

<b>APPLICATION NO</b>	<b>PA/2008/1583</b>
<b>APPLICANT</b>	North Lincolnshire Council
<b>DEVELOPMENT</b>	Planning permission to erect an entertainment and conference venue, retaining part of the existing building as associated offices
<b>LOCATION</b>	Baths Hall and former youth centre site, Doncaster Road, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Town
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Officer discretion
<b>POLICIES</b>	<p><b>National Planning Policy</b></p> <p><b>Planning Policy Statement (PPS) 1 – Delivering Sustainable Development:</b> Promotes the value of good design in the planning system. States that good design is indivisible from good planning (para 33). Good design ensures attractive, usable, durable, and adaptable places and is a key element of achieving sustainable development. Proposals should be of high quality, inclusive in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted (key principle iv, para 13).</p> <p><b>Planning Policy Statement 1 Supplement – Planning and Climate Change:</b> Sets out how the planning system should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Where proposals are inconsistent with the Key Planning Objectives set out in the PPS and where proposed development would prejudice renewable or low-carbon energy supplies or lead to increased vulnerability of existing or proposed development, consideration should be given as to how the proposal could be amended to make it acceptable or, where this is not practicable, to consider whether planning permission should be refused (para 44).</p>

**Planning Policy Statement 6 – Planning for Town Centres:** Sets out the Government's policy on planning for the future of town centres. It promotes a 'town centre first' policy through a sequential approach to site selection to ensure that town and city centres remain viable and economically competitive. When assessing schemes, local planning authorities should take into account the following considerations:

- the need for the development;
- that the development is of an appropriate scale;
- that there are no more central sites available for the proposed development;
- that there are no unacceptable impacts on existing centres; and
- that the proposed development location is accessible.

Subject to the policies set out above, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.

PPS6 defines edge-of-centre as being sites that are within 300m of the defined town centre boundary. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where a barrier such as a major road, railway line or river physically separates it from it and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre. The Baths Hall is 285m away from the defined town centre boundary and as such is treated as an 'edge of centre' site.

**Regional Spatial Strategy for Yorkshire and the Humber:** Policy HE1 defines the role of Scunthorpe as a sub-regional town where the focus is on town centre renaissance and growth, the policy encourages the

diversification and development of the Scunthorpe local economy.

Policy E1 highlights the needs for regional cities and sub-regional towns and cities to be supported as the key drivers of productivity.

Policy E2 addresses town centres and major facilities. The policy states that the centres of sub-regional towns should be the focus for offices, retail, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation. Development, environmental enhancements, accessibility improvements and town centre management and promotional activities should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre.

**North Lincolnshire Local Plan: Policy S7 (Edge-of-centre Retail and Leisure Development):** A site will be considered as an edge-of-centre retail location and developments will be permitted where:

- (i) a clear need for the development has been demonstrated;
- (ii) the developer can demonstrate that there are no sites for the proposed use within the town or district centre that are suitable, viable for the proposed use and likely to become available within a reasonable time period;
- (iii) the site shall be within easy walking distance of the primary shopping area of the centre;
- (iv) the developer can demonstrate that there are clear, unrestricted pedestrian linkages to the town or district centre or that such linkages can be established as part of the proposed development, and that the scale of the development is compatible with the size, function and character of that centre.

Where a proposal site does not meet all the above criteria, the site will be considered as an out-of-centre location and assessed accordingly.

Policy MX1 (Mixed Use Development) outlines sites in the Scunthorpe and Bottesford Urban Area which are suitable for mixed use type development in accordance with PPS1. MX1-1 is Church Square which is allocated for

development of this type, along with site MX1-6 Glebe Pit.

Policy R4 (Entertainment and Cultural Facilities) – planning applications for development which increases the provision of cultural/entertainment facilities in the area will be permitted subject to there being no conflict with other policies within this plan. Provision will be made for the development of a Visual Arts Centre at St Johns Church, Church Square, Scunthorpe.

*Para 10.27 of the local plan states that “In relation to the provision of additional nightclubs, there are problems associated with locating facilities in the western area of Scunthorpe town centre due to the proximity of residential areas. The development of such facilities at the eastern end of the town centre is less likely to affect neighbouring amenity and would encourage the spread of night-time economies (i.e. pubs and restaurants) towards this end of the town centre. The development of a new nightclub has been secured on land at Church Square, Scunthorpe, the surrounding area may offer the potential for further entertainment based schemes.*

**Note:** The new nightclub referred to in the local plan is ‘Club 2000’ which is currently vacant.

Policy C3 (Planning for Accessibility) requires that access provision for all people, particularly those with disabilities and restricted mobility, will be required in proposals for the construction of new offices, shops, factories, educational establishments and other buildings which the public are likely to use.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;

- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy DS3 (Planning Out Crime) requires that new development should take into account personal safety and the security of people and property by:

- (i) ensuring that paths, play areas and open spaces are overlooked by inhabited buildings while maintaining the privacy of inhabitants; and
- (ii) avoiding the creation of spaces with ill-defined ownership and ensuring there is a clear distinction between public open space and private open space; and
- (iii) ensuring the development is well integrated into the existing pattern of pedestrian and vehicular movement; and
- (iv) ensuring that dark or secluded areas are not created by landscaping, planting or building; and
- (v) ensuring that streets and paths are adequately lit.

