DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0610/18/LAA
Proposal: Demolition of Temple Park Leisure Centre's swimming pool including associated changing village and footbridge, plus the construction of a new two storey gable wall to the south elevation, together with minor remedial works to the east elevation of the Gymnastics' Centre and associated external works.
Location: Temple Park Leisure Centre
Temple Park Centre
John Reid Road
South Shields
NE34 8QN

Site Visit Made: 25/07/2018

Relevant policies/SPDs

1 SC2 - Reviving our Town Centres and other Shopping Centres
2 SC6 - Providing for Recreational Open Space, Sport and Leisure
3 EA3 - Biodiversity and Geodiversity
4 EA5 - Environmental Protection
5 DM1 (A, B, C, M) - Management of Development
6 DM7 - Biodiversity and Geodiversity Sites

Description of the site and of the proposals

Planning permission is sought for the demolition of Temple Park Leisure Centre's swimming pool, including the associated changing village, and a footbridge that currently links the Leisure Centre with the Gymnastics Centre.

Following the demolition works it is proposed that a new two storey gable wall is constructed to the southern elevation of the retained part of the Leisure Centre (together with internal alterations to provide store rooms and ground and first floor corridors along the southern part of the retained building).

Minor remedial works are also proposed to the east elevation of the existing Gymnastics Centre following the removal of the footbridge.

External works are also proposed, including alterations to levels associated with the removal of the swimming pool, alterations to footpaths and landscaping.

The application site is located within the wider Temple Park Leisure Complex in South Shields. The existing Leisure Centre vehicle access is from John Reid Road.

The applicant has provided the following documents in support of the application:

- Site Investigation Report
- Contaminated Land Assessment
- Desk Study Report
- Asbestos Survey Report
- Remediation Statement
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan

- Initial Ecological Assessment
- Supporting Statement (Including Justification for Demolition Works)

Publicity / Consultations (Expiry date: 31/08/2018)

1) Neighbour responses

Neighbouring properties have been notified of the planning application by letter. In addition, site notices have been displayed.

No responses have been received.

2) Other Consultee responses

External consultee responses

Northumbrian Water

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Sport England

Initial consultation response received 9/07/2018

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 74), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Whilst the proposal falls on a broader site which is defined as playing field by Sport England, our primary consideration actually centres on the loss of the swimming pool. Sport England has previously undertaken detailed swimming pool provision analysis in conjunction with South Tyneside Council as part of the Built Sports Facility Strategy. We are therefore satisfied that swimming provision at the application site has been suitably replaced by the new pool at The Haven, South Shields.

Sport England also considers (within its statutory role) proposals that might prejudice playing fields. The scope of such consideration includes the loss of ancillary facilities (such as car parking and changing accommodation) which support the sporting use of the playing field. We note that the block proposed for demolition included within it an area denoted as football changing. If this area served the external football pitches it will need to be replaced if the use of those pitches is not to be prejudiced. At present the plans do not detail how this is to happen.

Given the above assessment, Sport England wishes to lodge a holding objection to this application. In order to resolve the holding objection we require details (in plan and written form) as to how the football teams using the external pitches are to be provided with changing accommodation.

Further consultation response received 17/08/2018 following receipt of additional information regarding changing facilities

The annotated plans include satisfactory detail as to how both the artificial and grass pitches at this site will be serviced with changing accommodation.

Accordingly Sport England wishes to withdraw its holding objection to this application.

Internal consultee responses

Environmental Health

Contaminated Land

A Phase 1 Land Contamination Assessment (dated October 2017)

A Phase 1 assessment has been prepared and submitted by professional consultants Atkins, who have reviewed a significant amount of third party data and a legacy of site investigations concerning this site between 1973 and 2012. I am satisfied that there exists sufficient data from previous Phase 2 assessments to enable the development to bypass a formal Phase 2 Assessment and proceed directly to the requirements of remediation.

Following a review of the available data, potential sources of contamination have been identified on and near the site, specifically associated with historical landfilling at and surrounding the site. Additionally, potential sources of contamination was noted during the site visit including chemical storage and boiler/generator areas.

Previous site investigations undertaken near the pool area have indicated that Made Ground may have been excavated during development of the leisure centre but is still present comprising ‘demolition type and ashy material up to approximately 1.35m depth. Chemical analysis of the Made Ground present at the site (in 2012) does not indicate significant elevated concentrations of potential contaminants of concern.

The CSM and risk assessments show that overall, the site poses a low to moderate risk to human health associated with soil contaminants, moderate risk associated with ground gases and a low risk to other identified receptors.

