
Subject: DOVER LEISURE CENTRE – ANCILLARY WORKS AT THE DANES

Meeting and Date: Cabinet – 5 February 2018

Report of: Roger Walton, Director of Environment and Corporate Assets

Portfolio Holder: Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health

Decision Type: Non-Key Decision

Classification: Unrestricted

Purpose of the report: To update Cabinet on works undertaken at the Danes, Old Charlton Road, Dover as part of the Dover District Leisure Centre project and to invite tenders to use the Middle and Upper Danes to dispose of spoil.

Recommendation: To authorise the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Property Management and Environmental Health, to take the necessary actions as set out in the report to bring forward these welcome proposals which will allow the Middle and Upper Danes to be brought into public use as open space.

1. Summary

- 1.1 As reported to Cabinet in September 2017 the projected capital cost for constructing Dover District Leisure Centre based on BAM's second stage tender sum was at that time £33,000 more than initially budgeted, and therefore cost savings were being sought. This included investigation into the use of spoil from the Whitfield site to cap two former land-fill sites at middle and upper Danes on Old Charlton Road, rather than paying commercial rates for its disposal. Such a project was initially estimated to provide a saving of £75,000 to the leisure centre budget, and would also allow the Middle and Upper Danes to be brought into public use as open space, thus addressing a key action set out in the adopted Playing Pitch and Indoor Sports Facility Strategy (adopted 2015).
- 1.2 An application for planning consent to undertake this project at the Danes was submitted in July 2017, and ecological investigations continued in parallel with consideration of the application. The September 2017 Cabinet report acknowledged that timescales were tight, but the project was considered worth pursuing due to the dual benefits it could potentially deliver. Unfortunately, issues raised through the planning process and the discovery of a larger than expected population of reptiles on site, meant that a higher than anticipated number of investigations and works were required, and it was not possible for the planning application to be determined before spoil had to be removed from the Whitfield site.
- 1.3 The cost of preparing the planning application is currently attributed to the Dover Leisure Centre budget. Even though the Danes site cannot now receive spoil from the leisure centre site it could be offered to another developer for the same purpose, subject to grant of planning consent. Permission is being sought for the Director of

Environment and Corporate Assets to tender the opportunity for use of the Danes to receive spoil, which would allow the Dover Leisure Centre budget to be reimbursed.

2. Introduction and Background

- 2.1 The Council is currently constructing a new leisure centre at Whitfield to replace the existing facility in Dover, which is close to the end of its useful life. On 21st September 2016 the Council allocated a budget of £26.4m to the project including £22.6m for capital costs. In December 2016 BAM Construction were appointed under a pre-construction service agreement to manage the design and develop a detailed scheme that meets the Council's design requirements within the available budget. This involved competitively tendering work packages, including removal of spoil from the development site and working with the Council's consultant team to identify the most cost efficient way of constructing the building.
- 2.2 As reported to Cabinet in September 2017 the projected capital cost of the new Dover District Leisure based on BAM's second stage tender sum was at that time £33,000 more than initially budgeted and therefore cost savings were being sought. This included investigation into using excess spoil from the Whitfield site to cap two former land fill sites the Middle and Upper Danes on Old Charlton Road, rather than paying commercial rates for its disposal. Such a project was initially estimated to provide a saving of £75,000 to the leisure centre budget, and would allow the middle and upper Danes to be brought into public use as open space, addressing a key action set out in the Playing Pitch and Indoor Sports Facility Strategy. Following the capping works, a football pitch could be provided at the Middle Danes, together with car parking and a pedestrian link to the existing changing pavilion at the Lower Danes, while the Upper Danes could be opened as an informal open space.
- 2.3 The option of disposing of material from the Whitfield site at the Danes was first discussed by the Dover Leisure Centre Project Advisory Group on 6th April 2017. A community consultation event was undertaken on 23rd May 2017 to assess whether there would be local support for the project. Neighbouring residents and relevant local organisations were invited to attend, including Dover Town Council, Guston Parish Council, Dover Grammar School for Girls and St Edmunds Catholic School. Approximately 15 people attended and seven comment forms were completed. All of the written feedback was positive, including from the neighbouring schools, but one resident telephoned the Council to state that they did not support the project due to possible increase in noise at the site if opened for public use.
- 2.4 Formal pre-application planning advice was sought at a meeting on 30th May 2017. In response, an advice letter was issued stating 'it is considered that support, in principle, for the proposed development can be given – subject to the consideration of more site specific factors'. The factors identified included Highways and Access, Contaminated Land, Drainage, Ecology, Trees/Landscaping/Planting and archaeology.
- 2.5 To address the issues raised, a number of investigations were undertaken in advance of, and in parallel with, submitting the planning application. Actions included surveys to identify the presence or likely absence of reptiles and dormice, which began in June 2017. The Council already had access to a Greenhouse Gas Emissions Assessment and a detailed Ground Investigation Report, both of which had been produced in 2010. These documents concluded there were no significant emissions of landfill gas, gas generation appeared to be diminishing and 'the site is considered unlikely to meet the definition of land that is contaminated purely on risks to controlled waters'. Therefore, it was considered that sufficient information could be available within the contaminated land reports to support the planning application.

