

TAUNTON DEANE BOROUGH COUNCIL

**CONSTRUCTION OF A SWIMMING POOL WITH ERECTION OF EXTENSION TO HEALTH SPA AT THE LEISURE CENTRE WITH ALTERATIONS TO THE MAIN ENTRANCE AREA AND PROVISION OF CAR PARKING AT BLACKBROOK PAVILION, BLACKBROOK WAY, TAUNTON**

Location: BLACKBROOK PAVILION, BLACKBROOK WAY, TAUNTON TA1  
2RW

Grid Reference: 324905.123927

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Subject to the withdrawal of the objection by Sport England:

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 1254-P-10 Rev F Ground Floor Plan  
(A1) DrNo 1254-P-011 Rev B First Floor Plan  
(A1) DrNo 1254-P-101 Rev B Section A-A  
(A1) DrNo 1254-P-201 Rev A North and East Elevation  
(A1) DrNo 1254-P-202 Rev A South and West Elevations  
(A1) DrNo 1254-P-250 Rev A Aerial Perspective View  
(A1) DrNo 1254-P-251 Rev A Perspective View  
(A1) DrNo 1254-P-252 Rev A Spa Entrance Image  
(A1) DrNo 1254-P-503 Rev B Proposed Pitch and PV Layout  
(A1) DrNo 1254-P-504 Rev B Coach Turning Circle  
(A1) DrNo 1254-D-502 Rev C Site Plan (Sports Pitches)  
(A1) DrNo 1254-D-253 Visualisation from Playing Field  
(A1) DrNo 1254-P-506 Rev A Surface Treatment to Overflow Parking  
(A1) DrNo 1254-P-508 Rev C Proposed Site Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the erection of any part of the building hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the erection of any part of the building hereby permitted, details and specifications of the lighting to be used on the building and car parking areas hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or the residential amenities of neighbouring properties in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. (i) The landscaping/planting scheme shown in the Landscaping Plan and Planting Specification document dated 30 July 2014 shall be completely carried out within the first available planting season from the date of the development hereby permitted being brought into use.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The tree protection strategy shall be completely carried out in accordance with the details set out in the Arboricultural Impact Assessment and Tree Protection Plan dated 7 June 2014 prior to the commencement of any development on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the long

term health of the trees or the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates submitted report, dated May 2014 and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife and their habitats from damage.

8. No development approved by this permission shall be commenced on site until a full operation and maintenance strategy for surface water has been submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. This strategy shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory management of surface water disposal and flood risk and prevent discharge onto the highway.

9. No development approved shall commence on site until a surface water run-off limitation scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to the development hereby permitted being brought into use and shall thereafter be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory management of surface water disposal and flood risk and prevent discharge onto the highway.

10. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

12. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access extending to points on the nearside carriageway edge 60m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall be maintained at all times.

Reason: To ensure sufficient visibility is provided at the site, in the interests of highway safety.

13. The development hereby approved shall not be brought into use until cycle storage facilities capable of accommodating 26 cycles has been provided within the site, details of which shall have been submitted to and agreed in writing with the Local Planning Authority. The cycle storage shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted.

Reason: To provide for the parking and storage of bicycles, in order to promote sustainable modes of transport.

14. Prior to the commencement of development, the overflow car parking as shown on Drawing 1254-D-506 shall be constructed and brought into use. This parking shall thereafter remain available for use in connection with Blackbrook Pavilion Sports Centre.

Reason: In order to ensure that parking continues to be provided within the site both during the works and thereafter, in the interests of highway safety.

15. The development hereby permitted shall not be brought into use until an amended travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote and encourage sustainable modes of travel and in the interests of highway safety.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. Notes at request of Council's Biodiversity Officer:

- The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.
  - Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
  - Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
  - NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.
  - It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
  - Whilst it is considered unlikely that Great Crested Newts are present on site, a toolbox talk should be given to alert contractors of the possibility of Great Crested Newts being present.
3. Notes at request of Council's Drainage Officer:
- It is recommended that the use of Sustainable Drainage Systems (SUDs) be investigated for surface water drainage on site, in order to reduce the rate of run-off and to reduce pollution risks. The techniques involve controlling sources of increased surface water and include:
    - Interception and reuse
    - Porous pavings/surfacing
    - Infiltration Techniques
    - Detention/Attenuation
    - Wetlands
  - With reference to Conditions 8 and 9, the strategy/scheme should include full details identifying how flood risk and surface water disposal will be dealt with, following further design works.
4. Note at request of County Highways Authority:
- Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Area Highway Office, Burton Place, Taunton, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