Asbestos was noted in the building and it is recommended that this is dealt with appropriately under The Control of Asbestos Regulations, thus arrangements have been made with a third party contractor for its appropriate management. It is also recommended that a specialist asbestos consultant is employed to provide further advice with regards asbestos in soil.

Remediation Statement

Gas protection has been considered for the provision of new pipework to accommodate utility services etc and the proposals around this are satisfactory (i.e clay stanks).

Protection of the existing gas protection measures in the existing structure are to be seamlessly extended into the new gable wall – again the proposal for this is acceptable.

Cover systems and landscaping proposals are also acceptable and in line with current guidance (600-700 capping layer + geotextile marker layer).

Materials re-use and the importation specification detailed is appropriate, which details cut and fill arrangements, site reprofiling and soil validation testing requirements.

The developer has put forward a specification for the contents of the verification report which is also satisfactory.

Please attach the following conditions to this application should it proceed:

- Following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the site being occupied.

- In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

UXO

It is also recommended that an UXO desk study be undertaken to determine any mitigation measures required during construction given that the site is identified as being in a high risk area for UXO. As UXO is a health and safety issue, it is suggested that a planning condition is not necessary; however an informative should be included on any permission.

Environmental Health

Noise

I have no concerns with the application and acknowledge the condition you have suggested with regard to restrictions on construction works.

Traffic and Road Safety Team

Initial Comments received 26/07/2018

Further information required regarding pedestrian access to the gymnastics centre during demolition, and vehicular access to the gymnastics centre. Will vehicles still be able to access and park on the access road to the gymnastics centre?

Comments received 03/09/2018

The latest drawing received 17/08/2018 indicating the proposed pedestrian and vehicular routes is acceptable. No further comments.

Countryside Officer

My comments on this application relate to its potential to impact on biodiversity including: designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted an Initial Ecological Assessment dated 18/08/17 undertaken by myself. The assessment concludes that the building has a negligible risk of supporting roosting bats due to the nature if its construction. There is a possibility that birds may use the building for nesting.

This proposal is not anticipated to have any other significant ecological impacts.

The following informative should be added to any consent given:

Breeding Bird Informative
Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Some species, such as pigeon can nest outside of these times, so checks should be made to ensure no active nests are present at other times of year before works commence. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Landscape Team

I have reviewed this planning application and would like to see a condition relating to tree protection (in accordance with BS5837:2012) to ensure it is in place prior to any construction works. Otherwise the proposals for the soft landscaping are acceptable.

Community Safety

We are aware that the building in question has been a target of both anti-social behaviour and vandalism. In light of that, and on the basis of the information available to us, the Community Safety Team is content with the proposal.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The main issues associated with the determination of this planning application relate to the following matters:

- The loss of the swimming pool/recreational facilities (including changing facilities);
- The impact of the development on the visual amenities of the area; and
- The impact of the development on the residential amenities of the area.

1. Loss of swimming pool/recreational facilities (including changing facilities)

Local Development Framework Core Strategy Policy SC2 (Reviving our Town Centre and other Shopping Centres) states that "Development proposals for …indoor sports …facilities will be focused and promoted within the three town centres….New and improved indoor sports and leisure facilities will also be promoted and supported as part of established out-of-centre leisure and recreation facilities….where they genuinely complement and enhance the range and quality of existing facilities and would not adversely impact on the vitality and viability of existing facilities in the town centres."

The National Planning Policy Framework, introduced in July 2018, is a material consideration in all planning applications.

Paragraph 91 states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which….. c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."

Paragraph 92 states "To provide the….recreational facilities ….he community needs, planning policies and decisions should a) plan positively for the provision and use of … community facilities (such as …..sports venues…)…to enhance the sustainability of communities and residential environments; b) take into account ..the delivery of local strategies to improve health …for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established …facilities …are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the location of …..community facilities and services."

Loss of Swimming Pool

The applicant has provided a supporting statement, which includes the following justification for the demolition of the swimming pool and associated changing areas:

"The former pool area at Temple Park Leisure Centre has remained vacant and unused since the new swimming pool at Haven Point opened 5 years ago (October 2013). Discussions with a variety of organisations (eg Sport England, Temple Park Gymnastics Centre etc) and a number of external funding opportunities have been sought. Unfortunately, these opportunities have not been viable due to multiple reasons, including a lack of funding and the poor state of the existing structure. Furthermore, the area has attracted and continues to attract anti-social behaviour/vandalism and as a result health and safety implications have increased significantly. Taking all of the above into consideration, a decision has been made to demolish the former pool area and as such planning approval is being sought to carry out these works."