- 2.6 An application for planning consent was validated on 22nd July 2017 (reference DOV/17/00895), described as 'Re-profiling and levelling to facilitate the creation of a public sports pitch (Middle Dane) and open amenity space (Upper Danes), together with associated car parking, fencing, entrance gates, landscape works and formation of a pedestrian link between Middle and Lower Danes'. Even though the anticipated date of determination was very close to the date upon which spoil had to be removed from the Whitfield site, the project was considered worth pursuing due to the dual benefits it could potentially deliver.
- 2.7 A larger than expected population of reptiles was encountered on site so the translocation works took longer than originally anticipated, and could not be completed until 20th November. In addition, the planning process identified a need for further contaminated land investigations prior to commencement of any works. As a result, it was not possible for the planning application to be determined before spoil had to be removed from the Whitfield site. In fact, topsoil strip, cut and fill operations were completed by 9th November and the clay material was used to cap landfill activities at Tilmanstone works.
- 2.8 The Danes cannot now receive spoil from the leisure centre site, but this opportunity could be offered to another developer for the same purpose, subject to grant of planning consent. Authority is sought for the Director of Environment and Corporate Assets to tender use of the Danes by publishing the opportunity (via the Council's Procurement Portal) and inviting offers from commercial organisations to dispose of spoil. Preferably the capping works will be undertaken as a single operation, within the current calendar year, to minimise the risk of re-colonisation by reptiles. A further Cabinet report will be prepared once tenders have been received to seek approval for appointment. That report will also set out details of how the two sites will be finished and brought back into public use.

3. Resource Implications

- 3.1 The cost of preparing the planning application is currently attributed to the Dover Leisure Centre budget. No further expenditure will be incurred on the part of the Council to meet the requirements of any planning consent, because the successful bidder will be required to discharge any conditions as part of their contract. Any income received will be used to offset the cost of the planning application.

4. Options

- 4.1 Option 1 - To authorise the Director of Environment and corporate Assets to tender the opportunity to use the Danes for receiving spoil.
- 4.2 Option 2 – Not to authorise the Director of Environment and corporate Assets to tender the opportunity to use the Danes for receiving spoil.

Evaluation of Options

- 4.3 Option 1 – This is the recommended option because it will provide an opportunity to recoup the funds spent on preparing the planning application and will result in protected open space being brought into public use.
- 4.4 Option 2 – This option is not recommended because the Dover District Leisure Centre budget would have to bear the cost.

5. Corporate Implications

- 5.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comment to add. (DL)
- 5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

- 5.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications, however in discharging their responsibilities members are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

Background Papers

Dover Leisure Centre - Cabinet of 11 September 2017

Playing Pitch and Outdoor Sports Facilities Strategy - Cabinet of 2 February 2015

Upper Danes Recreation Ground, Dover, Land Contamination Study - Cabinet of 4 December 2001

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