

MC/22/0828

Date Received: 30 March 2022
Location: Former Splashes Leisure Centre Bloors Lane
Rainham Gillingham
Proposal: Construction of a sports centre located on the site of the former Splashes Leisure Centre comprising a 25m fitness pool, children's confidence water, leisure pool with flume ride, fitness gym, multi-purpose studio and small cafe with associated changing rooms, staff accommodation, offices, stores and plantrooms. Roof top air source heat pumps and photovoltaic panels, extended service road, new footpaths, re-configuration to and resurfacing of existing car park and access road to provide EV charging points and accessible parking with new soft landscaping. Existing pedestrian and vehicle access points from Bloors Lane to be retained.

Applicant Medway Council
Mr Bob Dimond
Space & Place

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Ward: Rainham North Ward
Case Officer: Nick Roberts
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29th June 2022.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall 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 (as amended).

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

Received 30 March 2022

2239-DES-XX-XX-DR-E-6001 REV 01 - External Services Layout
3904-ASP-B01-00-DR-A-0810 - Proposed Ground Floor Plan
3904-ASP-B01-01-DR-A-0811 - Proposed First Floor Plan
3904-ASP-B01-XX-DR-A-0813 - Proposed Elevations South and West
3904-ASP-B01-XX-DR-A-0814 - Proposed Elevations North and East
3904-ASP-B01-XX-DR-A-0815 - Proposed Sections A, B, C
MED-2282-COL-XX-DR-L-3000 REV01 - Proposed Cross Section A
MED-2282-COL-XX-DR-L-3001 REV 01 - Proposed Cross Section B

Received 8 April 2022

3904-ASP-BO1-RF-DR-A-0812 REV P01 - Proposed Roof Plan
3904-ASP-ST1-XX-DR-A-0805 REV P1 - Site Location Plan

Received 21 April 2022

3904-ASP-ST1-XX-DR-A-0809 REV P2 - Proposed Site Plan

Received 22 April 2022

MED-2282-COL-00-XX-DR-L-1000 REV 06 - Proposed Landscape Plan

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of a construction traffic plan, hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The CEMP should also include the precautionary mitigation requirements detailed within paragraphs 4.4.29-4.430 of the Preliminary Ecological Appraisal (Ref: 4622E/21) dated 2 August 2021. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: To ensure the development does not prejudice neighbouring amenity in accordance with Policies BNE2 and BNE39 of the Medway Local Plan 2003.

- 4 The noise rating level (LA,T) of mechanical plant associated with the development site shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To ensure the development does not prejudice neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until a revised arboricultural impact assessment and arboricultural method statement, including new tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The revised documents shall include details of the location of service cabling for EV charging points and lighting, the location of pipework for SUDs and proposed surface water sewers, as well as details of how the widened paths will be constructed and the full extent of repairs/alterations to the parking areas. The tree protection plan should also take account of where the site compound will be placed during the construction phase including access, parking and storage. The tree protection measures shall thereafter remain in place throughout the construction phase and the development shall be implemented in accordance with the details once approved.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 6 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at paragraphs 167 and 169 of the National Planning Policy Framework 2021.

- 7 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include (where applicable):
- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
 - ii. A timetable for its implementation (including phased implementation).
 - iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
 - iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at paragraphs 167 and 169 of the National Planning Policy Framework 2021.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 10 No development shall take place above ground floor slab level until details of the provision of 6 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be

implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 11 Prior to the first use of the development herein approved (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere as outlined at paragraph 167 of the National Planning Policy Framework 2021.

- 12 Prior to the first use of the development herein approved, full details of a hard and soft landscape scheme addressing the following and including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
 - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape and raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
 - iii. Detailed information for the design and specification of green wall and climbing systems, including planting selection, specification, and details of irrigation systems.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 Prior to the first use of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 Prior to the first use of the development herein approved details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details prior to first use and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 15 The development herein approved shall not be brought into use until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 16 Within 2 months of works commencing on site an ecological enhancement plan must be submitted to and approved in writing by the Local Planning Authority. It

must demonstrate where the bird, bat and insect boxes and integrated features will be located within the site. The development shall be implemented, and thereafter maintained in accordance with the measures set out in the approved details.

