

4/02252/11/MFA - REFURBISHMENT AND CHANGE OF USE OF PART OF LEISURE WORLD BUILDING TO REPLACE THE SUI GENERIS (NIGHTCLUB) AND PART OF THE CLASS D2 (LEISURE AND ASSEMBLY USE) WITH A3 (RESTAURANT INCLUDING MEZZANINES), ALTERATIONS TO NEW D2 (LEISURE AND ASSEMBLY USES) ALTERATIONS TO FRONT OF BUILDING AND CAR PARKING PROVISION. LAND AT LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW. APPLICANT: CAPITAL & REGIONAL HEMEL HEMPSTEAD (JERSEY) LTD.

[Case Officer - Richard Butler]

[Grid Ref - TL 06732 06555]

Summary

The application is recommended for approval.

The principle concern raised during the consideration of the proposal has been the loss of the aqua splash leisure pool facility; there has been a significant level of public interest in objection to the loss of this facility. The report concludes that despite the obvious benefit to the community offered by aqua splash, the proposed development provides a mechanism for securing the improvements and long term existence of the leisure offer at Jarman Fields, Hemel Hempstead. The introduction of eight restaurants to the site is not identified as having a detrimental impact on the Town centre. The level of parking available on site shall suitably serve the development.

Site Description

The application site is the Leisure World building and associated land situated within the Jarman Fields development to the south of the A414 St Albans Road.

Leisure World comprises a building of c.15,313 sqm gross internal floor space including an Empire Cinema, pizza hut restaurant, aqua splash leisure pool, planet ice skating rink, two nightclubs, two bars, a 10 pin bowling facility, and a bowls facility at first floor.

Proposal

The application seeks planning permission for the refurbishment and change of use of part of the Leisure World building located at Jarman Park, Hemel Hempstead.

The development proposes the change of use of part of the Leisure World building to replace the night club and part of the leisure use with restaurants, and additions of new leisure uses and alterations to the front of the building and car park.

In brief the application seeks to provide visual improvements to the front of the building and re-address the public realm to the front of the building; the indoor carpet bowls is to be replaced with a dry gym and the nightclubs are to be replaced with restaurants. In addition the aqua splash shall form part of the restaurant frontage with part of the rear of this use being retained for leisure uses, with the inclusion of some soft play area.

The cinema, bowling and ice rink and existing Pizza Hut restaurant are to stay.

Referral to Committee

The application is referred to the Development Control Committee as Dacorum Borough Council owns the site, although the operational use of the site complex is on a long lease.

For clarification, the Leisure World building, and indeed all other uses are not operated by Dacorum Borough Council.

Planning History

Planning application 4/0625/89 was submitted by Ladbroke Group Properties for the comprehensive development of the north eastern portion for the site know as Jarman Fields for the following development:

Retail Superstore
Petrol Filling Station
Hotel
Restaurant
Clubhouse
Leisure / Recreation Centre (outline)
Formation of Athletics Area
Construction of car parks, roads and access.

The decision was made following a public enquiry held on 12 February 1991 as the application was 'called-in' by and determined by the Secretary of State for the Environment.

Following original completion of construction the Leisure World facility has remained largely unchanged in planning terms with the exception of advertisement consents for items to the front elevation and small scale additions to provide smoking enclosures to the nightclub uses.

Policies

National Policy Guidance

PPS1, PPS4, PPS17
Circular 11/95

Draft National Planning Policy Framework (NPPF): Note: Existing PPG's and PPS's remain in force until formally superseded by the NPPF

Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 58, 67, and 68
Appendices 1, 5

Environmental Guidelines - Chapter 3. Landscaping on development sites

Core Strategy Pre Submission

Policies CS4, CS12, CS13 and CS23

Representations

Spatial Planning

The proposal is welcomed in principle in that it has the potential to secure much needed refurbishment of and investment in Leisure World and to deliver an attractive mix of leisure and recreational uses. However, there are wider implications regarding the scale of the proposed A3 uses that need to be addressed.

