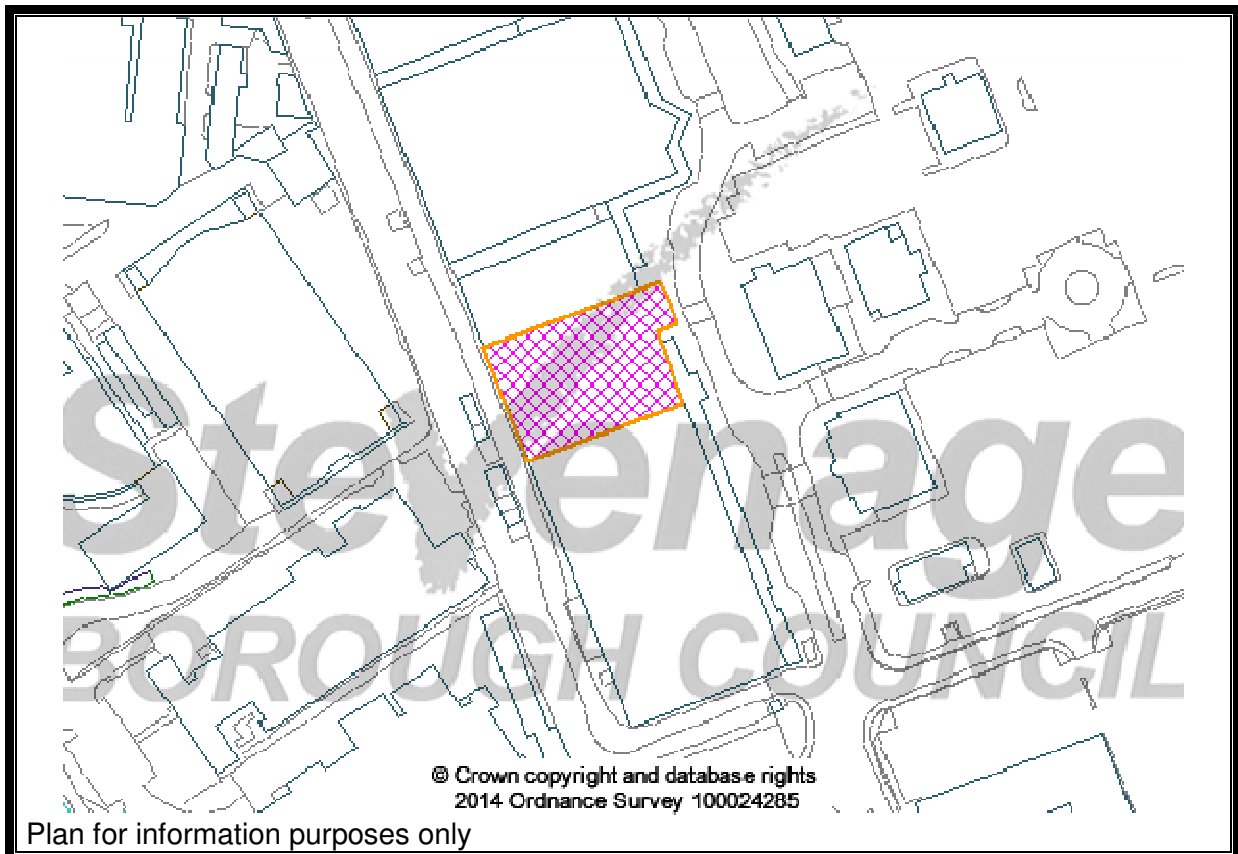


Meeting: Planning and Development Committee **Agenda Item:** 4
Date: 15 September 2015
Author: Clive Inwards 01438 242837
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Clive Inwards 01438 242837