Policy DS7 (Contaminated Land) – in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

Permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. Conditions will be imposed and/or a planning obligation entered into to secure the implementation of such a scheme at the appropriate time in the development process and to otherwise restrict and control the development.

Policy DS11 (Polluting Activities) – planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface

or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Policy T1 (Location of Development) – development proposals which generate a significant volume of traffic movement will be permitted provided that they are located:

- (i) in the urban area of Scunthorpe and Bottesford, Barton upon Humber, Brigg, and the areas identified for development at the South Humber Bank and Humberside International Airport; and
- (ii) where there is good access to rail, water and air transport, or to the North Lincolnshire Strategic Road Network; and
- (iii) where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Policy T2 – (Access to Development) All development must be provided with a satisfactory access. In larger developments it should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Policy T6 (Pedestrian Routes and Footpaths) – the safety, convenience and attractiveness of footpaths and pedestrian areas will be improved, and areas created, to form a pedestrian-friendly network throughout North Lincolnshire. Major new developments will be required to include links to nearby existing or proposed pedestrian routes.

Policy T9 (Promoting Buses and Trains) – the use of buses and trains will be encouraged as an alternative to the private car.

Policy T12 (Taxis) – the council will seek to ensure that appropriate provision is made for taxis, including the

location of ranks in the centres of Scunthorpe, Ashby High Street, Epworth, Crowle, Brigg and Barton upon Humber, and close to railway stations and bus stations.

Policy T18 (Traffic Management) – traffic management measures (such as accident reduction schemes, speed reduction schemes and traffic regulation orders) will be introduced on the road network so as to:

- (i) minimise the danger and nuisance caused by through traffic in residential and other environmentally sensitive areas; and/or
- (ii) give priority to selected types of transport, in particular buses, cyclists and pedestrians; and/or
- (iii) concentrate through traffic onto the most suitable roads; and/or
- (iv) minimise the problems caused by parking conflicts.

Policy T19 (Car Parking Provision and Standards) – provision will be made for car parking where it would:

- (i) meet the operational needs of businesses; or
- (ii) be essential to the viability of a new development; or
- (iii) improve the environment or safety of streets; or
- (iv) meet the needs of people with disabilities; or
- (v) be needed by visitors to the countryside;

and comply with Appendix 2 – Parking Provision Guidelines.

## **CONSULTATIONS**

**Highways:** Advise conditions.

**Severn Trent Water Ltd:** Advise a condition regarding an underground sewer running adjacent to the site.

**Environment Agency:** No objections.

**Yorkshire Forward:** Support the principle of developing an entertainment venue in Scunthorpe in conjunction with Policy E1 of the Yorkshire & Humber Regional Spatial Strategy (RSS). The development of an entertainment venue is considered instrumental in diversifying the economy of Scunthorpe and North Lincolnshire.

**Humberside Fire & Rescue Service:** No objections.

**North Lincolnshire & Goole PCT:** No objections.

**Humberside Police:** The project has been examined and reviewed at an initial meeting. Specific advice and comments relating to design security were identified on how the proposal could be revised and suitable 'target hardening' measures incorporated. Accordingly, should these elements be provided, they are satisfied the proposal will achieve the security criteria used for the Police 'Secured by Design' award.

## **PUBLICITY**

In addition to the statutory neighbour notification and site notices the applicant has submitted a Statement of Community Involvement (SCI) in support of the application. The SCI outlines the various methods of consultation which were carried out by the applicant, including two open days held at the Royal Hotel on Doncaster Road and at the Foundry Shopping Centre in Scunthorpe. People attending the open days and other consultation events were generally supportive of the proposal, with few negative comments received, showing that the principle of a new entertainment venue is supported by a number of North Lincolnshire residents.

As part of the statutory planning process five site notices have been displayed: two on Doncaster Road, one at the junction between Exeter Road and Mary Street, one at the junction of Mary Street with Henry Street, and one between Cole Street and High Street. Over one hundred neighbouring properties have been notified by letter and as a result of all this publicity four letters of objection have been received from residential properties together with one from Sainsbury's plc who operate the supermarket opposite the site. A summary of the comments received from individuals is set out below:

- the proposal is too big for what is a residential area;
- it will dominate and overshadow adjacent residential properties;
- the surrounding streets will become full of cars parked by people using the new venue, preventing residents from parking outside their home;
- impact on pedestrian safety, walking to and from the proposed venue;
- increase in noise and litter pollution.



Other non-material objections have also been made by individuals.

Sainsbury's plc instructed Turley Associates to submit an objection on their behalf. They have raised the following objections:

- traffic generation – as the proposal only has provision for 39 spaces there will be increased traffic on the surrounding highway network due to the nature and layout of the car parks for the town centre, most of which are located far from the Baths Hall;
- public transport – the Transport Assessment (TA) indicates that there are 11 bus routes to the development, however there are only two bus routes available from 9pm; the TA makes no assessment of this and it is assumed that this will lead to an increase in car use;
- car parking – due to the location and nature of the town centre car parks it is felt that any users will want to park as near to the site as possible, creating problems for residents and for Sainsbury's as the natural assumption is that they will be able to use the supermarket car park;
- cycle parking – there is an insufficient level of cycle parking provided; and
- vehicle pick-up and drop-off – the TA has not assessed the magnitude of visitors being dropped off/ picked up, this could disrupt the flow of traffic along Doncaster Road.

