COMMITTEE EXTRACT

Committee Date: 5 May 2009

Reference:- 09/00080/FUL **Parish:-** Hinckley

Applicant:- Hinckley Club For Young People
C/o 44 Tudor Road
Hinckley
Leicestershire
LE10 1BZ

Location:- Richmond Park Richmond Road Hinckley Leicestershire

Proposal:- ERECTION OF YOUTH CENTRE AND COMMUNITY FACILITIES INCLUDING EXTERNAL ACTIVITY AREAS AND PARKING

Introduction:-

This application seeks full planning permission for the erection of a youth centre and community facilities including external activity areas and parking, at Richmond Park in Hinckley. The application is submitted by the Hinckley Club for Young People and is proposed as a replacement facility for their existing club premises on Stoke Road. The proposal is being funded partially by a central government 'My Space' grant.

The site occupies the southeast corner of Richmond Park adjacent to the existing pavilion and replaces the former children's play area that was removed earlier this year. The southeast corner of the park is bound by residential properties, an existing community facility and a part completed residential development.

The facility proposes a series of internal sports halls and two external pitches, an internal climbing wall, a BMX track, a skate park, and outside amenity recreational areas. Additionally to the first floor there is a bar and function room area proposed. The function area can be access both internally and externally and will therefore lend itself to an element of independent use. The proposal includes a 92-space car park and the whole site is secured by perimeter fencing.

The building proposed is a contemporary design and is predominately two storey however a feature tower rises from the main roof to house the climbing wall. Due to the complexities of the design and shape of the roof of the building the roof heights vary significantly. The maximum ridge height is 13.7 metres to the tower and 10.9 metres to the main sports hall. The building has been designed to appeal to young people and is proposed to be of brick/block construction to eaves level with a metal profiled roof above. The roof is a key design element of the building and is comprised of a series of curves that rise to the highest point, being the tower for the climbing wall.

The application is accompanied by a design and access statement, flood risk assessment, transport assessment, nose impact assessment and landscaping scheme, which all seek to demonstrate that the development will have no adverse effect on the surrounding area, nearby occupiers, the highway network and other environmental factors.

Due to the scale of the project and the funding processes involved, the design and layout has altered a number of times through the application process and re-consultation has taken place following each subsequent change.

The application does not specify any hours of use of the building and the facilities proposed.

History:-

None

Consultations:-

No objection has been received from:

Sport England
The Leicestershire Constabulary Crime Reduction Officer
Leicestershire and Rutland Playing Field Association
Director of Community Services (Archaeology)
Director of Community Services (Ecology)

No objection subject to conditions has been received from:
The Environment Agency
Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)

No response received from:
Head of Corporate and Scrutiny Services (Green Spaces)
Cyclist Touring Club
Ramblers Association
Leicestershire Fire and Rescue

Site notice and Press notice were displayed and neighbours notified.

One neighbour letter of objection has been received on the grounds of possible noise disturbance from the bar and people coming and going to the facility.

The developer of the adjacent residential development, Cartwright Homes, objects to the application due to its proximity to the partially constructed apartments on their site. They believe the development represents bad planning.

Development Plan Policies:-

PPG17 sets out the Government's commitment to the need for sport and recreation development and seeks to deliver rural renewal, social and community inclusion, health and well-being and promotes sustainable development. The PPS encourages development for sport and recreation in appropriate locations.

The site is defined as a recreation site within the adopted Hinckley and Bosworth Local Plan and the provisions of Policy REC1 apply. Policy REC 1 supports the redevelopment for alternative uses where either the developer provides an equivalent range of replacement facilities in an appropriate location serving the community, or provides adequate proof that there is a surplus of recreational land and or facilities beyond the needs of the community or the redevelopment of a small part of a larger site in recreation use would result in the enhancement of the facilities on the remainder of the site.

Policy BE1 considers the design and siting of the development, in terms of the effect on the character of the area, amenities of neighbours and highway safety.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained with the County Councils design guidance Highways Transport and Development.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting, design, impact on neighbours, access/parking, drainage/flooding and pollution.

Principle of Development
The site lies within the settlement boundary for Hinckley and therefore there is a presumption in favour of development providing all other policies and planning matters are appropriately addressed.

The development of existing recreation sites is strictly controlled by Policy REC1 of the adopted local plan and the policy supports the redevelopment of the site where the requirements of the policy are met, either singularly or altogether. In this case, it is considered that the development proposed, though the scale of the facilities proposed and the wider recreational interest and improvement in the usability of Richmond Park that will arise, is considered to be in line with the requirements of Policy REC1. The development is considered to exceed the policy requirements of providing an equivalent level of facilities.

