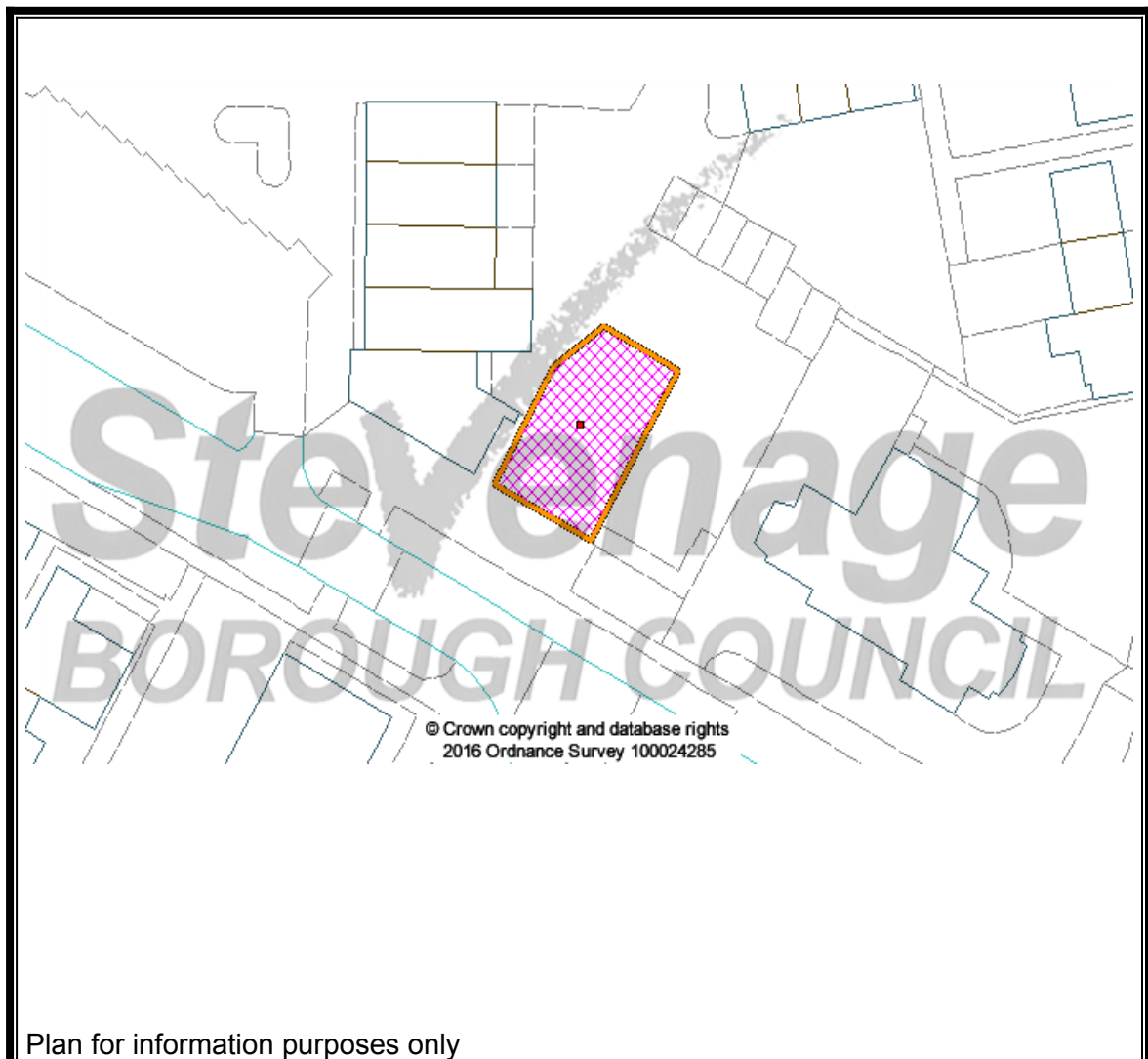


Meeting: Planning and Development Committee
Date: 4 April 2018
Author: James Chettleburgh 01438 242266
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application Nos:	18/00067/FP
Location:	263 Broadwater Crescent, Stevenage, Herts.
Proposal:	Change of use from B1 (Business) to D2 (Gymnasium).
Drawing Nos.:	1A (Existing Floor Plan); 1A (Proposed Floor Plan); Site Location Plan.
Applicant:	Mr Oliver Warren
Date Valid:	01 February 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the northern side of Bedwell Crescent. The site comprises a single-storey, brick built, utilitarian style industrial building with a flat roof finished in a ply-membrane. On the principal elevation is the main entrance to the premises comprising of metal framed windows and doors along with a steel roller shutter. To the rear of the property is a profiled metal roller shutter with a concrete access ramp up to the door. The application site forms part of the 'Marymead' Neighbourhood Centre which is designated as a conservation area. The centre comprises a three-storey contemporary 1950's style building with a parade of shops at ground floor with flats located above. The building is constructed from a red-brick with a gable roof which is clad in concrete inter-locking roof tiles. The shops at ground floor level are generally uniform in design encompassing low level stallrisers, proportionate fascia signs with the windows encased with aluminium frames. The flats located above the parade incorporate projecting balconies with an evenly spaced fenestration pattern.
- 1.2 The surrounding contextual area consists of bungalows within a cul-de-sac which are uniform in architectural design and ridge height. To the south-east of the application property is a brick built, 6-storey block of flats. The residential block of flats is simplistic in design incorporating clean symmetrical lines in the built form, small projecting balconies which are vertically aligned and a flat roof. To the south-east of the site is Stevenage Motor Cars (SMC) and to the east located adjacent to the neighbourhood centre car park is the Church of St Peter.

2. RELEVANT PLANNING HISTORY