## **BACKGROUND**

The site in question is the former Baths Hall and Youth Centre. The last previous use was as a council-owned multi-use venue. The site itself has a varied history and was utilised as a gas works for the Scunthorpe area between 1901 and 1924. In 1932 the site was developed for the Scunthorpe Public Baths and was officially opened on 24 March 1932. There were no bars or catering facilities but functions were held from the start, which included the boarding over of one of the swimming pools. In the 1960s an extension was added to the west with a first floor café overlooking one of the pools.

The site ceased to be used as a swimming pool in 1984 following the opening of the Scunthorpe Leisure Centre and improvements were made to turn the site into a dedicated entertainment venue. Various other additions

were made over the years. The council ceased directly managing the building in July 2004 and management of the building was subsequently undertaken by a private enterprise. This venture ceased in September 2006 when the site was closed and actively marketed for redevelopment, including the demolition of all the buildings on site. Following a public campaign to save the building, and a change in administration, the site was determined to be still viable and a new building is proposed to be built on site. The Youth Centre and all parts of the Baths Hall that were not to be retained were demolished in the autumn of 2008.

The proposed development will provide a range of services within its flexible auditorium/hall space, some services will also be provided from other spaces within the venue, such as the function rooms. These include:

- 2000 standing (plus up to 350 seated) capacity concert/performance;
- 1200 seated capacity concert/performance;
- space for community use, local hire and sport entertainment;
- Conference facilities, including an open space for indoor trade fairs, dancing and a banquet space for up to 600 people;
- The main entrance to the facility will be on the north elevation directly fronting Doncaster Road, immediately fronting the petrol station on the Sainsbury's site.

The original Baths Hall building still remains and is to be retained and will be cleaned and renovated internally to provide modern offices to support the venues together with a ticket sales/box office and cloakroom facility.

The existing building entrance will not be used as the main entrance into the venue. This is because the size of the existing openings are not adequate to deal with the potential capacity of the venue. Altering the entrances is considered to be detrimental to the original style of the building. The main entrance to the new building will be adjacent to the existing building to tie the existing in with the new.

The floor level of the building will be approximately 600mm above the pavement at the entrance due to the

existing building being built up around the pool tank when it was a swimming baths. The existing 1980s ramp and steps are to be removed and will be replaced by new ramps and steps together with a seating area to the front of the existing building.

It is proposed that vehicular access for staff and performers will be gained from the existing entrance on Doncaster Road that will be widened to adoptable highway standards. Furthermore, servicing and loading/-off-loading will take place within the building, enclosed by sound-insulating doors.

## **ASSESSMENT**

Planning permission is being sought for a new entertainment venue and conference centre to be located on the former Baths Hall and Youth Centre site. The proposal has involved the demolition of the Youth Centre and the majority of the Baths Hall apart from the original 'small baths' building. With the site cleared it is proposed that a new building of some 500 square metres and up to 18 metres in height be erected.

### **The main issues to consider in the determination of this application are:**

- whether or not the proposal is considered to be a departure from local planning policy;
- whether or not the proposed site is the sequentially most appropriate site;
- whether or not the proposed design is in keeping with the context of its surroundings in an urban design framework;
- the impact the building will have on the existing residential properties surrounding the site as a result of both its design and possible effects in relation to noise pollution and litter;
- the effect the proposal could have on the local highway network; and
- the effect the proposal could have in accordance with the Crime and Disorder Act.

### **Planning Policy**

In terms of the proposal and its relation to planning policy, it should be noted that the local planning authority do not consider the proposal to be a departure from adopted

planning policy contained with the North Lincolnshire Local Plan. This is because:

- the site is currently not allocated for any type of development and is 'white' land on the allocations map where existing uses should, for the most part, remain. As the former Baths Hall centre falls within Use Class D2 (Assembly and Leisure) (as does the proposed use) it is not considered that there is any significant change in use in planning terms of the site. It is therefore considered that any development proposal should be assessed on its own merits, together with any potential impacts on surrounding properties;
- it is considered that policy R4 (Entertainment and Cultural Facilities) is the most appropriate policy to utilise in relation to this development due to the nature of events that are to be held at the new venue. Provided that there are no conflicts with other policies within the plan, the policy is supportive of the development of venues of this type in North Lincolnshire;
- the majority of the footprint of the new building lies within the site of the former Baths Hall complex of buildings.

For the above reasons the proposed development is not considered to be a substantial departure from the provisions of the development plan. Identification as a substantial departure would have required reference to Government Office.

### **PPS6 and the sequential test**

Due to the nature of the development and its location, under the terms of PPS6 'Planning for Town Centres' a sequential test is required to be carried out to justify the selection of a site outside the defined town centre boundary. As the Baths Hall site is located outside the town centre boundary by less than 300m it is classed as 'edge of centre'. As such the sequential test has to take into account all sites in the town centre that could become available within a reasonable timeframe and why they are inappropriate or should be discounted.

Para 3.10 of PPS6 calls for a need assessment to be prepared in support of an application, which is located outside the defined town centre boundary. The needs test must take into account sites that are located within the

town centre that could become available within a reasonable timeframe. PPS6 defines a reasonable timeframe, as being up to 5 years, therefore in the determination of applications of this type a sequential test must assess whether or not a more central location will become available within 5 years. However if the applicant can prove that there is a need for the development in a lesser timeframe, for instance 3 years instead of 5, then the local planning authority has to assess whether there is sufficient justification for such an approach.

