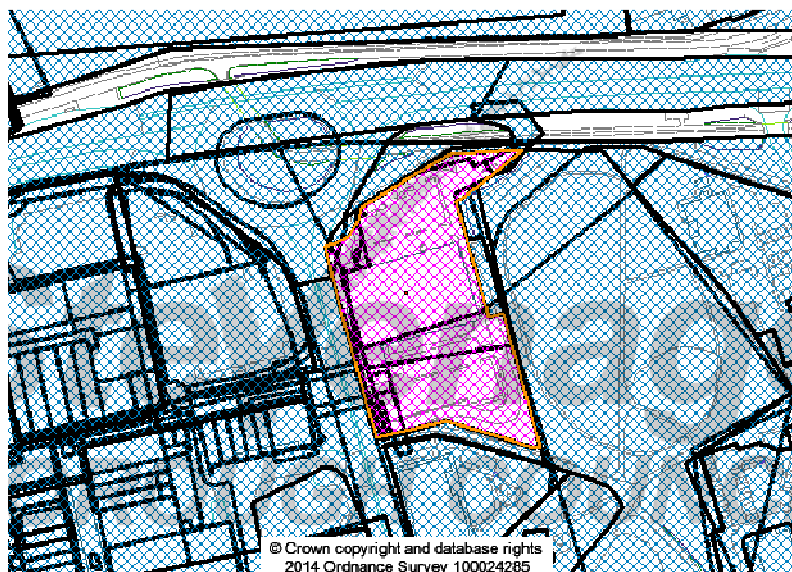


Meeting: Planning and Development Committee **Agenda Item:** 4
Date: 01 March 2016
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Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application Nos: 15/00729/FP and 15/00730/AD
Location: Stevenage Swimming Pool, St. George's Way, Stevenage.
Proposals:
15/00729/FP Installation of ANPR cameras
15/00730/AD Installation of 13 no. parking signs.

Drawing Nos.: C-0000-001 A; C-0000-003 A; C-23476-001 A; C-23476-002 A; C-23476-003 A; Blue Badge Holder Sign; Patrons Register Sign; Parking Eye Signage Plan; Patrons Only Car Park Sign.
Applicant: ParkingEye Ltd
Date Valid: 11th January 2016
Recommendation: GRANT PLANNING PERMISSION
GRANT ADVERTISEMENT CONSENT



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 The application site is located adjacent to the junction of the A1155 (Fairlands Way) and St. George's Way. The site comprises Stevenage Swimming Pool which is a modular, part single-storey, part two-storey building which fronts onto St George's Way. The building is clad in white steel metal cladding with the ground floor north-elevation and front elevation painted in blue. To the north and south of the building are surface car parking areas which are accessed from St George's Way and Fairlands Way respectively.
- 1.2 To the east of the application site is the Town Centre Gardens with the Bowes Lyon Centre located directly south of the swimming pool. To the north of the site beyond Fairlands Way is King George V Playing Field and to the west is Stevenage Town Centre.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0250/59 sought permission for the masterplan of Stevenage Town Centre for the Development Corporation. The masterplan included details of the proposed location of Stevenage Swimming Pool. This masterplan was approved in January 1960.
- 2.2 Planning application 2/0324/95 sought outline permission for a single-storey side extension to house a family pool, 60 car parking spaces and access onto St. George's Way. This application was granted in October 1995.
- 2.3 Planning application 2/0339/96 sought permission for the erection of an extension to the south of the existing building, alterations to elevations, new vehicular access and 60 no. additional car parking spaces. This application was granted in December 1996.
- 2.4 Planning application 99/00492/FP sought permission for the refurbishment, recladding, refacing and entrance extension to the swimming pool. This application was granted in February 2000.
- 2.5 Planning application 01/00263/AD sought advertisement consent for floodlit individual lettered name sign. This application was granted in June 2001.
- 2.6 Planning application 01/00363/AD sought advertisement consent for floodlit individual lettered name sign. This application was in July 2001.
- 2.7 Planning application 06/00181/FP sought planning permission for access alteration, refurbishment of north car park and construction of new south car park including coach drop off point and canopy assembly point. This application was granted in May 2006.
- 2.8 Planning application 07/00516/AD sought advertisement consent for the erection of non-illuminated individual lettering sign. Consent was granted in October 2007.

- 2.9 Planning application 09/00397/FP sought planning permission for the retention of combined heat and power unit adjacent to the north elevation of the building. This application was granted planning permission in January 2010.