Reason: In accordance with the objectives of Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 Within 2 months of works commencing on site a habitat creation/enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan must detail the following:

- o How the habitats detailed within the General Arrangement Plan (MED-2282-COL-00-XX-DR-L-1000 Rev 06) received 22 April 2022 will be enhanced and created.
- o Details of ongoing management within the site.

The development shall be implemented, and thereafter maintained in accordance with the measures set out in the approved details.

Reason: In accordance with the objectives of Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 18 The development shall be implemented in accordance with the travel plan measures as set out in the Travel Plan (Ref: 70093540) dated March 2022. Implementation of those parts identified in the approved Travel Plan as being capable of implementation shall then be complied with as long as any part of the development is occupied.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 and BNE24 of the Medway Local Plan 2003.

- 19 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy Strategy (Ref: 2239-50-RPT-02) dated 25 March 2022. The development shall not be brought into use until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 20 The development herein approved shall not be brought into use until the external lighting scheme has been implemented in accordance with the details provided within the Exterior Lighting Assessment Rev 01 dated 25 March 2022. The lighting shall thereafter be maintained.

Reason: In order to limit the impact of the lighting on the surrounding landscape and nearby residents and wildlife in accordance with Policies BNE2, BNE5, BNE37 AND BNE39 of the Medway Local Plan 2003.

- 21 The use hereby permitted shall only operate between the hours of 06:00 to 22:00 Mondays to Sundays inclusive.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 The development herein approved shall remain in use as a sports centre/indoor swimming pool and no change of use whether or not permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity and to protect the loss of the leisure facility in accordance with Policies BNE2 and L1 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report

Proposal

This application seeks planning permission for the construction of a sports centre located on the site of the former Splashes leisure centre which has now been demolished. The proposed footprint of the building would measure approx. 2020m² (Gross External Area) which would represent an increase in total footprint of approx. 481m² above the previous leisure centre. The proposed new building would be roughly L-shaped and would measure approx. 12m in height at its highest point, would be approx. 59m in length and approx. 42m in width. Internally and including the first floor the total gross new internal floorspace proposed would be approx. 2961m². The new sports centre would comprise the following amenities/services.

Ground Floor

- 4 Lane 25m metre community pool

- Leisure pool (with a wave ball pool, beached kids pool and flume)
- Changing facilities
- Café
- Reception Area
- Office
- First Aid room
- Toilets
- Pool/chemical stores
- Plant room

First Floor

- Fitness gym
- Multi-purpose community and fitness studio
- Party room
- Administration facilities/Offices for staff
- Storage rooms
- Toilets

The proposed external materials would include a combination of aluminium and porcelain ceramic rainscreen cladding, buff brick, exposed steel and porcelain tiles with a flat roof containing photovoltaic panels. The proposal would also include a reconfiguration of the existing car parking with increased accessible spaces, covered cycle spaces and ancillary hard and soft landscape works. Access to the new sports centre would be via Bloors Lane as per the access arrangements for the former Splashes leisure centre.

Relevant Planning History

MC/21/2342	Prior Notification under Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the demolition of the Splashes Leisure Centre Decision: Prior Approval Not Required Decided: 1 September 2021
GL/64/82D	Construction of new leisure pool and associated site works. Decision: Approval with conditions Decided: 2 June 1987

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. UK Power Networks, Southern Gas Networks, Southern Water Services, Kent Police, KCC Biodiversity, KCC Archaeology and the Royal Society for the Protection of Birds have also been consulted.

In total **fourteen** letters of representation have been received. Of these, there have been **four** objections raising the following concerns.

- Anti-social behaviour/ security concerns associated with Cozenton Park
- Concerns regarding the internal layout including the location of the café, size of the pool, gym area and fitness studios.
- Removal of single sex changing rooms

Three neutral letters of representation and **seven** letters of support have also been received. Within these responses they also include comments on how the sports centre could be improved through alterations to the internal layout.

UK Power Networks have provided details of electrical lines and plant in the area. They have also provided standing advice with regards to working near their equipment. The applicant is also advised to contact UK Power Networks should excavation affect extra high voltage equipment (6.6KV, 22 KV, 33 KV or 132 KV).