As part of the application the applicant has prepared a planning statement which includes a sequential test. As part of the sequential test the applicant is required to prove that there is a need for the development. The planning statement and subsequent addendum has set out the need for the development. In this case the applicant has stated that the need for the development is immediate. They believe that a failure to satisfy the needs for this specific development will hinder the development of North Lincolnshire as a first class destination for visitors, its night-time economic development and its ability to attract inward investment from the business sector.

The applicant states that, in order to meaningfully contribute to the ambitions of the council, building work should commence on site in June 2009 in time for opening in November 2010.

Furthermore, the applicant states that an analysis of conferencing provision in North Lincolnshire indicates a severe limitation to meet medium-sized conferences (100 people upwards). The development would address the limitation and the applicant proposes that it would provide a showcase for North Lincolnshire. Furthermore, the applicant states that people's engagement with the arts and culture in North Lincolnshire is amongst the lowest in the region and nationally, and they propose that the building will help to improve that.

Additionally the applicant believes that with an external management operator in charge of operating the venue, it will be able to attract major events and enhance the visitor economy. It is also considered that the proposed building will have positive educational influence and allow all sections of the local community to attend events within their hometown.

The local planning authority is satisfied that there is a clear need for a development of this type within the Scunthorpe urban area.

As the site chosen is outside the defined town centre boundary the applicant is required to show what other sites have been looked at more centrally that could be available within a reasonable timeframe. The applicant has said that its reasonable time frame is two years, the evidence submitted satisfies the requirement in PPS6 to look no more than five years ahead. The sequentially preferable sites chosen include West Street car park, Carlton Street surface car park and the existing Scunthorpe Leisure Centre and Indoor Bowls Centre. The applicant has discounted West Street car park and Carlton Street surface car park on the grounds that no car parking needs survey has been done. West Street car park is allocated for development of this type. However the local planning authority considers that there are other material considerations that would prevent the establishment of a venue of this type on West Street car park, primarily its close proximity to dwellings and the impact on the local highway network. The local planning authority accepts that the West Street car park should be discounted as an inappropriate location.

The car parks aside, the Leisure Centre and Indoor Bowls Centre are due for closure due to the development of the Scunthorpe Sports Academy in Central Park and the site could become available subject to building work being completed on the Sports Academy. Members may also be aware of plans to redevelop the Church Square area into a cultural quarter, which includes the possible provision of an extra 600-space car park, as well as leisure and entertainment type uses included within the established Scunthorpe Development Framework.

### **Urban design context**

The basis of good urban design is that it should take into consideration a wide range of design parameters in order to produce a design solution which achieves a high degree of "fit" in the area concerned. This requires the use of a range of research and design techniques, the aim being to produce high quality urban spaces which will both enhance the character and appearance of the urban environment and will work in the sense that people will be attracted to, and preferentially use, the various spaces created.

This approach has been central to the advice offered by the Arc Design Panel, which has been retained by the council to give advice on major projects from an architectural and urban design perspective.

The Design Review Panel (DRP) commented on the proposal on two occasions, the first review taking place on 20 March 2008. On this occasion the panel commended the fact that the proposed scheme had been brought to them at such an early stage. They acknowledged that the images presented were brought forward primarily as a basis for discussion. The panel did, however, have serious concerns and questioned both the appropriateness of the site and the proposed building, considering these to pose major risks.

Following this review the applicant proceeded to investigate additional sites, including Church Square, West Street car park and the leisure centre but it concluded that the Baths Hall site was still the preferred location. This was due to the site being previously used for this type of development, an identified need for development of this nature and the significance of the site in terms of its local historic, social and architectural significance. As such a decision was made to continue with a detailed design for the proposal.

At the second Review Panel panel held on 21 August 2008 further detailed comments were made. The panel welcomed the opportunity to offer further guidance on the scheme and was encouraged by the strong championing it received from the local authority. However the panel raised a number of concerns. It raised issues concerning the limited extent of the design process involved here. It advised that there were legitimate concerns about the "fit" of the proposed building and associated spaces within the urban fabric. In addition, concerns were expressed as to whether the building would function correctly as a multi-use venue. The practicalities of designing such buildings are difficult to get right, even for large design teams experienced in such developments.

The panel was particularly concerned by the treatment of the space in front of the building. It identified this as a key location for people gathering before and after events and questioned if there was enough circulation space to support the significant customer volume that the venue would generate. It also felt that, as a key meeting and circulation point, more thought should go into the quality and design of the public realm in front of the building and

suggested that the façade of the new extension should be “pushed back” to create additional space.

The applicant considered whether it was feasible to create an external gathering space as advised by ARC. Upon further inspection, however, it was apparent that to facilitate an external gathering space would require the building to be moved backwards in a southerly direction bringing it closer to the gardens and houses on the north side of Mary Street. Due to the site’s physical constraints it was considered unfeasible to incorporate a large gathering space to the front of the building.

The panel was disappointed that the original Baths Hall building was to be reserved for offices and would have liked to see it enjoyed more, with full public access, perhaps as the entrance or a café area. The panel suggested that by retaining the original building as an envelope, there would be more freedom to redesign the interior to make better links with the new extension and to allow public use. It was also suggested that the original building could be given “room to breathe” by moving the new build away slightly from the existing Baths Hall building.