The two key issues this proposal raises are:

- The suitability of the proposed uses in terms of securing the long term future of Leisure World; and

- The impact of the proposed A3 uses on the planned regeneration of the town centre.

The site is located within the Jarman Fields Local Centre (Policy 39), which is recognised as performing a district centre shopping role. While the Core Strategy is not yet adopted it is seeking to re-designate the centre as an out of centre retail and leisure location (Table 6).

In principle, we would support proposals that secure improvements to the appearance and fabric of the building, its public realm, and its long-term future as a leisure destination in Hemel Hempstead (Policies 72/85/86). This would also fit in with strategic aspirations of the Council to regenerate the town (Core Strategy: Hemel Hempstead town vision).

The future of the site is also acknowledged as a key corporate regeneration project (under the Dacorum Development Programme). Its stated aim is to develop an integrated high quality leisure offer that raises the profile of Hemel Hempstead as a prime leisure facility. Any refurbishment of Leisure World should be seen in the light of these objectives.

No objection is raised to the loss of the three night clubs, and in any event they are currently vacant. These are more recreational than traditional leisure uses, and there may be wider benefits in terms of the potential reduction in anti social behaviour and improvements to local amenity. Furthermore, there is no objection in principle to the loss of the indoor green bowls (given it is already vacant). The ten pin bowling would be retained, albeit with a new operator.

The proposed new leisure uses would be acceptable in general terms under Policy 39 and through the Core Strategy (Table 6). They would complement the existing leisure offer of the site and the recent opening of the nearby extreme sports centre facilities. On this basis, we welcome the proposed new gym and indoor children's play area. Strategic Planning is aware of an on-going demand for the latter in the town, which has proved difficult to accommodate in locational and policy terms. The scheme would be an ideal opportunity to realise this demand.

Policy 39 would also support A3 uses in this location, but the Core Strategy makes no reference to this activity. If its role is to support and complement new and existing leisure uses then this is likely to prove acceptable in policy terms. However, we are concerned over the sheer scale envisaged (3,186 sqm) in the form of eight smaller units. This is the type of large scale investment that could potentially be directed to the town centre. Furthermore, it would appear that the restaurants would be at the expense of existing leisure uses (particularly Aqua splash), and a potential dilution of its leisure offer.

It would appear the A3 uses are the main facilitators of the development. The applicant argues that there is demand for these uses, they are needed to make the scheme viable, they would make it more attractive to families, and that the facilities as a whole would remain a leisure destination.

We would agree with the applicant that the restaurants would complement the existing food offer (Pizza Hut and McDonalds) within the centre, can help underpin viability, would be more family-friendly, and can be found with large-scale leisure/recreational uses. However, we would query whether there is the demand for this amount of restaurants given the current commercial market

The loss of Aqua splash would be regrettable given it is a unique and popular facility for the town and the borough. However, it is unclear from the supporting material what has led to its sudden demise. If the loss is to be supported, then it would be helpful to obtain additional evidence from the applicant to explain the reasoning behind the loss of Aqua splash (e.g. are their operational or viability issues for its imminent closure?). Could the scheme still prove viable if it was retained?

We are also concerned over the impact of the uses on planned regeneration of the town centre

under the Hemel Hempstead Town Centre Master Plan / Hemel Evolution project. The Core Strategy states that the future of the area is to be closely linked to the planned regeneration of Hemel Hempstead town centre, and new development at Jarman Fields should complement the centre (para. 13.8). There is concern that because of the potential scale and type of food offer, Leisure World could become a rival daytime and evening destination to the town centre and deter future investment of this type. It should not be seen to undermine such key objectives.

It would be helpful for the applicant to explain to us how they see the development fitting in with broader town centre regeneration aims, and to satisfy us that their proposals are complementary to this. If the scheme did prove acceptable, it may be prudent to allow for flexible use of the A3 units (e.g. to leisure and other recreational uses) in case there is not sufficient demand for restaurants.