Southern Gas Networks have provided details of their assets in the area but have advised privately owned gas pipes or pipes owned by other gas providers may be present and information regarding those pipes needs to be requested from the owners. They have also confirmed that there are low/medium/intermediate pressure gas mains near the site and have provided standing advice with regards to excavation and safe digging practices.

Southern Water Services have provided records showing the position of a public sewer within the development site and have provided standing advice in relation to development near public sewers. They have also confirmed that their initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development, and this would require a formal application to be made. As the application contains a proposal for a public swimming pool, and if the pool produces filter backwash water the rate and times of discharge of this water to the sewer and of the contents of the pool(s) if these need to be drained to the sewer, would need to be agreed with Southern Water. A Trade Effluent discharge licence would also need to be obtained. It is also possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Kent Police have provided general advice with respect to crime prevention and have welcomed further discussions with the applicant/agent about site specific approaches that will be adopted.

KCC Biodiversity have confirmed that they have reviewed the ecological information submitted with the application and are satisfied that it is sufficient to determine the application. They have also confirmed that they are satisfied with the results of the surveys and as such there is no requirement for a detailed mitigation strategy to be submitted. However, precautionary mitigation information within chapter 7 of the bat survey and paragraphs 4.4.29-4.430 of the Preliminary ecological appraisal must be included within the construction management plan to avoid a breach of wildlife legislation. They also concur that Biodiversity Net Gain is achievable on the proposed development, and they do not require a metric to be resubmitted. Subject to conditions requiring details of the Ecological Enhancement and a Habitat Creation and Management Plan they raise no objection.

The **MP for Gillingham and Rainham, Rehman Chishti**, has written supporting the proposal on the basis that it would provide significant support to the ongoing work by many stakeholders across local and central government as well as private sector, not-for-profit providers and charities to provide opportunities to all members of the community to support and promote healthy lifestyles, their fitness and wellbeing, as well as providing for an additional significant leisure and recreation attraction in the area.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within Cozenton Park, and forms part of an area of land that was occupied by the former Splashes leisure centre prior to its demolition earlier in the year. Policy S1 of the Local Plan seeks to prioritise development within the existing urban fabric which includes the redevelopment and recycling of under-used and derelict land within the urban area.

Policies L1 and L2 of the Local Plan also relate to existing and new leisure facilities. Policy L1 seeks to maintain existing levels of provision and restrict the loss of leisure facilities subject to certain considerations and Policy L2 provides a criterion-based approach in relation to the location of new leisure facilities. With regards to Policy L1 of the Local Plan, the former splashes leisure centre has already been demolished so therefore technically this Policy is not applicable. However, and irrespective of this, the proposal would not

result in the loss of a leisure facility, but the creation of a brand-new sports centre on the same site as the former leisure centre which would offer significantly improved facilities.

In respect to Policy L2 of the Local Plan, this policy seeks to direct leisure uses falling within Classes D1 and D2 and other theatre, arts and cultural leisure uses within or on the edge of town centres unless it can be demonstrated that it would be inappropriate, there are no alternative suitable locations and there would be no adverse impacts on impact or highway accessibility. With the Local Plan dating back to 2003, this policy was written prior to the amendments to the Use Classes Order. As of 1 September 2020, the Use Class Order has been amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The effect of this amendment is that Classes (D1 and D2), which this policy seeks to address, have been revoked and replaced by the new Classes E, F1 and F2.

When considering the location of the site, it is also important to take into account the historical land use and the fact that this site has been a long-established location for a leisure centre. In recognising that the new sports centre will be located on the same site previously occupied by the former Splashes leisure centre no objection would be raised in principle to a new replacement sports centre in this location. Furthermore, paragraph 92 of the NPPF states that planning decisions should aim to promote social interaction and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. In this regard, and as published in Medway's Annual Monitoring Report (April 2020 – March 2021), in 2019/20, 71.6% of adults in Medway were overweight or obese, compared to an England average of 62.8%. The rates of overweight children in both reception (25.5%) and year 6 (36.9%) were higher than the England averages (23% and 35.2%, respectively). Medway Council has set out ambitions to improve the health and associated life chances of local people and the provision of a new state of the art sports centre would support these ambitions.