## **PROPOSAL**

Blackbrook Pavilion lies between Blackbrook Way and the motorway. On the opposite side of Blackbrook Way is residential development, whilst land to the other side of the M5 falls within Flood Zones 2 and 3. The site comprises a range of buildings/structures, courts and various pitches and is allocated as recreational open space. The main section of the building is of buff brick and tile incorporating a mix of gabled and hipped roofs. Attached to this is a substantial metal clad building with a low pitched roof, accommodating the sports hall. A large area of car parking lies to the front (north) of the pavilion providing 66 spaces (including disabled), with further car parking to the west side adjacent to the bowling club and tennis courts. 16 cycle spaces and motorcycle parking for 10 is also provided adjacent to the parking area at the front. To the east are the sports pitches, separated from the motorway by well established trees. Further well established planting separates the site from Blackbrook Way and creates a break between the current car parking area to the front and the playing fields.

Following a review of swimming pool provision within Taunton Deane in the late 2000's, Sport England identified that Taunton was just meeting current demand and will not meet future demand. As a result of this, along with the pool at St James Street nearing the end of its viable life, in order to ensure that swimming facilities continue to be provided to schools and clubs, it was determined that a new pool was required. An extensive site selection process has been undertaken by the applicant, which concluded in utilising the site of the existing sports facilities at Blackbrook.

This application seeks planning permission for the erection of an extension to the existing leisure centre to provide a swimming pool and health spa, with alterations to the main entrance. The extension would be positioned on the north-east corner of the building, partly on the footprint of the existing car parking area, encroaching marginally into the playing field. It is proposed to provide 78 car parking spaces, of which 6 would be disabled spaces, to the north, west and east of the proposed extension. The parking to the north and west would be constructed of tarmac, whilst that to the east would be of grasscrete finish. It is proposed to retain the existing cycle and motorcycle parking and provide further cycle storage for 10 cycles. It is also proposed to provide overflow parking of a further 28 spaces to the rear of the building, which would be constructed of grasscrete and provide an extension to the existing roadway adjacent to this, in order to provide adequate space for coach turning within the site. A temporary access is provided to the north of the existing car parking area, to provide access during the construction works only

The extension would be constructed of rainscreen cladding with an aluminium roof in a stepped design. The frontmost section would be single storey and clad with a blue finish to reflect the water of the pools, whilst the remaining two sections would be two storey and clad with a red/orange finish to reflect the warmth of the spa. The cladding would not be of block colour but would instead incorporate varying shades of that colour turning lighter as the height increases, also with powder coated metal windows and louvres of a horizontal emphasis. The rearmost element would also incorporate glazed curtain walling to the stairwell. The extension would provide a 25m by 12.5m (6 lane) swimming pool; a 8m by 12m learner pool with changing village/toilets, and spa/treatment rooms and café above.

It is also proposed to make alterations to the entrance to the existing building, which would involve large elements of glazing under a flat roof.

The application is accompanied by a Dormouse survey; Flood Risk Assessment (FRA); Surface Water Drainage Strategy; Transport Assessment; Travel Plan; Arboricultural Impact Assessment and Tree Protection Plan; and Design, Access and Planning Statement.

During the processing of the application, additional information and revised plans have been received:

- Showing visualisation of the scheme from the playing fields.
- Re-configuring the car parking layout to retain more of the roadside buffer.
- Confirming that the overflow car park will be finished in grasscrete.
- Indicating that the 3m safety area surrounding the pitches will be maintained.
- Confirming that a new surface water outfall into the secondary river adjacent to the motorway will be provided.
- Confirming that the existing community use will be retained during the works through the use of appropriate fencing to segregate the pitches from the construction site and the provision of overflow car parking to the rear of the centre to provide appropriate parking.
- That the pool depth will be 0.9 – 1.2 metres and the spectator seating will be casual moveable seating.
- Confirming that the proposed replacement tree planting/dormice mitigation will extend to an area of 565m<sup>2</sup> and the number of proposed species is indicated.
- Confirming that there is no Community Use Agreement for the playing fields but TDBC are prepared to consider putting one in place.
- Confirming retention of the grasscrete parking over the longer term rather than just the period of construction works

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANDSCAPE* - Main concern is the potential impact of the northern most car parking areas impacting on the landscape belt root protection areas. Details of trees affected and methods of avoiding damage to any affected trees is essential. It is not clear what the proposed landscape treatment of the eastern boundary of car parking is. A native species hedgerow with tree planting would help soften the impact of the car parking from the sports field.