The applicant investigated these suggestions further. However, upon further investigation it was considered that to redesign the scheme and the original building was prohibitively inefficient, due to the current state of the retained building. Due to the Baths Hall being in poor condition, it was considered that to redesign the internal arrangements of the building would prove expensive and inefficient and would do little to enhance the experience of the building as a whole.

Finally the panel advised that the auditorium form should be the starting point for the scheme. They felt that, due to its architectural expression, the current scheme represented an entertainment shed rather than an auditorium. Whilst not wishing to denigrate this concept, the panel believed that in this instance the shape was wrong, with too many people located far away from the stage.

It is accepted that, due to the nature of the development proposed and the number of people required to fill it, any proposed building will be large. Government guidance issued in PPS1 and from CABI within the Better Public Buildings publication promotes the value of good design. Indeed PPS1 at para 33 states that “good design is indivisible from good planning”. Good design is about



providing buildings and spaces that are fit for purpose, built to last and lift people's spirits. Good design creates places that are safe, healthy and sustainable.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations

Design also reflects the ambitions and spirit of the people behind it. Many towns and cities benefit from the town halls and railway stations of the Victorians and these are still the embodiment of their local identity and source of civic pride today. The Baths Hall is one of those buildings in Scunthorpe which, although not Victorian, is held with high regard by local residents.

Finally, given the speed and severity of global warming, public buildings should now be designed with the target of zero emissions. Every new building needs to make the greatest possible contribution to mitigating climate change, in construction and in use. None of this need add to the cost providing that environmental sustainability is fully integrated into the design process from the beginning. As submitted the proposal does not meet any BREEAM (British Research Establishment Environment Assessment Method) standard. BREEAM is a method used by the building industry to assess the environmental sustainability qualities of a building and give it a rating of 'excellent', 'good', 'adequate' or 'poor'. A condition

(no. 15) is included in the recommendation requiring the applicant to provide at least 10% of the building's energy requirements from renewable energy sources.

The applicant, as a public body, should, in line with central government guidance, be leading the way in reducing the carbon footprint of a major public building which would otherwise fail to gain a BREEAM rating. Members should also be aware of the council's own adopted Climate Change Action Plan. Although this has no formal basis in planning policy, it is adopted council policy for all new buildings constructed by the council to lead by example and achieve the highest sustainability ratings achievable as shown by the Waters Edge Development in Barton and also the Sports Academy in Central Park. Without the incorporation of renewable energy production facilities the Baths Hall venue would fail to achieve the criteria outlined in the council's own Climate Change Action Plan.

Furthermore, the local planning authority is duty bound to consider the requirements outlined in the PPS1 Supplement – Planning and Climate Change. The supplement sets out how the planning system should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. Where proposals are inconsistent with the Key Planning Objectives set out in the PPS, and where proposed development would prejudice renewable or low-carbon energy supplies or lead to increased vulnerability of existing or proposed development, consideration should be given as to how the proposal could be amended.

### **Impact on Surrounding Properties**

It is an accepted fact that a building of this type needs to be sufficiently large enough to accommodate a certain number of visitors and provide the correct level of acoustics. Without a certain volume the building would simply be unable to operate effectively. The site is bordered on three sides by residential properties, on Exeter Road, Mary Street and Henry Street. These properties are of a two-storey mid-war design arranged in either semi-detached or terraced layouts. The proposed building measures some 18 metres at its highest point (main auditorium). It is located 28 metres away from the nearest habitable room window from the nearest properties on Mary Street, 70 metres away from the nearest habitable room window on Exeter Road and

some 60 metres away from the nearest habitable room window on Henry Street.

As part of the application, the applicant was requested to provide 3D images to show the impact of the proposed building on the surrounding residential properties. Below is an image showing the building as viewed from a property located directly behind the new Baths Hall on Mary Street. The image would be as viewed from what would be the nearest ground floor habitable room window. It should be noted that the tree screen does not presently exist and the proposed trees included in the submitted landscaping scheme could take several years to reach this height and spread.

