

Planning Committee

Application Address	Land South of A35 Upton Road, Creekmoor, Poole, BH17 7AG
Proposal	Change of use for a new temporary indoor padel centre building for 3 years with ancillary changing café/bar and associated car parking.
Application Number	APP/24/00641/F
Applicant	Cross Court Padel Limited
Agent	Pure Town Planning
Ward and Ward Member(s)	Creekmoor Cllr Judes Butt Cllr Paul Slade
Report Status	Public
Meeting Date	10/10/2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Major development and on council owned land
Case Officer	Babatunde Aregbesola
Is the proposal EIA Development?	No

1. Description of Proposal

- Planning consent is sought for a temporary change of use of the land and erect a new temporary large indoor sport arena incorporating padel courts with ancillary changing rooms, café/bar/reception area for period for 3 years.
- The proposal is for the erection of a temporary building on the site which would form a dedicated indoor padel centre with associated operational development. The building would house seven indoor padel courts as well as ancillary changing rooms, reception, shop and a small café/bar on a mezzanine level with new car/cycle parking spaces. The temporary building would have an area of around 2080 sqm. It would have a simple rectangular footprint with a double pitched roof form. It would be an easily demountable structure without foundations. The building will consist of rigid ISO panel wall cladding which is heat insulating and low maintenance. The panels are made of two steel outer shells and a polyurethane foam core. Temporary consent is sought for a period of three years.
- The proposed temporary building is described as demountable structure without foundations and will be placed on existing tarmac area currently used as Park & Ride. The proposed development includes the installation of changing rooms with showers/wcs and a café/bar. The proposal would then utilize

remaining existing parking spaces by putting down markings for 32 car parking spaces to serve the new temporary indoor padel centre building.

5. In addition, an air-conditioning plant unit is proposed as part of the development. The submitted site plan indicates the air-conditioning unit will be located towards the south side of the building. However, there are no details of the air-conditioning unit submitted at this stage.
6. The current lawful use site is for car parking known as Creekmoor Park & Ride which is currently vacant and unused. There is a future plan to use the site for a Park and Ride operation to Poole town centre, as part of a package of measures to reduce traffic on the local road network.

7. **Description of Site and Surroundings**

8. The application site known as Creekmoor Park and Ride facility was originally built around 2003 but has seen very limited use for that purpose. It has been used for various other temporary uses over the years including a temporary fire station 2007-8 and was last used as a regional COVID-19 testing facility 2020-2022. The site has been vacant and unused since the testing facility closed in April 2022.
9. The application site is located on a narrow triangle of land between Upton Road and A350 Upton Bypass. The Creekmoor Park and Ride site comprises two adjacent large areas of tarmac hardstanding with access roads.
10. The hardstanding areas are laid out with parking spaces and punctuated by small rectangles of soft landscaping. The application site is located on towards the northwestern end of the park and ride site. To the south-east and north-east of the site are matured trees and hedging.
11. To the east is the remaining tarmac parking area of the Park and Ride site. To the south beyond a hedge is the dual carriageway A35/A350 with a field and the shore of Holes Bay beyond. To the west of the application site is a mini roundabout on Upton Road which forms one of the two entrances to the park and ride site. Beyond this the Upton Road runs alongside the dual carriageway up to the Upton Gateway Roundabout junction.

12. **Relevant Planning History:**

13. 98/34305/000/P: Outline application to form Park and Ride Site. Approved.
14. 01/34305/001/W: Option A - Reserved matters application to construct car park for Park & Ride Scheme - Phase I (West of Copse) 535 spaces with vehicle access from Upton Road/Creekmoor Lane roundabout and bus access via signal crossing on the Upton Bypass, bus shelter and small security building. (amended by plans received 15/11/01, 3/1/02 & 10/1/02 with letter dated 10/1/02). W4/10.1.02
15. APP/24/00642/A: Advertisement application for 2 large banner signs on front and rear and 3 smaller signs on the 3 sides of the entrance canopy. - currently under assessment

16. **Constraints**

17. The site is allocated as a Park and Ride facility within Policy PP36 of the Poole Local Plan.

18. **Public Sector Equalities Duty**

19. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
20. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
21. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
22. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

23. Other relevant duties

24. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
25. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
26. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
27. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

28. Consultations

29. BCP Highway Authority: No objection following the receipt of amended plans and changes to the proposal description to include temporary use for 3 years.
30. Natural England: No objection.
31. BCP Environmental Health (noise): No objection but recommended conditions.
32. BCP Environmental Health (land contamination): No objection but recommended conditions.