- 2.1 No relevant planning history.

3. THE CURRENT APPLICATION

- 3.1 Planning permission is sought for the proposed change of use of the premises from Use Class B1 (office and light industry) to Use Class D2 (gym).
- 3.2 The application comes before the planning committee for determination as the landowner is Stevenage Borough Council and an objection to the application has been received.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by the erection of a site notice and adjoining premises have been notified about the application via letter. An objection was received from numbers 240 and 252 Broadwater Crescent. A summary of the concerns raised are as follows:-
- There is already a parking issue for local residents;
 - The proposed development will exacerbate the existing parking problems;
 - Request additional information is provided with respect to parking for gym members.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 The proposal would not generate any significant highway safety issues.

5.2 Council's Environmental Health Section

- 5.2.1 It is advised that any activities which are undertaken at the premises are not carried out in such a way so as to not cause a nuisance to neighbours. Activities include the calling and shouting that would occur during training and any music that might be played. In addition, regard should be given to the increase in sound heard outside of the means of ventilation by opening windows/roller shutter doors. This applies to any groups which use the premises.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now commenced work on the new Stevenage Borough Local Plan 2011-2031. The draft version of the Plan was published in January 2016 and will be used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Site Specific Policies DPD, the draft Gunnels Wood Area Action Plan (AAP), the draft Old Town AAP, the Pond Close Development SPG, Stevenage West Masterplanning Principles SPG, the Gunnels Wood Supplementary Planning Document and the Interim Planning Policy Statement for Stevenage are no longer material considerations in the determination of all planning applications registered on or after Wednesday 6 January 2016.