### **Mary Street 3D Visualisation**



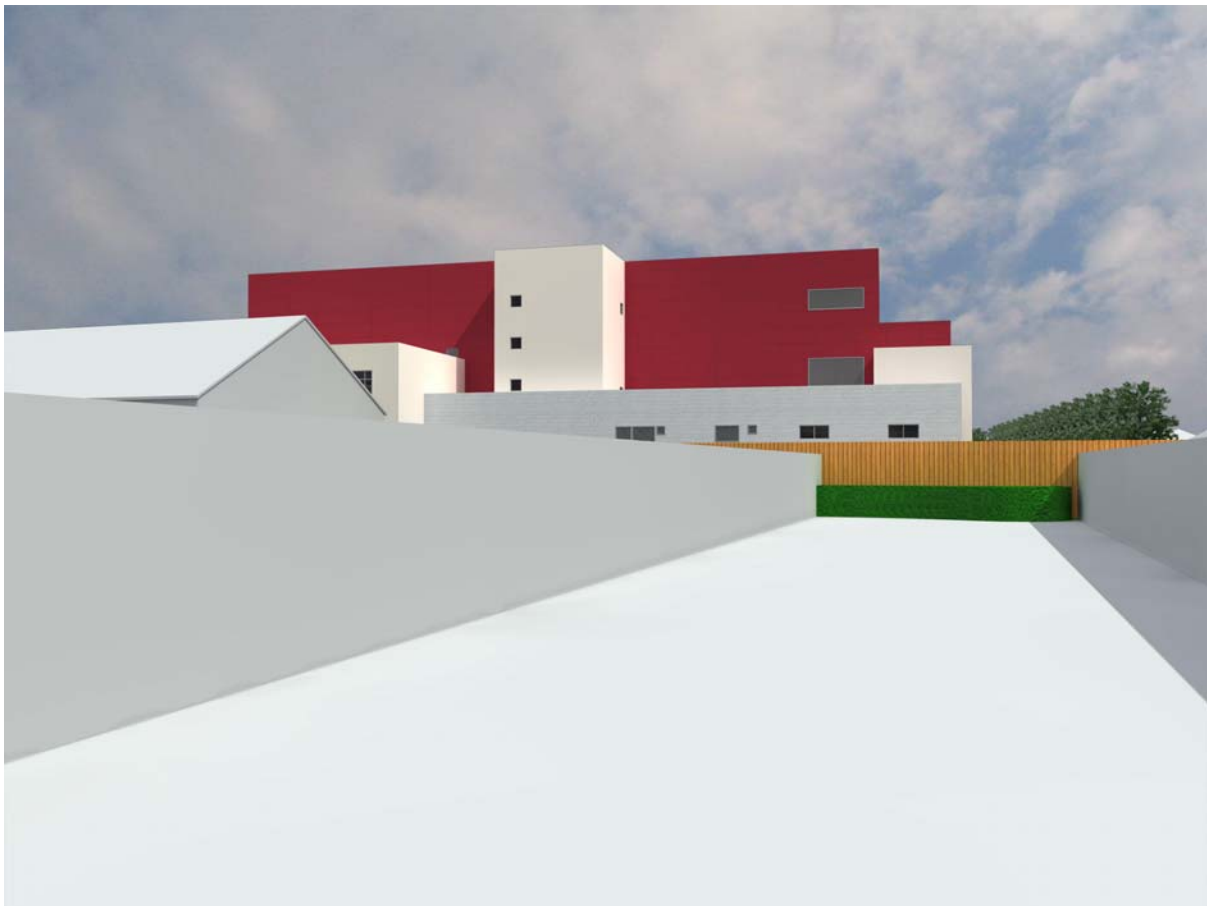
The image shows that the building will impact on the rear outlook of existing residential properties. The local planning authority utilises a test to see if there will be an adverse impact on daylight in the case of extensions. The same test can be applied to new buildings to see if there will be an adverse impact. As part of the test a 30° line is drawn upwards from the nearest habitable room from an

adjacent dwelling. In the case of the Baths Hall, siting of the new building does pass the 30° test.

It should be noted that the original Baths Hall was only two storeys high at its closest point to the houses, at its highest point it was three storeys high and was located further back at a distance of 44 metres compared to 28 metres for the new build.

The 3D image below shows the view from the rear of houses on Exeter Road.

### **Exeter Road 3D Visualisation**



The final image shown is one from Henry Street. From this viewpoint the Baths Hall is some 60 metres away.

## Henry Street 3D Visualisation



From the images shown it is clear that the proposed building will be visible from properties along Mary Street, Henry Street and Exeter Road. The volume and location of the building means that this is unavoidable and it is considered that any development of this nature on this site would suffer from similar issues. A model of the development was commissioned at the request of planning officers to assess more fully the impact on residential amenity and whilst, as with all new build, there will be an impact, it is not considered to be so significant as to be detrimental.

The model is available for inspection, along with all submitted plans and documents, at Church Square House. The model will also be available for inspection at Pittwood House on the day of the Planning Committee meeting.

### **Noise Pollution, Litter and Land Contamination**

Matters relating to noise and litter pollution also need to be carefully assessed. In undertaking this assessment the applicant provided a noise impact assessment of the

proposed building. As part of this assessment the applicant measured the background noise as it currently is during the daytime and it was found to be 35db. Upon further reading of the noise impact assessment it is expected that the highest level of sound reaching the nearest properties on Mary Street would be at a level of 30db during an amplified music event.

According to the noise impact assessment the building would be sufficiently sound-proofed so as not to be detrimental to the quality of life enjoyed by the surrounding residents. This would, however, have to be strictly controlled by conditions attached to any permission. It should be noted that it is to the credit of the design team that they have been able to design a building with such high levels of sound insulation.

The council's own Environmental Protection team has advised conditions in relation to noise and land contamination be attached to any permission. Due to the history of the site, with one of its former uses being a gas works, it is considered pertinent to include conditions that will adequately address. Land contamination issues that remain on site. The building will be adequately soundproofed in accordance with the consultant's report submitted with the application (condition 4).

In terms of litter, it is considered that this is less of a planning issue. It is a management issue. The applicant has stated in their design and access statement that bins will be provided to the front of the building to encourage people to dispose of litter and cigarettes appropriately to prevent the public space becoming littered.