*Subsequent comments following receipt of Arboricultural Impact Assessment and Tree Protection Plan:*

If possible I would remove the two northern most car parking spaces nearest to T22 – i.e the one to the south and the one to the south west of it – as this will retain more of the roadside buffer. Otherwise fine. There is mention of a landscape scheme but I have not yet seen the details.

*BIODIVERSITY* - The application is for the erection of a swimming pool and health spa extension to the leisure centre at Blackbrook pavilion, Blackbrook Taunton.

The site comprises hard standing, an area of dense scrub, ornamental planting, and a wet ditch and beyond that a playing field with species poor hedges. An area of scrub, approx. size 600m<sup>2</sup> will be lost to the development. Michael Woods Associates carried out a Dormouse Survey for the site in May 2014.

Findings of the survey are as follows:

**Dormice** - The scrub and tree area, to be removed, was searched for dormouse nests and feeding remains. Several hazelnuts with gnaw marks were found indicating that dormice are present on site.

A European Protected Species licence will be required to remove the scrub. The removal of this vegetation will need to be carefully planned and supervised by an ecologist. The proposed mitigation should include an area of at least 600m<sup>2</sup> of new planting, connected to retained dormice habitat. Please liaise with the landscape officer on the proposed new landscaping.

**Great crested newts** - The standing water in the ditch has suitability for breeding GCN. However, as the purpose of the ditch is for storm water, it is likely that water levels fluctuate through the year. It is considered unlikely that GCN are present on site. As a precautionary measure, a toolbox talk should be given to alert contractors to the possibility of GCN being present.

**Bats** - The woodland and scrub was suitable for foraging bats, although none of the trees present were mature enough to contain cracks, etc. which would be suitable for use as a roost site. I support the proposal to place bat tubes in the new build.

**Birds** - The woodland and scrub was suitable for nesting birds. Clearance of vegetation should take place outside of the bird nesting season. I support the proposal to place nest boxes on site.

*Subsequent comments following receipt of landscaping plan and planting specification* – I confirm that the area of 565m<sup>2</sup> is acceptable, however request total number of proposed species.

*Subsequent comments following receipt of confirmation of numbers of proposed species* - Satisfied

**SCC - TRANSPORT DEVELOPMENT GROUP** - The proposal relates to the erection of a swimming pool and health spa.

**Traffic Impact** - In terms of traffic impact the applicant held pre application discussions with the Highway Authority the culmination of this was the submission of a Transport Assessment (TA). The TA has looked at the impact of this proposal on the following junctions:

- Bridgwater Road/Ilminster Road/Hamilton Road signalised junction; and
- Lisieux Way/Blackbrook Way/Chestnut Drive roundabout junction; and
- Ilminster Road/Bridgwater Road signal controlled junction.

From the information provided the applicant has modelled these junctions for both



2014 and also 2019 scenarios to assess their capacity. In terms of the site access the applicant has demonstrated that in both scenarios the junction has spare capacity to be able to accommodate the increase in vehicle movements that would be associated with the development. As for the other two junctions from the information provided within the TA it clearly demonstrates that the proposal would result in an increase in vehicle movements however it does not appear to be significant enough to warrant an objection on the grounds of traffic impact. Although the applicant will need to clarify one point as it is noted in the Halcon Corner AM peak for the 2019 model indicates that there is an 87.1% degree of saturation. However the model that includes the development shows that the degree of saturation is 86.5%. Would the applicant be able to provide further information on this?

In terms of non-car modes the site would be accessed via the existing pedestrian footway which provides good connections to the rest of the footway network. In terms of cyclists the proposal is well integrated with existing cycle network. Although to achieve a modal shift to non-car modes the existing cycle storage facilities would need to be upgraded so that they are considered to be an acceptable alternative to the use of the private car.

The applicant has proposed to increase the number of parking spaces to 137. This clear over provision of parking would usually be a cause of concern to the Highway Authority however it is already apparent that based on Somerset County Council's Parking Strategy the site already has an over provision of parking. Furthermore it is apparent from the parking survey carried out as part of the TA that the site is already operating at capacity. The Highway Authority would not wish to see development cause the overspill of parking onto the surrounding residential roads. As a consequence the additional amount of parking is considered to be acceptable.

In addition to the above during pre-application discussions the applicant also proposed an overspill car park to the rear of the existing buildings. It is noted that this has been put forward by the applicant although it only appears to be a short term measure whilst construction phase is being carried out. However the Highway Authority is of the opinion that this should be offered as a permanent parking facility in addition to the parking proposed to the front of the site.