- 6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.
- 6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

6.2 Central Government Advice

- 6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

- 6.2.3 In addition to the NPPF advice in the Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted Local Plan

Policy TW8: Environmental Safeguards.
Policy TW9: Quality in Design.
Policy E7: Employment Uses Outside Employment Areas & Homeworking.
Policy T15: Car Parking Strategy.
Policy EN27: Noise Pollution.
Policy NC1: Large Neighbourhood Centres ;

6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)

Policy SP1: Presumption for Sustainable Development .
Policy SP2: Sustainable Development in Stevenage.
Policy SP3: Strong Competitive Economy.
Policy SP8: Good Design.
Policy SP13: Historic Environment.
Policy EC7: Unallocated Employment Sites.
Policy GD1: High Quality Design.
Policy IT5: Parking and Access.
Policy HO1: Housing Allocations.
Policy HC1: District, Local, Neighbourhood Centres.
Policy FP7: Pollution.
Policy NH10: Conservation Areas.

6.5 Supplementary Planning Documents

Council's Car Parking Standards SPD (2012).
Broadwater Conservation Area Management Plan SPD (2012).

7 APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the Character and Appearance of the conservation area, impact on residential amenity, parking provision and highway implications.

7.2 Land Use Policy Considerations

Impact on employment space

- 7.2.1 Policy E7 of the Stevenage District Plan Second Review 1991 – 2011 (adopted 2004) (the adopted Local Plan 2004) states that development proposals which would result in the loss of existing employment uses in residential areas, especially small units, will not be permitted unless it can be demonstrated that they are no longer viable for

employment uses or where the existing activity adversely affects the local environment or residential amenity. Policy EC7 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft - January 2016 (the emerging Local Plan 2016) stipulates that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where:-

- i. There is sufficient suitable and employment land available elsewhere;
- ii. The proposal provides overriding benefits against other objectives or policies in the plan; or
- iii. It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant over a considerable period of time.

7.2.2 Further to the above, The National Planning Policy Framework 2012 (NPPF) requires that the planning system does everything it can to support sustainable economic growth and that there should be significant weight placed on the need to support economic growth through the system. Paragraph 22 of the NPPF does however state that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

7.2.3 With the above policy in mind, the Council's Estates department has provided evidence to demonstrate that the property is still being actively marketed. The Estates department has been advertising the property for B1 use from 27th November 2017 on the Council's website along with a lettings board attached to the property. The Estates department has advised that there has been limited interest in the use of the property as B1. Given the period of time the property has been actively marketed combined with the fact that there is limited interest in using the property for B1 purposes, it is considered that there is no reasonable prospect of the building being used for B1.

7.2.4 Given the aforementioned, the proposed use of the property as a gymnasium is considered to be acceptable in line with Policy E7 of the adopted Local Plan (2004), Policy EC7 of the emerging Local Plan (2016) and the NPPF (2012). However, a condition would need to be imposed to ensure that the existing building can only be used as a gym. This is because under Use Class D2, the property could be used for other purposes such as cinemas, music and concert hall, bingo and dance hall as well as a State Funded School or Registered Nursery. Therefore, this condition would allow the Local Planning Authority to maintain control of the development and to ensure no inappropriate or unneighbourly use within the neighbourhood centre is created.

Impact on the neighbourhood/local centre

7.2.5 Policy NC1 of the adopted Local Plan (2004) states that in the neighbourhood centres listed in the policy, which includes Marymead, shopping uses (Class A1) will predominate. Favourable consideration will however be given to proposals which increase the mix of uses such as financial (Class A2), food and drink (Class A3), residential, social and community, leisure or business uses where they:

- a. provide a particular local service or additional housing; and
- b. are not detrimental to the principal shopping function; and
- c. do not have a detrimental effect on the surrounding environment.

7.2.6 Policy HC1 of the emerging Local Plan (2016) also identifies Marymead as a Local Centre. Therefore, under this policy, permission for development proposals in this centre will be granted where:-

- a. The proposal is in keeping with the size and role of the centre;

- b. District and Local Centres would continue to provide a range of retail, light industrial (use class B1(b)), health, social, community, leisure, cultural and / or residential use and retain at least 50% of ground-floor units and floorspace in the main retail area as Class A1 (shops) use....;
- d. The proposal does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- e. An impact assessment has been provided, where required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

7.2.7 The proposed development would result in the creation of a gymnasium (Use Class D2) which would conform to the aforementioned policies. This is because it would deliver a leisure based use within the neighbourhood/local centre. In addition, the proposed development does not result in the loss of an existing shop (Use Class A1) within the primary shopping parade. Therefore, there would still be over 50% of the total ground-floor units in the main retail area in Class A1.

