

PARISH Shirebrook

APPLICATION Extension to Unit F to accommodate additional retail/training facilities, a coffee shop and gym with increased retail/training area to existing first floor

LOCATION Unit F Brook Park East Road Shirebrook

APPLICANT Mr Trevor Hartley Unit A , Brook Park East Shirebrook
NottinghamshireNG20 8RY United Kingdom

APPLICATION NO. 16/00391/FUL **FILE NO.** PP-05084829

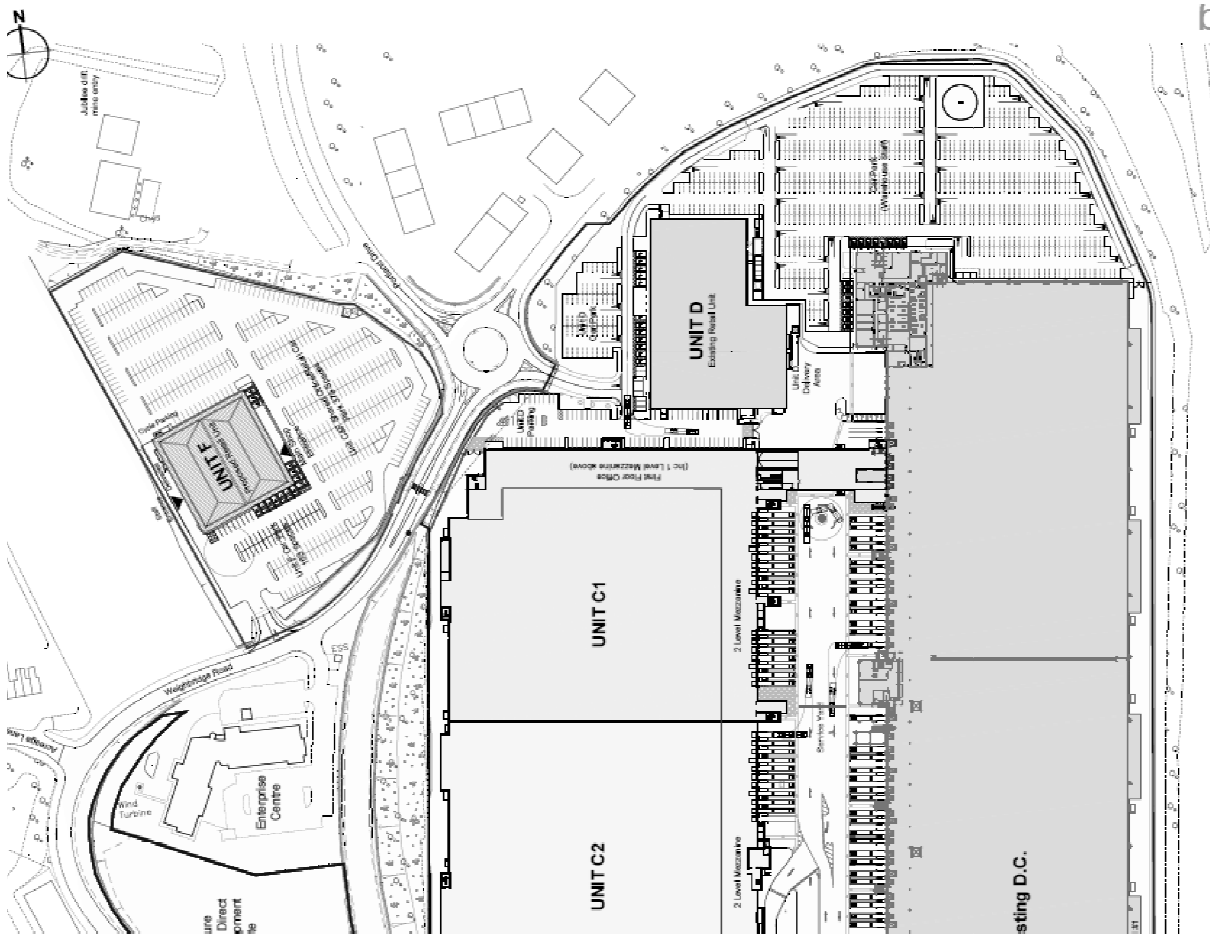
CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 9th August 2016