Although the building would be located on the same site of the former Splashes Leisure Centre, the proposed footprint of the new sports centre would be larger to accommodate the improved facilities and services it would offer. As such it would extend onto an area of open space protected by virtue of Policy L3 of the Local Plan. This policy states that, development which would involve the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless:

- (i) sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site; or*
- (ii) alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value; or*
- (iii) in the case of outdoor sports and children's play space provision, there is an excess of such provision in the area and such open space neither contributes to, nor has the potential to contribute to, informal leisure, open space or local environmental amenity provision; or*
- (iv) in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere*

within the vicinity; or
(v) the site is allocated for other development in the local plan.

Paragraph 99 of the NPPF is also relevant and states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

In this regard the increase in the size of the building on to land designated as protected open space would be required to facilitate a brand-new state of the art sports centre which will offer significant improvements to the sport, water-based leisure and recreational facilities that would be offered in the local area. In addition, this would only represent a small part of the site, and it would not encroach into the larger area of open space to the west or any of the playing pitches. Furthermore, the café and toilets would be located before the pay barrier and therefore would be available to anyone using the park, not just to sports centre customers. Therefore, it is considered the proposal is capable of complying with the requirements of Policy L3(i) of the Local Plan and paragraph 99c of the NPPF.

In view of the above the principle of the development is considered to be acceptable and in accordance with Policies S1, L1, L2 and L3 of the Local Plan and paragraphs 92 and 99 of the NPPF.

Design and Layout

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

The proposed sports centre would largely sit on the site of the former Splashes Leisure Centre which together with the car park and existing access arrangements from Bloors Lane has informed the location, orientation, and to a degree the footprint of the proposed building. As the majority of visitors are likely to arrive by car or public transport the entrance is located to the southwest of the building affording the greatest visibility from Bloors Lane and the car park and includes a recessed entrance which would provide a large and open external area for entry and egress into the site. The ground floor includes the main pool hall, changing facilities, café and reception area with a gym and multi-purpose community and fitness studio on the first floor. Although different options were considered for the location of the café, in considering its primary function, which would be

a place where parents/carers could watch their children learning to swim or taking part in water-based activities, this was considered the most appropriate location. Although an objection has been received with reference to the 2010 Equality Act and more specifically the removal of single sex changing rooms, and its impact on protected characteristics, the proposal does include the provision of separate male and female changing rooms and toilets with the ground floor layout. In addition, the ground floor also includes three accessible private changing rooms which also include WC's.

With respect to the scale of the building, this has been dictated by its requirement to provide for its primary leisure use and sporting spaces comprising the pool hall, fitness gym and studio. In terms of appearance the building would comprise two interconnected blocks with a combination of full height and lower-level perimeter glazing which would afford views out onto the park. A combination of aluminium and porcelain ceramic rainscreen cladding comprising vertical ribbed panels, porcelain tiles and buff brick would also provide variation and give the building a contemporary and modern appearance.

Although the building would be visible from the surrounding area, its appearance will be softened by existing trees and vegetation around the site boundaries. Additional planting is also proposed throughout the site which would soften the development as it matures, details of which are to be secured by condition.

In view of the above the proposed site is considered capable of satisfactorily accommodating the development and it would relate acceptably with the character and appearance of the surrounding development. Accordingly, and subject to a condition requiring further details of the proposed external materials, no objection is raised to the application under the provisions of Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Trees

A Tree Survey Report and Arboricultural Impact Assessment (Ref: TCL-SP-SLC-AIA) dated 14 April 2022 has been submitted with the application. The proposal necessitates the removal of a total of ten trees, seven of which (T7-T13) grow within an area that will be occupied by the proposed new building, or very close to it, and three which are adjacent to the site (T1, T18 and T23). The removal of the three trees adjacent to the site is required because of the trees declining condition as well as the need to accommodate an improved landscape proposal. There is another tree forming part of tree group G1 that is in a poor condition with evidence of dieback. Therefore, this tree might need to be pruned or removed too. None of these trees are subject to a TPO, however this is because they grow on a site owned and maintained by Medway Council and its agents/partners. As such, it would not necessarily have been expedient to make a tree preservation order to protect them. The site is not within a Conservation Area either.