As indicated in the Design and Access Statement one of the main functions of this site will be to replace the existing facilities that are currently provided at the pool in St James Street which includes the use by school groups. As such the Blackbrook site would need to be able to accommodate coaches picking up and dropping off. This issue was discussed with the applicant prior to the proposal being submitted and has culminated with the details found in the TA. It has been proposed that a coach drop off bay is provided alongside the existing centre. The coach will then proceed to the lower area of the site where it would be able to turn and wait for pick up. Drawing No. 14233-AT01 tracks a standard sized coach and shows that it is able to turn and leave the site in a forward gear. This approach is considered to be acceptable as the Highway Authority did have concerns that a coach dropping off and waiting could obstruct access to the other areas of the car park.

To cause minimal disruption to the site during the construction phase the applicant has proposed to provide a separate construction access onto Blackbrook Way. The Highway Authority had concerns over the potential highway safety issues of

providing an access in this location as a consequence the Highway Authority requested that details be submitted as part of the planning application showing that construction vehicles would be able to enter the highway in a safe manner. Drawing No. 14233/SKT02 indicates that the applicant is able to provide splays of 2.4m x 60m in either direction. Blackbrook Way is subject to a 30mph limit although due to the nature of the road vehicle speeds are higher. As such splays with a 'Y' axis of 60m is considered to be acceptable. The access has also proposed cycle splays of 2.0m x 2.0m either side of the access for cyclist visibility. This is considered to be appropriate as Blackbrook Way has a well utilised cycle route along its length and the Highway Authority would not construction traffic movements to cause conflict with cyclists.

The applicant has proposed an access width of 4.0m this is considered to be acceptable. Furthermore the applicant has proposed entrance gates set back 9.0m from the back edge of the footway. This should be sufficient to allow a vehicle to pull off the highway and not over hang the footway and cause obstruction to pedestrians and cyclists. Therefore the Highway Authority has no objection in principle to the location and layout of the construction access however if permission were to be granted the Highway Authority would require a more detailed plan to be submitted.

Travel Plan - A Travel Plan has been submitted as part of the planning application this has been submitted for audit this has been returned and a copy of the report has been attached. As an overview the Travel Plan is considered to be acceptable although there are some points that would need to be addressed.

The main issue is that the Travel Plan has not reflected the TA in terms of St James Pool, bus parking, grasscrete and staff numbers. This information would need to be included in any future submission of this Travel Plan. Other information that needs to be provided is the Travel Plan fee and safe guarding sum. Furthermore the measures element has not been included within the document.

These points will need to be rectified as part of any further submission of the Travel Plan. Please note that the Travel Plan would need to be secured via a S106 agreement.

Conclusion - Therefore to conclude the proposal would result in an increase in traffic movements although it is unlikely to have a detrimental impact on the surrounding highway network. Therefore a highway objection on traffic impact cannot be substantiated. In terms of the internal layout the parking levels are considered to be acceptable, although it is acknowledged that these levels are higher than what is set out in the Parking Strategy it is understood that there is a need for additional parking within the site.

The principle of a construction access has been accepted and the Highway Authority is satisfied that suitable visibility can be provided. Although a more detailed design would need to be provided prior to any commencement of development.

The Travel Plan is considered to be acceptable in principle although amendments would be required before any further submissions.

Consequently based on the information set out above the Highway Authority raises no objection to this proposal and if planning permission were to be granted the Highway Authority would require conditions to be attached.

*SPORT ENGLAND SOUTH WEST* - It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

“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 last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

“Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.”

The proposal is to construct a swimming pool and health spa extension to the leisure centre, with alterations to the main entrance area and the provision of car parking spaces. The proposed extension and the new parking spaces would be built on land to the north east of the leisure centre access road. This land forms part of the leisure centre’s present car park and the western edge of the playing field that lies to the east.

As set out in the Design and Access Statement accompanying the application, the proposed extension would accommodate:

- A 25m x 6 lane swimming pool
- An 8m x 12m learner pool
- Spa and treatment rooms
- Changing village
- Café/kitchen
- Associated storage/plant rooms/toilets etc.

The Statement and the drawing numbered 1254-P-503 Revision B also demonstrate that, despite there being an encroachment on the western edge of the playing field, it would still be able to accommodate the same number and size of playing pitches that are currently provided.

The Football Association (FA) understand the layout of the pitches is set to a standard layout that works well for the site. The area in question serves little purpose for the ability of the site to host the current number of pitches. If the applicant can confirm the following points then The FA don't wish to raise an objection:

1. The location of the new building won't compromise any of the existing pitches with them remaining the same size? – this includes the 3m Safety area from all touchlines of the pitch
2. The FA is aware that drainage at the site can be improved, can it be confirmed that the new build won't have a detrimental effect on the existing pitches?
3. This is a key multi-pitch site for local football in Taunton – can it be confirmed that all existing community use will be retained and what measures will be out in place to ensure the pitches are available during the build phase? Will there be enough car parking to serve all the proposed facilities?