We would also stress that it is important to ensure the development contributes to the wider regeneration of the centre as a whole in terms of parking, landscaping and the public realm, and improving pedestrian links.

This is a major opportunity to secure the future of Leisure World and is welcomed, but we need to be satisfied that the loss of Aqua splash is fully justified and that this scheme does indeed complement key Council aims of regenerating the town centre.

Conservation and Design

Design issues are as follows:

- Lack of clarity of the appearance of the proposed metal screen above canopy.
- Lack of clarity of the material and appearance of the canopy - is this aluminium finish over the whole external area?
- Lack of clarity over form and appearance of the entrances and signage
- Details to the shop fronts
- Missed opportunity to secure changes to the existing roof metal cladding - could any enhancement be sought to change the existing colour?
- Lack of details over the public realm
- Opportunities for up lighting the proposed structure
- Needs to secure safe crossing points and connectivity across the retail park as a whole.

Hertfordshire Highways

No comment

Contaminated Land Officer

As the proposals detailed within the above application do not involve any ground works or disturbance to the gas protection membrane installed during the original construction (refurbishment and change of use only), no condition relating to contaminated land will be required in this case.

It is recommended that the developer is advised to keep a watching brief during works on the site for any potentially contaminated material.

Crime Prevention Design Advisor, Hertfordshire Constabulary

Some concerns were raised over the boundary security especially as on a recent visit the gates at the rear of the Leisure World were open allowing anyone to have unauthorised access to the rear of the building.

Environment Agency

A Flood Risk Assessment (FRA) should be submitted to present methods to improve the sustainability of the existing surface water drainage system. In the absence of a FRA we object to this application and recommend refusal of planning permission.

A response has been provided by the applicant and further comments are awaited from the Environment Agency.

Sport England

Comments awaited.

Thames Water

Waste comment - Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Considerable attention has been received in response to the application. In general there is support for the improvements proposed to the Leisure World building, and the removal of the nightclubs and replacement with restaurants has been well received and supported.

Considerable objection to the removal of the aqua splash (swimming / leisure pool) facility has been received.

Objections are noted as following:

Petition of approaching 5000 names in objection to the loss of aqua splash (details to be confirmed at committee)

Facebook group in petition against closure of aqua splash

39 letters of comments - the letters can be summarised as follows:

The vast majority in objection to the loss of aqua splash as a single issue, and indeed a good level also recognise the need for investment in the Leisure World building. No objections have been received with regard to the loss of the nightclubs and some also provide positive comments with regard to the additional provision of restaurants within the complex.

Considerations

Policy and Principle

In summary, the visual enhancements to the existing building and surrounding forecourt are considered to be positive and the inclusion of further restaurant uses is also noted as supporting and enhancing the leisure / food offer of Jarman Park, and indeed no objection is raised to the loss of the vacant nightclub / late bar uses. Concerns is raised however, to the number / total floor space of restaurants proposed and the impact this may have on the draw of the town centre in comparison; and also the existing uses.

Impact of Restaurant Uses on Town Centre

The local plan designates Jarman Park as a local centre, and is clarified within Policy 39 as being a 'District Shopping Centre'. The Emerging Core Strategy creates a more specific identity for the area as an 'out of centre retail and leisure location' (Table 6). This recognises the recent enhancements and additions to the leisure offer of Jarman Park through recent developments at the Ski Centre and The XC (extreme sports centre).

The Core Strategy also forms specific aspirations for the Town Centre, recognising the need to enhance the offer of the town centre and create a better evening economy through the inclusion of a wider offer of facilities, such as the provision of restaurant space. The Core Strategy and Hemel Hempstead Town Vision are not adopted documents and therefore have limited weight when assessing the proposed development in this application.

