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**SUPPLEMENTARY REPORT ON APPLICATIONS**

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**REPORT BY DEPUTY CHIEF EXECUTIVE**

**PURPOSE OF REPORT**

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

**LIST OF SUPPLEMENTARY ITEMS**

Applications for the following sites are included in this report.

**North Sunderland**

S1	Site of Hahnermann Court, Carley Hill/Thompson Road
S2	Land at Marine Walk and Roker Park, Sunderland
S3	Tesco Stores Ltd, Sunderland Retail Park

**Development Control  
(North Sunderland) Sub-Committee**

**SUPPLEMENT**

**30 April 2013**

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<b>Number:</b>	S1
<b>Application Number:</b>	12/03269/FUL
<b>Proposal:</b>	Erection of a foodstore with associated access, car parking and landscaping and relocation of the existing sub station
<b>Location:</b>	Site of Hahnemann Court, Carley Hill Road/Thompson Road

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Further to the preparation of the main Committee report to Members, the Local Planning Authority is now in receipt of an audit, prepared by the Council's retail planning advisor Hollissvincent, of the applicants support material. The content of the audit is currently being examined and it is therefore anticipated that a full and detailed report addressing all of the issues will be made on a report to be circulated at the meeting.

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<b>Number:</b>	S2
<b>Application Number:</b>	13/00219/LAP
<b>Proposal:</b>	Provision of three mobile 'Cannonball' pods to be used for retail, educational and social/cultural operations
<b>Location:</b>	Land at Marine Walk and Roker Park, Sunderland

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No further representations have been received subsequent to the preparation of the main report to the Sub-Committee. As set out in the main report, the main issues to be considered in determining this application are:

- the principle of the proposed development;
- the impact of the development upon visual amenity and character of the Conservation Area and Historic Park and setting of the listed pier and lighthouse;
- the impact of the proposal on the amenity of nearby residents; and
- accessibility and the impact of the development on highway and pedestrian safety.

### **Principle of Proposed Development**

The majority of the areas identified along Marine Walk are not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

Part of the northernmost area of Marine Walk identified as well as the location within Roker Park (which is also designated as a Historic Park) are allocated as existing open space to be retained and, as such, policies B3 and L7 are applicable, the former states that 'public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area' whilst the latter advises that 'the undeveloped part of the site is classified as part of an area of existing open space over one hectare and, as such, policy L7 of the UDP applies, which aims to protect land allocated for open space or outdoor recreation. Planning permission for other uses on such land will only be granted if:

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made...; or

- (ii) The development is for educational purposes; and
- (ii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site'.

In relation particularly to the seafront, policy NA6 of the UDP states that the City Council will encourage improvements to the existing commercial and social structures in the coastal zone to help ensure their viability and maximise their potential contribution to the environment of the seafront. In addition, UDP policy NA26 dictates that the seafront zone between the river mouth and the city boundary with South Tyneside will be developed and enhanced to accommodate a range of facilities providing a focus for leisure activity and tourism serving the region whilst any development should, by the quality of its design, retain and if possible enhance the underlying character of the zone and existing open spaces and associated areas will be retained for passive recreation use. Furthermore, UDP Policy NA30 seeks to preserve sea views along the Roker, Seaburn and Whitburn Bents frontage.

Generally, policy EC8 specifies that the Council will support the expansion of activities catering for tourists and other visitors by:

- (i) identifying, consolidating and safeguarding attractions;
- (ii) refusing proposals which would have an adverse impact on tourist attractions (as identified in the area chapters);
- (iii) actively encouraging opportunities for new tourist initiatives, especially where they are near existing areas of visitor interest;
- (iv) providing cycle and car parking for visitors, and footpaths and interpretative facilities at tourist attractions.

To this regard, the proposed 'Cannonball' pods would support the function of the seafront by providing facilities/attractions to visitors. Given that each pod would be moveable, one of which would be for education, and would compliment the use of the public areas of Marine Walk and Roker Park, it is not considered that the proposal would prejudice use of land as open space or outdoor recreation.

For such reasons, the principle of the proposed development is considered to be acceptable.

### **Visual Amenity, Character of Conservation Area and Historic Park and Setting of Listed Structures**

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy' whilst policies B4 and B6 require all development within conservation areas to preserve or enhance their character or appearance and encouraging the retention of existing buildings and the improvement of features. In addition, UDP policy B10 advises

that proposals in the vicinity of listed structures do not adversely affect their character or setting whilst policies B18 and NA28 state that the character and setting of historic parks and gardens will be protected from adverse impact by development.

The Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS) provides more area-specific guidance. Management Objective 6 seeks to secure the appropriate enhancement of the lower promenade as an area of activity and distinctive character whilst Proposal 6a seeks to secure high quality and innovative building designs and high quality, coordinated environmental improvements in all development proposals for Marine Walk.

Having regard to the above policies and guidance, in accordance with the recommendations of the Council's Built Heritage team, it is considered that the proposed Pods are of an innovative design and would be constructed with high-quality materials and, as such, would enhance the local environment whilst providing attractions to visitors to Marine Walk and Roker Park as well as the wider Roker Park Conservation Area and the setting of the grade II listed Roker Pier and Lighthouse.

### **Residential Amenity**

There nearest residences to the proposed Cannonball Pods are those in Liddell Court and the closest block within this Court is situated approximately 15m from the southernmost area in which the Education and Performance Cannonballs would be situated.

Having regard to policy B2, due to the relatively minimal scale of the Cannonballs together with their position from residences, on the opposite side of Marine Walk, it is not considered that they would compromise the amenity afforded to nearby residents. Given the nature of the proposed operation of the Pods it is not considered that they would be likely to give rise to any significant level of noise or disturbance to neighbouring residents. In addition, the Pods would be owned by, and leased from, the Council, so measures to mitigate against potential sources of disturbance can be identified through lease agreements and appropriate action could be taken by the Council, as owner, where necessary.

### **Accessibility and Highway and Pedestrian Safety**

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

As reported previously, concerns have been raised by local occupants that there would be no provision for disabled/inclusive access to the proposed Pods. The main stage/platform of each pod would be approximately one metre from ground level and, whilst it is set out in the Design and Access Statement that the Cannonballs and their stage/platform have been designed so that they could be docked in an area of level change, it is apparent that there are few, if any, areas within the identified sites which incorporate contours to facilitate fully inclusive access.

In respect of this, Members are advised that, to inform the regeneration of the seafront at

Roker and Seaburn, the Council, led by Planning Implementation, undertook a city wide consultation between 16 February and 03 April 2009 to find out what the people who live in, work in and visit Sunderland feel should be the vision for the future of the seafront. People were asked whether the vision should be a seafront to go to for a quiet walk, family fun, watersports, great events or any other suggestions they may have.

In total, 2,455 people completed a seafront consultation form, which included 843 members of the Community Spirit citizens' panel. Over 200 people participated in workshops on the future of the seafront, including council led workshops involving the Disability Alliance of Sunderland (DAS) and the Older People Independent Advisory Groups and workshops led by the independent organisation Planning Aid involving the Youth Parliament and residents across the city. The consultation highlighted a number of issues and opportunities, including the opportunity to provide space for outdoor education use at Roker.

Mixed comments were received in relation to the Roker Pods as a result of this consultation process; three respondents were in favour of the pods, three objected on the grounds of the appearance of the pods and one respondent was undecided; no objections were received over the principle of providing education facilities and an interpretation point at Marine Walk. The design of the pods shown in the masterplan is a design concept for illustrative purposes and a design team was subsequently established to develop this concept further. Funding has been secured from the Commission of Architecture and the Built Environment Sea Change fund to deliver a first phase of improvements at Marine Walk, including the pods.

A commitment to accommodating the needs of people with disabilities has been a consistent theme to all elements of the Seafront Regeneration project. The development of the Seafront Regeneration Strategy and associated planning documents involved extensive consultation with disability organisations including the Disability Independent Advisory Group, which has included site visits and consultation on detailed design proposals between such groups and the Council's Planning Implementation Team.

The proposed Pods were developed as concept designs in the summer of 2009. The design was in response to the need to regenerate the seaside resort of Roker and provide more accommodation on Marine Walk to meet a range of identified needs, including for use as an outdoor education space. The spherical form was chosen to reflect the cannonball rock which is part of the unique identity of Roker. Also historical research showed that movable beach huts were in operation on the beach at Roker during the Victorian period to provide bathing huts for visitors.

Due to this unique design, in particular the spherical shape of the Pods, the opportunity for their use for a range of functions and the fact that they will be moveable to a range of locations, it is has not been practicable to achieve a standard integral solution to allow for level access, such as a ramp feature. As a result, the Planning Implementation Team has explored alternative solutions and will be working with future operators of the Roker Pods to determine the most suitable means of providing level access to the Pods taking into account the activity to take place and the specific requirements for users and the likely locations for their use. A possible solution is the incorporation of portable wheelchair lifts, which would afford a fully inclusive means of access to the Pods. Planning Implementation has confirmed that funding has been set aside in the Sea Change budget to allow for additional

equipment to be purchased to facilitate inclusive access.