### **Crime & Disorder**

It is important to note the comments made by the council's licensing department in that the proposed building is within the defined Cumulative Impact Zone (CIZ) of Scunthorpe Town Centre. The council, as local planning authority and also as licensing authority, has a duty to comply with its obligations under Section 17 of the Crime and Disorder Act 1998. The same act is directly related to the Planning Act, therefore the local planning authority is duty bound to assess the impact that the building could have in respect of crime and disorder.

Issues can be created when a large number of premises are providing licensable activities in close proximity to one another or where the premises are out of character with the social infrastructure of the locality. In the case of the

Baths Hall, the site is located within the CIZ. The defined area suffers from high levels of alcohol-fuelled crime and disorder. However, the nature of the policy is to limit alcohol-fuelled crime and disorder. In the case of the Baths Hall, the building's primary use will not be for the sale of alcohol; its primary objective is to promote and provide entertainment. It is considered that there will be no adverse impact in terms of Crime and Disorder. If, however, any issues do arise, these can also be controlled under the Licensing Act 2003.

### **Effect on Local Highway Network**

The Highways department, as a statutory consultee, has commented on the application and has advised that it has no objections to the proposal provided that conditions are placed on any permission. In arriving at the above advice the highway authority has submitted the following explanatory statement:

“There is a need to ensure that any recommended ‘highway conditions’ satisfy the six planning ‘tests’, that they are: legal, necessary, precise, enforceable, relevant to planning and relevant to the development permitted. The site of the proposal is considered as ‘sustainable’, in accordance with current national planning policy contained with PPG13 and highway officers are in agreement that there are no highway reasons to recommend refusal of the planning application.

Highway officers have considered in detail the submitted Transport Assessment (TA)/Travel Plan (TP). In particular officers have looked carefully at the potential effect of on-street parking when there are ‘significant events’ taking place at the venue. However, the frequency of such events is likely to be relatively low (i.e. assumed once per fortnight maximum) and as off-street car parks are situated within relatively easy walking distance of the venue it is considered that this will be less of a problem. Furthermore, positively encouraging the use of these car parks would be something the council would want to see in the venue’s Travel Plan.

It is accepted by both the applicant and the highway authority that there will inevitably be some on-street parking near the venue, but the scale, frequency and impact of that can only be estimated. It is the opinion of the local highway authority that there are no specific actions that they could reasonably require the applicant to take in order to mitigate potential on-street parking problems. Ultimately, if any problems do develop, action

taken to address these will have to be commensurate with the scale and nature of the problem. It is felt inappropriate at this stage to assume there will be problems and then to introduce measures, which may not ultimately be necessary or may be 'over the top' or inappropriate/ineffectual if not based on actual conditions, post-opening.

It is for this reason that the highway authority feels it is best to focus at this stage on encouraging use of the car parks and, after opening of the venue, to then monitor other impacts on the local highway network."

## **RECOMMENDATION**

### **Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

#### Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

No development shall take place until a full schedule and samples of all external facing materials have been submitted to and approved in writing by the local planning authority to include all bricks, joinery products, roof coverings, rainwater goods and external finishes, and only the approved materials shall be used.

#### Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The flat roof area of the building shall not be used at any time as a balcony, public roof garden or similar external recreation or amenity area.

#### Reason

To help preserve the living conditions of neighbouring property in accordance with policy DS5 of the North Lincolnshire Local Plan.

4.



The building shall not be brought into use until all the recommendations set out in the noise report submitted by the applicant and produced by Sandy Brown Associates LLP (reference 08244/DR, dated 30 October 2008), in order to mitigate any potential noise nuisance, have been carried out in their entirety.

**Reason**

To mitigate any potential impact on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

**5.**

On completion of all remediation work on the site, as set out in the Entec UK Ltd remediation method statement dated December 2008, reference 22412n011a, two copies of a closure report shall be submitted to the local planning authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved method statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

**6.**

The scheme of landscaping and tree planting shown on drawing no. LL(9)01 shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

7.

The proposed close-boarded acoustic fence shall be erected at a height of 2.4 metres prior to the commencement of use of the building and retained thereafter.

Reason

To protect the amenity of the adjoining residential dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

9.

No development shall take place until details of fume extraction and odour equipment have been submitted to and approved in writing by the local planning authority. The agreed equipment shall be installed before the use commences and shall be operated at all times when cooking is carried out.

Reason

In the interests of the amenity of the locality and to comply with policy DS1 of the North Lincolnshire Local Plan.

10.

Prior to the commencement of any construction works on site, details of the following shall be submitted to and approved in writing by the local planning authority:

- (1) full construction drawings showing the widening and upgrading of the proposed access road to the site;
- (2) the closure and removal/reconstruction of all redundant footway crossings;

- (3) the improvement/reconstruction of the existing footway across the site frontage;
- (4) the layout and construction details of the internal car parking and servicing facilities;
- (5) full details of the traffic management measures to be implemented, which will:
  - (a) prevent any parking, waiting, loading or unloading on the proposed access road between Doncaster Road and the gates to the site entrance;
  - (b) provide an identified drop-off and pick-up area across the site frontage by the prevention of parking and operation of an appropriate management system;
- (6) the submission of a full travel plan for the operation of the development which must include:
  - (a) the establishment of a travel plan manager;
  - (b) full details of the method of implementing the car parking strategy suggested in the transport assessment/travel plan, including measures to positively promote the use of town centre off-street car parks, to reduce the likelihood of parking on-street in residential areas;
  - (c) the strategy to be established in relation to coaches for those attendees who travel to and from the venue by private coach or minibus. This should include details for the pick-up and discharge of passengers and the parking arrangements for the event duration;
  - (d) the arrangements relating to the use of taxis for travel to and from the venue.