National planning policy on economic development provided within Planning Policy Statement 4, states that when identifying sites for main town centre uses the following policy should be considered:

Policy EC5 – Site Selection and Land Assembly for Main Town Centre Uses.

Paragraph EC5.2 – “Sites for main town centre uses should be identified through a sequential approach to site selection. Under the sequential approach, local planning authorities should identify sites that are suitable, available and viable in the following order:

- a) Locations in appropriate existing centres where sites or buildings for conversion are, or are likely to become, available within the plan period.*
- b) Edge-of- centre locations, with preference given to sites that are or will be well connected to the centre.*
- c) Out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport which are closest to the centre and have a higher likelihood of forming links within the centre.”*

Paragraph EC5.4 provides further commentary on this process, *“In assessing the impact of proposed locations for development under EC5.1.d, local planning authorities should: take into account the impact considerations set out in Policy EC16, particularly;*

- a) for developments over 2,500 sqm or any locally set threshold under EC3.1.d, ensuring that any proposed edge of centre or out of centre sites would not have an unacceptable impact on centres within the catchment of the potential development*
- b) ensure that proposed sites in a centre, which would substantially increase the attraction of that centre and could have an impact on other centres, are assessed for their impact on those other centres, and*
- c) ensure that the level of detail of any assessment of impacts is proportionate to the scale, nature and detail of the proposed development.”*

The above policy extracts indicate the background evidence planning authorities should establish when identifying locations for town centre locations, the planning authority is not in this position with regard to the strategy for the town centre; thus objection on this ground could not be sustained.

Loss of Existing Uses

Policy 68 of the Adopted Local plan ensures planning permission will not be granted for development which would result in the loss of viable social and community facilities, unless satisfactory alternative provision is made. The background text to the policy clarifies this position with the following text, *“The land occupied by social and community facilities, both*

public and private, is often subject to development pressures because of its potential alternative use value. It is important that unreasonable development pressure does not threaten the existence of valuable facilities.” The term ‘Social and Community Facilities’ is confirmed in the policy background text to Policy 67, and is as follows, *“Social and community facilities are provided by a variety of agencies to meet the needs of all people in Dacorum. The term covers facilities for childcare, residential care, education, health, general welfare, worship, social contact and environmental services (such as disposal of household waste).”*

With regard to the definition above, the existing (albeit vacant) nightclubs and bars, and the Aqua splash facility could be considered to constitute facilities for ‘social contact’, and therefore are protected by this policy.

The policy specifically notes that the loss of ‘viable social and community’ facilities should not be allowed. The operators of the nightclub and bar uses have entered administration and are therefore not considered a viable use; the loss of these uses is not contrary to Policy 68 and no objection is raised.

With regard to the loss of Aqua Splash no evidence has been provided to suggest the facility is not viable; to the contrary, from the level of objection received, and details within specific objections, the facility appears to be in high demand; well used by the local and far wider community.

However, the proposal puts forward the replacement of the Aqua Splash facility with A3 restaurant uses; these also provide a potential for social contact hence are also a social and community facility. The policy neither specifies the precise uses which are considered to be ‘social and community facilities’ nor does it provide the opportunity to make a qualitative assessment of the social facilities in question, as a result objection can not be substantiated against the loss of this facility. The proposal does not contravene policy 68.

A similar stance is noted in the pre-submission Core Strategy Policy 23 - Social Infrastructure, provides the following guidance; *“Existing social infrastructure will be protected unless appropriately alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred.”*

Policy 72 relates to Land for Leisure, and defines Hotel; theatre; cinema; bowling; skating rink; and (indoor) sports centre as examples of high intensive leisure uses. The aqua splash use is considered to be of similar characteristics of these uses. Policy 75 seeks the retention of leisure space and notes; “Building on leisure spaces will not be permitted unless:

- a) the proposal is ancillary to the leisure use of the land;
- b) a sufficient proportion of the site with appropriate facilities is retained in open use to meet the formal and informal leisure needs of the local population (see Policy 73 (b));
- c) there is a demonstrable surplus of sports pitches and informal leisure space;
- d) leisure space lost is replaced to an equivalent or better standard in an accessible alternative location; or
- e) there is an overall benefit to sport as a result.