The overall enhancements at the site, resulting from this proposal and the Council's wider improvement programme attached to this development include:

3 x senior football pitches – new drainage improvements to all pitches
1 x cricket wicket
1 x new toddlers play area
1 x new MUGA
Improved footpath
Improved soft and hard landscaping
Changing room's facia improved
Additional facilities contained within the Club's grounds
1 x less than 12's football pitch
1 x 5-a-side synthetic pitch
Skate park
BMX track
Basketball 1-on-1 court

This improvement is further recognised through Green Spaces Strategy Qualitative Audit, which indicates that in 2004 Richmond Park scored 41.2%. This audit was carried out in line with recommendations made within Planning Policy Guidance 17 and with these proposed improvements this score rises to 73.5%. The results of this audit conforms the overall improvement of the usability of Richmond Park following this development.

Additionally, the development of a new build facility on Richmond Park would add value to the surrounding site as the Park is under used at present, leading to problems of anti social behaviour and general misuse of the area and through a greater visual presence on the site would enable the community to feel safer and such a presence would assist in deterring anti social behaviour.

In further support of the proposal, Sport England, via their consultation response, agree that the additional sporting facilities, including the qualitative improvements to the drainage of the park would be of sufficient benefit to the development of sport as a whole to outweigh the loss of part of the playing fields.

The development will not result in the loss of any existing play equipment at Richmond Park. Part of the site was previously used to accommodate ageing children's play equipment. However as part of the Council's commitment to improving the facilities available at the park, this equipment was replaced and is now sited in the southwest corner of the site.

Siting

The development is sited in the southeast corner of Richmond Park and is adjacent to the existing vehicular access to Richmond Road and Tudor Road. Whilst objection has been received to the proposed siting being too close to existing residential properties, the siting is considered to be appropriate for the following reasons:

a) it allows for the easiest access both by vehicles and pedestrians due to its position adjacent to the access from Richmond Road.
b) it does not compromise or result in the loss of the existing car parking provision on the site.
c) it does not compromise or result in the loss of the existing newly sited play equipment at Richmond Park.
d) it does result in the unnecessary loss of the open space at Richmond Park, through the need to provide access roadways etc.

The design of the club building and the siting of the facilities proposed have been carefully considered to prevent unnecessary impact on residential amenity.

Design -
The club building is designed to meet the needs of its users but also to compliment the surrounding area and the sites constraints. Principally the building is a large rectangular structure, however through the use of varying heights and projections; it results in an interesting and iconic building. The building's curved roof structure is such that it very much part of the character of the building and forms a key element of the overall design. A series or curved sections make up the roof structure, including the tower section for the climbing wall.

Due to the scale of the building and its individual design, the materials used in the construction are an integral element of the overall design. Whilst details have been provided of a palette of materials have been submitted with the application, samples of the materials have not been provided. The principle for metal roofing, exposed glue-lam timber beams, timber cladding, coloured blockwork with brick detailing and large areas of glazing are all acceptable, however samples will be required to ensure the highest quality finish is achieved.

The building includes a number of sustainable technologies, including ground source under floor heating, solar water heating, energy efficient sensor controlled lighting, heat recovery and mechanical ventilation. Whilst the inclusion of these technologies is not a formal planning requirement, the provision of such technology indicates that a comprehensive and sustainable design process has been adopted in the preparation of this scheme.

Impact on Neighbours -
The design of the building has evolved integrally with the siting and therefore takes account of the sites constraints, particularly in so far as the impact on the surrounding residential properties. The south of the building (that elevation facing the rear of properties on Tudor Road) is principally of single storey design, 5 metres in height. This elevation contains a small number of windows that serve an office and meeting room, therefore minimising any impact on the gardens and rear elevations of the properties adjacent. As series of solid emergency exit doors are proposed in this elevation.

The east elevation of the building (the elevation facing the Cartwright Homes development) is 10.8 metres high at the highest point of the roof, however there are no windows in the elevation at all. Objection has been received from Cartwright Homes; in so far at they consider the development to be bad planning because of its scale and proximity to the apartments where construction has commenced adjacent to the boundary. The club building is sited at an angle whereby the principal elevation (the elevation that faces Richmond Park) of the adjacent apartment building looks across the rear elevation of the club building, rather than at the side elevation. There is 17 metres of separation that exists between the two elevations at the closest points is considered acceptable to not result in an overbearing form of development. Furthermore, the fact that the elevation has no windows helps to mitigate any perceived impact from the building.