Therefore, it is considered that the proposal has the potential to fulfil the circumstances described in exception E5 of Sport England's playing fields policy. That is to say:

“The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”

However, in assessing the benefit to the development of sport, it is necessary to consider matters such as:

Whether the proposal is identified in any local sport and recreation strategy

Whether the proposal is identified in any NGB facilities strategy, and

Whether the proposal complies with Sport England's Design Guidance Notes.

The Design and Access Statement outlines how the proposal fits with the Taunton Deane Sports Facility Strategy and the Core Strategy development plan document.

The Amateur Swimming Association (ASA) has advised that the site is a priority in its facilities strategy. It has stated that the pool should serve the full range of customer demands that are currently being met by the existing pools, particularly with regard to the swimming lessons programme and increased participation. However, the proposed design will not achieve this.

There is a need for this swimming pool and it has been justified in a business plan submitted to both the ASA and to Sport England. The facility is intended to replace James Street Pool which will close.

The design of the proposed swimming pool though will not meet the needs of the customer base. The ASA's principal objection is to the constant depth of the main pool which is proposed to be 1.2m. This fits the profile of private fitness club pools rather than a community pool that requires a gradient of 0.9m to 1.8m to meet the demand for junior swimming lessons and exercise in water classes etc.

The design also features spectator seating at the end of the pool. Yet the proposed pool is not a competition pool, so the seating will serve no useful purpose. It is considered that a wider pool deck and casual moveable seating would be more appropriate.

In light of the above, Sport England objects to the proposal because it has not been demonstrated that the design of the proposed swimming pool would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field land on which it and the new car parking spaces would be built.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

Sport England is aware that there is continuing constructive dialogue between the Borough Council, Tone Leisure and the ASA to address the concerns that have been raised over the design of the proposed swimming pool. Upon the submission of amended plans that accord with the design guidance highlighted above and addressing the issues raised by the FA, Sport England will be able to consider a withdrawal of this objection.

*Subsequent comments:*

Can the applicant confirm the timeline for the new water outfall into the secondary river adjacent to the M5 motorway? Will it be in time to protect the pitches for this coming season (Sept onwards)?

Is the current community use secured through a Community Use Agreement (CUA) or simple hire agreements – if there is no formal CUA, would they consider putting one in place

*DRAINAGE ENGINEER* - I note the conclusions and recommendations made in the FRA regarding flood prevention. I also note the Preliminary Proposed Drainage Strategy as outlined in the Surface Water Drainage Strategy. Whilst these reports are only preliminary, full details of how flood risk and surface water disposal need to be provided following further design works and investigations. Suggest conditions.

COMMUNITY LEISURE – The proposed development will provide much needed replacement water space for the existing facility at St James Street which is nearing the end of its life. It will also provide for more flexible water space within the borough. The location of the proposed pool ensures the existing sports pitches are not compromised and as such, we fully support this application.

NATURAL ENGLAND – Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Statutory nature conservation sites – no objection - This application is in proximity to the Hestercombe House Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the

interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species - We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest - Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise*

*of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.*

**LEISURE DEVELOPMENT** - The proposed development will provide much needed replacement water space for the existing facility at St James Street which is nearing the end of its life. It will also provide for more flexible water space within the borough. The location of the proposed pool ensures the existing sports pitches are not compromised and as such, we fully support this application.

Further information received from application in response to comments from Sport England:

- Confirming that the location of the new building won't compromise any of the existing football pitches and that a 3m safety area from all touchlines will be maintained.
- There appear to be some limitations to the existing storm water drainage system at the site. The Surface Water Drainage Strategy submitted as part of the application seeks to provide a new surface water outfall into the secondary river adjacent to the M5 motorway. This should ensure that the new building doesn't have a detrimental effect on the existing pitches.
- Confirming that all existing community use will be retained. During the construction works the football pitches will be segregated from the construction site by the use of suitable fencing to ensure that both uses can continue side by side throughout the period of the works. Car parking provision has been discussed with the highway authority and a Transport Statement and Travel Plan provided. Additional car parking is being proposed in front of the centre and an area of overflow car parking is to be provided at the southern end of the site.
- Confirming that pool will now have a depth of 0.9m at the shallow end and 1.2m at the deep end and spectator seating will be in the form of casual moveable seating as requested.