The above policy should be applied appropriately to the proposed development, noting that the existing use is not a conventional leisure use, for example a sports pitch or playing field, but a leisure use that provides a specific type of leisure activity.

The proposal does not propose the ‘building on leisure spaces’, and relates to the change of use of an intensive leisure use to a social use. The policy does not explicitly restrict this development.

To a degree, the provision of restaurants is ancillary to the offer of Leisure World, in that these

support and add to the Leisure offer of the centre. A good proportion of the Leisure World building shall remain as leisure use; this being an ice rink; ten pin bowling and cinema and also the development proposes the addition of a gym and soft play space for children. The table below provides a comparison of the existing situation to the proposed.

Table 1: Schedule of Existing and Proposed Development

Existing			Proposed		
Use	Name	Floor space	Unit No.	Use	Floor space (mezzanine)
D2	Aqua splash	2415 sqm	1	A3	371 sqm
			2	A3	386 sqm
			3	D2 – Soft Play Area	1393.5 sqm
Sui Generis	Nightclubs	1791 sqm	4	A3	325 (46) sqm
			5	A3	325 (86) sqm
			6	A3	358 (46) sqm
			7	A3	371 (46) sqm
			8	A3	358 (46) sqm
A5	Bar	337 sqm	9	A3	371 sqm
A3	Pizza Hut	371 sqm	9	A3 - retained	371 sqm
D2	Ice Rink	1546 sqm		D2 - retained	1546 sqm
D2	10 pin Bowling	1258 sqm		D2 – retained	1258 sqm
D2	Cinema	2595 sqm		D2 – retained	2595 sqm
A5	Bar	1144.5 sqm		A5 – retained	1144.5 sqm
D2	Bowls	1546 sqm		D2 – Gym	1533 sqm

Table 2: Comparison of use floor spaces

Use	Existing	Proposed	Change
D2	9,360 sqm	8,325.5 sqm	-1,034.5 sqm
Sui Generis	1,791 sqm	0	-1,791 sqm
A3	371 sqm	3,506 sqm	+3,135 sqm
A5	1481.5 sqm	1144.5 sqm	-337 sqm

The table highlights that whilst the loss of the aqua slash, the bowls facility and the nightclubs cover a significant floor space of the centre, the proposal maintains a good level of D2 across the building, including the introduction of the gym and soft play area. This goes some way to support the development with regard to criteria (b) of Policy 72; wherein a good level of Leisure uses are retained within the building.

Taking the wider view across the Jarman local centre area, recent developments at the Ski Centre, wherein the longstanding dry ski slope was redeveloped to provide an indoor snow centre, greatly enhancing the facilities; and also the development of The XC providing unique and exceptional facilities. Whilst these developments are not related to the current application, it is worthwhile noting that the leisure offer provided within the local centre has been enhanced in recent years.

Criteria (c), (d) and (e) of Policy 72 are not met, however, relate more specifically to open leisure space and are not directly applicable to this application.

PPS4 Policy EC13 provides guidance on determining planning applications affecting shops and services in local centres and villages:

“EC13.1 When assessing planning applications affecting shops, leisure uses including public houses or services in local centres and villages, local planning authorities should:

- a) take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use
- b) refuse planning applications which fail to protect existing facilities which provide for people’s day-to-day needs
- c) respond positively to planning applications for the conversion or extension of shops which are designed to improve their viability
- d) respond positively to planning applications for farm shops which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping.”