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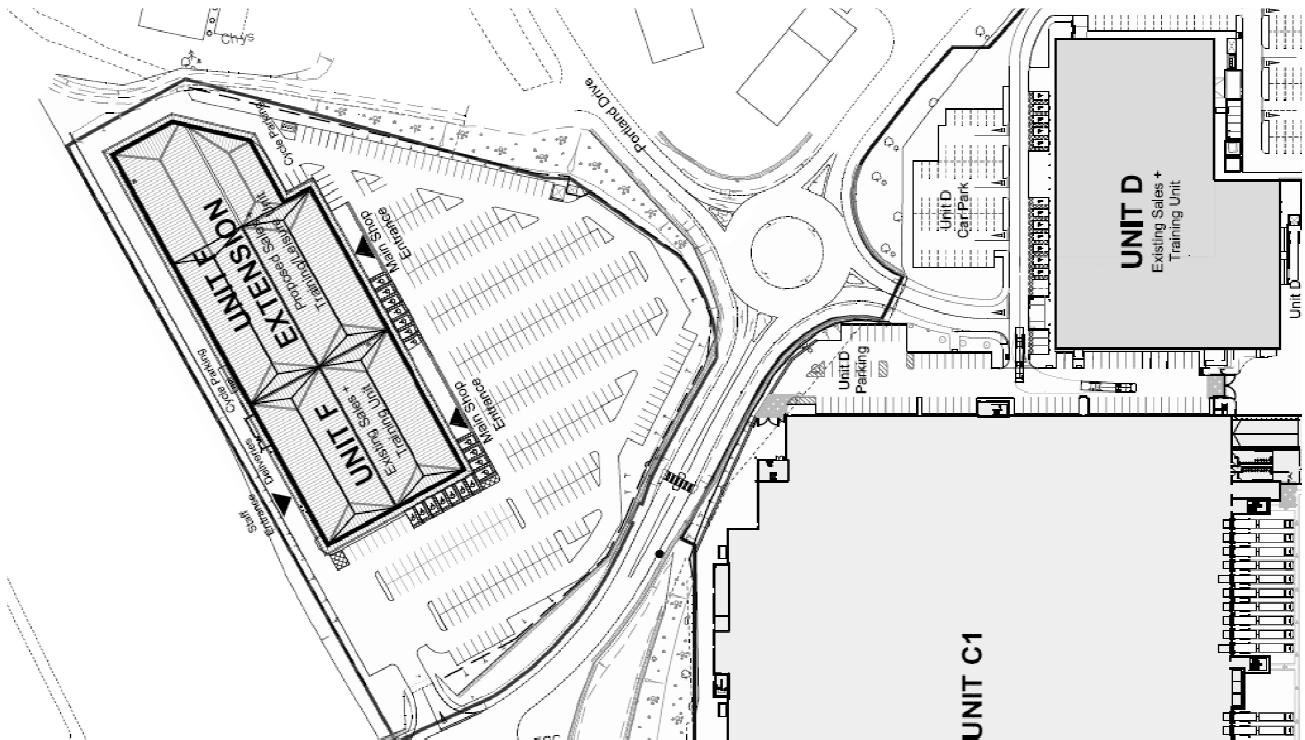
Known as Unit F on the Sports Direct Site within Brook Park Industrial Estate. It is an existing retail, storage and training building associated with the use of the main Sports Direct Head Offices and Warehouse/distribution centre.

The plot for Unit F lies at the northwest side of the Sports Direct campus on the west side of Weighbridge Road and the roundabout junction of Portland Drive and Weighbridge Road. It is adjacent to the south side of the gas generation plant and the public footpath running alongside it. A structural landscaped bund separates the plot from residential development about 80m to the west.



PROPOSAL

The proposed development involves an extension to Unit F to the northern side of the building with associated changes to parking arrangements. The proposed extension would accommodate additional retail/training facilities, a coffee shop and a gym.



The proposal is to more than double the size of unit F. The floorspace would be increased by approximately 2.5 times. The overall footprint of Unit F would be extended by approximately 3,625sq.m (approx'7,250sq.m over both floors).

The Applicant states that the ground floor of the extension will be for sales of specialist outdoor, golf and cycling pursuits (approximately 3,080sq.m) continuing the training and marketing concept of the Sports Direct facility. Just over 200sq.m of the ground floor would accommodate a coffee shop.

At first floor level within the existing Unit F the amount of retail floorspace is currently restricted by planning condition to approximately 649sq.m (no more than 2,500sq.m overall including ground floor). It is proposed to extend this use to the whole of the first floor of the existing unit (approximately 1,934m²) i.e. an additional 1,369m² of retail/training floorspace within the existing Unit F. Condition 3 of planning consent ref. 15/00561/FUL states that "the amount of retail floorspace within Unit F shall not exceed 2500sqm." Given that the proposal would result in a total retail/training floor area of 3,868m² for the whole of the existing unit, the proposal is also to vary this restriction to allow an additional 1,369m² of retail/training floorspace within the existing Unit F.

The first floor of the proposed extension would accommodate a retail/training area (approximately 1,374sq.m) which is proposed for sales of specialist goods such as fishing and equestrian equipment; and the remainder of the first floor will accommodate a gym (approximately 1,940m²) with associated staff and customer facilities.