33. Representations

34. Site notice was posted outside the site on 23 August 2024 with an expiry date for consultation of 17 August 2024. 72 representations were received in support of the proposal on the following grounds
 - The proposed padel courts will help the community to stay fit and active;
 - There is a local need for padel courts;
 - Padel courts bring together community spirit and appeals to players from a wide range of ages, backgrounds and abilities;
 - The proposed development would promote health and well-being;
 - Improvement of the mental and physical health of people in the community;
 - Great asset for the community;
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35. No letter of objection was received against the proposal.

36. Key Issue(s)

37. The key issues involved with this proposal are:

- Principle of the proposed works
- Impact on character and appearance of the conservation area;
- Impact on residential amenity;
- Highway Impacts
- Sustainability considerations
- Impact on biodiversity and trees
- Flood risk and drainage considerations

38. These issues will be considered along with other matters relevant to this proposal below.

39. Policy context

40. Local documents:

41. Poole Local Plan (Adopted 2018)

PP1 Presumption in favour of sustainable development
PP2 Amount and Broad Location of Development
PP26: Sports, recreation and community facilities
PP27 Design
PP33 Biodiversity and Geodiversity
PP34 Transport strategy
PP35 A Safe, Connected and Accessible Transport Network
PP36: Safeguarding strategic transport schemes
PP37 Building Sustainable Homes and Businesses
PP39 Delivering Poole's Infrastructure

42. Emerging Local Plan

Strategic Policy S3: Healthy communities
Policy S4: Health and wellbeing
Policy C2: Sustainable construction and low carbon energy
Strategic Policy BE1: Design and high quality places
Policy BE3: Living conditions
Policy E2: Employment supply
Policy E12: Community, sports and leisure facilities
Strategic Policy T1: Transport strategy
Policy T4: Transport Infrastructure

43. Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)

44. National Planning Policy Framework (2023)

45. The following chapters of the NPPF are also relevant to this proposal:

- a. Chapter 2 – Achieving sustainable development
- b. Chapter 8 – Promoting healthy and safe communities
- c. Chapter 12 – Achieving well designed places
- d. Chapter 15 - Conserving and enhancing natural environment