It will be possible to mitigate for the loss of these trees through the introduction of replacement planting as indicated on the proposed landscape general arrangement plan

(MED-2282-COL-00-XX-DR-L-1000 Rev 06). Furthermore, there is no reason why the arboricultural effect cannot be positively balanced against the overall benefits of the scheme, which are significant, and new planting could be secured as part of the redevelopment through planning conditions. Consequently, there is no objection to the loss of these trees.

The Tree Survey Report states that new trenching for services will be under the proposed structure and will not infringe the root protection area of any retained trees. The report also expects that existing trenches outside the periphery of the new building will be re-used. However, car charging points are proposed immediately to the south of the trees forming tree group G1. Therefore, and due to the nature of the cables required there may be a requirement for deep and wide trenching. The arboricultural impact assessment does not assess the impact of such works on existing trees. Similarly, there are also examples where proposed new cables for lighting pass through the root protection areas of trees identified for retention. For example, a new cable is proposed very near to trees T2 – T6 (inside their root protection areas) and another possibly close to tree T16. As such details of exactly where this infrastructure might be installed, together with an amended arboricultural impact assessment and amended arboricultural method statement that safeguards these trees should be provided via a condition.

The routing of pipework for Sustainable Drainage Systems (SUDs) and surface water sewers will also need to take into account the presence of retained trees and will need to be reviewed and where necessary relocated to safeguard existing trees and to ensure new tree planting is possible. In addition, the widening of the primary pedestrian route and refurbishment of the existing carpark areas (particularly where curbs are to be replaced) have the capacity to cause damage to existing trees to be retained. Therefore, a condition is recommended requiring details of exactly how the widened paths will be constructed and the full extent of repairs/alterations to the parking areas.

Paragraph 4.5 of the Tree Report relates to site access and storage and offers some guidance (in conjunction with the tree protection plan) on where a site compound might be placed. The tree protection plan provides details for the proposed positioning of tree protection barriers. Logistically, it is likely that the southern half of the carpark will be utilised for a compound or parking. If this is the case, the proposed positioning of a tree protection fence will need to be reconsidered. In addition to this, there appears to be no temporary ground protection for parts of the root protection areas for tree T16 and trees forming group G1 that fall outside the tree protection fencing. There are also open ends to the proposed tree protection measures north of trees T2 – T6. As the compound has yet to be determined a condition recommended requiring the submission of a new tree protection plan.

In summary, and subject to the above-mentioned conditions the proposal is considered acceptable including with regard to Policy BNE43 of the Local Plan and the advice set out in paragraphs 131 and 174 of the NPPF.

Landscaping

The application has been submitted with a Landscape Statement which includes a proposed landscape general arrangement plan (MED-2282-COL-00-XX-DR-L-1000 Rev 06). This demonstrates the preferred approach to incorporating new planting within the site.

In summary the pedestrian route along the car park from the south-eastern entrance will be widened and a new pedestrian crossing point will be created. Existing planting within these areas and at the main entrance will also be retained and enhanced. In addition, the proposal also includes earth grading and a combination of replacement tree planting, and a wildflower mix around the perimeter of the building to enhance biodiversity and ecology. The entrance to the building will also include a breakout space with seating and ornamental planting with accessible access from the disabled parking bays, covered cycle storage and new tree planting to enhance the connections to Cozenton Park. The existing car park will also be enhanced through replacement and new planting areas and new surfacing and new lighting will provide a secure passageway which will be designed to minimise its impact on ecology. In addition, ecological enhancements in the form of bird and bat boxes are also proposed.

The proposed landscape strategy is considered acceptable and subject to conditions requiring full details of the proposed hard and soft landscape scheme and further details with respect to its management no objection is raised under Policy BNE1 and BNE6 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

Policy BNE2 of the Local Plan and paragraph 130 of the NPPF states that development should secure and protect the amenities of its future occupants and those amenities enjoyed by nearby and adjacent properties.

When taking into account the distance between the application site and the nearest residential properties it is considered that the proposed development will not adversely affect the amenities of the occupiers of the neighbouring residential properties with respect to a loss of outlook, sunlight and daylight provision. Similarly, and due to the nature of this proposal and the site's existing use there will be no detrimental impact on other neighbouring commercial/industrial uses.

