

Application No: 13/2529N

Location: Lakeside Superbowl, Unit 1, Phoenix Leisure Park, DUNWOODY WAY, CREWE, CW1 3AJ

Proposal: Change of Use of Part of the Building, from Class D2 (Leisure) to Class A3 (Restaurants), with External Alterations to Create Individual Glazed Shopfronts to the Frontage and Doorways to the Rear and Provision of Ramped and Stepped Walkway to the North of the Building to Improve Accessibility to the Town Centre.

Applicant: Albermarle Property Opportunities LLP

Expiry Date: 29-Aug-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of the development
- Design, Siting and Scale
- Appearance
- Amenity
- Highways

**REASON FOR REFERRAL**

This application was deferred by Committee on 21<sup>st</sup> August 2013. Members required further information on the impact on the town centre and the loss of trees on the ramped walkway.

The application was called in to Committee by Councillor Irene Faseyi on the following grounds:

- *Loss of leisure facilities for a lot of users. Cheshire East is encouraging people to exercise more and for the elderly to be outdoors exercising and the change of use from a bowling alley to more room for cinema and cafes negates this.*
- *I have received a petition signed by 435 people, 50 hand written letters and several emails from the users of the bowling alley facility who have expressed their dismay and anxiety at the proposed change of use.*
- *Many users are clients with special needs and students/pupils from various schools who need exercise to avoid obesity.*
- *Closure of the bowling alley will deprive the local community of a great facility.*

## **DESCRIPTION AND SITE CONTEXT**

The application relates to an existing bowling alley adjacent to a cinema, bingo hall and restaurants on the Phoenix Leisure Park, which was granted planning permission in 2004 (P03/0965). There is dedicated parking at the site which is designated as being within the settlement boundary of Crewe and within Crewe Town Centre.

## **DETAILS OF PROPOSAL**

The proposal is for the change of use of part of the building, from Class D2 (Leisure) to Class A3 (Restaurants), with external alterations to create individual glazed shopfronts to the frontage and doorways to the rear and the improvement of ramped and stepped walkway to the north of the building to improve accessibility to the town centre.

To the rear of the building, four additional auditoria would be created; these have been the subject of an application for a Certificate of Lawfulness for a Proposed Use (13/2503N). **A positive certificate has been issued which states that both cinemas and bowling facilities fall within Use Class D2, therefore an application for change of use is not required.**

## **RELEVANT HISTORY**

13/2503N     2013   Positive certificate for use Class D2 (Cinema)

P03/0965     2004   Approval for mixed use leisure development comprising a terrace housing a bowling alley, cinema and bingo hall, and two free standing buildings housing a restaurant in one and a late bar/restaurant in the other.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Plan**

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

CF.3 – Community Facilities

RT.15 – Indoor Leisure Facilities

S.1 – New Retail Development in Town Centres

## **CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

Recommend a condition relating to noise during construction.

### **Highways:**

The Strategic Highways Manager previously recommended refusal of this application on parking provision however subsequent discussions with the agent for the applicant have clarified details with regard to permitted uses and cross-use of parking and the integration of the different use-classes on site.

As a result of these negotiations the Strategic Highways Manager now withdraws his concern and has no further objection to the proposal as the combination of uses is confirmed to work appropriately with the amount of parking available.

The S.H.M. now has no objection to the proposal.

### **VIEWS OF TOWN/PARISH COUNCIL**

The Town Council has not commented on the application at the time of report writing. They have however commented on the Certificate of Lawfulness application and expressed concerns about the loss of this community facility.

### **OTHER REPRESENTATIONS**

At the time of report writing, approximately 30 representations have been received from members of the public, employees of the facility and a representative of the operators of the bowling facility. In addition a petition, signed by a large number of people has been submitted. The objectors express the following concerns:

- Loss of an important leisure and community facility for the town
- Loss of a facility regularly used by people with special needs, families, teenagers and children
- Loss of a facility used by Crewe Youth Bowling Club which has produced several England and County bowlers
- Bowling provides a form of exercise which additional cinema screens would not
- Loss of a party venue
- Loss of employment
- Restriction of the range of leisure facilities in Crewe
- There is no demonstrable need for additional cinema screens or restaurant facilities
- There are numerous other sites in Crewe that could house additional restaurant facilities
- This is a well used, safe and popular facility
- People would have to travel to Stoke in order to bowl
- There are no other suitable alternative premises in Crewe
- Impact on the vitality and viability of the town centre
- Non-compliance with Policies RT15 and CF3 relating to the loss of community facilities
- Poor design of the steps and ramp
- The developer should provide funds for the enhancement of public transport
- Lack of a revised transport plan

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site is designated as being within the **town centre** of Crewe and is on an existing leisure Park. Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *“Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, Local Planning Authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

The element of the building to be used as cinema screens has been the subject of a Certificate of Proposed Lawful Use, which has determined that a planning application for change of use would **not** be required. This is because a bowling alley and a cinema fall into the same use class. The principle of this has therefore been established.