## **Representations**

None received

## **PLANNING POLICIES**

T36 - TDBCLP - Blackbrook Recreational Open Space,  
C3 - TDBCLP - Protection of Recreational Open Space,  
C5 - TDBCLP - Sports Centres,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

## Principle

Retained policy C5 of the Local Plan specifically refers to sports facilities and states that new, significantly improved or extended facilities will be permitted provided the proposed site is accessible to its intended users by a range of transport, a sequential approach has been followed in selecting the site, and where sites are outside of settlement limits, there is a clear and demonstrable need to use a site in the countryside. Retained policy C3 refers to the loss of playing fields and sports grounds. Whilst the proposal will encroach onto the edge of the playing fields, it is important to note that this will not encroach onto the pitches themselves.

The site lies within settlement limits on the south-eastern edge of Taunton. It lies to the south-east of the residential development, known as Blackbrook and there are a range of transport modes available at and serving the site. This matter will be covered in greater detail below.

The requirement for a new pool follows detailed studies, which have been ongoing since an initial review of swimming pool provision in 2004. Following various studies, along with the advice of Sport England and the future closure of the St James Street pool, it was identified that a new pool was needed. The site chosen has been the result of extensive studies over a twelve year period, which concluded that the provision of a pool at Blackbrook Pavillion would complement and enhance the existing dry sports facilities already offered at this site.

## Impact upon the character and appearance of the surrounding area

The site is currently extremely well screened from Blackbrook Way with views being restricted largely to the access point itself. The buildings and car parking areas are not otherwise clearly visible in the street scene.

The proposed extension to the lobby would be flat roof and largely glazed. Whilst this is a different design approach to the current style of the property, it would add a modern and contemporary element to the building that is not deemed to harm its character.

The scheme to form the swimming pool and spa comprises a substantial extension, separated into three distinct sections. The separation into these sections would add interest and differentiation, whilst also reducing the bulk and mass of an extensive building. The existing building incorporates a mix of roof styles, albeit angular, whilst the proposed extension introduces a curved roof, which softens and adds further interest to an otherwise vast roof expanse, in a contemporary style. The building is a substantial structure and consequently has a large expanse of roof, although the pitch has been kept low, which results in a height that is not deemed to excessively dominate the existing building.

The sports hall element of the existing building is constructed of large elements of profiled metal cladding and there is therefore already evidence of such material on the site. The use of rainscreen cladding with aluminium roofs is considered to reflect this principle, albeit in a more modern way. Again, the use of different colours to the different sections of the building would add interest, whilst the use of varying tones and large elements of powder coated glazing breaks the potential monotony of the substantial structure.



The proposed car parking will lie partly on the footprint of the existing parking, but will encroach out onto the edge of the playing fields. The car park is currently bounded to the east by well established planting, separating and screening it from the playing fields. Due to the close proximity of the proposed parking to the sports pitches, there is no landscaping proposed between the two. Whilst this is not ideal, this would result only in the car parking being viewed from the playing fields, whereas the established planting along the roadside to the north-east will continue to prevent views of the car parking from public viewpoint. As such, the lack of planting in this location is not deemed to cause harm to the overall appearance of the area. The overflow parking to the rear of the site would be closely related to the existing building and would be surfaced in grasscrete, as is the line of parking to the east of the proposed extension. As such, the surfacing would continue to appear as a grass finish, limiting the impact on the appearance of the area.

The site is well screened from Blackbrook Way and despite the removal of some elements of planting, the main screening along the roadside boundary will remain, retaining a reasonable landscape screen. As such, the proposals would not be clearly visible from Blackbrook Way. There is also extensive planting along the motorway, which limits views into the site, particularly at certain times of the year. At other times, it is acknowledged that the extension will be seen. It is however set some distance back from the motorway, whereas there are many other buildings along this stretch in much closer proximity and therefore more visible. The most visible part of the building would be that of large elements of different tones of orange/red cladding and these tones are considered to blend in with the appearance of the brick of the existing building. By virtue of the well established planting and proximity from the motorway, it is not deemed to result in harm to the visual amenity of the area.

#### Impact upon highway safety

The proposed scheme would utilise an existing access and it has been demonstrated that the local highway network is capable of accommodating the increase in traffic without any detrimental impact. Whilst the level of parking provided within the site significantly exceeds the levels set out in the Somerset County Council Parking Strategy, it is acknowledged that the current level also represents an overprovision, yet is already operating at capacity. On this basis, the County Highways Authority raise no objection and are in fact of the opinion that the overflow car parking to the rear of the building should be made available as a permanent parking facility. This has now been confirmed by the applicant. The site is well related to both the footway and cycleway network and cycle storage is provided within the site to encourage such sustainable modes of travel, although the current cycle storage should be improved in order to encourage potential users and a condition requiring details to be submitted is recommended.