The gym will primarily be a staff facility to promote and enhance staff fitness and welfare and to provide staff training, testing of new gym equipment and services and to generate customer feedback. It is also proposed to open the gym to local residents at a competitive rate.

The existing 'factory outlet' located on the first floor of Unit D has been relocated to the existing Unit F at first floor level and the ground floor now accommodates the SportsDirect Megavalue.com product range.

A total of 411 car parking spaces are proposed including 18 disabled spaces.

The application is accompanied by several reports including:-

Design and Access Statement;
Flood Risk Statement and Drainage Strategy;
Sustainability Statement;
Business Case;
Transport Statement; and
Retail Impact Assessment.

AMENDMENTS

25/10/16 Additional info on parking arrangements

22/11/16 Revised 2nd Floor layout including gym changing rooms. Plus cumulative floorspace information on the whole Sports Direct Campus including proposal:

Retail/Training:	15752m ²
Ancillary:	2460m ²
Dedicated Training Facilities:	1589m ²
Coffee Shop:	210m ²
Gym:	1940m ²

Applicant states that within these figures the 'retail' floorspace is equally used for training purposes for units D and F. For example, within the Nike area of Unit D, as much as 75% of staff time within there is for on the job training and across the campus, a minimum of 50% of staff time is dedicated to training (both local and visiting staff) as well as direct customer service. The 'retail' areas are constantly used for the development of product display with regular review and reconfiguration taking place. Overall the percentage of floorspace within the campus equates to 90.2% warehousing/offices v 9.8% other and this small percentage of other continues to be ancillary to the primary use of SDI's national distribution centre.

Unilateral Undertaking submitted

As requested the Applicant has completed a draft S106 Unilateral Undertaking (a legal

obligation) which restricts the nature of the goods which can be sold from both the additional retail floor space now sought in Unit F and also from the first retail/training Unit D. The wording agreed is set out in the Assessment section of this report.

1/12/16 In lieu of a contribution for Public Art as sought by policy GEN17 of the local plan Sports Direct has instead confirmed that they are will to provide a contribution of £20,000 towards the provision of a pavilion for Shirebrook Cricket Club as this is consistent with the theme of the previous contribution made. This undertaking has been included in the unilateral S106 undertaking.

HISTORY (if relevant)

99/00065/OUT South Shirebrook outline planning permission approved 2000. Included use classes B1, B2, and B8 on this part of the site. But also ancillary support service uses including food and drink (A3 restaurants and **cafes**) and leisure use (D2 includes **gymnasium**).

02/00010/REM Layout of Roads and employment areas and structural landscaping: approved 2.8.02.

04/00044/FULMAJ Distribution Park with ancillary offices, ancillary retail/training facility and associated hardstandings and car park was approved May 2004. This was the first permission for Sports World. The permission included the erection of 5 large commercial buildings. Two of these were constructed in 2006: unit A – the large warehouse/office building at the eastern edge of the Brook Park site and Unit D – the retail/training facility.

04/00119/REMAJ Creation of employment platforms, layout of roads and structural landscaping (revised scheme) approved 5.5.04.

05/00713/FUL Use of part of the car park to unit A as a helicopter landing pad. Approved 2006.

05/00809/FUL provision of shop front; approved 2006.

06/00679/FULMAJ Distribution Park with ancillary offices and associated hardstandings and car parks (excluding the use of the helipad). This permission allowed a number of design changes to the previously approved buildings A, B, C, and Expansion Unit A.

07/00317/FUL Continue use of helicopter landing pad without compliance with condition 1 of permission 05/00713/FUL (limit to one year of operation). Approved 2007.

09/00557/FULMAJ Two storey extension to north side of Unit D. Approved 2009

10/00279/MINAM Lower the head of curtain walling to the north west corner of Unit D by 1m to match retail unit and all new windows to north and west elevations to be lowered by 1m.

10/00302/FUL Provision of 4 waste compactor bailer pods and a new stair pod on the East Elevation of Unit A. Approved

11/00072/FUL Extensions to two previously approved waste compactor bailer pods for unit A (10/00302/FUL - 10/00523/MINAM) Approved.

11/00312/FULMAJ Erection of warehouse / distribution unit with ancillary offices and associated parking and manoeuvring areas - Use Class B8 (Amended design Unit B to previous permission –first referred to as Unit A expansion 06/00679/FUL).

12/00228/FULMAJ Extension to link existing Unit A and Unit B as a single unit. Approved 15.06.12.

12/00414/FULMAJ Two storey extension for retail, training and ancillary uses to south side of Unit D, re-profiled service access road and extension to car park (as amended by the revised layout plan 17261/A2/105, Rev C and the revised landscape layout plan NK017261_110 Rev C). Approved 2012.