In addition, Network Management has advised that there is no objection to the proposed works in terms of highway and pedestrian safety. Given their relatively small scale and proposed siting, it is not considered that the Cannonballs would be prejudicial to highway or pedestrian safety or the free passage of traffic.

### **Other Issues**

As set out in the main report to the Sub-Committee, a number of additional concerns have been raised by local occupants, a summary and response to which are provided below.

- Leaving the proposed Pods out during night times may lead to them being vandalised and anti-social behaviour.
  - It is not considered that the proposed Pods have been designed in such a way to give rise to an increase in crime or to hinder the prevention of crime. In any event, any defacing of the proposed units or other anti-social behaviour is a policing matter and it is not considered that such a possibility should prejudice the proposal in terms of its planning merits. In addition, the Pods would be secure and the issue of crime prevention along the Promenade is an integral aspect of the Seafront Regeneration Strategy.
- The proposal, together with the wider masterplan for the sea front, would lead to an excessive number of retail units within the area, which may sit empty.
  - The addition of retail units is set out in the Seafront Regeneration Strategy as a means of regenerating the area and accords with the Council's aims of increasing the number of visitors to the seafront which, in turn, would create additional custom.
- The proposed Retail Cannonball would require a permanent power source.
  - A power source would be provided where this Pod would be normally sited, however it is not considered that such a provision would be detrimental in terms of the planning merits of the proposal.
- The application has been made, and will be determined by, the Council, so the views of the public will not be properly taken into account and an impartial view cannot be reached.
  - The application shall be determined in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), as required.
- The Council has misled local occupants during public consultation prior to the submission of the application in respect of the design of the proposed Pods.
  - As set out previously in this report, Planning Implementation has carried out extensive consultation on the future of the seafront to inform the strategy on its regeneration. Following this consultation, a draft Seafront Regeneration Strategy was prepared to guide the regeneration of the seafront at Roker and Seaburn. At the same time, a more detailed masterplan was prepared for

Marine Walk, Roker. The draft proposals for Roker were set out in the Marine Walk Masterplan, including the Roker Pods. The draft Masterplan underwent a public consultation between 08 August and 18 September 2009 and was subsequently adopted by the Council as a Supplementary Planning Document.

In addition, the current application was given publicity by means of site and press notices and letters to neighbouring occupants in excess of statutory requirements which has given ample opportunity for any representations to be made.

- The proposed Pods, by means of their design and limited supervision, would pose a danger to the public, particularly children.
  - It is not considered that the design of the Cannonball Pods would pose any obvious danger to members of the public and no evidence has been provided to demonstrate otherwise. Whilst the possibility of children climbing on the installation may become evident, it is not considered that the Council, as Local Planning Authority, can be held responsible for the misuse of the proposed units.

## **Conclusion**

For the reasons given above, the principle of the development proposed by this application is considered to be acceptable and it is not considered that it would pose any detriment to the visual amenity of the locality, the Conservation Area, the setting of the listed Pier or Lighthouse or highway/pedestrian safety whilst inclusive access can be reasonably provided. The proposal therefore accords with the relevant UDP policies (B2, B3, B4, B6, B10, B18, EN10, L7, NA6, NA26, NA28, NA30 and T14) as well as Management Objective 6 and Proposal 6a of the Roker Park Conservation Area CAMS. It is therefore recommended that Members grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).

## **RECOMMENDATION: Approve**

### **Conditions**

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
2. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Location Plan [as amended] received 18.03.2013
  - Proposed Site Plan [as amended] received 18.03.2013



- Drawing No. GA 1: Proposed Section received 15.02.2013
- Drawing No RP\_500\_10\_02: Plan Section received 30.01.2013
- Drawing No RP\_500\_10\_03: Section Elevations received 30.01.2013

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

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<b>Number:</b>	S3
<b>Application Number:</b>	13/00712/FUL
<b>Proposal:</b>	Change of Use of 1,971 square metres of Class A1 retail floorspace to gym (Class D2 Leisure)
<b>Location:</b>	Tesco Stores Ltd, Sunderland Retail Park

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Further to the preparation of the main Committee report to Members, all consultation responses have now been received and the main issues to be considered in determining this application are outlined below.

### **Consultee Responses**

#### **Economy and Place (Planning Policy)**

Based on the findings of the submitted sequential test, the principle of the change of use is considered to be appropriate and in accordance with Unitary Development Policy. As such no objections are raised.