3. THE CURRENT APPLICATION

- 3.1 This proposal seeks planning permission (application reference: 15/00729/FP) for the proposed erection of 2 no. pole mounted Automated Number Plate Recognition (ANPR) cameras. The columns on which the cameras would be mounted would be 5m in height with an associated cabinet located adjacent to the column. Both of the columns would be located within the surface car park associated with Stevenage Swimming Pool. One camera would be located adjacent to the north entrance from Fairlands Way. The second camera would be located adjacent to the south entrance from St. George's Way.
- 3.2 The proposed advertisement consent application (application reference: 15/00730/AD) seeks consent for 13 no. parking signs in the car park serving Stevenage Swimming Pool. The signs all relate to the monitoring of the car park by the firm 'Parking Eye'. Three different types of sign are proposed and all of the signs are non-illuminated.
- 3.3 The reason for the introduction of a controlled parking regime is due to the fact that the previous chip coin barrier system was consistently breaking down and continuously being vandalised making it financially and operationally unviable. Given no restrictions are in place, the car park is constantly being used by non-patrons with no legal redress. Furthermore, this has meant that persons who were looking to use the swimming centre were unable to park on-site leading to complaints, cancellations and loss of business to the swimming pool. Consequently, this system is to bring back a controlled system of parking for patrons of the swimming centre.
- 3.4 The applications for planning permission and advertisement consent come before the planning committee as the site is owned by Stevenage Borough Council and an objection has been received.

4. PUBLIC REPRESENTATIONS

- 4.1 These applications have been publicised by way of letters to adjoining premises and the display of site notices. In response to this consultation, 1 objection has been received for both applications. This representation is summarised below:

Mr Mark Ryan (by email) (objection)

- The proposed development would be contrary to Policies TR9 and T15 of the adopted Local Plan;
- There are significant legal issues associated with the proposed operation of the car park by ParkingEye;
- There would be a number of contractual issues if the proposed development was approved which would affect the public using the car park;
- The proposal would breach the conditions/legal agreement set out on previous planning permission for the car park as it would deprive the public (non-patrons) access to the car park;
- The applicants application submission is inaccurate and misleading;

- There are significant technical issues with the technology employed by ParkingEye;

Note:- A full copy of the objectors comments, including weblinks he has quoted, can be found on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as the Highways Authority

5.1.1 In regards to the proposed ANPR cameras, it is considered that as these would be located within a private car park with the cameras set back from the public highway. Therefore, it is considered that the proposed cameras would not affect highway safety.

5.1.2 Turning to the proposed advertisement signage, these would be located on land which is owned by Stevenage Borough Council and as the signs would be non-illuminated and set back from the highway, the proposed signs would not affect highway safety.

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 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 Central Government Guidance

National Planning Policy Framework (2012);
Planning Practice Guidance (2014);
Town and Country Planning (Control of Advertisement) Regulations 2007.

6.4 Adopted District Plan (2004)

TW8: Environmental Safeguards
TW9: Quality in Design

6.5 Draft Local Plan (2016)

GD1: High Quality Design

7 APPRAISAL

7.1 The main issues for consideration in the determination of the planning application for the ANPR cameras is the impact of the proposal upon the visual amenity of the area and highway safety implications. In respect of the proposed advertisements, Paragraph 67 of the NPPF states that

“...advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”. Therefore, the main issues for consideration in the determination of the advertisement application are the effects of the proposal on the visual amenities of the area and also public safety.

7.2 Visual impact

7.2.1 The proposed ANPR camera system would be installed on 5m high columns within the existing car park. The columns would be of a similar design and profile to the existing lighting columns within the Swimming Centre car park. In relation to the cameras themselves, they are of limited in size and scale. Therefore, the proposed cameras when viewed against the backdrop of the existing swimming pool centre, would not have a detrimental impact on the visual amenities of the area.

7.2.2 Turning to the proposed pole mounted advertisement signs, two signs are to be located adjacent to the respective entrance/egress points into the site. These signs would measure 800mm by 600mm and would advise that the site is a patron’s only car park. These signs would be attached to a pole and set 2.1m above ground level. The second type of pole mounted sign would be located around the north and south car parks of which there would be 9. These signs would state that the site is a patron only car park and sets out the terms and conditions of the car park. These signs would have similar dimensions and set at the same height as the signs located near the access/egress points.