13/00028/MINAM Minor amendment to planning application 12/00414/FULMAJ Unit D to proposed site layout and proposed elevations.

14/00138/FULMAJ Proposed storage and distribution centre and retail, storage and training facility with ancillary parking. Approved.

15/00561/FUL - Erection of retail, storage and training facility with ancillary parking (Amended scheme to include slightly increased floor area, alterations to the internal layout and elevational alterations). Approved.

CONSULTATIONS

DCC Planning Policy Team

24.11.16. Councillor Stockdale has expressed serious concerns about the proposed gym and its likely impacts on the viability and sustainability of Shirebrook Leisure Centre; and the large growth of retail development at the site in recent years, which is not in accordance with the main use of the site for business and industrial development and which has an adverse impact on Shirebrook town centre.

The Officer comments conclude that although the proposed expansion of Unit F would satisfy the requirements of the sequential test in the National Planning Policy Framework (NPPF), significant concerns are expressed about the likely retail impacts of the development as set out in the NPPF. In general terms, significant concern is expressed about the piecemeal and incremental growth in the scale and nature of retail development at the site in recent years. More specifically, there are extensive concerns about the likely individual and cumulative impacts of the proposed expansion of the retail / training area and provision of a gym in Unit F, which need to be mitigated by appropriate planning conditions or a Section 106 Agreement, to ensure that the vitality and viability of Shirebrook town centre is not adversely impacted upon by the application proposals.

Particular concern is expressed about the existing Mega Value retail facility, which has been established in existing Unit F and sells a wide range of comparison goods which are not related to the main use of the Campus for the sale and distribution of sportswear and sports goods. This use was not envisaged by the District Council when it granted permission for existing Unit F. It is considered essential that the use of this retail facility needs to be regularised through this planning application and strictly controlled by planning condition or Section 106 Agreement.

In order to reduce potential adverse impacts on Shirebrook Leisure Centre it is also recommended that an appropriate condition or Section 106 Agreement clause is attached to any permission which restricts the use of the gym to Sports Direct's employees only with no open use for the general public.

DCC also advise that the applicant indicates that 160 additional jobs could be created by the development proposals. In order to support the wider regeneration needs of Shirebrook, DCC consider it to be important that these new jobs are available to the local community and that there is a positive recruitment strategy put in place with jobs being advertised in local job centres in the area; and that appropriate access into work support is provided to identified currently inactive groups. BDC is requested to consider the imposition of an appropriate

planning condition or Section 106 Agreement clause to ensure that the above is facilitated as part of the application proposals.

Environment Agency
No comments 19.8.16

Wildlife Trust
No objections 31.8.16

DCC Flood Risk Team
Any alteration to the existing impermeable surface area of the development site may exacerbate surface water flood risk, so the introduction of new impermeable surface should be limited where possible. *No increased impermeable surface proposed.*
The applicant is advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken.
Other standard comments provided. 5.9.16.

Coal Authority
Adjacent to the north of the proposed site is the Shirebrook Jubilee Drift which is a recorded mine gas site. Consequently it is necessary to consider the hazards to public safety arising from mine gas both in relation to the construction period and during occupation and use of the building. The Coal Authority has no objection to the principle of development subject to the imposition of suitable safeguards by planning condition.

DCC Highway Authority
20.09.16. and 22.11.16 Initial responses expressing concern over possible car parking space shortage over the wider Sports Direct Site.

12.12.16. Comments following further re-consultation on additional info'.
Whilst the Highway Authority remains concerned that there may be a shortfall in the amount of parking in relation to development on the Sports Direct site as a whole and does not necessarily concur with some of the methods used to calculate or demonstrate the adequacy of the existing provision, I am mindful of the fact that the standards recommended in current guidance do refer to a maximum provision. On the basis that the applicant maintains that there is adequate parking within the site, that some of the parking at Unit F originally allocated to other Units has been accommodated elsewhere within the site and that no reports of problems with on-street parking or indiscriminate parking have been raised, I consider that an objection to the car parking provision on highway safety grounds would be difficult to sustain.

The applicant states that all warehouse staff use the car park on the western side of Weighbridge Road and access via the footbridge and that all office staff use the main car parks on the eastern side, as such all parking within Unit F will be allocated to the proposed uses intended to take place within the unit.

On the basis that all the parking on the Sports Direct site is now deemed to be allocated and on the understanding that any future applications will require their own car parking provision, there are no objections to the proposal from the highway point of view.

Conditions are requested re: Construction method statement and site compound; and provision and maintenance of parking and manoeuvring space.

Environmental Health Officer

Considers that the proposed development could potentially impact on the aural amenity of the nearby residents. Therefore we would recommend a noise condition.

