

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 29 APRIL 2009

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

09/0600/FUL

Billingham Forum, Moreland Avenue, Billingham

External alterations to include erection of plant rooms and storage area.

Expiry Date 11 May 2009

SUMMARY

The Forum building was listed in October 2004 and dates from the 1960's, the theatre stage; auditorium and fly tower are listed as having architectural merit. The rest of the Forum is not considered to have the sustained architectural imagination of the theatre and is deliberately omitted from the listing.

Planning consent is sought for external alterations to the existing Billingham Forum complex. As part of the wider refurbishment of the complex various internal alterations are also proposed, however, these changes do not fall under planning control

The proposed external changes to the Forum building are considered to be an important step in revitalising the aged appearance of the current building and will enhance the visual appearance of the property and the surrounding area and enhance its landmark building status.

RECOMMENDATION

Planning application 09/0600/FUL be Approved subject to the following conditions:-

- 01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>90-006 REV 001</i>	<i>16 March 2009</i>
<i>90-100 REV 001</i>	<i>16 March 2009</i>
<i>20-100 REV 001</i>	<i>16 March 2009</i>
<i>20-101 REV 001</i>	<i>16 March 2009</i>
<i>20-102 REV 001</i>	<i>16 March 2009</i>
<i>20-107 REV 001</i>	<i>16 March 2009</i>
<i>20-108 REV 001</i>	<i>16 March 2009</i>
<i>20-109 REV 001</i>	<i>16 March 2009</i>
<i>20-701 REV 001</i>	<i>16 March 2009</i>
<i>20-705 REV 001</i>	<i>16 March 2009</i>
<i>21-103 REV 001</i>	<i>16 March 2009</i>

Reason: To define the consent.

- 02** *Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).*

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 03** *Notwithstanding any description contained within the application full details of the louvers grills and other ancillary equipment/structures shall be submitted to and approved in writing by the Local Planning Authority prior to the prior to the installation on the building.*

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 04** *No development shall take place unless in accordance with the recommendations and mitigation detailed within the following protected species report; Bat survey of Billingham Forum, Stockton on Tees; dated March 2009; author E3 Ecology Ltd including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation and compensatory habitats in advance; undertaking confirming surveys as stated and adherence to precautionary working methods.*

Reason: To conserve protected species and their habitat.

- 05** *Prior to all new plant being brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.*

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

- 06** *All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 8.00 p.m. on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.*

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

The proposal is considered to be visually acceptable, does not harm the setting, character and appearance of the listed building and does not pose a significant risk to highway safety, the amenity of neighbouring occupiers or to protected species. The development has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered not be to the detriment of the

amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.

GP1 – General Principles, EN28 –Listed Buildings, PPS1, PPS9 and PPG15

BACKGROUND

1. The Forum building was listed in October 2004 and dates from the 1960's, the theatre stage; auditorium and fly tower are listed as having architectural merit. The rest of the Forum is not considered to have the sustained architectural imagination of the theatre and is deliberately omitted from the listing.
2. Members may recall that at the last planning committee meeting an application for listed building consent (09/0599/LBC) for the Theatre was considered and delegated to the Head of Planning for approval. This application is now with Government Office North East, following its referral.

PROPOSAL

3. Planning consent is sought for external alterations to the existing Billingham Forum complex. This is to include; new entrance feature, re-cladding/new windows/new doors to the external walls, re-cladding/repair to roof, new CHP plant room, new garage for ice machine and new compound for refrigeration plant and new ice hockey 'dug-outs'
4. The extensions to the building are to measure approximately 11.5m (l) x 11.5m (w) x 4m (h) (ice hockey 'dug outs'/ ice store/bin store), 22m (l) x 11.5 (w) x 4.5m (h) (ice machine/garage /refrigeration compound) and approximately 7m(w) x 8m(l) x 4m(h) (CHP room).
5. As part of the wider refurbishment of the complex various internal alterations are also proposed, however, these changes do not fall under planning control and therefore do not require planning permission. For clarity these changes include; Expansion of the swimming pool, creation of new changing village, relocation and modification of the fitness studio to include an additional 30 health and fitness stations, modification to the ice facilities, upgrading of the sports courts, a play barn at first floor and creation of a new entrance lobby and reception.

CONSULTATIONS

6. The following Consultations were notified and any comments received are set out below:-

Sport England

Thank you for consulting Sport England, which is the brand name for the English Sports Council, on the above application.