46. Planning Assessment

47. Principle of development

48. On 30 July 2024, the Government launched a consultation, which is still ongoing, on proposed reforms to the Framework and other changes to the planning system. Given the high level of uncertainty that future revisions of the Framework will echo the consultation version, the potential changes are given very limited weight in the consideration of this application.
49. The Local Authority as part of Bournemouth Christchurch and Poole Council submitted the draft BCP Local Plan to the Secretary of State on 27 June 2024 for examination. The examination is expected to take around 12 months. If approved by the Inspectors, the BCP Local Plan will replace the current Local Plans around mid-2025. Given the high level of uncertainty that future revisions of the draft BCP Local Plan will echo the consultation version, the potential changes are given very limited weight in the consideration of this application.
50. PP36 of Poole Local Plan (2018) states that development should not prejudice the opportunity to deliver strategically important transport schemes. Creekmoor is one of the safeguarded sites for strategic transport infrastructure.
51. In the emerging Draft BCP Local Plan, Policy T4, relating to Transport Infrastructure states “3. Buses: “The bus network must be enhanced and expanded to support greater use by: safeguarding existing park and ride sites”. In ‘Part 2 – Ward Policies – Creekmoor’, the draft policy states “the Creekmoor Park and Ride site will be safeguarded to enable the future provision of park and ride services from this location into the rest of the conurbation”.
52. The Council has recently undertaken a public consultation on Strategic Transport Priorities for the BCP Council area. The current Creekmoor P&R site is cited in scheme B3 which outlines the use of the Creekmoor site for a Park and Ride operation to Poole town centre, as part of a package of measures to reduce traffic on the local road network. The Council is looking to develop a Sustainable Travel Masterplan for the conurbation. There have also been discussions between the Council and the local bus operator as part of the Enhanced Bus Partnership in relation to using the site as a potential electric charging hub for buses and potentially other commercial vehicles on that site.
53. The new Local Plan is likely to be adopted in 2025, so if a transport scheme were to progress on the site as a result of the Local Plan adoption, then allowing for obtaining funding, formal approval and final design of any scheme then 2027 would be the likely earliest time for introduction of that scheme on the site.
54. Therefore, the application seeks a 3-year temporary consent. Such timescale is unlikely to prejudice the realistic timescale of the introduction of a strategic transport scheme on the site, as advised by the BCP Highways Authority. The renewal or extension of this permission can be considered before that 3-year date expiry date and at that time, subject to further consideration of any strategic transport proposals for the site.
55. Therefore, Highway Authority would not object to a 3-year planning permission from date of approval. Subject to this restriction, the proposal would safeguard the site for strategic transport scheme uses in accordance with Policy PP36 of the Poole Local Plan.
56. Policy PP26 of Poole Local Plan (2018) states that ‘The Council supports proposals for new sports, recreation and community facilities or the enhancement/expansion of existing facilities if they are located in areas that are easily accessible by the local community through public transport and/or safe and convenient walking and cycling routes.
57. The proposal is for the stationing of a temporary building on the site which would form a dedicated indoor padel centre. The building would house seven indoor padel courts as well as ancillary changing rooms, reception, shop and a small café/bar on a mezzanine level. The temporary building would
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have an area of around 2080 sqm. It would have a simple rectangular footprint with a double pitched roof form. It would be an easily demountable structure without foundations.

58. Existing tarmac areas to the west and north of the temporary building would be used for parking for the facility with 32 parking spaces to be provided from existing facilities. Space for 20 cycles is to be provided adjacent to the building entrance. Access to the site will be from Upton Road at the adjacent mini roundabout.
 59. The Council supports proposals to provide and improve community facilities and services which help to create vibrant, sustainable neighbourhoods. The proposal, therefore, would support the aims of the council to promote sport facilities within the local area.
 60. In the emerging Draft BCP Local Plan, Policy E12 (b), relating to Community, sports and leisure facilities states that: "Proposals for other sport, leisure and community facilities will be supported in town, district and local centres. Where it can be demonstrated that a lack of suitable sites within these areas, the applicant must demonstrate the proposed location is sustainable and can be easily accessed by walking, cycling and public transport. Consideration should be given to the shared use, or re-use, of existing buildings and sites".
 61. The location of the application site is considered suitable for the intended use because the proposed location is sustainable and can be easily accessed by walking, cycling and public transport.
 62. It is acknowledged that the emerging Draft BCP Local Plan, Policy E12 (b) can be given very limited weight at this stage.
 63. As such, the proposal would accord with the adopted Policies PP26 and PP36 of the Poole Local Plan and advice within section 8 of the NPPF. Therefore, the proposed development is acceptable in principle subject to compliance with policies in the remainder of the Development Plan.
 64. Impact on character and appearance area
 65. Policy PP27 of the Poole Local Plan (2018) states that development will be permitted where it reflects or enhances local patterns of development in terms of layout, height, scale, massing, materials, landscaping and visual impact.
 66. The locality may be described as an urban fringe location comprising a mix of built-up areas, woodland and other open greenspace and dominant transport infrastructure.
 67. The proposal is for the stationing of a temporary building on the site, which would form a dedicated indoor padel centre. The building would house seven indoor padel courts as well as ancillary changing rooms, reception, shop and a small café/bar on a mezzanine level. The proposed structures would be modest in height and with shallow pitch roofs and as such would be no higher than the nearest built development - the houses on the northern side of Upton Road.
 68. The application site is generally well screened from the surrounding areas with vegetation. The proposed structures would be modest in height and with shallow pitch roofs and, as such, they would integrate well within their context. Whilst the proposed works would be partially visible from the street scene, it is not considered that they would cause significant harm to the character and appearance of the area. There would be a lot of space around the proposed building and thus it is not considered that it would appear cramped within its setting. In addition, the proposed development is only seeking temporary use of the site, after which the land would be returned to its original form with no permanent harm caused to the character of the area.
 69. The use of green walls within the external façade, as well as a green coloured roof material, would help soften the building and help integrate it into the surrounding soft landscaped features. It is
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considered that the design of the proposal is appropriate to the surroundings and would not have any harmful impact on the character and appearance of the locality.