Also recommends a condition requiring a coal gas risk assessment and mitigation measures, and a condition dealing with any unexpected ground contamination.

Shirebrook Town Council

The application needs to align with the Local Plan and the proposed Development Framework for Shirebrook.

Public Art Officer

Seeks a contribution for public art a level of 1% of development cost.

Leisure Services Officer

Would welcome the contribution towards a sports pavilion. We are currently working with Shirebrook Cricket Club who are looking to develop a new pavilion on their ground which is close to the Sports Direct site, so this is the project that I would suggest if they are keen to invest their contribution in another pavilion.

Mansfield District Council.

Awaited.

PUBLICITY

Advertised in the press. Two site notices posted. 66 properties consulted.

One representation received seeking assurance that there will be no further expansion of the Megavalue retail use to protect Shirebrook Town Centre and small traders.

Need to know what will be sold on first floor classed as factory outlet.

Needs to be ancillary to sport activities.

We have no issue with other elements of application namely gym and coffee shop, only retail activities.

POLICY

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development)

GEN2 (Impact of Development on the Environment)

GEN5 (Land Drainage)

GEN6 (Sewerage and Sewage Disposal)

GEN13 (Provision for People with a Disability)

GEN17 (Public Art)

EMP2 (South Shirebrook Mixed Development Regeneration Package Providing a Key Employment Site and Residential Development)

SAC10 (Retail Development at Industrial or Warehousing Sites)

SAC13 (Retail Development Outside Defined Town and Local Centres)

TRA13 (Provision for Cyclists)

Consultation Draft Local Plan for Bolsover District (Oct 2016)

WC4 Retail, Town Centre and Local Centre Development: seeks to maintain and enhance the vitality and viability of town centres. Retail development must be appropriate in scale and function to its location, and a sequential and retail impact assessment will be required for applications in out of centre locations where more than 500sqm of gross retail floorspace is proposed.

WC2 General Principles for economic development:Job creating developments will be encouraged to demonstrate how they will maximise opportunities for employing local people and developing skills.

National Planning Policy Framework

Core Principle 1: states that local authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Local planning authorities are also required in establishment of their respective Development Plan to support existing business sectors, taking into account their status including likely expansion and business needs. Priority areas for economic regeneration are also endorsed.

Core Principle 2: states that planning policies should be positive and promote competitive town centre environments. For out of town developments it details the requirement for the sequential testing of retail and leisure submissions and the need for Retail Impact Assessments. It states at para'24 that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Local Planning Authorities should require an impact assessment for applications for retail outside of town centres that exceed a specific threshold of 2,500m² retail floor space.

Core Principle 4: encourages a pattern of development that, where reasonable to do so, facilitates the use of sustainable modes of transport. It also requires the provision of a Transport Statement (TS) or Transport Assessment (TA) with developments anticipate generating a marked number of additional movements using existing transport infrastructure.

Decisions need to be a balance of economic, social and environmental issues. Authorities should seek to negotiate amendments to make applications approvable if at all possible.

Para' 17 Planning should.... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

ASSESSMENT

The main issues to assess for this proposal are considered to be: the principle of development including the potential economic benefits resulting from the proposal; impacts on the vitality and viability of the town centre; highway impacts and visual impacts.

The principle of development

The proposed development is at Brook Park, which is allocated under Policy EMP2 of the adopted Bolsover District Local Plan for a major mixed-use regeneration and employment. The policy is permissive of a range of uses, which includes B1 Business, B2 General Industry, B8 Storage and Distribution and secondary uses that provide equivalent employment opportunities and are compatible with other policies in the Plan.

A further material consideration is that the original outline planning permission for the South Shirebrook Development also permitted ancillary support service uses including food and drink (A3 restaurants and cafes) and also leisure use (D2 which includes gymnasiums) on the industrial estate.

The main policy issue to consider is whether or not the retail element of the proposal complies with local and national planning policy. Since the Local Plan policies are quite old where a conflict arises with NPPF policy the NPPF takes precedence. Similarly the NPPF takes precedence over the Consultation Draft Local Plan for Bolsover District (Oct 2016) given the early stage in the plan process so its policies have very limited weight.

NPPF retail policy for out of centre sites is set out above (in the Policy section of this report). It says that local planning authorities should apply a town centre first sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The Local Plan has a similar policy (SAC13, 2) as does the Draft local plan (WC4).

Sequential Test

The Applicant has submitted a sequential test assessment and they conclude that the application passes the sequential test because “there are no available suitable sites within or on the edge of the town centre. There are no sequentially preferable sites out of centre which are suitable and available and are more accessible or provide greater opportunity for linked trips to the town centre. There are no existing retail or commercial units of an adequate size that are for sale or rent and therefore available for consideration within Shirebrook.”
“The other comparison goods floorspace in Shirebrook is not of a format, location or scale able to accommodate the combined retail and training function of the proposed store alongside a SportsDirect branded gym facility.”