Sport England has considered the application in the light of Sport England's Land Use Planning Policy Statement *Planning for Sport*. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

It is considered that the proposal is consistent with the following policy objective:

To support the development of new facilities, the enhancement of existing facilities and the provision and/or improvement of access to the natural environment which will secure opportunities to take part in sport and which can be achieved in a way which meets sustainable development objectives.

The short development description hides a significant £15m refurbishment and reconfiguration eg Billingham Forum's sport and cultural offer. Sport England has resolved to offer Community Investment Fund toward the project and as part of that, have offered guidance to the Council on ensuring that the refurbished facility accords as closely as possible with the Technical design guidance, it is not my intention to duplicate this guidance in this response.

Work undertaken by Sport England as part of the Regional Facilities Strategy [for sport] identifies that the regional requires at least two ice rinks. Billingham Forum is one of those two rinks and as such Sport England wishes to welcome and **support** its retention and refurbishment.

Stockton Council have (in conjunction with Sport England) undertaken analysis of swimming provision in the locality. The analysis showed that the amount and distribution of water space was able to satisfy a high proportion of demand. However, some pools across the stock were operating at full capacity while other pools had spare capacity. The reason for this spare capacity was that their condition was discouraging use. Billingham Forum pool was the most notable example of this and again Sport England wishes to welcome and **support** its retention and refurbishment.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- **Noise disturbance from plant**

Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.

- **Noise disturbance from amplified music**

Any amplified music played within the premises shall be inaudible at the nearest residential premises. Amplified music shall be played indoors only.

- **Construction Noise**

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 8.00 p.m. on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working. Particularly noisy construction activities should take place within 10 a.m. - 4 p.m. on weekdays. For construction activities outside of these times, the applicant should apply for a prior consent under section 61, Control of Pollution Act 1974, so that Environmental Health can assess the potential noise nuisance prior to the commencement of site operations.

Historic Buildings Officer

No objections

Urban Design

General Summary

We have no objections to this application.

Highways Comments

Billingham Forum is located within the District Centre as designated in the local plan and does not have its own allocated car parking. Adequate public car parking is available for District Centre use and therefore I have no objections on highway grounds.

Landscape & Visual Comments

I have no objections to the application on landscape and visual grounds.

Natural England

Comments awaited

PUBLICITY

7. Neighbours were notified and any comments received are below (in summary);

Mr T J Long - 117 Kennedy Gardens, Billingham

Objects on the assumption that the plant will prove to be a potent source of noise if the current equipment is any guide. The latter in its original form generated intolerable noise and gave rise to many complaints from residents of the flats.

William Gibson - 21 Kennedy Gardens, Billingham

Objects as the proposal will reduce the amount of car parking facilities and at present has problems in parking adjacent to the Forum and the proposal will aggravate the situation and the council should allocate specific spaces for residents parking.

PLANNING POLICY

8. The relevant development plan in this case is the adopted Stockton on Tees Local Plan. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).
9. The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy EN28

Development which is likely to detract from the setting of a listed building will not be permitted.

10. Other relevant planning policy considerations include;
- PPS1 – Delivering Sustainable Development
 - PPS9 - Biodiversity and Geological Conservation
 - PPG15: Planning and the historic environment

SITE AND SURROUNDINGS

11. The application site is situated to the east of Billingham Town Centre, with the residential properties of Kennedy Hardens lying to the east of the site. Billingham Forum was built in the 1960's and houses a range of leisure facilities including an ice rink, swimming pool, health and fitness facility and theatre.

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are the impacts of the development on the visual amenity of the locality, the listed theatre, the amenity of neighbouring occupiers, access and highway safety and protected species.

Visual Impact;

13. Billingham Forum is of a unique design and is a key landmark both within the Town Centre and the wider area. However, in recent times its external appearance has become tired and out dated. This proposal seeks to create a new entrance feature and re-clad the exterior of the forum in order to improve its external appearance. Although at this stage no final colour scheme has been chosen it is considered that the proposed development will prove to improve the overall appearance of the structure and enhance its landmark status within Billingham Town Centre and surroundings.

14. The proposed extensions to the building are on the eastern and southern elevations, whilst in their own right these are reasonably large they would be treated in a similar fashion to that of the main forum building in terms of the external materials and would be in keeping with the overall scale and proportion of the Forum.

15. Visually, the proposed development is therefore considered to be of benefit to the external appearance of the forum and wider community and accords with policy GP1 of the adopted Local Plan.