It is considered appropriate to impose a condition requiring the submission of a Construction Environment Management Plan (CEMP) due to the nature of the proposal and the impact that the construction period could have on the amenities of residents within the locality. Similarly, and for the same reason it is also considered appropriate to impose a condition with respect to opening hours once the development is operational. Consequently, and with the above-mentioned conditions no objection is raised to the application under the provisions of Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

In the interests of amenity, and to protect the future loss of the leisure facility in light of the amendments to the use classes order, it is also considered appropriate to restrict any future change of use that may otherwise be permitted without a requirement for planning permission.

Noise

A Noise Impact Assessment (Ref: PC-22-0014-RP2) dated 11 February 2022 has been submitted in support of the application. In addition, the applicant also provided further details with respect to mechanical plant.

The noise assessment and additional information that has been provided is considered acceptable and subject to a condition to ensure the noise rating level for mechanical plant does not exceed 5db below the existing background noise level at the nearest residential façade no objection would be raised.

Performance specifications have also been provided for the building envelope to control internal noise breakout, this includes walls and triple glazed windows that are designed to provide a 55dB and 40dB sound reduction respectively. In addition, the applicant has also confirmed that the multi-purpose studio/party room will be used for community focused fitness classes, and the proposed parties would be for young children associated in particular with the swimming pools, as opposed to functions and music events. Therefore, the use of low frequency sound will not be an issue and there is no need for any further assessments in this regard.

Accordingly, and subject to a condition with respect to mechanical plant no objection is raised under Policy BNE2 of the Local Plan and paragraphs 174 and 185 of the NPPF.

Air Quality

An Air Quality Assessment (AQA) (Ref: 70093540) dated April 2022 has been submitted in support of the application.

Given the relatively small net increase in trips in comparison to the previous centre there are no concerns in respect to road traffic air quality. However, despite this an emission mitigation assessment has been undertaken in relation to the net gain in trips that will result. A qualitative assessment of construction phase impacts has also been carried out, with further recommendations for mitigation. These mitigation measures can be secured via the CEMP condition.

To improve the development related road transport emissions EV charging points and bicycle parking provision will be provided and a Travel Plan (Ref: 70093540) dated March 2022 has also been submitted to encourage more sustainable travel. With the implementation of appropriate mitigation measures, which can be secured via conditions,

the AQA concludes the residual impact to be negligible and thus no significant impacts are anticipated during the construction phase.

However, the AQA did not include an assessment of the impacts of emissions from the sports centre as information on the proposed plant was unavailable at that time. The applicants therefore submitted an addendum to the AQA to include boiler emission (Ref: 70093540 002) dated June 2022. The modelling has been undertaken on a worst-case assumption that the plant will run continuously, which is unlikely to be the case, therefore the predicted contribution of the boiler emissions to concentrations of nitrogen dioxide are likely to be much lower. The assessment of boiler emissions is acceptable and has demonstrated that the point source emissions are unlikely to result in local air quality impacts.

Accordingly, and with the aforementioned conditions, no objection is raised with regards to Policy BNE24 of the Local Plan and paragraph 186 of the NPPF.

Contamination

The application has been submitted with a Phase II Geo-Environmental Investigation (Ref: 5472 v3) dated 2 March 2022. Whilst an intrusive investigation was undertaken the number of borehole samples taken was limited. However, despite this no contaminants were found in excess of acceptable levels for the proposed development. Due to the previous land use, limited sample numbers and the sites proximity to historical industrial areas, it is recommended that a watching brief condition is attached to any planning permission. Subject to this condition no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 183 and 184 of the NPPF.

Archaeology

The application site is not located within a Conservation Area or adjacent to any listed buildings that could indicate the potential presence of historical value. In addition, Historic England mapping data indicates there has been no evidence of archaeological discoveries on the site or within the surrounding area. Furthermore, the new sports centre will be located notionally on the same area occupied by the former Splashes building. Accordingly, no objection is raised with regards to Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