The creation of the three A3 (restaurant) units is therefore what remains to be assessed in accordance with the relevant policies in the local plan and the requirements of the NPPF. Policy S.1 (New Retail Development in Town Centres), states that new retail development will be permitted within Crewe and Nantwich town centres.

Policy CF.3 requires that *‘proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted, unless a suitable alternative provision is made.’* The justification for this policy specifically refers to this policy relating to rural areas, where community facilities are limited.

Policy RT.15 requires that *‘Development proposals which would result in the loss of indoor leisure facilities will not be permitted unless it can be shown that there would be no significant adverse impact on the range of opportunities available to local residents. Developers must demonstrate, through an independent assessment, that the facilities are surplus to requirements.’*

*In the event that redevelopment is shown to be avoidable, a replacement facility must be provided, at least as accessible to current and potential users, and equivalent (or better) in terms of size, usefulness, attractiveness and quality.’*

Given that the part of the building that would house the additional cinema screens falls within the same use class as the bowling alley, it would not be reasonable to refuse the application on these grounds. That leaves the impact of the change of use to retail and restaurant to be assessed in the context of this application.

The applicants are not obliged to retain the bowling alley and could use the whole building as cinema screens without requiring the consent of the Local Planning Authority. Therefore it is appropriate to assess whether the additional restaurant space would have an adverse impact on the functions that this leisure park provides.

The A3 units are considered to be small scale in relation to the leisure park as a whole and would complement the cinema and bingo hall functions. In addition A3 uses are considered to be acceptable in town centre areas.

Members previously deferred the application as they were concerned about the impact of the development on the town centre and were concerned that a sequential assessment had not been undertaken. However; given that this is a site **within** the town centre of Crewe, as defined by the proposals map to the Replacement Crewe and Nantwich local Plan 2011, it would not be reasonable or necessary to require the applicant to undertake an assessment of the impact of the development.

Having regard to the issues discussed above, the development is considered to be acceptable in principle.

### **Design and Scale**

The alterations to the front and rear elevations are minimal and are considered to be in keeping with the character and appearance of the building and the leisure park as a whole. They involve the insertion of glazed facades with the retention of the existing brick piers which would be acceptable in design terms.

The proposal is therefore considered to be acceptable in terms of design and scale and in compliance with Policy BE.2 of the adopted local plan.

### **Amenity**

Policy BE.1 requires that new development should be compatible with surrounding land uses, should not prejudice residential amenity, generate unacceptable levels of traffic or lead to an increase in pollution.

This is an existing leisure park, which has residential properties to the north and Environmental Protection has requested a condition requiring a restriction on the hours of construction. It is considered to be reasonable to impose a condition to secure this.

Subject to this condition the proposal is considered to be acceptable in terms of amenity and is therefore in compliance with Policy BE.1 (amenity) of the adopted local plan.

### **Highways**

The Strategic Highways Manager has expressed concerns relating to the parking provision in relation to the new uses at the site. As previously stated, the use as a cinema does not require consent and a refusal on these grounds could not be justified. The additional restaurant and retail units could change the parking requirements at the site and as such an assessment of this has been requested and an update will be provided prior to the Committee making a decision on this application.

The application includes improvements to pedestrian access to the site and this is to be welcomed as it will improve connectivity at the site.

Subject to a satisfactory assessment relating to parking provision at the site, the proposal is considered to be acceptable and in compliance with Policy BE.3 of the adopted Local Plan.

### **Landscape**

The improvements to pedestrian access to the site appear to necessitate the removal of three Lime trees. These are considered to make a positive contribution to the landscaped setting of the leisure park. As such a justification for their removal and mitigation measures has been submitted. This is outlined below.