#### **Executive Director of City Services (Network Management)**

The proposal is considered to be acceptable in terms of traffic and parking demand and therefore no objection or observations have been raised.

#### **Executive Director of City Services (Environmental Health)**

No objections or observations.

#### **City Services**

There are a number of gym operators within the vicinity and such a development will impact on the sustainability of these operators.

### **Issues**

The main issues to be considered in determining this application are:-

- 1) Principle of the proposal.
- 2) Amenity issues.
- 3) Highway issues.
- 4) Section 106/Legal issues
- 5) Other issues raised in representations
- 6) Consultation direction and notification to Secretary of State.

#### **1) Principle of the proposal**

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and

Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- development proposals that accord with the development plan should be approved without delay;
- where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  - (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  - (ii) specific policies in the NPPF indicate that development should be restricted.

### **Unitary Development Plan**

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998, the Unitary Development Plan (UDP) Alteration Number 2 (Central Sunderland) adopted in 2007.

The site is partially allocated within the UDP proposals plan as falling under policy EC5 (a mixed use site) and EN10 (where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain). Following the approval of recent applications 08/03336/OUT and 11/00560/REM and the relocation of the sites former D2 use (a bowling alley) the park is now largely retail in nature.

### **National Planning Policy Framework**

Whilst the UDP remains the statutory development plan for the City, due consideration needs to be given to the recently published National Planning Policy Framework (NPPF)

which now sets out those factors that local planning authorities should consider when determining planning applications.

In terms of the NPPF, this is a proposal for a main town centre use that is not in a centre. As such this development is subject to NPPF paragraphs 24 (sequential assessment) and 26 (impact assessment).

#### *Sequential test*

Para:24 states that "Local Planning Authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In considering edge of centre and out of centre proposals, preference should be given to assessable sites that are well connected to the town centre.

It is understood that a new build development is not a viable option for the operator therefore an existing unit capable of providing a floor area of approximately 20,000 square feet is considered to be required. In undertaking a sequential test the starting point should be the definition of the catchment area relating to the proposal. In this instance the applicant has assessed a relatively wide search area on the basis of availability, suitability and viability.

Four areas and nine sites have been considered through the submitted sequential assessment. These include sites in the City Centre as well as edge-of-centre and out-of-centre locations. The assessment concludes that none of the sites are available, suitable or viable for the proposed gym and as such the application site remains the most appropriate accommodation capable of meeting the proposed development's specific needs.

#### *Impact*

When assessing applications for leisure development outside of town centres a default threshold of 2,500 square metres is set out in the NPPF (no locally derived threshold has been set). As this unit is only some 1,971m<sup>2</sup>, it is not necessary to assess its impact on investment or vitality and viability in the City Centre.

#### **Assessment - NPPF compliance:**

Paragraph 27 of the NPPF states that; where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on City centre vitality and viability, it should be refused. In this context:-

- It is considered that the applicant's sequential assessment has examined a satisfactory range of sites, bearing in mind the specific needs of the applicant.

and

- It is unlikely that the gym will have a significant impact on the vitality and viability of the City Centre.

In conclusion it is considered that the applicant has undertaken the appropriate tests as set

out in National Planning Policy Guidance. These have indicated that this is the only available property suitable for the location of the gym. Due to the size of the unit it is unlikely to significantly affect the vitality and viability of the City Centre or other local centre.

It is therefore considered that the principle of utilising the designated floor space within the approved retail unit for a gym is acceptable in this instance.

## **2) Amenity issues**

UDP policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

In terms of visual amenity it is noted that the application relates solely to the change of use with no material alterations to the scale, massing or external appearance of the recently constructed building proposed. Any associated signage would be subject to the provisions of The Town and Country (Control of Advertisements) (England) Regulations 2007 and would need to be assessed separately.

Furthermore, as the proposed gym would be located within both an existing building and the confines of a wider commercial site, it is considered that it would have no adverse impact on the living conditions of any occupiers of residential properties located within the nearby area.

Against the above backdrop as it is noted that there are no planning conditions which restrict the operational hours of the new Tesco superstore there would be no planning justification for restricting the operational hours of the proposed gym in this instance.

The proposal would not increase the scale, massing, setting and layout of the new Tesco building nor is it considered to have any adverse impact on the residential amenity of nearby residents. The development therefore complies with the provisions of UDP policy B2.