Ecology

A Preliminary Ecological Appraisal (Ref: 4622E/21) dated 2 August 2021 and Bat Emergence Survey (Ref: 5875-LLB-RP-EC-0001) has been submitted in support of this application. The results of the surveys detailed that no bats were recorded roosting within the previous building during the emergence surveys prior to its demolition, but at least 4 species of bats were recorded foraging within the site. The results of the surveys are considered satisfactory and therefore there is no requirement for the applicant to undertake a detailed mitigation strategy as part of this application. However, the

precautionary mitigation information included within chapter 7 of the Bat Survey and paragraphs 4.4.29-4.4.30 of the Preliminary Ecological Appraisal would need to be included within the Construction Environmental Management Plan to avoid a breach of wildlife legislation, this could be secured by condition. In addition, and in recognising the site has some connectivity there is a need to ensure that suitable habitats for reptiles or amphibians do not establish prior to the construction of the new sports centre. Therefore, there is also a need for current management of the site to continue to ensure that this does not occur.

The Preliminary Ecological Appraisal has made recommendations to enhance the site for biodiversity through the inclusion of bat, bird and insect bricks and boxes, and the design and access statement has confirmed that these features will be incorporated into the site. Therefore, a condition would be imposed requiring the submission of a ecological enhancement plan to ensure this is secured. Furthermore, a Biodiversity Net Gain Metric (BNG) and Biodiversity Net Gain Assessment (Ref: 4841/E/22) dated 19 April 2022, has also been submitted with the application and detailed that an anticipated BNG of more than 130% will be achieved through the enhancement/creation of habitats within the site. However, due to the high recreational usage of the site it is expected that the grassland areas would reach moderate condition, and not good condition as anticipated. In addition, and where wood/scrub planting is proposed it is recommended that native species are planted. However, irrespective of this, Biodiversity Net Gain is achievable on the development site.

Subject to the above-mentioned conditions, and an additional condition requiring details of a habitat creation and management plan to ensure the habitats will be established and retained as intended, no objection is raised with regards to Policies BNE37 and BNE39 of the Local Plan and paragraph 174 of the NPPF.

Lighting

Policy BNE5 of the Local Plan and paragraph 180 of the NPPF states that development should seek to minimise the impact from light glare and spillage particularly on areas of nature conservation interest.

An Exterior Lighting Assessment has been submitted as part of the application which confirms that the design of the exterior lighting will comply with the Society of Light and Lighting's CIBSE LG6: The Outdoor Environment – 2016. In addition, the road lighting illuminance will comply with the levels outlined in BS5489-1:2013 Code of practice for the design of road lighting, lighting of roads and public amenity areas. The application proposes a mix of column mounted luminaires for the car park and roadways and pedestrian routes and wall mounted bulkheads around the perimeter of the building. As part of the design process, the impact of external lighting on biodiversity has also been considered, to minimise any disturbance to the local bat population (and other nocturnal wildlife). This includes but is not limited to, the use of LED lamps that produce no UV emissions which could attract insects, integral reflectors which control the direction and spread of the light and the use of louvres and diffusers which reflect/direct light to the

required areas, thus avoiding unnecessary light spillage and upward light pollution. In addition, no up-lighting is proposed to the trees or other landscape features.

Consequently, no objection is raised to the proposed exterior lighting strategy having regard to Policies BNE2 and BNE5 of the Local Plan and paragraphs 130 and 180 of the NPPF.

Flooding and Drainage

The application has been accompanied by a Drainage Strategy (Ref: 6930) dated March 2022. The site lies within Flood Zone 1 (Low Risk) according to the Environment Agency Mapping. Although it is noted that Bloors Lane is subject to a high risk of surface water flooding the drainage strategy has demonstrated that the proposed scheme will not add to this.

The proposal seeks to use soakaways for storm drainage, and it is anticipated that a crate system will be used and located in an appropriate location within the site – with a minimum 5m clearance to any structure and 10m clearance to any existing soakaway to ensure that the capacity of the proposed or existing soakaways are not reduced. When taking into account that the British Geological Mapping indicates the presence of Seaford Chalk Formation the use of soakaways as proposed would be acceptable. The proposal also seeks to use various SUDs features including rainwater harvesting, filter drains, permeable paving, and bioretention.

With respect to foul drainage, the existing site discharges to the drainage network on Bloors Lane. Subject to a formal application Southern Water have confirmed that their initial investigations indicate that they can continue to provide foul sewage disposal to serve the proposed development.