The Council's Community Safety Team has confirmed that the building has been a target of both anti-social behaviour and vandalism.

This matter has also been considered by Sport England, who have advised that:

"Whilst the proposal falls on a broader site which is defined as playing field by Sport England, our primary consideration actually centres on the loss of the swimming pool. Sport England has previously undertaken detailed swimming pool provision analysis in conjunction with South Tyneside Council as part of the Built Sports Facility Strategy. We are therefore satisfied that swimming provision at the application site has been suitably replaced by the new pool at The Haven, South Shields."

It is considered that the loss of the unused swimming pool at Temple Park would be acceptable, given that it has been unused for 5 years and has already been replaced by the development of a new swimming pool on the South Shields foreshore (in accordance with the South Tyneside Local Development Framework South Shields Town Centre and Waterfront Area Action Plan), which is in an accessible location on the edge of South Shields Town Centre.

Loss of Football Changing Facilities

Sport England initially raised concerns regarding the loss of football changing accommodation within the Temple Park swimming pool area that was associated with the sporting use of the playing field at Temple Park and they lodged a holding objection to the application. They advised that if this changing area served the external football pitches it would need to be replaced to ensure the use of those pitches was not prejudiced. In response to Sport England's concerns, the applicant provided further information with regard to the football changing facilities as follows:

- The original football changing facility located within the Phase 1 Wet Side Pool Building at Temple Park Leisure Centre has not been used since this closed following the opening of the Haven Point facility five years ago.

- The Council's Leisure Services Section have allocated a football home and away changing room within the Phase 2 Dry Side Sports Building at Temple Park Leisure Centre (and this has been shown on a drawing). This is currently coping with football changing demand.

- If demand were to increase the Leisure Services Section can bring into use an additional home and away changing room (and this has also been shown on a drawing).

Sport England subsequently considered this additional information and they have advised that the annotated plans include satisfactory detail as to how both the artificial and grass pitches at this site will be serviced with changing accommodation. They have therefore withdrawn their initial holding objection.

It is therefore considered that there would be adequate football changing facilities available.

As such, it is considered that the proposed demolition of part of Temple Park Leisure Centre (with the subsequent loss of a swimming pool and changing rooms) would be acceptable with regard to its impact on the overall provision of indoor recreational facilities, including swimming pools, within South Shields and also on the football changing facilities required in association with the football pitches and playing fields at Temple Park.

As such, it is considered that the proposal is in accordance with Core Strategy Policies SC2 and SC6 of the South Tyneside Local Development Framework and the requirements of the NPPF.

2. <u>The impact of the development on the visual amenities of the area</u>

The swimming pool part of the Leisure Centre building has been unused for 5 years and is currently in a poor state of repair, and the Council's Community Safety Team has confirmed that the building has been a target of both anti-social behaviour and vandalism.

The proposed development includes the provision of a new elevation to the southern part of the retained building which is in keeping with the design of the original building and will be constructed in materials to match. In addition, following the removal of the bridge which currently links the swimming pool part of the site to the existing gymnastics building, the east elevation of the gymnastics building will be reinstated using materials to match.

It is considered that the proposed development has been designed to convey sensitive consideration of its surroundings. However, a condition is suggested requiring the external materials to be those stated on the submitted plans and the application form.

As such, the proposed development is considered to be acceptable with regard to its impact on the visual amenities of the area, in accordance with Policy DM1 (A) of the South Tyneside Local Development Framework.

3. The impact of the development on the residential amenities of the area

The application site is located within the wider Temple Park site, which is accessed by vehicular traffic from John Reid Road, with egress onto King George Road.

The Council's Environmental Health Team have been consulted on the proposed development and have no objection.

The nearest residential properties to the application site are located approximately 300 metres away on the opposite side of King George Road (241 – 247 King George Road, and 2-4 Redwood Avenue). The nearest residential properties to the existing vehicular access and egress are Nos. 2-12 Grindleford Court and 207 -217 King George Road.

Although the proposed development itself would be acceptable with regard to its impact on residential amenity (given the significant separation distance to the nearest residential properties), it is suggested that a planning condition is attached to restrict the timing of construction works, the delivery of materials and the removal of demolition materials from the site.

Subject to this condition, the proposed development is considered to be acceptable with regard to its impact on the residential amenities of the area, in accordance with Policy DM1 (B) of the South Tyneside Local Development Framework.