Highway Issues
Access to the site is from the existing vehicular access to Richmond Park from Richmond Road. The existing Richmond Park car park remains unaffected by this proposal and an additional 92 off-street car parking spaces are to be provided within the site.

The amount of car parking has been subject to some discussion between the applicant and the Highway Authority; however an agreement has been reached in respect of the amount provided due to the details of the proposed operation of the facility that the applicant has provided. In additional the applicants Transport Assessment has been redrafted to specifically address the initial concerns of the highway authority about the uses proposed on site and the implications this will have on parking provision and highway safety in the locality. In addition to a number of highway related conditions attached to this recommendation, a green travel plan will be required to consider alternative transport options to the site, in the wider interest of community sustainability.

The Highway Authority in their consultation response have asked for a number of additional conditions relating to developer contributions, control over when parts of the site will be used and details of the already commenced highway improvements to Richmond Road, to be attached to this

recommendation. However these conditions have been carefully scrutinised in light of tests set out in Circular 11/95 and have been found to be unreasonable and unenforceable.

In addition it should be noted that highway improvements to Richmond Road are currently taking place which will further improve access to this and are already under the control of the Highway Authority.

Drainage/Flooding

The application is accompanied by a flood risk assessment and the Environment Agency have confirmed that there is no objection to the proposal subject to the imposition of conditions in respect of the mitigation measures specified in the submitted assessment. Accordingly, the Environment Agency is satisfied that the development poses no flood risk. The Agency also confirms that oil and petrol separators will also be required to protect the water environment.

Noise

The first floor bar and function room, by way of its use for entertainment proposes and the hours it is likely to be used, may be considered to be a possible source of disturbance to nearby residential properties. The bar and function room area is located on the first floor of the building on the north side that overlooks the main park area and includes a covered balcony area. The applicant has confirmed that whilst the balcony area is proposed to allow for outdoor socialising, loud music transfer outside of the building via the balcony area is unlikely occur as a sound traffic light and cut out system being included within the function area. This system will warn of excessively loud music, which will cut out the power supply to the audio equipment to prevent the noise continuing.

The Head of Community Services (Pollution) raises no objection to the principle of the development or the function room area but does require a number of matters to be controlled by conditions of any approval to ensure that the development does not become detrimental to the amenities of nearby residents.

Discussions are continuing between the applicant and the Head of Community Services (Pollution) in respect of an outstanding issuing concerning noise transfer outside of the building via the first floor balcony. The results of these discussions will be reported as a late item.

The application does not specify any hours of use for the proposed building or the outdoor facilities, however the applicants agent has confirmed that due to the existing uncontrolled recreational use of the site, they do not feel it appropriate to restrict the hours of operation for a similar use. The agent has confirmed that the entertainment facilities, in particular the bar, will be controlled by the Licensing Act due to the sale of alcohol.

The hours of use of such a facility would normally be subject to formal controls, however due to the existing uncontrolled use of the park, it would be unreasonable to seek to control a similar use. The entertainment facilities do represent the introduction of a new use on the site which may give rise to complaint from adjacent occupiers, however the Licensing Act will give due consideration to amenity as part of any license being issued and will adequately control the issues of adverse impacts on residential amenity

Conclusion

This proposal seeks to create a very high quality community facility that not only provides a vast array of facilities for young people but also compliments the facilities and setting of Richmond Park. The location of the facility is such that it will be to the benefit of residents of Hinckley but because of its position close to the edge of the urban area, it will also be easily accessible from further afield. The proposal by way of its high quality an innovative design results in a positive contribution to Richmond Park, the surrounding area and the hierarchy of recreation facilities within Hinckley and the Borough. Notwithstanding these benefits, the proposal responds to the sites constraints positively.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the

conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be to the detriment of residential amenity, highway safety, the character of the surrounding area and the provision and availability of recreation at this site.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, REC1, T5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 This permission relates to the application as revised by amended plans E9715(D)07F and 01J, received by the Local Planning Authority on 31 March 2009 and plans E9715(LP)01K, 03G, 02K, 2008/139/E/108/Rev E and SF1561-LL01 Rev E received by the local planning authority on 21 April 2009.