70. For the above reasons, it is considered that the development as proposed would not have an adverse impact on the character of the area and would not be contrary to the aims of Policy PP27 of Poole Local Plan, as well as relevant paragraph 135 of the NPPF.

71. Impact on residential amenity

72. Policy PP27 (c) outlines that is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.

73. The application site is somewhat isolated from sensitive receptors, such as residential dwellings and immediate commercial premises. The nearest dwellings are located opposite the site with some distance away (approximately 250m) from the application site, in a way that no harm is expected to be inflicted upon the nearby residential properties.

74. The potential for noise generation comes from the use of the air condition plant located towards the south of the proposed building, away from any sensitive receptor. In addition, noise is likely to come from the padel ball courts, as the game can involve balls being hit off the enclosing court. Officers acknowledge that the game creates noise and also results in common instances of impulsive noise. However, given the separation distance the proposal is not likely to give rise to harmful impact in terms of noise to the nearby sensitive receptors.

75. Having been consulted on the matter, the Environmental Health Officer raised no objection to the proposed scheme in terms of the generated noise impact, but recommended conditions to control the noise level of the proposed plant and equipment, as well as from the proposed building, to ensure the amenity of the residents is preserved. These conditions are secured accordingly.

76. The proposed development with padel courts is a social space adjacent to the highway and industrial units, this would not present any negative impacts on either the current use, occupiers of neighbouring dwellings or neighbouring commercial premises. As such, the development is in accordance with Policy PP27 of the Poole Local Plan.

77. Highway Impacts

78. Policy PP34 encourages new development to be located within the most accessible locations, which are capable of meeting a range of local needs and will help to reduce the need to travel, reduce emissions and benefit air quality, principally in the town centre, district and local centres, employment areas and along sustainable transport corridors.

79. Policy PP35 encourages new development to maximise the use of sustainable forms of travel; provide safe access to the highway; accord with the Parking & Highway Layout in New Development SPD.

80. The site is currently unused and for that reason, there is no conflict between the use of parking spaces between visitors of the proposed padel courts and the Park & Ride facility.

81. The proposal would utilize the existing access into the site. Having been consulted, The BCP Highway Authority advised that vehicle traffic generation by the proposed use would not have a significant impact on the highway network and the vehicle access layout off the main road is satisfactory for the intended use.