Impact on Listed building;

16. As detailed earlier in the report, the Forum is not considered to have the sustained the architectural imagination of the theatre and is deliberately omitted from the listing, changes to the listed building are dealt with via listed building consent (app ref 09/0599/LBC).

17. Although the re-cladding of the external walls does effect the external appearance of the listed fly tower, the external changes to the property are not considered to have an adverse impact on the setting of or the overall appearance of the listed building

18. On this basis the proposal is not considered to have any detrimental impacts on the setting of the listed building and the scheme is considered to accord with policy EN28 of the adopted Local Plan in this respect.

Amenity of neighbouring occupiers;

19. It is important to note that the main uses of building are already in existence and that the application only seeks planning consent for the external alterations and compounds and does not seek to alter its use. Any restrictions with regards to opening hours cannot therefore be imposed as part of this development. The Environment Health Unit has also requested that a planning condition be imposed on disturbance from amplified music. Again this condition cannot be imposed as part of this development which seeks external alterations.

20. It is accepted that during the renovation/construction works there may be some noise and disturbance to the neighbouring occupiers. However, this is a short-medium term issue and can be satisfactorily controlled via the imposition of a planning condition.

21. Concerns have been raised in relation to noise and disturbance from plant on the eastern elevation of the building. These concerns are duly noted, but it is considered by the Environmental Health Unit that subject to satisfactory insulation and noise attenuation measures any new plant will not have a detrimental impact on the surrounding levels of amenity. The requirement for insulation and noise attenuation measures can be addressed via a planning condition.

Access and Highway Safety;

22. The Head of Technical Services has considered the information supplied as part of the application and although the Forum does not have its own allocated car parking it is considered that adequate public car parking is available for District Centre use.

23. Issues have been raised in terms of parking provision for the proposed development, however, it is important to recognise that the main uses within the building already exist and will remain. Whilst the concerns of the resident are appreciated, parking for the residents of Kennedy Gardens is provided within the Kennedy Gardens complex and it is considered that there is sufficient parking within the District Centre for the Forum development.

24. As there are no objections on highway grounds from the Head of Technical Services the proposal is considered to accord with Policy GP1 in this respect.

Impact on protected Species;

25. A Bat Survey has been submitted as part of the planning application, in which a series of protection and mitigation measures have been outlined. At this stage no formal comments have been received from Natural England, however, given that a mitigation strategy has been fully detailed it is considered a planning condition can ensure that this species are fully protected.

26. It is also important to recognise that under the Conservation (Natural Habitats & c.) Regulations 1994 it is an offence to intentional kill or injure bats, or to damage, destroy or obstruct access to their roosts, in order to obtain the required licence the three tests set out below need to be satisfied.

There is no satisfactory alternative

That the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

27. The Local Planning Authority must therefore consider points 1 and 3 in determining the application.

28. In assessing whether there is no satisfactory alternative, it is important to recognise that the building is already existing and there works are sought to improve the external appearance of the Forum and to enhance the leisure and recreation offer, as well as safeguard the listed building. A Bat Report and mitigation strategy has been submitted and a planning condition imposed. It is therefore considered that there is no satisfactory alternative but to carry out the works and appropriate mitigation measures will be put in place to ensure that the Bats are not unduly harmed.

29. With regards to point 3, the works proposed as required to ensure that element of asbestos are removed from the building or securely contained. Equally the scheme as a whole is also considered to have overriding public interest in the leisure and recreational offer to the public will be greatly enhanced and provide facilities for the 21st century. On this basis the proposed development is considered to satisfy point 1 and 3 of the Conservation (Natural Habitats & c.) Regulations 1994.

CONCLUSION

30. In conclusion the proposed external changes to the Forum building are considered to be an important step in revitalising the aged appearance of the current building and will enhance the visual appearance of the property and the surrounding area. The proposed development is not considered to have a detrimental impact on the listed building and the amenity of the neighbouring occupiers.

31. Equally the development is not considered to pose any significant risks to highway safety or protected species. The proposed development is therefore recommended for approval subject to the conditions set out earlier in this report.

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

As report

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers.

Stockton on Tees Local Plan
Tees Valley Structure Plan
Planning Policy Statement 1
Planning Policy Statement 9
Planning Policy Guidance 15
Planning Application 09/0599/LBC

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Billingham Central
Ward Councillors B Woodhouse and Ann McCoy