the proposals.

In this regard the proposals would generate significant benefits in terms of meeting the identified need for enhanced sports and leisure facilities and ensuring the viability of the existing sports and leisure facilities on the application site. These are key priorities for both the Council corporately but also for local and national planning policy. Therefore these benefits should be afforded significant weight in the assessment of the application.

The site will retain a heavily landscaped character following the proposed development, with the majority of the trees within and adjacent to the site proposed to be retained. Only 1 Category A tree is scheduled for removal, with the significant number of other Category A trees alongside this proposed to be retained. Furthermore, mitigation for the loss of the trees can be secured by condition. Therefore it has been concluded that the benefits of the proposed development clearly outweigh any harm associated with the removal of a small number of mostly lower value trees.

Car parking and highway safety

The Highway Authority have raised no objection to the application. Therefore the proposals are considered to be acceptable from a highway safety point of view.

With regard to parking, this would remain as existing, with car-borne visitors to the enlarged leisure centre expected to use the St. Nicholas Park Car Park. The applicant has submitted an assessment of the usage of this car park which demonstrates that demand exceeds available spaces at certain times during weekdays and on Saturdays. There is significant seasonal variation, with excess demand mainly occurring during the summer.

The applicant's analysis indicates that parking demand following the completion of the proposed extension is likely to remain largely within capacity for the majority of the year. Demand is expected to continue to outstrip supply at peak times during the summer, with the number of excess vehicles likely to increase compared with the existing situation. However, the Highway Authority consider it unlikely that the increase in car parking demand will lead to severe detriment to the safety operation of the public highway.

The Highway Authority point out that the car park access onto Banbury Road and the adjacent streets are protected by Traffic Regulation Orders which should be sufficient to deter car parking in inappropriate or hazardous locations. The applicant has also pointed out that there is scope to alter the layout of the car park to provide additional spaces to cater for the proposed development. Therefore it has been concluded that the proposals would have an acceptable impact on car parking in the locality.

Impact on bats

A bat survey has been carried out and this did not find any evidence of bats roosting within the existing leisure centre building. The County Ecologist has accepted the findings of the bat survey and has not raised any concerns in relation to the impact on bats, subject to an appropriate informative note.

Health and well-being

The provision of improved leisure facilities will generate significant health and well-being benefits for the District.

Flood risk

Whilst Flood Zone 2 extends close to the site of the proposed extension, the extension itself would be situated entirely within Flood Zone 1 (land at lowest risk of flooding). Therefore the proposals are considered to be acceptable from a flood risk point of view.

Other matters

Objectors have raised concerns about the loss of the splash pool and the introduction of unisex changing facilities. These are not material planning considerations and consequently the local planning authority cannot pass judgement on these matters.

The application indicates that a combined heat and power plant will be installed to meet the requirements of Local Plan Policy DP13 in relation to energy efficiency. A condition is recommended to secure full details.

The proposals will result in the loss of small areas of incidental green space around the existing leisure centre building. However, it is considered that this limited loss of green space is outweighed by the significant benefits associated with the development (as outlined in the "Impact on trees" section above).

Environmental Health have advised that the proposals are acceptable from a contamination point of view, subject to a condition to require the results of gas

monitoring to be submitted for approval, together with details of any necessary gas protection measures. A condition is recommended accordingly.

Environmental Health have advised that the proposals would have an acceptable impact on air quality, subject to a condition to ensure that the proposed low emissions measures are implemented. A condition is recommended accordingly.

The queries raised by the Council's Green Space Team are dealt with by conditions.

SUMMARY / CONCLUSION

The proposals would generate significant benefits in terms of meeting the identified need for enhanced sports and leisure facilities and ensuring the viability of the existing sports and leisure facilities on the application site. These are key priorities for both the Council corporately but also for local and national planning policy. The proposals are in accordance with Draft Local Plan Policy HS5 and therefore are considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area. Furthermore, the proposals are considered to be acceptable in terms of the impact on trees, car parking, highway safety, bats and in terms of flood risk. Therefore it is recommended that planning permission is granted.