The assessment also concludes that the retail training facility would be inextricably linked to the remainder of the warehouse/office element of the scheme and therefore cannot reasonably be separated for the purposes of the sequential approach. This is an argument that the Council has previously accepted when Sports World first sought permission for development on Brook Park which also included a retail/training unit (Unit D). The Council, in granting that planning permission (04/00044) concluded that:-

“It is accepted that there are special operational reasons why the ancillary retail element of the proposal needs to be integrated and located within the overall development of the site which does not fit neatly with the standard application of town centre shopping policies particularly with regard to the sequential test. Nevertheless through the imposition of planning conditions it is considered that the proposal generally complies with Government guidance and Development Plan retail policy, and any remaining concerns regarding the sequential test and the scale of the proposal are outweighed by the major economic and employment benefits that will result from the regeneration of the site in the manner proposed.”

DCC Policy Team has been consulted on the application and is satisfied that the current application proposals for the expansion of Unit F meet the requirements of the sequential test in paragraph 24 of the NPPF.

Retail Impact Issues

The Applicant has submitted a concise retail impact assessment which concludes that:-

- the store would not cause any detrimental harm to any defined centre and may have a positive impact upon Shirebrook, as a result of increased levels in passing trade and related employees using the retail and service facilities located within the centre for convenience shopping.
- due to the lack of specialist sports stores within Shirebrook centre, the proposed retail/training function of the development will have no impact on the existing centre. Furthermore, it is unlikely that such goods would be sold from a centre such as Shirebrook whose main function is to serve the everyday needs of the populace. Instead, it is likely that the turnover of the proposed retail/training store will be attracted from a much larger area than Shirebrook’s catchment. Trade diversion will predominantly be dispersed across a number of existing centres and largely from existing Sportsdirect.com stores so is unlikely to have any impact on centres overall or independent traders. Any diversion from the larger local centres will be imperceptible and the smaller local centres such as Worksop and Bolsover do not have comparable retail offer in respect of specialist sports clothing and equipment.
- the retail/training store facility proposed by Sportsdirect.com, as an ancillary part of their distribution and office park at Shirebrook, fully accords with all the retail based criteria set out at national, strategic and local levels.

However it is considered that these conclusions of the Applicant’s retail impact assessment do not take any account of the potential expansion of the recently established Mega Value branch of the business which does compete directly with the retail offer in Shirebrook Town Centre selling a wide range of goods which have no direct relationship with the original use of the site for the storage, distribution and retailing of sportswear and sports goods. This is the main concern with the current application.

When planning permission was granted for units D and F (The two retail training units) conditions were imposed designed to ensure that the goods sold remained ancillary to the sports direct main use of the site. The conditions for unit F stated:-

'The range of goods to be sold from Unit F shall be limited to products sold or intended to be sold by the operator of Unit C through its retail stores elsewhere'. And

'The amount of retail floorspace within unit 'F' shall not exceed 2500sqm.'

Sports Direct had originally stated that their planned use for Unit F was for their upmarket clothing brands and in drafting the above conditions Planning had not anticipated Sports Direct setting up a new line of business in bargain shops. However they did so and because the Mega Value line is operated by Sports Direct and products are distributed from the main warehouse (Unit C) the conditions are not breached.

Sports Direct are now seeking to expand the amount of retail floorspace within an extended Unit F by approximately 6000sq.m. The current planning permission restricts the amount of retail floorspace to 2500sq.m. and given the failure of the conditions of the previous planning permissions to protect Shirebrook from the retail impact of the Mega Value business, if permission is to be granted, it is considered to be essential that adequate controls are put in place to ensure that a permission would not facilitate the expansion of the Mega Value retail floor area (or another type of retail that would compete directly with Shirebrook) at Unit F or enable it to be swapped out for space at Unit D.

In order to deal with this concern the Applicant has agreed to complete a unilateral S106 obligation (a legal undertaking) to control the type of goods sold to include the following wording:-

"the range of goods to be sold from Unit D and Unit F shall be limited to goods sold by the operator of Unit A and/or Unit C through its retail stores elsewhere; and

of the retail goods to be sold from Unit D and Unit F, no more than 2,500 sqm of retail floorspace as a combined total shall be used for the sale of goods which are not sports goods, sports clothing, or clothing or fashion accessories (and for the avoidance of doubt sports goods includes a limited range of leisure goods and large garden accessories specifically outdoor products such as camping and walking equipment, trampolines and large garden equipment)

unless otherwise agreed with the Council"

Subject to the completion of this legal undertaking it is considered that the retail impacts on Shirebrook will be relatively limited. DCC Planning Policy agrees with this view. Shirebrook town centre does not currently contain any significant level of retail floorspace used for the sale of specialist sportswear and sports goods, which could potentially be impacted on by the proposed expansion of Unit F.