**Reason**

In the interests of highway safety and to comply with policy T18 of the North Lincolnshire Local Plan.

11.

Any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

12.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

The final Travel Plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To accord with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the Highway Network.

14.

The Travel Plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the Travel Plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved Travel Plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To accord with the requirements of PPG13 and to ensure that the proposed development operates in a safe and

sustainable manner with minimal disruption to the Highway Network.

15.

Prior to the commencement of development, details shall be submitted to the local planning authority to show the incorporation within the scheme of renewable energy production equipment to provide at least 10% of the building's total predicted energy requirements. Such equipment as approved in writing by the local planning authority shall be fully installed and operational prior to the commencement of use of any part of the building hereby permitted.

Reason

To ensure compliance with the provisions of the supplement to PPS1 relating to climate change and in order to reduce carbon emissions.



Drawing Title: 2008/1583 - position of new building

OS Grid Ref: SE88871122

Drawn by: KC

Scale: 1:1250

Date: 18/02/2009



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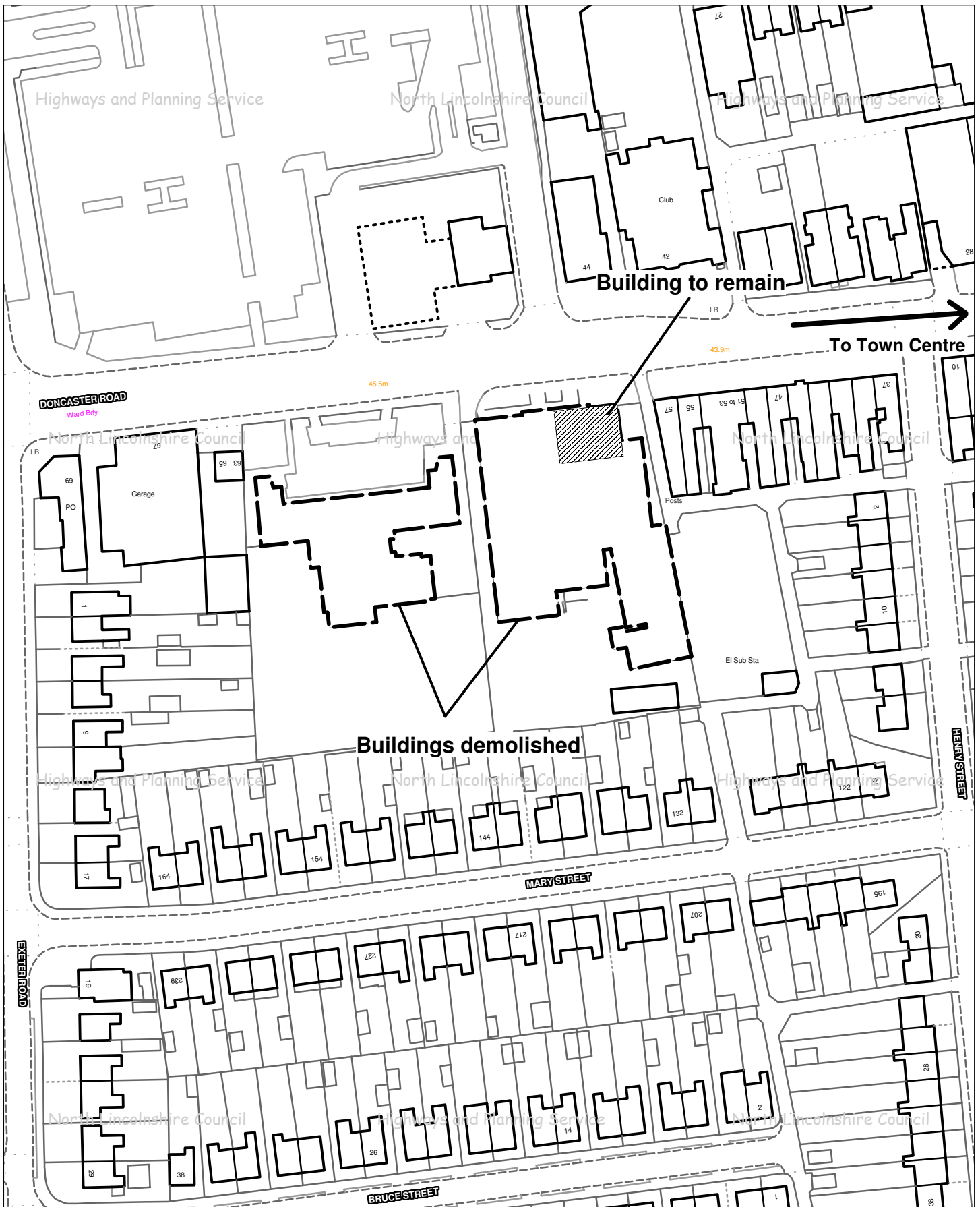
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**Highways and Planning Service**

Service Director,  
G Popple

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Drawing Title: 2008/1583

OS Grid Ref: SE88841123

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Scale: 1:1250

Date: 18/02/2009



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