Sections a) and b) could be applied to the application proposal. The leisure facility is noted (from the high volume of comments received on the application) as being a service which serves the local and wider community; the viability of aqua splash has not been questioned and is considered to provide a viable and sustainable use within the complex. With regard to the loss of a facility which provides for ‘people’s day to day needs’, whilst aqua splash does provide a needed leisure facility of a specific and rare nature it is not a use which can justifiably be regarded as serving ‘day-to-day’ needs; the policy in this regard is intended to relate to shops within a rural or remote location which provide a valuable service to a community.

With regard to the policy discussion above, whilst there are elements of policy which could be applied to the situation, there is no overriding policy objection which could be applied to prevent the loss of aqua splash.

Other material Considerations

As referenced earlier in the report; the original planning permission for the development of Jarman Park was considered by the Secretary of State, taking account of the entire development of the area as a comprehensive scheme.

The letter containing the Secretary of States considerations provides an insight into the decision made to approve the development; relevant paragraphs from this report are referenced below:

“15.50 In providing the Leisure Centre, the developers perceive that they are taking a risk which Dacorum cannot afford; they intend to keep the design flexible enough to respond to changing fashions, but they are willing to commit themselves to operate the pool, ice rink and indoor bowls for the long term even if it is not viable. The package could be funded by other commercial enterprises.

15.53 If an application had been submitted for a superstore in isolation on Jarman Fields, I do not think it would receive planning permission, primarily because it would not justify the loss of so much public open space. I have already reported the implications for shopping policy and impact, and concluded they would not warrant refusal. If that is so, the rationale for including the superstore is to pay for more beneficial parts of the package.

15.54 The balance is further swayed by a series of benefits included in the draft agreement. A substantial contribution to pavilions on sports grounds in other parts of Hemel Hempstead should bring 9 more pitches into use. Subject to the consent of the New Towns Commission, a

large new public open space of 36.5 Ha is proposed at Bunkers Lane on the outskirts of town, with a contribution from the developers.

15.55 All in all I consider the benefits to outweigh the harm.”

The above extracts highlight the considerations given to the original loss of open space, and how the provision of the leisure uses and contributions of off site improvements assisted in justifying the retail superstore.

With the above considerations in mind there is some weight given to the fact that the provision of the Leisure uses including aqua splash provided justification for the superstore and loss of open leisure space. However, whilst this is noted, the application must be considered against the current policy framework, and refusal on the basis of previous planning consideration against policy applicable at that time could not be sustained.

Justification provided by Applicant

The applicant has been questioned with regard to the proposed loss of aqua splash in light of the significant public opposition received. The applicant has provided a letter which sets out the reasoning behind the proposed development. The Leisure World scheme is said to be a crucial stage of its operational life; the form and appearance of the building is dated and outmoded when judged by current standards. The nightclubs, at the front of the building, the family entertainments centre and the 10 pin bowling have all closed. These closures are said to exacerbate the already unattractive and deteriorating frontage of the building. This deterioration is said to continue unless the required investment is made.

The case officer is in agreement that the Leisure World building in its current state is of tired appearance and detracts from the area. It is not of a welcoming appearance and does not provide an image that promotes a family friendly entertainment centre.

The applicant argues that from a commercial perspective, restaurant and cafe uses within A3 are the only ancillary leisure uses that will generate sufficient capital value to justify the cost of refurbishing Leisure World. A3 operators have expressed agreement with the applicant that the Jarman Fields is a suitable location for restaurant uses in principle, but require the condition of the building (Leisure World) to be significantly enhanced and to contain a critical mass of restaurant units.

It is agreed that significant enhancements to the appearance of the building would create a more appealing prospect for potential commercial interest, and this would provide a realistic source of investment generation to facilitate the required improvements to the appearance of the building. With regard to the requirement for a critical mass of restaurants needed to generate the interest, this sits uncomfortably with the Council's aspirations of Jarman Park. The adopted local plan designation as a local centre (district retail function) is not contradicted especially, however, moving forward to the Core Strategy identifies the site as an 'out of centre retail and leisure location' and the proposal does reduce the offer of leisure from the site. The intention to create a critical mass of A3 uses is noted, however, with regard to Table 2 above, there remains a substantial level of D2 use over A3 use floor space. The aspirations within the core strategy for this site are not considered to be compromised.