In terms of the potential impacts on committed and planned investment within Shirebrook town centre, it is considered that the Lidl development is likely to go ahead and given the nature of its use as a discount food operation, the future development of the proposed Lidl foodstore is unlikely to be impacted upon by the proposed expansion of Unit F.

Gymnasium

DCC Planning Policy and Councillor Stockdale have expressed concerns about the potential adverse impacts of the proposed gym at the Sports Direct site and how it could affect the future viability and sustainability of Shirebrook Leisure Centre, which is an important community facility within the town. In order to ensure that the potential impacts on Shirebrook leisure centre are minimised, DCC request that if BDC is minded to grant permission for the proposed gym, a condition or Section 106 Agreement clause be used which restricts the use of the gym to Sports Direct's employees only such that it is not open to the general public.

The Applicant has been asked if they would be willing to accept this restriction. However they have confirmed that they are not willing to agree to a restriction on the gym. Notwithstanding the likely competition with The Shirebrook Leisure Centre, given that the original outline planning permission for the South Shirebrook Development (99/00065/OUT) allows ancillary uses within the employment zone and this specifically includes leisure use D2 which includes gymnasium use, it is considered that it would be difficult to justify a refusal on the basis that the gym would be open to the public and could affect the viability of the Leisure Centre.

As to whether the gym would be an ancillary use if it has public access, the Council has accepted that the retail/training units are ancillary uses which obviously need public access to fulfil their function, although a gym does not necessarily rely on public custom in the same way (it could just serve the Sports Direct Staff). The Applicant says that the gym will primarily be a staff facility to promote and enhance staff fitness and welfare and to provide staff training, testing of new gym equipment and services and to generate customer feedback. Despite public access, it is considered that this description of the gym use proposed can reasonably be taken to be ancillary to the Sports Direct Head Office use and that it would not be reasonable to preclude public access given the terms of the outline planning permission.

Coffee Shop

No significant adverse impacts expected at the scale proposed. The outline planning permission allowed ancillary use for food and drink.

Employment Issues

The development is expected to generate an additional 160 full time equivalent jobs which is to be welcome and there are other associated economic and social benefits associated with the construction and operation of the extension.

As set out above (in Consultations), DCC Planning Policy has requested a condition or S106 clause be used to require a positive recruitment strategy including a requirement for the new jobs to be advertised in local job centres in the area and that appropriate access into work support is provided to identified currently inactive groups. This request has been put to Sports Direct who say that:

“formalising this might prove questionable in respect of the tests and is probably not needed given that the general arrangements are already in place as part of the NG20 set-up. I can confirm that SDI maintain their support for local employment initiatives as part of this.”

The CIL regulations and NPPF set out tests for planning conditions. The first of these is that a condition must be “necessary” to make the development acceptable in planning terms. In this

case it is considered that acceptability does not rely on a local employment clause to make it acceptable and that the clause would fail the “necessary” test. In addition one of the functions of the gym set out by the Applicant is staff training. It seems likely therefore that there would be a high turnover of staff being trained for relatively short periods of time. They may be sent from other areas for training courses etc. Hence it may not be an appropriate or reasonable case to seek to require a local employment clause. None exists for the other buildings on the campus and it may prove unreasonably restrictive to the movement of staff between buildings or roles.

Impacts

Highway Safety

The Highway Authority has some concerns about the amount of parking space available (See Consultations above), however they advise that an objection to the car parking provision on highway safety grounds would be difficult to sustain at appeal and ultimately they have no objections to the proposal subject to conditions including the provision and maintenance of parking space. The condition recommended seeking a construction method statement and site compound is not considered to be necessary in this location.

Visual Impacts

The proposed extension is of the same height and follows the design, style and materials used in the existing building. External appearance is therefore considered to be acceptable.

Residential Amenity

Given that the proposed gym could involve playing music and there are louver vents proposed on the west side of the extension facing residential property it is considered that a noise condition is necessary. Given the distance to existing dwellings it is likely that noise can be successfully managed by condition.

Flood Risk

The proposal does not increase the amount of hard surface on site hence the rate of surface water discharge should not be materially different to existing.

Ground Gas

The Coal Authority and the EHO have highlighted potential safety risks from ground gas. Further investigation of the risks and the means to mitigate them can be dealt with by condition.

Contamination

Unlikely because the site has already been remediated as part of the reclamation scheme.