7.2.8 Turning to the retail impact assessment, as the proposed development is classed as a "Main Town Centre Use" but would be below the 300 sq.m floor area threshold set out under Policy TC13, the applicant would not be required to submit an Impact Assessment. In regards to the regeneration of the neighbourhood/local centre in the future, it is envisaged that the centre would be redeveloped in 2020/2021. Consequently, a temporary timeframe condition could be imposed were planning permission to be granted which would ensure that the change of use does not hinder the Council's ability to deliver the regeneration of the centre in the near future.

7.3 Impact on the Character and Appearance of the conservation area

7.3.1 The application site falls within the Broadwater Conservation Area as defined in the Conservation Area Management Plan SPD (2012). Given this, development proposals must preserve and/or enhance the historic character of the conservation area. However, as the proposed development does not seek to extend or alter the existing building, the proposal would not harm the character and appearance of the building and it would preserve the historic character of the Broadwater Conservation Area.

7.4 Impact on residential amenity

7.4.1 Given the siting and nature of the proposed development, there is the potential for it to have an impact on the amenities of nearby residents. However, it is important to note that the nearest residential properties are located within an established Neighbourhood Centre which comprises of hot food takeaway premises, a Co-operative store and an off-licence. In addition, there is also an area of employment based uses which operate within Marymead Industrial Estate including a tyre fitting company. Furthermore, there is The Willows Public House which is positioned to the east of the application site as well.

The hours of operation proposed by the applicant are as follows:-

Monday to Friday - 10:00 to 20:30;
 Saturday - 09:00 to 14:00; and
 Sunday and Bank Holidays - Closed.

7.4.2 Following consultation with the Council's Environmental Health Section, they advise that any activities undertaken on the site should not have an effect on nearby residents. Therefore, in order to control the hours in which they operate, a condition would be imposed to any permission issued. Through this condition, the premises would not operate beyond the hours in which nearby premises such as the Public House and Co-operative would operate to. In addition, if there is any potential noise

disturbance the Council's Environmental Health Section have powers to enforce against any potential disturbances which may occur in the future. Furthermore, the Council's Estates Department has confirmed that they would firm up an obligation in the tenancy agreement to require the applicant not to cause a nuisance which will include noise. Moreover, the site is located within a commercial environment such that it would be unreasonable to refuse the application on this basis.

- 7.4.3 Given the aforementioned, subject to a condition restricting the hours of operation, it is considered that the proposed development would not have a detrimental impact on nearby residential properties.

7.5 Car parking

- 7.5.1 Policy T15 of the Local Plan (2004) states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. This policy generally reflects the policies set out in within the NPPF (2012). The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces for a gymnasium (Use Class D2 - Leisure and Assembly) based on gross floor area.

- 7.5.2 The Council's Parking Standards SPD (2012) stipulates that 1 space per 15m² of gross floor area. Given the development has a floorspace 189.20 sq.m there would be a requirement to provide 13 spaces. However, as the site is located in a non-residential accessibility zone, a degree of restraint can be applied of between 75% to 100% of the maximum number of car parking spaces which are required. Therefore, as a minimum, 9.75 (rounded up to 10) off-street parking spaces should be provided in this instance.

- 7.5.3 Turning to the established use of the premises being Use Class B1(c) light industry, as set out in the Parking Standards SPD, there would be a requirement to provide 1 parking space for every 35 sq.m of floorspace. In this regard, there would be a requirement to provide, being within a non-residential accessibility zone, between 5 and 6 parking spaces.