The applicant also puts forward the issue that aqua splash has a prominent frontage within part of the building, one which is considered by perspective occupants of the A3 uses to detract from the design aspirations of the building.

Whilst the exposed flumes of the Aqua Splash are not considered to be of design benefit to the appearance of Leisure World, they are accepted as a functional element of the building and commensurate with the internal use. It is not accepted that this provides suitable

justification for the removal of the aqua splash facility. In addition the applicant has not put forward any consideration of design improvements which would facilitate the retention of the flumes whilst achieving the required visual improvements the building. As such this point is given very little weight in the consideration of the application.

The applicant has put forward that the retention of the aqua splash and conversion of only the nightclub uses to A3 would not generate the sufficient capital value to enable investment in Leisure World.

The grounds of viability are put forward as fundamental reasoning behind the decision to remove the aqua splash facility, and this point is two fold; one, the proposal must provide a desirable facility in order to attract A3 operators to the building; and two, the capital receipt must generate sufficient funding to facilitate the improvements to the scheme. No viability assessment or other justification has been put forward to substantiate this reasoning; however, the case officer understands the differentiation that whilst aqua splash may even be a profitable and viable operation; the retention does not provide capital which could facilitate visual improvements.

Despite the lack of viability assurances which regard to the claims made above, the policy background assessed above does not seek a viability argument when considering the proposed development and hence there is very limited ground for recommending refusal.

Consideration of Objections received

The application has received a significant level of public interest, the vast majority in objection to the loss of aqua splash as a single issue, and indeed a good level also recognise the need for investment in the Leisure World building. No objections have been received with regard to the loss of the nightclubs and some also provide positive comments with regard to the additional provision of restaurants within the complex.

A letter received from the general manager of Aqua splash provides some additional information relating to the operations of aqua splash. The facility employs over 70 people within a specialist field, providing training and qualifications as the facility is a Qualified Lifeguards Approved Training Centre.

Approximately 145,000 visitors use the facility annually, and during the February half term the facility saw 11,468 customers in one week. Within the community the facility runs a school attendance scheme that rewards local school children in regard to their attendance records which has had a positive impact on truancy numbers. The facility is also considered by the manager to provide an activity for young people within the town which has a positive impact on anti-social behaviour.

The letter also makes reference to a covenant on the land which requires the leisure pool facility to be maintained. Whilst this is noted the covenant does not have an impact on the consideration of a planning application.

The positives provided to the community and wider population by the aqua splash facility are apparent and evident in the number of comments received to the consultation process.

The proposed development shall also provide employment and training facilities to the community. The high level of customer attendance is noted, and also the level of attraction the aqua splash facility provides to the area is evident; however, this does not provide grounds to refuse the application.

Effects on appearance of building and landscape

The existing appearance of the Leisure World building is noted as being in decline and in its current state detracts from the appearance of the area, noting the recent developments of the ski centre, The XC and also improvements to the Tesco store.

The removal of the intrusive signage to the front of the building is welcomed and the proposed elevation to the frontage of the building is recognised as improving the general appearance of the building.

The canopy is seen as a positive addition to the building; however, the proposed mesh above canopy does raise concern with regard to the finish appearance. This material along with all external materials shall be conditioned for samples to be submitted prior to commencement of development. This shall provide a sufficient mechanism to confirm the finish quality of the development. The comments from the Council's Conservation and Design team regarding the opportunity to address the colour of the existing structure are noted; with regard to the proposed development a significant improvement over the existing appearance is noted.

The restaurant unit frontages are to be confirmed with later applications, as the specific detailed design shall require advertisement consent.

A condition requesting details of extraction systems is required to ensure flue extraction units are positioned considerably, and not projecting from the roofscape or front elevation.