Public Art

The Council’s Arts Officer has requested a contribution to public art in accordance with the Council’s policy GEN17. This policy states that:

“The local planning authority will seek to negotiate the provision of a work or works of art or a contribution to community arts at a level of 1% or more of the total cost of the scheme on major developments, costing one million pounds or over, to which there is public access or

which will have a significant visual impact.....”

The request has been put to the Applicant in line with policy but the Applicant has not agreed to an art contribution. They have however offered £20,000 as a contribution towards a new Shirebook Cricket Club pavilion which they have included within the draft Unilateral S106 undertaking. Given that there is not a policy requirement for a leisure contribution in this case and that the contribution would not pass the CIL tests Members should not give any weight to this contribution in the planning balance.

Since policy GEN17 does not require a contribution to art rather it requires negotiations, the lack of an art contribution is not contrary to policy. Also it should be noted that a contribution to public art is not necessary to make the application acceptable and that the lack of a contribution is not a reason for refusal. It should also be noted that EMDA made S106 monies available for public art in the original restoration scheme, and so there would be an element of double payment in relation to this scheme which is generally not justified.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: CCTV coverage of the car parks is proposed.

Equalities: No significant issues have been raised.

Access for Disabled: No significant issues have been raised.

Trees (Preservation and Planting): No significant impacts

SSSI Impacts: No significant issues.

Biodiversity: No material impacts.

Human Rights: No significant issues have been raised.

Summary

The proposal complies with the sequential test regarding it's location outside the town centre. With regard to retail impacts especially on Shirebrook any potential expansion of the Mega Value floor space or other retail enterprise which would compete directly with Shirebrook has the potential to have significant adverse effects on the vitality and viability of the town centre. However a Unilateral S106 obligation has been drafted and submitted restricting the type of goods which can be sold from the additional floor space proposed and from unit D to sports goods and clothes and certain leisure goods. Subject to the signing of this undertaking it is considered that the retail impacts on Shirebrook will not be significant. There may be an impact on custom for Shirebrook Leisure Centre however gym use on this site has already been permitted by the outline planning permission for the South Shirebrook regeneration scheme. Subject to appropriate conditions no other harmful impacts have been identified that would justify refusal or outweigh the economic benefits of the proposal.

RECOMMENDATION

Approve

Subject to the S106 Unilateral Undertaking being completed restricting the nature of goods sold as set out above. If the S106 has not been completed at the time of Planning Committee, delegated authority be given to the Planning Manager/ Assistant Director of Planning & Environmental Health to issue the decision on completion of the

S106.

And subject to the following conditions given in précis form to be formulated in full by the Planning Manager/ Assistant Director of Planning & Environmental Health:-

Conditions

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

2. No development including any site preparation or clearance works shall be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority to achieve the following:-

* The undertaking of a scheme of gas monitoring;

* The submission of a report to the Local Planning Authority for written approval of the findings arising from the gas monitoring, detailing working practices and any mitigation measures necessary during construction to protect both on-site and off-site personnel; and

* The submission of a report to the Local Planning Authority for written approval of the findings arising from the gas monitoring detailing any gas protection measures necessary to be included within the building to protect public safety.

* Implementation of and compliance with the approved working practices and any mitigation measures identified as necessary during the construction process.

3. In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

4. The development hereby approved shall not be brought into use unless and until an assessment of sound, including amplified music emanating from the gym, has been undertaken and a scheme specifying any provisions to be made for the control of sound has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development, will be no greater than the residual sound level between the hours of 8am and 8pm; and shall be at least 5 decibels below the residual sound level between the hours of 8pm and 8am. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter.

(The references in this condition to rating level and residual sound level have the same meaning as those defined in BS4142: 2014 Methods for rating and assessing industrial and commercial sound).

5. Prior to the extension being taken into use, the car parking and manoeuvring space shall be laid out in accordance with the approved application drawing and maintained throughout the life of the development free of any impediment to its designated use.

6. This permission shall relate to the application as amended by the revised first floor layout building plan NK018348 - RPS-F2-FF-DR-A-103 Rev P03 unless an alternative first floor layout for the gym area has been submitted to and approved in writing by the Local Planning Authority.

Notes to Applicant

A S106 planning obligation (a legal undertaking) relates to this permission which requires:-

The range of goods to be sold from Unit D and Unit F shall be limited to goods sold by the operator of Unit A and/or Unit C through its retail stores elsewhere; and

of the retail goods to be sold from Unit D and Unit F, no more than 2,500 sqm of retail floorspace as a combined total shall be used for the sale of goods which are not sports goods, sports clothing, or clothing or fashion accessories (and for the avoidance of doubt sports goods includes a limited range of leisure goods and large garden accessories specifically outdoor products such as camping and walking equipment, trampolines and large garden equipment) unless otherwise agreed with the Council. And

The payment of £20,000 towards the provision of pavilion for the Shirebrook Cricket Club.