82. A detailed car park layout plan has been submitted. A total of 32 parking bays are proposed made up of 27 general car parking bays, with 3 of these being labelled as disabled appropriate and 5 separate staff car parking bays. 3 disabled bays comply with the amount required by the SPD. The internal floor area is detailed on the planning application forms as 2191 sqm.
83. The Parking Standards SPD outlines a requirement of 2 car parking spaces per 100sqm for Class E Indoor sports hall type uses in this location and this would equate to 44 car parking spaces. However, the roads around the site have parking restrictions to prevent overspill vehicle parking and the internal layout of a padel sport centre limits each court to having a limited number of users at any one time, unlike a standard indoor sports hall which could have larger team sports with a larger number of participants and spectator crowd at any one time.
84. Whilst the proposed parking provision falls short of what is expected by the Parking Standards SPD, the BCP Highway Authority considers that appropriate level of parking would be provided for the use of the padel centre, taking into consideration the number of courts being proposed. As a result, the Highway Authority consider that 32 car parking spaces would be an acceptable amount of parking if the uses on the site are limited to that applied for, which is secured by condition.
85. Under the Council's Parking Standards SPD 30% of the car parking bays (11 bays) would need to have active electric charge points with the remaining having Passive charge point provision/infrastructure installed. These EVC details are secured via planning condition.
86. The proposal is expected to provide bicycle parking at a ratio of 2.5 per 100sqm (for Class E), which equates to 55 bicycle parking spaces to encourage sustainable travel to the site especially from local based users. Cycle parking details for a minimum of 55 bicycles is therefore secured via condition.
87. In terms of pedestrian access, there is currently no footway on the application side of Upton Road to assist pedestrians to safely reach the site if they cross Upton Road at the adjacent pedestrian island point. The proposal would increase pedestrian crossing movements of Upton Road especially from users who live locally. The proposal needs to encourage sustainable modes of transport and provide safe access for pedestrians. Therefore, before the use commences on site the proposal needs to provide a new hard paved to adoptable standard footway link from the pedestrian island crossing point into the car park. The footway should be a minimum of 2m in width and include tactile paving at the Upton Road crossing point location. Full details of the pedestrian access improvements are therefore secured by planning and conditions, as requested by the Highways Authority.
88. Overall, given the temporary nature of use of the proposed development, and taking account to the above-mentioned conditions, the proposed development would be in line with the provisions of the Policies PP34, PP35 and PP36 of the Poole Local Plan.
89. Sustainability considerations
90. Policy PP37 of the Poole Local Plan identifies that proposals for new residential and commercial development must contribute to tackling climate change and they would be required to meet the latest Building Regulations, therefore achieving a high level of energy efficiency and sustainability. Furthermore, in line with the provisions of Policy PP37, proposals for commercial development would also be required to meet a 'very good' BREEAM rating.
91. Given the temporary nature of the proposed development, it is not considered to be financially feasible to include the on-site renewable technologies on site, and such a requirement would be overly onerous in proportion to the scale of the proposed scheme.
92. Similarly, for the same reasons, it is considered that the proposal would not be likely to meet the policy required BREEAM rating.
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93. Whilst this situation would result in the proposed scheme being contrary to Policy PP37, the obvious benefits of delivering a sport facility in this location would outweigh the lack of renewables offered by the proposed scheme.

94. Impact on biodiversity and trees

95. Policy PP33 of Poole Local Plan encourages new development to conserve and preserve biodiversity interest. In accordance with the requirements of Policy PP33 of the Poole Local Plan new development should seek to incorporate ecologically sensitive design features to secure a net gain in biodiversity on site.

96. The proposed scheme does not offer any biodiversity enhancement, nor does it result in the loss of any high value or high volume of biodiversity in the area. The application site relates to an existing hardstanding area and the development would not result to removal of trees or hedgerows. As such, there are no protected species within the application site and there is no harm likely to occur to any protected species in this instance.

97. Having regard to the temporary nature of the proposal and its location and the state of the site, it is considered that the provision of biodiversity enhancement on site would not be practical and proportionate to the proposed scheme. The obvious benefits of delivering a sports facility in this location would outweigh the lack of biodiversity enhancement required by Policy PP33 of the Poole Local Plan.

98. In terms of Biodiversity Net Gain, the proposed development would be exempt from BNG on the basis that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows. Therefore, no further action is required in terms of BNG as it relates to the application site.

99. There are trees and hedging along the south and east boundary to the application site. However, the proposed development would be set some distance away from the trees and hedging in a manner that no harm is expected to occur to the trees and hedging as a result of the development proposed. Notwithstanding this, a condition is secured to provide protective fencing around the perimeter of the site, to ensure the existing hedges and trees are protected from the development.

100. Therefore, the development proposed is considered not been detrimental to the trees and hedging and would accord with Policy PP27 in this regard.

101. Flood risk and drainage considerations

102. The application site is located within Flood Zone 1, and it is not considered to be at increased risk of surface water flooding. There are no concerns about the impact of the proposed scheme on existing drainage and water infrastructure in the vicinity of the site as there is expectation that the proposed development could be accommodated in a manner that would not lead to any issues with drainage or surface water flooding.

103. In terms of the land contamination, the proposed development site is within 30m of an area of potentially infilled ground gases. Furthermore, LPA records indicate the presence of former fuel tanks at the former Creekmoor Service Station, 36 Upton Road. In addition, there have been several site investigations within 250m of the proposed development, indicating the presence of elevated concentrations of ground gases.