Similarly, external lighting shall provide a positive opportunity to achieve the desired improvements to the building. A condition requesting an external lighting scheme shall be attached to the decision.

The hard and soft landscaping are of paramount importance to the success of the scheme. The general layout proposed is noted as an improvement to the current situation; again a condition shall ensure the final appearance is of suitable quality prior to development.

Impact on Neighbours

The proposal removes nightclub uses and bar uses which previously opened late into the night and resulted in large numbers of people leaving the area in the early hours of the morning, especially at weekends. The changes to the use intend to provide a family focussed entertainment offer and as such is considered to provide fewer opportunities for disturbance to surrounding neighbours.

The proposal does include the introduction of outside seating to the front of the building for use as part of the restaurant operations. These are considered to be well away from residential properties, and screened by The XC building and also acoustic fencing installed to the rear of the Tesco superstore service yard.

No other building alterations are considered to amount to detriment to neighbouring amenity.

Parking

Alterations to the hard surfacing to the front of the building will displace a number of parking spaces, however these are recovered elsewhere within the site. A total of 970 parking spaces are provided within the site. The development contains a sufficient level of parking at present and with the change of use away from nightclub uses to restaurants there would be some increase in parking requirement expected. However, as these activities are likely to take place throughout the day and in conjunction with other uses of the complex the potential to use public transport is increased. A need to increase parking provision to take account of the change in uses is not seen as necessary. The development is considered to accord with policy 58 and appendix 5 of the Adopted Local plan.

The addition of 18 cycling parking spaces is welcomed.

Sustainability

Limited information has been provided with regard to sustainability. Although the re-use of the building is noted as a sustainable approach to the development of the site. A condition requesting further information with regard to Policy 1 and appendix 1 is considered necessary.

Conclusions

The proposed development provides an opportunity for much needed improvements to the appearance of the Leisure World building and also the leisure offer provided by the complex. The introduction of restaurant uses provides a more family orientated leisure offer and this along with other recent developments within the area shall enhance the leisure offer of Hemel Hempstead. Some reservations are held with regard to both the impact this may have on the town centre, and also the loss of the aqua splash facility as an exceptional, unique and well used facility within the town. However, the development proposed shall provide a wider scope of leisure uses which shall assist in maintaining the remaining uses.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 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 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**

- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); and
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 4 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 5 The development hereby permitted shall not be commenced until there has been submitted to and approved by the local planning authority a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: In the interests of the appearance of the development.

- 6 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 7 No development shall take place until details of the surface water drainage system layout shall have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the**

appropriate interception of surface water run-off so that it does not discharge into the highway or foul water system. The scheme shall include petrol / oil interception facilities from car parking / circulation areas. The development shall be carried out in accordance with the approved details and thereafter the approved system and measures shall be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies 1 and 124 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 8 **No exterior lighting shall be installed without the prior express approval in writing of the local planning authority, or in accordance with any details approved under Condition 4.**

Reason: To ensure control in the interests of residential and visual amenities in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

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

**DLA-1488-P-01
110351-D-010
110351-D-011
110351-D-012
110351-D-013
110351-D-014
110351-D-020
110351-D-021
110351-D-022
110351-D-023
110351-D-024
110351-D-025
110351-D-030
110351-D-031
110351-D-032
110351-D-040**

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

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where a mix of uses are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be a positive improvement to the appearance of the building. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The loss of social facilities is not considered to conflict with policies 68 and 72 of the Adopted Local Plan and CS23 of the Pre-Submission Core Strategy. The proposals therefore accord with Policy 11 of the Adopted Local Plan and Policies CS 12 and 13 of the Pre-Submission Core Strategy .

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13, 58, 68 and 72

Appendices 1 and 5

Pre-Submission Core Strategy

CS 12, 13 and 23

INFORMATIVE:

The applicant is advised to conduct a watching brief during works on the site for any potentially contaminated material.