Application No.:	15/00466/FPM
Location:	Unit 3A Leisure Park, Kings Way, Stevenage.
Proposal:	Change of Use from Class A4 (Drinking Establishment) to Class D2 (Assembly and Leisure) Use.
Drawing Nos.:	13.004(P) 101, 13.004(P) 106, 13.004(P) 107 and 13.004(P) 109.
Applicant:	Legal and General Assurance (Pensions Management) Ltd
Date Valid:	3 August 2015
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises Unit 3A Stevenage Leisure Park, which is currently vacant and was formerly occupied by Atmosphere Bars and Clubs, a Class A4 use. Unit 3A provides 1,196m² of floorspace, predominantly at first floor level, with an entrance lobby at the ground floor. The unit, which forms part of the Leisure Park complex, is predominantly above the Chicago's unit and is attached to the David Lloyd fitness centre immediately to the south and to the cinema immediately to the north. Other leisure uses and restaurants are located on the Leisure Park and there is a large area of surface car parking across Kings Way to the north-east and east of the application site. The Leisure Park is bounded to the south and west by offices and industrial units in the Gunnels Wood Employment Area and by warehouse development in Fulton Close to the north. To the east of the Leisure Park is the East Coast mainline railway and Lytton Way beyond. Vehicular access is from the existing access points off of Six Hills Way to the south and Fulton Close to the north.
- 1.2. The unit is constructed of horizontal, silver cladding panels on top of a yellow and red brick base. To the front the lobby comprises a projecting entrance feature with large wooden doors.

2. RELEVANT PLANNING HISTORY

- 2.1. The Leisure Park has a significant amount of planning history and advertisement consent applications relating to the Leisure Park itself and its previous industrial use. Only the most recent and relevant history is detailed below.
- 2.2. 02/00260/FP Alterations to external elevations. Planning permission granted 08.08.2002.
- 2.3. 02/00324/AD Frontage illuminated signage. Advertisement consent granted 28.08.2002.
- 2.4. 08/00275/FP Alterations to external elevations incorporating extension to smoking terrace and creation of new entrance. Planning permission granted 20.06.2008.
- 2.5. 10/00552/FP Application under s106A of the Town and Country Planning Act to vary clause 8 of the s106 agreement dated 15.09.95 to permit up to 200 parking spaces for lease parking to a single specific lessee. Application not proceeded with 23.03.2012.
- 2.6. 13/00161/AD Display of 4 no. non-illuminated hoardings. Advertisement consent granted 24.05.2013.
- 2.7. 13/00268/AD Installation of 1no. externally illuminated highways entrance sign, 1no. externally illuminated site entrance sign, 4no. externally illuminated mast signs, 1 no. externally illuminated clock tower sign, 18no. non illuminated lamppost signs and 1no. externally illuminated fascia sign on Unit 1. Advertisement consent granted 14.08.2013.

3. THE CURRENT APPLICATION

- 3.1. The current application seeks planning permission for a change of use of Unit 3A from use class A4 (drinking establishment) to use class D2 (assembly and leisure) to enable the unit to be occupied by Adventure Golf. Adventure golf is an emerging sport in the UK developed from 'crazy golf' and 'miniature golf' themes.

- 3.2. The unit would provide 81m² floorspace at ground floor level, 1,115m² at first floor level and an additional 158m² at a new mezzanine level, creating 1,354m² in total. No external alterations are proposed as part of this development.
- 3.3. The proposal would not alter the parking arrangement which would continue in the existing Leisure Park car park. No change to the existing service road, which provides vehicular access to the rear of the building, is proposed.
- 3.4. The applicant has stated that the proposal would create 10 full-time positions. Finally, the hours of opening for the D2 use are proposed as 10.00 to midnight on Monday to Fridays, Saturdays, Sundays and Bank Holidays.

4. PUBLIC REPRESENTATIONS

- 4.1. The application has been publicised by a site notice posted at the site, a press notice as well as letters to adjacent occupiers. At the time of drafting this report no letters of representation have been received.

5. CONSULTATIONS

5.1. Hertfordshire County Council as Highway Authority

- 5.1.1 Hertfordshire County Council as Highway Authority has considered that the proposal would not significantly increase the traffic generation or the vehicle movement to the site. Additionally, the operational arrangement of the car park would be acceptable. The proposal has been considered not to have a significant effect on the safety and operation of the adjoining highways and consequently the Highway Authority would have no objections on highway grounds.

5.2. Environmental Health

- 5.2.1 No comments received as at the time of drafting the report.

5.3. Herts Fire and Rescue Service

- 5.3.1 Consider the existing access and water supplies for a fire appliance to be satisfactory.

