

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

13 August 2019

A report by the Acting Executive Director for Economy and Infrastructure

Application Reference No. [5/19/9008](#)

Application Type: Full Planning Permission

Proposal: Replacement of existing fibre glass wave effect roof with a shallow profiled insulated panel roof with protruding roof lights and installation of roof mounted solar panels (photovoltaic and thermal).

Location: Sandgate Hydrotherapy Pool, Sandylands Road, Kendal, LA9 6JG

Applicant: Cumbria County Council

Date Valid: 3 July 2019

Reason for Committee Level Decision: Application made by the Acting Executive Director of Economy and Infrastructure

1.0 RECOMMENDATION

- 1.1 That planning permission be granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought to replace the existing white fibreglass wave effect roof of Sandgate Hydrotherapy Pool with a shallow profiled insulated panel roof with 4x protruding roof lights and to install roof mounted solar panels (38x photovoltaic and 4x thermal). This proposed development has arisen out of aspirations to reduce the running costs of the pool. Planning permission is required because of the height of the proposed replacement roof structure.
- 2.2 The proposed new roof would have a nominal pitch set at 1.5° and be formed from light “Merlin Grey” coloured (RAL 180 40 05) insulated Kingspan panels with raised joints. To accommodate the proposed new panel roof, insulated spandrel wall panels coloured “Basalt Grey” (RAL 7012) would be installed above the concrete ring beam that sits on top of the existing pool walls. As such the surface of the new roof would vary in height – with the surface plane of the roof measuring approximately 0.5m above the concrete ring beam (i.e. approximately 4.1m agl) at the lower north-western end of the roof and up to approximately 0.8m above the concrete ring beam (i.e. approximately 4.25m agl) at the higher south-eastern end. N.B. The external ground level varies around the pool facility.
- 2.3 A north-light roof light system is proposed. This would have aluminium framed double-glazed units set at a 60° angle facing northward, and Polyester Powder Coated (PPC) aluminium sandwich panels coloured Basalt Grey to the other sides. The aluminium frames to the double glazed units would also be finished in a Basalt Grey colour. The proposed roof lights would be sited above the pool and would sit up to 0.8m above the plane of the roof (and would thus stand approximately 5.1m agl at the highest point). The roof lights would be situated in 4 staggered rows, with each bank of lights having a footprint of 3m x 1.45m. The roof lights would be set back at least 3.1m from the edge of the sides of the pool

roof; 4.25m from its lower north-western edge and 1.5m from the south-eastern edge of the pool building roof (but 7m from south-eastern building line).

- 2.4 It is proposed to install 4no. solar thermal panels in a continuous row on the lower flat roofed entrance area. The panels are proposed to be fixed in a landscape orientation and set at a 15° pitch. Each panel would measure 1m x 2m, so the footprint of the bank of thermal panels would measure 8m in length and just under 1m in width. They would measure up to 0.3m in height above the plane of the roof. The thermal panels would be set back at least 0.7m from the edge of the roof. This system would provide a pre-heat for the existing 250 litre unvented indirect hot water cylinder.
- 2.5 It is also proposed to install 38no. 340w solar photovoltaic panels across the new pool roof and the flat-roofed entrance area, with 29 panels sited on the pool roof and 9 panels on the entrance area roof. Each panel would measure 1.7m in length by 0.94m in width. It is proposed that they would be fixed in a portrait orientation and set at a 15° pitch. As such they would measure up to 0.5m above the planes of the roofs. The panels would be set out in six rows; with two rows of 9 panels book-ending four rows of 5 panels interspersed by the roof lights. The panels would be set at least 1m from the edge of the roofs. This solar photovoltaic system would have a peak power output of 12.9 kWp and would generate 10,539 kWh a year. As such, based on past energy usage figures, this system would provide approximately 20% of electrical energy required by this facility.
- 2.6 Both types of solar panels would be mounted on metal frame systems and the surfaces of the panels would be black in colour.
- 2.7 It is noted that it is also proposed to provide a new single ply membrane covering to replace the existing felt covering on the flat roof above the entrance area and that new aluminium rainwater goods are also proposed.

3.0 SITE LOCATION & DESCRIPTION

- 3.1 Sandgate hydrotherapy pool is located in the north-east side of Kendal within the mid-twentieth century built Sandylands housing estate. It shares a site with Sandgate Special School and is accessed off Sandylands Road. The County Council is responsible for the safe and efficient operation of the hydrotherapy pool – managing the building and employing its staff.
- 3.2 The Hydrotherapy Pool was built in 1977. The facility is housed within a single storey building with flat felted roofs to ancillary spaces and a white fibre glass wave effect roof to the pool. This fibre glass roof is supported on curved beams bolted to a concrete ring-beam to the top of the masonry perimeter walls. The flat roofed elements stand approximately 3.2m above ground level. The crest of the wave roof stands approximately 4.75m agl. The external walls of the building are formed from buff brick.
- 3.3 The pool building is situated within the northern part of the site and is set back at least 23m from the highway. The hydrotherapy pool facility is approximately rectangular in footprint with a small number of rectilinear protrusions. It measures approximately 24m in length and is generally 10m in width. There is a direct link into the school via the wet-change room which is set off the south-western side of the school. On site car parking bounds the pool facility to its north-eastern and south-eastern sides with Sandylands Road being present to the east beyond this.