CONDITIONS

- The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10897/20-1, 10897/20-2, 10897/20-3, 10897/20-20, 10897/90-01, 10897/90-10, 91381-GA103B, 91381-SE300B & 16-07-01A, and specification therein, submitted on 27 April 2016 & 8 June 2016. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.

 REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Notwithstanding the details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary

walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

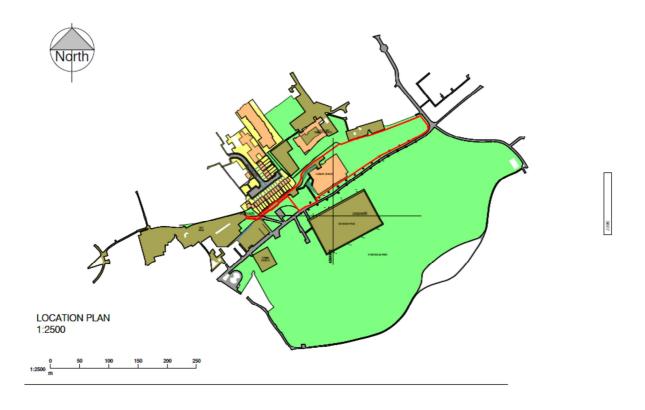
- Notwithstanding the details submitted with the application the development hereby permitted shall not take place until revised details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried in strict accordance with the details approved under this condition. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- No development shall take place until a ground gas risk assessment has been carried out (to include details of gas protection measures if deemed necessary) and submitted to and approved in writing by the local planning authority. Any gas protection measures approved under this condition shall be installed in strict accordance with the approved details. No part of the development shall be occupied until a verification report confirming that the gas protection measures have been installed has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.

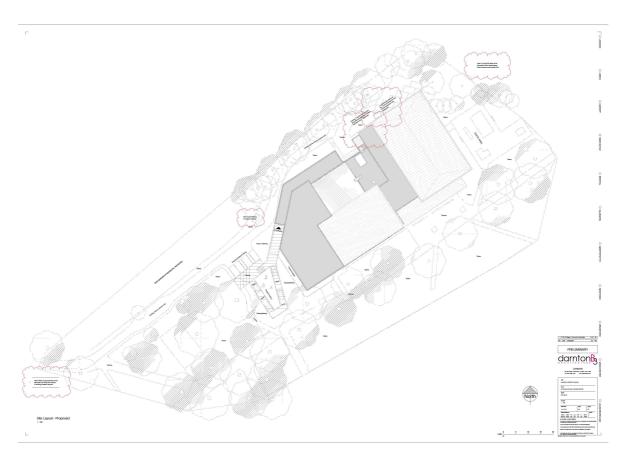
- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until the tree protection measures shown on drawing no. 16-07-01A have been implemented in strict accordance with the approved details. The tree protection measures shall be maintained in strict accordance with the approved details for the duration of construction works. **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. measures to control the routing and timing of heavy goods vehicle movements;
 - ii. the parking of vehicles of site operatives and visitors;
 - iii. loading and unloading of plant and materials; and
 - iv. wheel washing facilities.

REASON: In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

The development hereby permitted shall not be occupied unless and until the air quality mitigation measures specified in the report entitled "Air Quality - Low Emission Assessment" (ref. 402.06058.00001) by SLR Consulting Ltd (Version 1 - March 2016) have been implemented in strict accordance with the approved details. The air quality mitigation measures shall be retained and maintained in strict accordance with the approved details at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

- No external lighting shall be installed other than in accordance with drawing no. 91381M-DB3-SNLC-EX-DR-E-63_01 T1. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect protected species, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles, amphibians, nesting birds and badgers within the site as set out in the document 'Ecological Impact Assessment St. Nicholas Park Leisure Centre' prepared by Ridgeway Ecology, received by the District Planning Authority on 27th April 2016. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- The development hereby permitted shall not be occupied until details of signage have been submitted to and approved in writing by the local planning authority and the signage has been installed in strict accordance with the approved details. **REASON:** To ensure a good standard of legibility for the scheme within this public park, in accordance with Policy DP1 of the Warwick District Local Plan.





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