7.2.3 The third type of pole mounted sign would be located adjacent to the disabled bays, of which there would be 2 signs, one in each car park. These signs would relate to blue badge holders and again would set out the terms and conditions of the car park. These signs would measure 600mm by 600mm and are again set 2.1m above ground level.

7.2.4 It is recognised that there would be a number of signs across the car park, but, these signs are modest in size and scale and would be set against the backdrop of existing car park furniture and the swimming pool building. Therefore, it is not considered that these signs would detrimentally effect the visual amenities of the area.

7.2.5 Given the aforementioned comments, it is considered that the proposed ANPR cameras and advertisement signage would not harm the visual amenities of the area.

7.3 Highway safety implications

7.3.1 The proposed ANPR cameras, as mentioned above would be fitted on 5m high columns. The cameras would be positioned 4.16m above ground floor level and sited within the north and south car parks. Given the siting and position of the proposed ANPR cameras, it is considered by Hertfordshire County Council as the Highways Authority that there would not prejudice the safety and operation of the highway.

7.3.2 Turning to the proposed signs, given their proposed position and height, they would not affect pedestrian movement in and around the car park areas. Additionally, the Highway Authority as stated that given that the signs are non-illuminated and are set back from the public highway, they would not distract vehicles travelling along Fairlands Way or St. George's Way. Given this, it is considered that the proposed signage would not adversely affect public safety.

7.4 Other Matters

7.4.1 The objector has stipulated that the proposed development would breach planning conditions attached to the original planning permission for the car park. However, planning permission 06/00181/FP for the reconfiguration of the car park did not impose any restrictions on how the car parking area for the swimming pool can be operated. Therefore, the proposal would not be in breach of the most up to date planning permission for the car park.

7.4.2 The objector also asserts that the proposal would be contrary to Policies TR9 (Town Centre Parking and T15 (Car Parking Strategy) of the adopted Local Plan (2004) which seeks the retention of existing off street car parking. However, the development is for the erection of ANPR cameras and signage and therefore, does not seek to remove or replace any existing car parking facility. Consequently, these policies are not relevant in the determination of this planning application/advertisement consent application.

7.4.3 In regards to the comment that the applicant's supporting statement is factually incorrect, the objector has not provided any evidence to demonstrate that the application is factually incorrect. Therefore, this objection has no material weight.

7.4.4 Turning to the legal and contractual issues which have been raised by the objector in relation to "Parking Eye", these are not material planning considerations and therefore have no relevance in the determination of this application. In regards to the actual wording of the signs, The NPPF advises in paragraph 67 that "advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts." Therefore, the Council as the Local Planning Authority has no control over what is worded on the signs in respect to warnings, fines, contract arrangement etc. Furthermore, matters regarding the legality of enforcing the car park, contract arrangements and how the operation affects users (e.g. fines) etc. are not material planning considerations and thus, have no material weight in the determination of this planning application.

7.4.5 Finally, in relation to the concerns raised about technical issues with the ANPR cameras, again these are matters which fall outside of the scope of the planning legislation. Consequently, they are not material planning considerations.

8 CONCLUSIONS

8.1 In summary, it is considered that the proposed ANPR cameras and advertisement signage would not have a detrimental impact on the visual amenities of the area. Furthermore, both the proposed ANPR cameras and advertisement would not prejudice the safety and operation of the public highway.

- 8.2 Given the above, the proposed development would be in accordance with the Policies contained within the adopted Local Plan (2004), the draft Local Plan (2016), the NPPF (2012) and NPPG (2014).

9 RECOMMENDATION

- 9.1 That planning permission reference 15/00729/FP be GRANTED subject to the following conditions / reasons

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

C-0000-001 A; C-0000-003 A; C-23476-001 A; C-23476-002 A;

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) Order 2015.

- 9.2 That Advertisement Consent Reference: 15/00730/AD be GRANTED subject to the following conditions:

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

C-23476-002 A; C-23476-003 A; Blue Badge Holder Sign; Patrons Register Sign; Parking Eye Signage Plan; Patrons Only Car Park Sign.

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

- 2 This consent shall be for a limited period only, expiring five years after the date of this notice and on or before that date the advertisement shall be removed and the building/land be restored to its former condition.

REASON:- To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 A. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

B. No advertisement shall be sited or displayed so as to:-

- i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

C. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

D. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

E. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON:-In accordance with Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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 Local Plan 2011 – 2031 Publication draft – January 2016
4. Central Government advice contained in the National Planning Policy Framework March 2012.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.