The school lies to the pool buildings' south-western side. The school buildings are all single storey and have a mixture of dual-pitched, mono-pitched and flat roofs finished with a variety of materials including concrete roof tiles, Sarnafil Decor Profile PVC and felt roofing. The pool building is set back at least 6m from the sites' north-western boundary. The rear gardens of a terrace of two storey properties (1-8 Eastgate) back onto this boundary which is formed by a mixture of 1.8-2m high close boarded timber fencing and mature shrub planting. The rear elevation of the nearest terrace property measures approximately 16m in distance from the pool building. There are a number of mature trees, a few recently planted trees and mature shrubs and hedgerows distributed to the eastern side of the complex of buildings on this site.

- 3.4 The pool building is over 150m away from the north-eastern boundary of Kendal's Conservation Area and there are no listed buildings within 200m of it.
- 3.5 Following the Environment Agency's re-evaluation of flood risk zones after the Storm Desmond Flood Event in December 2015, the pool is now situated within Flood Risk Zone 3 (it was previously in flood risk zone 1). It is understood that neither the pool nor the school buildings experienced flooding during Storm Desmond, although the Section 19 Flood Investigation Report indicates that the flood extent encompassed Sandylands Road in front of the site. Flood risk to this site is associated with the eastern and southern Stock Beck systems and the capacity of the Stock Beck Flood Storage Basin.

4.0 SITE PLANNING HISTORY

- 4.1 There have been two applications for small extensions to the pool facilities over the last twenty years. Planning permission was granted in May 2003 for an extension to the pool facilities and car parking area (Ref. [5/02/2231](#)). In February 2012 planning permission was granted for a 24m² extension to the southern side of the north-eastern elevation to provide new changing room facilities and for alterations to the car park (Ref. [5/12/0006](#)).
- 4.2 There have also been a number of incremental extensions to Sandgate Special School over the last forty years (Refs. [5/83/0147](#); [5/97/9008](#); [5/00/9016](#); [5/02/9012](#)).

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 South Lakeland District Council Planning Department: No objection provided no significant amenity harm will be caused to third party residential amenity or to landscape character as part of the proposal.
- 5.2 Kendal Town Council: No response received.
- 5.3 Cumbria County Council Highways Development Management: No objection. Comments that solar panels are designed to absorb light and accordingly reflect only a small amount of the sunlight that falls on them compared to most other everyday objects. Considers that the proposed solar panels are unlikely to have more glare than the current white wave effect fibreglass roof.
- 5.4 The pool falls within the Kendal Nether County Council Electoral Division. The Councillor representing that division, Cllr Shirley Evans, has been notified of this application.

5.5 No representations have been received.

6.0 PLANNING POLICY

6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process. The development plan documents deemed relevant to the consideration of this application are:

- [South Lakeland Core Strategy](#) - adopted 20 October 2010.
- [South Lakeland Development Management Policies Development Plan Document](#) – adopted 28 March 2019.

6.2 The following policies from these local development plan documents are considered to be relevant to the consideration of these applications:

- CS1.1 - Sustainable Development Principles
- CS2 - Kendal Strategy
- CS7.7 - Opportunities provided by energy and the low carbon economy
- CS8.4 - Biodiversity and Geodiversity
- CS8.7 - Sustainable construction, energy efficiency and renewable energy
- CS8.10 - Design
- DM1 - General Requirements for all development
- DM2 - Achieving Sustainable High Quality Design
- DM6 - Flood Risk Management and Sustainable Drainage Systems

6.3 [The National Planning Policy Framework](#) (NPPF) was published in a revised form in February 2019. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Section 2 - Achieving sustainable development: Paragraphs 8 & 11;
- Section 8 - Promoting healthy & safe communities: Paragraphs 91 & 95;
- Section 14 - Meeting the challenge of climate change, flooding and coastal change: Paragraphs 148, 150, 155, 163, 164 & 165;

7.0 PLANNING ASSESSMENT

7.1 I consider that the key planning issues are whether the proposal is acceptable in principle and whether the proposed scheme design and layout would result in any unacceptable impacts on residential or visual amenity or highway safety. Other material considerations include the potential for the scheme to impact upon the historic or natural environments.