In order for the facility to be utilised by schools and clubs, as per the situation at St James Street pool, it was deemed necessary to provide adequate space within the site for a coach to pick up/drop off and turn to enable it to leave in a forward gear. Details of this have been provided and there are therefore no concerns regarding coaches obstructing other areas of the car park.

During construction, a temporary access point is proposed for construction traffic.

Details have been provided to demonstrate that adequate visibility splays can be provided for the vehicles speeds along this stretch of road. As such, the County Highways Authority raise no objection to this in principle, subject to receiving additional details.

In terms of the Travel Plan, whilst this is broadly acceptable, it is noted that there are some changes required, along with the Travel Plan fee and safeguarding sum. The County Highways Authority also suggested that the Travel Plan should be secured through a Section 106 agreement. However, this is not considered appropriate in this instance, in view of the fact that the applicants are the Local Authority. It is instead considered that this can be dealt with by means of a condition, which is recommended.

#### Impact upon existing sports facilities and suitability of proposed pool

Sport England/The Football Association initially queried whether the existing pitches, including the 3 metre safety area from all touchlines would be compromised and whether all pitches and sufficient car parking would remain available during the build phase. They also queried whether the drainage associated with the new build would result in any adverse impact on the pitches. Following this, a revised plan was submitted by the agent showing clearly that the 3 metre safety margin is maintained around each pitch. It was confirmed that the community use will be retained as the pitches would be segregated by appropriate fencing and overflow car parking provided to serve the facilities whilst the works are being undertaken. It was also identified that the new surface water outfall into the secondary river adjacent to the M5 motorway would also ensure that the new building would not have a detrimental effect on the existing pitches. As such, it is considered that the use of the existing pitches is safeguarded and would not be adversely affected by the proposal.

In terms of the proposed pool, whilst the Amateur Swimming Association, through Sport England, regard the new pool as a priority, they did raise concerns over the constant 1.2m depth of the main pool and considered this should have a varied gradient to meet the demand for junior swimming lessons/exercise in water classes. They were also of the opinion that the fixed spectator seating at the end of the pool should be replaced with casual moveable seating leaving a wider pool deck. Following this, an amended plan has been received confirming the pool depth to be 0.9 to 1.2 metres, with informal/movable seating to the end.

The proposal would provide much needed water space to replace that of St James Street Pool, resulting in a positive impact on the sports facilities available within Taunton as a whole. The proposal is supported by the Council's Leisure Manager, who is not of the opinion that the existing sports pitches would be compromised. Further views of Sport England have been sought following the receipt of amended plans and the final recommendation will be subject to that response.

#### Impact upon wildlife

In order to facilitate the proposed extension and car parking, it is proposed to remove an area of dense scrub between the existing car park and playing fields and reduce the depth of planting between the car park and Blackbrook Way. This would extend to some 600 m<sup>2</sup> of scrub in total.

The application is supported by an ecological survey of wildlife within the site, which concludes that the proposed development, through the removal of the scrub, will impact upon dormice. It should be noted that dormice are a European Protected Species and the proposed development would result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), which is an offence unless a license is obtained for the works from Natural England.

Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions, including the determination of planning applications that impact upon protected species. The Local Planning Authority must therefore consider:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" or whether it is required for "scientific or educational purposes". None of the other reasons within the list are relevant in this situation;
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural environment is maintained.

These tests are dealt with in turn below:

*(i) Overriding reasons of public interest for disturbance*

The proposed development provides for the provision of a much needed sports facility within Taunton. As set out above, the pool is required in order to meet the educational requirements of schools and clubs, due to the imminent closure of an existing pool within the Town Centre. This stance is supported by Sport England, which are of the opinion that without a replacement pool, Taunton would fail to meet future demand. Furthermore, the provision of a pool is deemed to be in the public interest to ensure that alternative forms of exercise are encouraged and a community facility to undertake such exercise and meet the long term demand of the town is provided.

*(ii) That there is no satisfactory alternative*

The application site is an existing well established sports centre and an extensive range of studies have been undertaken in determining this site. Due to the nature of the use, it is deemed of significant benefit, both in transport and environmental terms, to provide the pool alongside an existing sports facility, rather than a new site. There are limited other sports centres within Taunton that could accommodate a facility of this scale and it is consequently deemed that there is no appropriate alternative.