3 Notwithstanding the details submitted, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 Notwithstanding the details submitted, no development shall commence until such a time as full construction details, including sections, of the proposed BMX and Skatepark have been submitted to an approved in writing by the local planning authority. The development shall then proceed in accordance with the approved details only unless otherwise agreed in writing by the local planning authority.

5 Before the first use of the facility hereby permitted, the boundary treatments as shown on the approved plans shall be fully implemented and maintained thereafter.

6 The soft landscaping scheme hereby approved, shall be fully completed by the end of the first planting season following the first use of the facility hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

7 Notwithstanding the details submitted, there shall be no radio, audible device or public address system fitted within the outdoor youth shelter or anywhere on this site.

8 Within 3 months of the commencement of the development hereby approved, details of the entrance screen and gates to be erected in front of the existing Pavilion and at the access to the site shall be submitted to and agreed in writing by the local planning authority.

9 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A, dated March 2009, undertaken by WM Saunders Partnership LLP and the following mitigation measures detailed within the FRA:

1. Section 6.1. Limiting the surface water run-off generated by all events up to the 1 in 100 plus 20% (for climate change) critical rain storm to 7l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Section 6.3. Provision of a minimum of 180m3 of surface water run-off attenuation within the surface water drainage scheme.
3. Section 6.3. The ground floor level of the main building will be set a minimum of 150mm above adjacent proposed ground levels, and a minimum of 300mm above the proposed car park.

10 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

11 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.

12 No development shall take place until a scheme for ventilation of all catering facilities serving the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

13 No recreational or sporting activities using motorised vehicles shall be permitted on the site.

14 Development shall not begin until a scheme for protecting adjacent dwellings from noise from all mechanical plant on site has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted development comes in to use.

15 No development shall commence until details of a scheme to prevent the breakout of noise from the function room to the terrace and from the music room has been submitted to and approved by the Local Planning Authority; all works, which form part of the scheme, shall be completed before the use commences.

16 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences and no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination in the area to be used for allotments has been submitted to and agreed in writing by the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

17 Notification of the commencement of development should be given in writing not less than 14 days before development commences.

18 Before first occupation of the development hereby permitted, the parking and turning facilities, as shown on the approved plans, shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times. The parking spaces shall remain available for vehicle parking thereafter.

19 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

20 No part of the development shall be brought into use until details of a Green Travel Plan containing a travel, car use and car parking management strategy for the site as a whole has been submitted to and agreed in writing by the local planning authority. The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from the premises. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. Prior to the first use of the facility hereby approved, it shall be implemented and subject to regular review in accordance with the above approved details.

21 Before the development hereby permitted is first used, the cycle parking facilities shall be provided in accordance with the approved plan and remain available for the parking of cycles thereafter.

22 The hard landscaping as shown on plan ref: SF1561-LL01-Rev E hereby approved, shall be fully completed prior to the first use of the facility hereby approved and maintained thereafter.

Reasons :-

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

2 To define the permission.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To define the permission and to ensure that the true extent of the works necessary are appropriately considered.

5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 The site is located within close proximity to residential properties and the installation of such audible devices is likely to be to the detriment of residential amenity, contrary to the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

8 To define the permission.

9 To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, in accordance with the requirements of Policies NE13 and NE14 of the Adopted Hinckley and Bosworth Local Plan.

10 To protect the water environment, in accordance with the requirements of Policies NE13 and NE14 of the Adopted Hinckley and Bosworth Local Plan.

11 To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with the requirements of Policies NE13 and NE14 of the Adopted Hinckley and Bosworth Local Plan.

12 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

13 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

14 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

15 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

16 To protect the environment of future occupiers of the site and the water environment in accordance with Policies BE1, NE2 and NE13 of the Hinckley and Bosworth Local Plan.

17 To allow the Council to be aware of the commencement of development in line with the requirements of the previous condition, to protect the environment of future occupiers of the site and the water environment in accordance with Policies BE1, NE2 and NE13 of the Hinckley and Bosworth Local Plan.

18 To enable vehicles to enter and leave the site in a forward direction and to provide adequate off street car parking in the interests of the safety of road users and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

19 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, in accordance with the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

20 To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site, in the wider interest of highway safety and sustainability.

21 In the interests of the sustainability of the development and to encourage alternative transport choice.

22 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

6 In relation to conditions relating to ground contamination advice should be sought from Environmental Health on 01455 238141. This is to ensure that any scheme submitted shall be in accordance with current guidance and policy

7 Elements of the proposal are situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

8 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be

submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

Contact Officer:- **James Hicks Ext 5762**