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 former Stevenage Draft Core Strategy and Development Management Policies were withdrawn on 1st February 2012. However, the Site Specific Policies Plan, the Old Town Area Action Plan and the Gunnels Wood Area Action Plan have all been approved

locally by the Council's executive as material considerations in the determination of planning applications and continue to be used for Development Management purposes. Additionally, the Council's Interim Planning Policy Statement adopted in April 2012 is a material consideration in the determination of planning applications registered on or after the 18 April 2012.

- 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 National 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 District Plan

L3	Stevenage Leisure Park
L5	Modernisation, Enhancement or Redevelopment of Leisure Facilities
T6	Design Standards
T13	Cycleways
T14	Pedestrians
T15	Car Parking Strategy

6.4. Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012

6.5 Interim Planning Policy Statement for Stevenage April 2012

IP04 Stevenage Leisure Park

7. APPRAISAL

7.1 The main issues for consideration are the acceptability of the proposal in land use policy terms and highway and parking issues.

7.2. Land Use Policy Considerations

7.2.1 The application site is identified within the Stevenage Leisure Park in the Stevenage District Plan Second Review 1991-2011; as such policy L3 applies.

7.2.2 Policy L3 of the District Plan states that *inter alia* Stevenage Leisure Park, as shown on the proposals map, is designated for leisure uses within use classes D2 and A3. The proposed adventure golf use would fall within the D2 use class and therefore this use is fully in accordance with policy L3.

7.2.3 Additionally, policy L3 of the District Plan continues to state that proposals for intensifying leisure uses within the Stevenage Leisure Park will be encouraged where they accord with this plan's transport policies. The proposal would bring an existing vacant unit back into use and would provide an opportunity for a new leisure company to come to Stevenage and thus the proposal also accords with the second part of policy L3 subject to consideration of the highway impacts set out below.

7.2.4 Finally, policy IP04 of the Interim Planning Policy Statement for Stevenage (IPPS) states that "Stevenage Leisure Park should provide a continued focus for leisure uses. Planning permission will be granted for proposals which retain this role while taking advantage of opportunities for diversification and intensification of the site." The proposal would be fully in accordance with this policy and would bring a vacant unit back into economic use.

7.2.5 The National Planning Policy Framework (NPPF) requires that proposals that are in accordance with the Development Plan should be approved without delay (paragraph 14).

7.3. Impact on the Highway Network and Parking Provision

7.3.1 The application has been considered by Hertfordshire County Council as Highway Authority. The County Council has advised that the proposal is unlikely to significantly alter the traffic generation of vehicles to the site and that the existing car parking layout is considered acceptable to accommodate the development. Additionally, vehicle to vehicle inter-visibility and pedestrian visibility is unaffected by the proposal. The present level of visibility is considered to be acceptable. Finally, as the site lies within 700m of the town centre bus station, within 700 of the town centre and 300m from the rail station, the accessibility and sustainability of the site is good. As the proposal would have no significant effect on the safety and operation of the adjoining highways, Hertfordshire County Council as Highway Authority has no objections on highway grounds.

7.3.2 In relation to car parking specifically, the Council's Supplementary Planning Document 'Parking Provision' states that for D2 uses where individual land use components are known that the standard should be decided in each case on individual merits. The application does not provide any additional parking to that already provided on the Leisure Park. However, in this instance this is considered to be acceptable as the Highway Authority consider that the proposal would not significantly increase the traffic generation above the existing A4 lawful use of the site.

7.3.3 As part of the conditions attached to planning permission reference 15/00259/FPM (relating to the subdivision of Unit 1 to provide A3 and D2 uses), further cycle parking was required to provide safe and secure cycle parking for staff. A further 10 cycle parking spaces are to be provided which would also accommodate the staff cycle parking needs made necessary by this proposal.

8. CONCLUSIONS

8.1 In the light of the foregoing appraisal, the proposed use is considered to be an appropriate use in the Stevenage Leisure Park and the proposal is fully in accordance with Development Plan Policy. Additionally, appropriate parking provision is available to serve the development and the access to the site is satisfactory. Accordingly, it is recommended that planning permission be granted.

9. RECOMMENDATION

9.1 That planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 13.004(P) 101, 13.004(P) 106, 13.004(P) 107 and 13.004(P) 109.

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

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

REASON: - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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) (Amendment No. 2) Order 2012.

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. Central Government Advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Interim Planning Policy Statement for Stevenage April 2012.