*(iii) That the Favourable Conservation Status (FCS) can be maintained*

The Council's Nature Conservation and Reserves Officer raised no objection subject to the careful removal of the existing vegetation and appropriate mitigation in the form of planting of at least the amount removed, to be connected to the retained dormice habitat. Further details have been provided from the ecologist indicating

proposed planting of 565m<sup>2</sup>, which they consider is sufficient due to the increased quality of the planting, specifically selected to provide suitable structure for dormouse foraging and nesting, as well as providing a food source over much of the year. This would be well connected to the existing habitat and improve the species poor hedgerow to the north, whereas elements of the planting to be removed comprise non-native species of little benefit to the dormice.

Whilst this is less than the amount being removed, the Nature Conservation Officer considers the mitigation of 565m<sup>2</sup> of planting of appropriate species, as shown on the drawings, to be satisfactory. It is therefore considered that the FCS for dormice can be maintained at the site. It was also recognised that the site was suitable for nesting birds and foraging bats. As such, the Nature Conservation Officer supports the proposal for bat tubes within the new build and nest boxes on the site. It is therefore considered that, subject to the recommended conditions, the appropriate wildlife habitats are provided, which will secure the continuing conservation of the protected species and other wildlife within the site.

Natural England refers to their standing advice as a method of identifying whether there is a likelihood of protected species being present. A wildlife survey has however identified that this is the case and the Council's Biodiversity Officer has confirmed that the proposed mitigation is acceptable. As such, standing advice has not been directly applied in this instance. The scheme would have no impact on any designated wildlife site, reserves or SSSI's. Natural England also seek biodiversity enhancements and it is considered that the proposed species of landscape planting, which are much more appropriate for dormice than the scrub it replaces, achieves this.

#### Impact upon residential amenities

The site is set a reasonable distance from residential properties, separated by Blackbrook Way. The extensions are set well within the site, away from boundaries. Whilst it is acknowledged that the proposed scheme will bring the building closer to properties on Redlake Drive and Marden Grove, it would still remain some distance away, separated by a main road and extensive planting. As such, it is deemed a sufficient distance from these properties to avoid any loss of light or overbearing impact. The closest element to these properties is the pool element with windows at ground floor level only, whilst the windows at first floor level are set some distance from these properties so as not to result in any loss of privacy. The site accommodates a well established and well used sports centre and it is not considered that the proposed scheme would lead to a significant adverse impact upon the living conditions of the occupiers of nearby dwellings. It is important to note that no representations have been received from any local residents.

#### Other matters

The Environment Agency Standing Advice states that the application must be accompanied by an FRA that meets requirements set out in the standing advice table and all flood management measures will need to be supported by plans and drawings that form part of the FRA. The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy, which outlines preliminary proposals. The Council's Drainage Officer has made an assessment of these and raises no objection to the scheme, although as these reports are preliminary, further

investigations and full details of how flood risk and surface water will be managed are required. As such appropriate conditions have been recommended. Subject to these conditions, it is not considered that the proposals would result in an adverse impact upon drainage and flood risk.

The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan and this, as amended, is considered to provide suitable protection for the trees. The landscape officer initially raised concern regarding the close proximity of some of the new car parking spaces to the tree belt along Blackbrook Way. As a result, it was suggested that some spaces were repositioned to reduce this impact. Amended plans have now been received showing minor reconfiguration of the car park, which removes the closest spaces to the tree belt. As a result, the scheme would result in sufficient landscaping remaining along Blackbrook Way to provide adequate screening and would not result in any adverse impact on the long term health of trees within the site.

### Conclusion

The need for a new pool in Taunton has culminated from lengthy studies over some years and the site at Blackbrook is considered to be an appropriate solution. The pool would complement and enhance the existing sports facilities offered at the site and it is considered that a range of sustainable modes of transport are available to access the site. Although the building is of a modern and contemporary design, very different to the existing buildings present, it is not considered to result in harm to the character and appearance of the area. An appropriate amount of car parking is provided on the site and subject to conditions, the proposal is not deemed to result in a significant adverse impact upon highway safety. Whilst the building and car parking will encroach onto the playing fields, both have been carefully positioned so as not to compromise the actual sports pitches and following the reconfiguration of a small amount of car parking spaces, will have no significant impact upon the health of existing trees on the site. The scheme lies a sufficient distance from neighbouring properties to avoid a significant increased impact upon their living conditions and subject to further details, it is considered that flood risk and drainage can be appropriately managed. Although Dormice, a protected species are present at the site, it is considered that the mitigation proposed provides appropriate habitat to conserve and enhance this protected species, along with other wildlife within the site. The application is therefore recommended for approval, subject to Sport England withdrawing their objection.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**