In view of the above, and subject to conditions requiring the submission of further details with respect to a sustainable drainage scheme, the temporary management of surface water throughout the construction phase and a signed verification report confirming the agreed surface water system has been constructed as per the agreed scheme, the proposal is in accordance with Policy CF13 of the Local Plan and paragraphs 167 and 169 of the NPPF.

Highways

Policies T1, T2 and T13 of the Local Plan and paragraph 111 of the NPPF states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard. The application is supported by a Transport Statement (Ref; 70093540) dated April 2022 which evaluates the impact of the development during the construction and operational phase.

Access

Vehicular access to the site is obtained from Bloors Lane in the form of a ghost-island priority T- junction. Bloors Lane is subject to a 30mph speed limit and has an approximate carriageway width of 7.3m. The proposal does not seek to change the existing vehicular access arrangements. The pedestrian infrastructure on Bloors Lane is also of a good standard with footpaths and crossing facilities provided adjacent to the site in the form of a pedestrian refuge island incorporating dropped kerbs and tactile paving. A zebra crossing is also available approx. 200m north of the site, within a school zone where traffic calming measures are provided. Street lighting is also provided along the full length of Bloors Lane.

Parking

The proposal indicates that 118 parking spaces would be provided (including 7 disabled bays and 6 electric vehicle spaces). The applicants have also carried out a parking accumulation assessment which demonstrates that there is sufficient capacity to accommodate the uplift in visitor numbers. It should be noted that the NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore a condition has been attached to fulfil this objective. In addition, a total of 32 cycle spaces will be provided, with the space on site to increase this number if demand dictates. A condition will also secure the provision of cycle parking.

Traffic Impact

The applicants have assessed the existing trip generation and proposed generation. This demonstrates that with the increase in floorspace there would be an additional 11 trips in the AM peak and 28 trips in the PM peak. Given the type of development, it is not considered that this increase would have a material impact on the highway network.

Construction Period

It will be necessary for the Construction Traffic Management Plan to be revised to include a breakdown of anticipated construction traffic movements, and their purpose in order to ensure that the assumptions included in the Plan are realistic. The approved Construction Traffic Management Plan is to be secured via planning condition.

In view of the above and subject to the above-mentioned conditions no objection is therefore raised on highways grounds and the development is acceptable in terms of Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112 of the NPPF.

Climate Change and Energy Efficiency

The applicant has submitted an Energy Strategy (Ref: 2239-50-RPT-02) dated 25 March 2022. The report provides proposals for achieving the expectations laid down by the Council for reducing energy consumption and employing renewable energy sources. This includes but is not limited to:

- Electrically driven air source and water source heat pumps serving space heating, hot water supply (partial) and pool water heating.
- Underfloor heating to wet leisure areas in combination with air system heating.
- High efficiency gas fired boilers serving pool air heating and hot water supply (partial).
- Use of zonal timeclock and temperature controls.
- Domestic hot water will be generated centrally utilising heat pumps (60%) and gas boilers (40%) in order to achieve adequate water temperature at optimum efficiency.
- Mechanical ventilation with heat recovery in all occupied spaces.
- Variable Refrigerant Flow (VRF) type cooling to gymnasium, café and multi-purpose studios, utilising heat recovery.
- High efficiency lighting lamps throughout.
- Roof mounted Photo Voltaic Panels and Air Source Heat Pumps.
- Enhanced U-Values and G-values to feasible elements.
- High efficiency fans with variable speed drives to all fans, pumps and compressors.
- Sub-metering to mechanical plant.
- Weather compensated control of heating.
- Heat recovery ventilation where applicable.

Conclusions and Reasons for Approval

The proposal is considered acceptable in principle and would result in an acceptable form of development within its surroundings. Approval is therefore recommended including with regards to Policies S1, BNE1, BNE2, BNE5, BNE6, BNE21, BNE23, BNE24, BNE37, BNE39, BNE43, CF13, L1, L2, L3, T1, T2 and T13 of the Local Plan and paragraphs 8, 92, 99, 111, 112, 126, 130, 131, 167, 169, 174, 180, 183, 184, 185 and 186 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of letters of representation received contrary to the officer's recommendation as well as the fact that the applicant for the proposal is Medway Council.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website
<https://publicaccess1.medway.gov.uk/online-applications/>