The Trees were assessed in accordance with British Standard 5837:2012 –Trees in Relation to Design, Demolition and Construction and the assessment concluded that the trees in question are young and fall within the ‘low quality’ Category C. It is not considered that the trees are suitable for transplanting and that they should be replaced with similar specimens in

a location near to the proposed ramp. The replacements proposed are two Manna Ash and one London Plane, which are species considered to be more suitable for planting adjacent to car parking and footpaths.

In conclusion, it is considered that the removal and replacement of the trees would not have any significant adverse impact on the character and appearance of the area and that the improvements to access to the primary shopping areas of Crewe would represent a benefit to the community. Therefore the proposal is considered to be acceptable in landscape terms.

### **Other Matters**

The amount of opposition to the proposal has been given careful consideration and it is understandable that users and employees of the bowling alley wish to see it remain open. However; given that the whole building could be used as a cinema, without the need for planning permission a refusal on these grounds could not be sustained. In addition, it is not the remit of the Local Planning Authority to dictate how the landlord chooses to operate their business when there is no requirement to apply for planning permission.

### **CONCLUSIONS AND REASONS FOR THE DECISION**

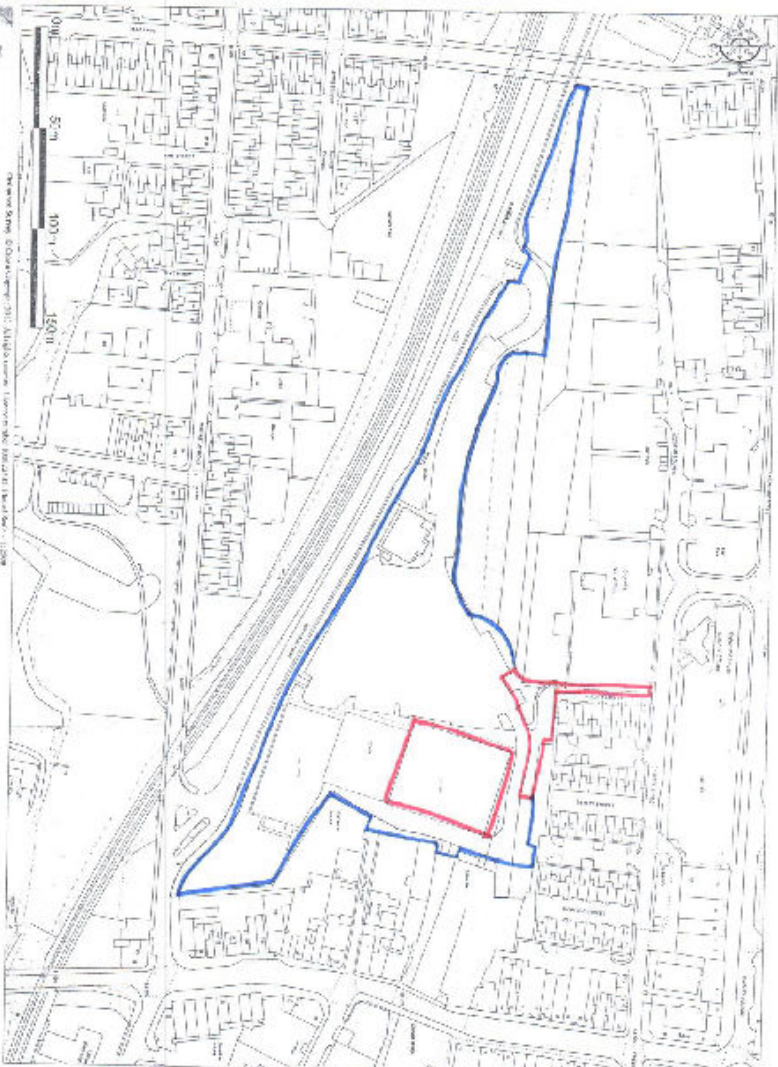
In conclusion, the proposal is acceptable in principle, of an appropriate scale and design; it would not have a significant adverse impact on the character and appearance of the area or residential amenity and is satisfactory in highway safety terms.

The application is therefore recommended for approval.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

1. Time limit
2. Approved plans
3. Materials as stated in the application
4. Hours of construction/demolition restricted to 8am to 6pm Monday to Friday, 9am to 2pm Saturday, with no working on Sundays and Public Holidays



Unit 1 Phoenix Leisure Park, Dunwoody Way, Orwa.