## **3) Highway issues**

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In terms of vehicular access there would be no additional road infrastructure required to facilitate the new use with principal access taken from Newcastle Road to the west.

The applicant has stated that the inclusion of the gym would potentially enable users to utilise the proposed leisure facility whilst linking shopping trips to the retail park. As such, the argument put forward is that linked trips will reduce the need for separate journeys and contribute to more sustainable patterns of travel as promoted by para 37 of the NPPF which states;

"Planning polices should aim for a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities".

It is proposed that proposed that the gym will share the existing car park and argued that there will be sufficient on-site parking to accommodate the new use.

During the course of the planning process the applicant's have provided further evidence in the form of a Transport Assessment to substantiate the proposal in terms of levels of anticipated parking demand.

The assessment articulates that trip generation (i.e. traffic flows in and out of the site) is predicted to be slightly reduced, when compared against the anticipated trips generated by the original consent for the larger superstore. In addition, peak parking demand (week days and weekends) is predicted to be at 577, which can be accommodated within the 677 spaces that have been identified for the superstore.

Overall, a total of 863 spaces are to be provided for the whole retail park, which takes into account the additional parking for non food retail, fast food outlet, Blockbuster and Farmfood units.

Based on the above reasoning, the proposal is considered to be acceptable in terms of traffic flows/parking demand and raises no issues relating to highway safety. Furthermore, the proposed gym would also be appropriately served by existing forms of public transport with city bus routes and metro stations located nearby.

The proposal is therefore considered to accord with UDP policies T14 and T22 and paragraph 37 of the NPPF.

#### **4) Section 106/Legal issues**

The original application for the wider redevelopment of the site was subject to a Section 106 legal agreement entered into on 27 October 2010.

The Councils City Solicitors have advised that the provisions of the S10A are now in operation and their enforceability will not be affected by the new change of use application for part of the superstore. In addition, given the nature of the relevant planning obligations (local employment opportunities and the provision of public art), it is not considered that there would be any conflict with the proposed application.

#### **5) Other issues raised in representations.**

The one issue that has been in raised in the representations to date concerns the potential impact the proposed gym would have on the sustainability of other similar such uses within the city. As has been discussed under the principle of development, the proposed use falls under the threshold of 2,500 square metres as set out in the NPPF therefore it is not considered necessary to further assess the potential impact the use would have on the

viability of similar town centre or local centre uses such as the Seaburn Centre. Outside the confines of these areas, facilities such as the Aquatic Centre and the Puma Centre in Silksworth are themselves considered as town centre uses and as they are out of centre developments they are not afforded any protection. Further, the potential impact a development may have in terms competition, which may or may not lead to sustainability and viability concerns in the future, cannot be considered material to the planning merits of the proposal as it is not the function of planning procedures to prevent competition between private interests.

## **6) Direction on Consultation and Notification to Secretary of State**

With effect from April 2009 The Town and Country Planning (Consultation) (England) Direction requires the Local Planning Authority to consult the Secretary of State before granting planning permission for leisure development outside of town centres, subject to the requirements of section 5.(1) therein. Namely, in the event that the leisure development is not in accordance with one or more provisions of the development plan and consists of or includes the provision of a building(s) where the floor space to be created is 5,000 square metres; or 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres. Given that the gross floor space of the development is only 1,802 square metres it is considered that should Members be minded to approve there is no requirement to refer the application to the Secretary of State.

## **Conclusion**

The proposed change of use of part of the approved retail floor space to a gym is considered to be acceptable. The applicant has undertaken the appropriate tests as set out in National Planning Policy Guidance and these have indicated that this is the only available building which can suitably accommodate the proposed use. Furthermore, the size of the unit is unlikely to significantly affect the vitality and viability of the City Centre or other local centre uses whilst it has been satisfactorily demonstrated that the new use would not result in an increase in traffic flow or parking demand within the retail park.

In light of all material planning considerations discussed above, the proposal is recommended for approval subject to no further representations being received before the expiry of the public consultation period of 29 April. Should any further representations be received during this period, then they will be reported at committee.

## **RECOMMENDATION: Minded to approve**

### **Conditions**

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
2. Unless otherwise first agreed in writing with the Local Planning Authority, the

development hereby granted permission shall be carried out in full accordance with the following approved plans:

Plans No's PL (0-) 901 (Proposed Site Plan), PL (0-) 902 (Proposed level 0 Layout) and PL (0-) 903 (Proposed level 1 Layout) all received 18.03.2013

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. The premises shall be used as gym only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to achieve a satisfactory form of development and to accord with policy B2 of the UDP.