104. The Council's Environmental Health Officer advised that as the proposed development includes the installation of changing rooms with showers/toilets and also a café/bar, the development would include the installation of services which could create potential pathways for the migration

of contaminants and ground gases. Although the application advises that this is a temporary building (3 years), no details of the proposed drainage have been submitted at this stage. Consequently, it is considered there is the potential for contamination to exist which could affect future users of the proposed development site.

105. The Environmental Health Officer therefore advised that drainage details should be submitted prior to commencement of the development to ensure the site and adjacent land is protected accordingly. This condition has been secured.

106. **Planning Balance**

107. The Council encourages sustainable development. To ensure that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. The scheme would provide economic benefits during construction and promote healthy living among residents within the district and also result in social benefits for the same reason. It would not result in material harm to the character and appearance of the area of the wider area. It would have acceptable impacts on neighbouring living conditions. Conditions can be secured to address other aspects of development, making it policy compliant.

108. Having recognised the collective benefits of the proposed scheme and considering the non-compliance with the provisions of Policies PP33 and PP37 of the Poole Local Plan, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF. The scheme is therefore recommended for approval.

109. **Recommendation**

GRANT permission for the reasons as set out in this report subject to the following conditions:

Conditions

1. This permission is limited to the period of 3 years starting from the date of this Decision Notice. Upon the expiry of this period of time, the temporary building hereby permitted, shall cease to operate. Within a month of the expiry of this permission, the building, along with all associated services (cycle stores, plant equipment, EV charging points and any other paraphernalia associated with its operation), shall be removed from the land and the land shall be restored to its previous state.

The Local Planning Authority shall be advised in writing when the reinstatement of the site has been completed so that it can be checked on site.

Reason – In order to preserve the land allocation of the site, in accordance with the provisions of Policy PP36 of the Poole Local Plan (November 2018). This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

Proposed Elevations, Floor Plans & Location received on 07 Jun 2024

Roof Plan received on 07 Jun 2024

Site Location Plan received on 07 Jun 2024

Amended Car Parking Plan received on 24 Sep 2024

Site plan with air conditioning plant location received on 24 Sep 2024

Acoustic Report – Noise Impact Assessment received on 24 Sep 2024

DE Minimis Exemption Statement received on 02 Sep 2024

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

3. Prior to commencement of the development hereby approved, the details of a minimum 2m wide footway link linking the site to the existing Upton Road central island pedestrian crossing point shall be submitted to the LPA for written approval. Those details shall include details of construction, drainage and surfacing of the footway which shall be built to Local Highway Authority adoptable standards. The approved works shall be fully implemented prior to the approved use commencing.

Reason: To ensure safe access to the site in accordance with Local Plan Policy PP35.

4. Details of bicycle parking to accommodate a minimum of 55 bicycles shall be submitted to the Local Planning Authority for written approval prior to the first operational use of the development hereby permitted. The details shall accord with the Council's Parking Standards SPD. The approved details shall be implemented prior to the approved use commencing and shall remain available for bicycle parking use until the expiry of the planning consent, as stated by Condition 1.

Reason: To encourage sustainable travel and to ensure appropriate amounts of bicycle parking are available in accordance with Local Plan Policy PP35).

5. At all times the use of the building shall be restricted to indoor sport, recreation, or fitness centre under use class E(d) and the ancillary use areas as detailed on the approved plans (Proposed Elevations, Floor Plans & Location, Site Location Plan, Roof Plan and amended Car Parking Plan).

Reason: To ensure appropriate amounts of vehicle parking are available for uses on the site in accordance with Local Plan Policy PP35).

6. The development hereby permitted including the café, padel courts hereby approved shall only be used between the hours of 07:00 – 22.00 Monday to Friday. 07.00 – 21.00 Saturday and 08.00 – 21.00 Sunday and Bank Holidays.

Reason: In the interests of the living conditions of neighbouring occupiers and in accordance with Policy PP27 of Poole Local Plan (2018).

7. Within 3 months of the commencement of the development details of the provision of 11 active Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the first use of the development hereby permitted. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan - November 2018.