- 7.5.4 The proposed development does not seek to provide any off-street parking as there is currently no space within the service yard to the rear to provide the necessary parking. Notwithstanding this, the application site does fall within a neighbourhood centre and as such, there would be surface car parking available which currently serves the centre. There is also a surface car parking area located adjacent to the building which currently serves the employment premises located to the rear of the main neighbourhood centre. Furthermore, the centre is surrounded by residential properties so the site is located within walking distance to residential properties. Moreover, the site is located in close proximity to a bus stop which is located opposite the neighbourhood/local centre. In addition to this, the existing use does not currently have any off-street parking nor do a number of premises which currently operate within the neighbourhood centre. Therefore, the parking situation would be no different to that of the existing premises.

- 7.5.5 Focusing on the concerns raised by third parties, whilst there would be a shortfall in parking provision, there is only a deficit of 4 parking spaces between the existing and proposed uses. In addition, as mentioned in paragraph 7.5.4, there is a surface car parking area to the front of Marymead Shops which be easily be able to absorb the additional 4 parking spaces required during the operation of the gymnasium. Moreover, there are currently restrictions (i.e. double yellow) on the public highway along Bedwell Crescent which would ensure vehicles would be unable to park on the public highway. Furthermore, in line accordance with the Highways Act 1980, there is no legal right for vehicles to park on the public highway and therefore, any issues with obstructions

would be a matter for Hertfordshire County Council as Highways Authority and/or the Police to enforce against this.

- 7.5.6 Given the aforementioned assessment, it is considered that on balance, the proposed development would be acceptable as parking would be readily available within the neighbourhood centre to serve the development.

7.6 Highway implications

- 7.6.1 The proposed development does not seek to extend or alter any access arrangements to the development. In addition, the application site is located in a sustainable location falling within a neighbourhood centre, so the level of traffic generation would not be so significant as to prejudice the safety and operation of the nearby highway network. Consequently, Hertfordshire County Council as Highways Authority does not raise any concerns on the proposed development.

8 CONCLUSIONS

- 8.1 In conclusion, it is considered that subject to the issuing of a temporary permission, the principle of the development is considered to be acceptable within the neighbourhood centre. In addition, the proposed development would not affect the historic character of the conservation area and through restrictions on the hours of operation; the proposal would not harm the amenities of nearby residential properties. Furthermore, the proposal would be served by the existing surface car park located at Marymead Neighbourhood Centre and the development would not prejudice highway safety. In view of this, it is recommended that temporary planning permission is granted subject to the conditions below.

9 RECOMMENDATIONS

- 9.1 That planning application reference 18/00067/FP be GRANTED subject to the following conditions:

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

‘1A (Existing Floor Plan); 1A (Proposed Floor Plan); Site Location Plan’.

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

- 2 The use hereby permitted shall be discontinued and the building restored to its former condition on or before 31st May 2020 in accordance with a scheme of work submitted to and approved in writing by the local planning authority. The restoration scheme shall be implemented in accordance with the approved details.

REASON:- To ensure that the use the building as a gymnasium for a temporary period would not affect or restrict the wider regeneration of the neighbourhood centre as identified in Policies HO1/12 and HC1 of the Stevenage Borough Council Local Plan 2011-2031 Publication draft - January 2016.

- 3 The premises shall be used for a gymnasium and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classed) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:- To enable the Local Planning Authority to maintain control of the development and to ensure no inappropriate use within the neighbourhood centre.

- 4 The use hereby permitted shall only take place between the hours of 10.00 to 20.30 on Mondays to Fridays and between the hours of 09.00 to 14.00 on Saturdays and no activities shall take place on Sundays and Bank Holidays.
REASON:- To ensure the development does not have a detrimental impact on the amenities on nearby residential properties within Marymead Neighbourhood Centre, Bedwell Crescent, Spring Drive, The Willows and Willows Link.

Pro-active statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework March 2012 and Planning Policy Guidance March 2014.