Principle

7.2 Policies CS1.1 and CS7.7 support the realisation of opportunities to mitigate against climate change by increasing the proportion of energy derived from renewable sources. CS7.7 expands on this by expressing support in principle for solar power micro-generation projects where they are appropriately located and

avoid harmful impacts on the historic environment. CS8.7 encourages energy efficiency and renewable energy measures and sets out that the most appropriate technologies for the site and surrounding area should be used, having due regard to the physical nature of the development such as aspect, building height and the environmental quality of the surrounding area. In light of the above, the principle of this development, which seeks to both reduce energy usage (by providing a more thermally efficient roofing system) and maximise the amount of electrical and heat energy generated by renewable solar power is considered to be strongly supported by strategic planning policies.

Potential Impacts

- 7.3 By virtue of the profile, height, orientation and design of the proposed new pool roof, roof-lights and solar panels; and their distance from properties to the north and south; I do not believe the proposals will result in any adverse impact on residential amenity, as they will not be overbearing, result in any loss of outlook, sunlight or overshadowing nor lead to any direct view of the solar panel surfaces from nearby properties that could result in glint or glare.
- 7.4 The existing wave effect roof is a distinctive and characterful feature in the Sandylands area of Kendal; however, it is recognised that its form makes maintenance difficult (and in turn has led to limitation of natural light within the pool) and that its fibreglass construction has limited longevity (and that this is evident from its current condition). The proposed roof is less characterful and more functional. Given the variety of forms and finishes of roofs on the Sandgate site, the proposed light grey coloured insulated roof panels are considered to be acceptable and in-keeping with the form, tone and colour palette of roofs on site and those present in the wider neighbourhood. The roof-lights and solar infrastructure would be set back from the edges of the building closest to public vantage points, with visibility of the roof being generally limited to mid-distance views from Sandylands playing field where it would be seen in the context of the complex of this site and its diverse roofscape. I do not consider that the proposal would detract from the roofscape of the wider area or the local street scene. Nor do I consider it to have an adverse visual impact nor any impact on the wider landscape.
- 7.5 I believe that, in light of the angle of the north-lights, their distance from Eastgate and the intervening presence of solar photovoltaic panel arrays, that the proposal would not result in any overlooking (and associated loss of privacy) to pool users.
- 7.6 The set-back positioning of the pool facility buildings from the highway alongside the low-pitch and orientation of the roof and solar panel and the limited reflectivity of the solar panel surfaces limits the potential for glint (direct reflection of sunlight) or glare (reflection of the bright sky) to affect those moving through public spaces outside the site. These factors combined with the curved alignment and shallow gradient of Sandylands Road around the site (and the position of other buildings along the road on the approach to the site) and the presence of a number of mature trees and planting between the pool building and road means there is considered to be negligible visibility of the solar panels from motor vehicles on the highway. Consequently, I consider that the proposal would not adversely affect highway safety as a result of glint or glare.

Other Material Considerations

- 7.7 Although the facility is situated within Flood Risk Zone 3, the proposed

development would not increase the building footprint nor the capacity of the pool. As such the proposal would not increase flood risk in the area. The existing roof of the building has been surveyed by an ecologist and found to be unsuitable for bat roosting and free of bird nests. The proposal would not affect any heritage assets directly or indirectly. Accordingly, the proposal would not have any adverse impacts upon the natural or historic environment and therefore complies with policies CS8.1, DM1 and DM6.

8.0 CONCLUSION

- 8.1 The proposed new roof would enhance the experience of users of the hydrotherapy pool by providing a clear source of natural light and creating a more consistent and temperate environment that avoids direct sunlight and reduces glare. The insulated roof panel system would provide an improved thermal performance (reducing energy consumption) while the solar panels would provide electrical and heat energy that would increase the proportion of energy derived from low-carbon renewable sources. Consequently, the proposal would increase the physical lifespan of the roofs and improve the economic and environmental sustainability of this much valued community facility. As such the proposal would deliver profound and multiple benefits that align with planning policy. Furthermore, I am satisfied that the proposed new roof system and solar panels have been sympathetically designed so as to ensure the proposal would have negligible impact upon residential or visual amenity or highway safety.
- 8.2 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise. It is therefore recommended that this application be granted subject to conditions

Human Rights

- 8.3 Given the nature and purpose of the proposed development no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Angela Jones
Acting Executive Director for Economy and Infrastructure

Contact: Mr Edward Page

Electoral Division Identification: Kendal Nether ED

Development Control and Regulation Committee – 13 August 2019

Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The submitted Planning Application Form – dated 1 July 2019;
 - b. Planning Supporting Statement (Report Ref. CM18002/PSS1) – dated 1 July 2019;
 - c. Site Location Plan - Drawing No. CM18002-A-030 – Rev.P1;
 - d. Proposed Roof Plan - Drawing No. CM18002-A-131 – Rev.P1;
 - e. Proposed Elevations - Drawing No. CM18002-A-220 – Rev.P1;
 - f. Site Compound Layout - Drawing No. CM18002-A-030 – Rev.P1;
 - g. Email dated 10 July 2019 from Agent re Colour Finishes and Clarifications and associated External Coating Colour Range Brochure;

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