8. The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be always retained and kept available for those purposes.

Reason - In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

9. No part of the development hereby permitted shall be commenced unless the following paragraphs (i) to (iii) (inclusive) have first all fully been complied with:

Preliminary Contamination Risk Assessment (Phase I)

a) A Preliminary Contamination Risk Assessment (Phase I) shall be submitted in writing to the Local Planning Authority. The Phase I should be produced in accordance with 'Land Contamination Risk Management' published by the Environment Agency. The report shall develop a preliminary Conceptual Site Model (CSM) and include a comprehensive risk assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in consideration of the proposed development. If the risk assessment identifies any unacceptable risks, further assessment comprising intrusive investigations will be required.

Site Investigation

a) If a Phase I has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' published by the Environment Agency should be undertaken.

b) A proposed site investigation plan should be submitted to the Planning Authority for review and approval prior to the investigation works taking place. The site investigations should be designed to appropriately assess the risk to human health, the built development, sensitive ecology and controlled waters.

c) A Phase II report will be submitted and approved in writing by the Planning Authority prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in the context of the proposed development. The report shall be prepared by a suitably qualified and competent person and shall include :

i. A detailed site investigation comprising an assessment of soil, groundwater and ground gases / vapours to establish the extent, scale and nature of contamination on the Site (irrespective of whether this contamination originates on the Site).

ii. An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to human health (Site end-users and construction workers), the built environment, controlled waters and sensitive ecology. iii. If the risk assessment identifies any unacceptable risks, a further remediation strategy / plan will be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

Remediation Scheme

a) Remediation will be required if the Phase II establishes the presence of a significant pollutant linkage. If required, a remediation strategy / plan will be submitted to and approved in writing by the Planning Authority prior to development works. The report shall be prepared by a suitably qualified and competent person and the works thereafter will be carried out in full accordance with the remediation strategy / plan. No development works (other than investigative works) shall commence on-Site until such a time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Planning Authority.

b) If required, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on-Site.

c) Following completion of remediation works, a Verification Report which demonstrates the effectiveness of the completed remediation works, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, shall be submitted to and approved in writing by the Planning Authority.

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy PP27 of Poole Local Plan (November 2018).

10. Reporting of Unexpected Contamination

a) The presence of any previously unencountered contamination that becomes evident during the development of the Site shall be reported to the Planning Authority in writing within one (1) week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to re-commencement works in the affected area. The approved details shall be implemented as approved.

b) Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved

11. At no time shall the level of noise emitted from any part of the application site to which this development relates including the building hereby permitted shall exceed:
Between (07.00 – 22.00) Monday – Friday and (07.00 – 21.00) Saturday – Sunday (including bank holidays) 5 dB(A) as determined by BS4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound. at any other time 5 dB(A) as determined by BS4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound, in both cases when measured from any boundary of the application site.

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy PP27 of Poole Local Plan (November 2018).

12. Protective fencing, conforming to specifications in BS5837:2012 “Trees in Relation to Construction”, shall be erected around the retained hedges and trees within the parameter of the site, before any equipment, machinery or materials are brought on to the site and before any ground clearance, tree works, demolition or construction work, including the erection of site huts, is commenced. Such fencing/ground protection shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the depositing of spoil or the storage of materials.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason - To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

13. Prior to the commencement of development, a scheme for the provision of drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be implemented in accordance with the approved scheme prior to the first use of the development hereby permitted.

Reason - To ensure the provision of a satisfactory means of surface water disposal and to avoid potential land contamination and in accordance with PP38 of the Poole Local Plan (November 2018).

14. Informative:

Works in connection with construction and design of the new footway required by planning condition attached to this proposal shall be subject to a S278 Highways Agreement.

Statement required by National Planning Policy Framework (APPROVALS)

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was provided with the opportunity to resolve identified planning issues within the application process including acceptable parking, access and turning arrangements on site, as well as matter relating to BNG. Revised plans were provided to address concerns raised by the Highway Authority Officer. The application scheme satisfied planning policy and other material considerations and was progressed to a recommendation of approval.

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all formal consultation response and representations submitted by the applicant in respect of the application.

Case Officer Report Completed
Officer: Babatunde Aregbesola
Date: 24/09/2024