Other Matters

Land Contamination

The Council's Environmental Health Team has assessed the proposed development, together with the submitted documents with regard to land contamination, including a proposed remediation statement. They have also assessed the proposed demolition works with regard to asbestos including the Asbestos Survey Report submitted with the application, which recommends that asbestos is dealt with appropriately under the Control of Asbestos Regulations.

The Council's Environmental Health Team have no objection to the proposed development subject to conditions requiring the submission and approval of a verification report to demonstrate the effectiveness of the remediation works and the means of dealing with any contamination found that was not previously identified.

Subject to such conditions, it is considered that the proposal would not give rise to any significant concern regarding ground contamination in accordance with Policies EA5 and DM1(M) of the South Tyneside Local Development Framework.

UXO

The Council's Environmental Health Team has advised that an UXO desk study should be undertaken to determine any mitigation measures required during construction, given that the site is identified as being in a high risk area for UXO. As suggested, an informative is included with regard to this matter.

Landscaping/Trees

It is proposed that a category "C" tree (T11) is felled between the swimming pool building and the gymnasium building. Other trees on the site are to be retained and protected by tree protective fencing and ground protection during the construction works. The Council's Landscape Team has assessed the proposed development and considers the soft landscaping proposals to be acceptable. However, they have suggested that a planning condition is attached regarding tree protection to ensure it is in place prior to any construction works.

Subject to this condition, it is considered that the proposal would be acceptable with regard to its impact on trees and soft landscaping in accordance with Policy DM1(C) of the South Tyneside Local Development Framework.

Biodiversity

The Initial Ecological Assessment submitted with the application concludes that the building has a negligible risk of supporting roosting bats due to the nature if its construction. However, there is a possibility that birds may use the building for nesting.

The Council's Countryside Officer has assessed the proposed development with regard to its potential to impact on biodiversity and the proposal is not anticipated to have any significant ecological impacts. However, an informative is suggested with regard to breeding birds.

Subject to the inclusion of this informative, it is considered that the proposed development would be acceptable with regard to its impact on biodiversity. As such, the proposal is considered to accord with Policies EA3 and DM7 of the South Tyneside Local Development Framework.

Construction works and impact on access to existing gymnasium

The Council's Traffic and Road Safety Team initially requested further information regarding vehicular and pedestrian access to the existing gymnastics centre during the proposed demolition/construction works. The applicant subsequently supplied additional information on 17 August 2018. This additional information has been assessed by the Traffic and Road Safety Team, who consider the proposed pedestrian and vehicular routes to be acceptable. They have no further comments to make.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg No. 210A received 21/06/2018

Drg No. 19D received 21/06/2018
Drg No. 32C received 21/06/2018
Drg No. 27A received 21/06/2018
Drg No. 25A received 21/06/2018
Drg No. 22C received 21/06/2018
Drg No. 17D received 21/06/2018
Drg No. 016D received 21/06/2018
Drg No. 11B received 21/06/2018
Drg No. 10B received 21/06/2018
Drg No. 09C received 21/06/2018
Drg No. 03A received 21/06/2018

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external materials to be used to carry out the development hereby approved shall be those stated on the submitted plans (listed in condition 2) and the application form, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

4 Following completion of measures identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the site being occupied.

To ensure the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To ensure that the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

6 Tree protective fencing and tree ground protection measures in the positions marked on the Tree Protection Plan received on 21/06/2018 shall be provided to British Standard 5837:2012 before the development hereby approved is commenced. The protective fencing and ground protection shall be maintained in position and in good order during the whole period of construction works on site. Works, including the excavation, removal or deposit of earth or other materials shall not be carried out within the area enclosed by protective fencing without the written prior consent of the Local Planning Authority.

To ensure that the health of the trees to be retained within and adjoining the site is adequately protected during the period of construction in accordance with British Standard 5837:2012 and Policy DM1 of the South Tyneside Local Development Framework.

7 No construction or associated works or deliveries of materials or removal of demolition materials from the site shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm on Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Bank Holidays.

To safeguard the amenity of the nearby residents, in accordance with Development Management Policy DM1 (B) of the South Tyneside Local Development Framework.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3 Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Some species, such as pigeon can nest outside of these times, so checks should be made to ensure no active nests are present at other times of year before works commence. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

4 The Council's Environmental Health Team have advised that a UXO desk study be undertaken to determine any mitigation measures required during construction given that the site is identified as being in a high risk area for UXO.

Case officer:
Signed:
Date:

Authorised Signatory:
Date:
«END»