

ITEM 5.02

4/01190/15/MFA - CHANGE OF USE OF FOUR EXISTING CINEMA AUDITORIA FROM CLASS D2 ASSEMBLY & LEISURE TO CLASS A3 RESTAURANTS & CAFE'S. ADDITIONALLY THE APPLICATION IS TO INCLUDE ALTERATIONS TO THE EAST ELEVATION OF THE BUILDING TO SUIT THE NEW USE.. EMPIRE CINEMA, LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW. APPLICANT: UNICK ARCHITECTS LTD.

[Case Officer - Fiona Bogle]

Summary

The application is recommended for approval.

The proposed development provides an opportunity for much needed improvements to the appearance of the eastern end of the cinema/leisure building at Jarman Park in accordance with Core Strategy Policy CS12. The proposal will serve to enhance the leisure offer provided by the complex and facilitate the planned expansion of the cinema. The additional restaurant units add to the more family orientated leisure offer and this along with other recent developments within the area shall enhance the cinema and leisure offer of Hemel Hempstead. It is concluded that the proposal would not adversely affect the vitality and viability of the town centre, nor undermine the aims of the Hemel Hempstead Town Centre Master Plan but would rather strengthen the leisure status of Jarman park in accordance with the Core Strategy. There is ample car parking available to serve the proposed development and future planned expansion of the cinema.

Site Description

The application site comprises part of the existing cinema facility within the leisure building at Jarman Park. Jarman Park is an out of centre leisure and retail facility off the St Albans Road (A414). The site is served by Jarman Way, an established internal circulatory distribution road providing access to each of the existing uses including the Tesco superstore, McDonald's Drive thru and the The XC centre. Sports pitches and athletics track and ski centre lie further to the west beyond.

The leisure building is served by car parking both to the east and west of the building. The car parks provide parking for 970 cars, plus 42 disabled spaces and provision for the parking of 18 bicycles. There is a heavily treed landscaped buffer between the car park and the remaining undeveloped land to the north of the site.

Proposal

The application seeks planning permission for the change of use of four of the existing cinema auditoria at the eastern end of the building to Class A3 restaurant use. The proposal also involves the upgrading of the existing facade of this end of the building to improve the appearance of this run down and out dated elevation in conformity with the recent upgrade to the building frontage.

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.

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.

Relevant Recent History

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 - Granted 13/03/12

4/1453/12/NMA - 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 - non-material amendment to planning permission 4/02252/11/MFA - Granted 28/08/12

4/01110/13/FUL - Alterations to external appearance of building with insertion of new window in an existing wall - Granted 25/07/13

4/01111/13/FUL - Change of use of leisure world from assembly and leisure (D2) to Drinking Establishment (A4) - Granted 25/07/13

4/02888/14/FUL - Shop front alterations and installation of new signage, roof plant, fixed external furniture, lighting and planters (unit 8) - Granted 04/12/14

Policies

National Policy Guidance

National Planning Policy Framework

Adopted Core Strategy

Policies NP1, CS1, CS4, CS8, CS12, CS13, CS23, CS31 and CS32

Saved Dacorum Borough Local Plan Policies
Policies 54

Representations

Strategic Planning

The site is located within the Jarman Fields out-of-centre retail and leisure location at Jarman Park which contains a variety of existing assembly, leisure and retail uses.

Proposal & Relevant Policies:

The planning application seeks permission to change the use of part (1,054m² of the total 3,164m²) of the existing multiple cinema from D2 (Assembly & Leisure) to A3 (Restaurants & Cafes). This relates to the northeast part of the building currently containing Auditoria 1 to four which are proposed to be converted to provide four additional restaurant units along the northeast elevation of the building. This would be in addition to retaining the existing restaurant unit at the front of the building, adjacent to the cinema entrance (currently Pizza Hut).

Table 6 of the Core Strategy (page 81) defines Jarman Fields as an out-of-centre retail and leisure location providing food retailing, bulky non-food goods and leisure uses. The accompanying paragraph 13.8 states that significant new retail development above that already permitted will be resisted and the future use of this area will be closely linked to the planned regeneration of Hemel Hempstead town centre. Additionally it is recognised that the precise mix and quantum of uses may change over time but the role of the site should remain complementary to the role of the town centre.

Core Strategy Policy CS23 also states that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence provided to prove the facility is no longer viable.

Consideration should also be given to Core Strategy Policy CS33, the Hemel Hempstead Place Strategy and the associated Hemel Hempstead Town Centre Masterplan, which details the Council's regeneration aspirations and plans.

The key issues to consider are therefore:

- Impact of the loss of four auditoria through the proposed change of use; and
- The provision of additional restaurant space and how this impacts upon the regeneration plans for Hemel Hempstead town centre.

Loss of Social Infrastructure:

The principle issue to consider is the loss of four auditoria and the impact this could have on the viability of the existing cinema as a leisure destination for people in Hemel Hempstead and those from further afield. However, the applicant has stated that works are currently underway to extend the cinema complex internally into the adjacent Unit

11 in order to increase the frequency and content of films shown to offer the customer a greater choice. In view of this, we note that an Initial Notice was served on the Council's Building Control Team on 27th March 2015 for the enlargement of the existing bowling unit and Empire cinema to provide an additional fourteen screens/auditoria (ref. IN/15/02022). Therefore, it is considered that the proposal is acceptable and compliant with Core Strategy Policy CS23 as it seeks to enhance this existing leisure destination within the Borough.

Regeneration of Hemel Hempstead Town Centre:

The second consideration relates to whether the proposal complements or prejudices the regeneration plans for Hemel Hempstead town centre as set out within the Council's Hemel Hempstead Town Centre Masterplan (2011-2021). Within this there are ten overarching regeneration objectives which include encouraging the development of leisure and evening economy. As such, the Masterplan identifies the location of a new commercial leisure space, including a cinema, at the site of the current Market Square (within the Gade Zone). The proposed expansion of the Empire cinema at Jarman Fields has the potential to conflict with regeneration aspirations within the town centre; however, as referred to above, this expansion is currently being delivered outside of the planning remit as the works do not require permission from the Local Planning Authority. The proposal seeks permission to deliver additional restaurants (A3 uses) in order to complement the expansion of the cinema complex.

An area to the north of the application site is designated as a Shopping Site (S3) which is allocated for a mixed-use scheme including shopping, offices, leisure, catering establishments and residential. Non-food retail warehousing is also considered to be acceptable within this mixed-use or as a standalone park. It is understood that there are two extant planning permissions on this site (S3); an outline permission for a hotel, and full permission for 6,700sqm of non-food retail warehousing. The Council is currently considering a planning application for the proposed construction of 10,305sqm of A1 retail floorspace and an A3 drive-through/restaurant unit. Additionally, with the recent refurbishments to the leisure complex at Jarman Fields (providing a number of restaurant units along the building frontage through planning permission 4/02252/11/FUL), consideration should be given to the potential over-provision of catering/A3 uses at the wider leisure destination site and whether there is a market for four additional restaurant units to be provided along the buildings northeast elevation.

Although market forces will inevitably dictate the success and viability of additional restaurant units at Jarman Fields/within the Empire cinema complex, as referred to above, the Core Strategy does recognise and accept that the quantum and mix of uses at this site may change over time but should remain complementary to the role of the town centre. It is considered that the addition of restaurant units would not in itself be to the significant detriment of the town centre's regeneration aspirations. The town centre (with its own new commercial leisure uses) should become an additional leisure destination within the Borough which would capture footfall from the existing high street and shopping centre.

Other Considerations:

I note that the proposal would result in the loss of toilet/public convenience space

through change of use and no indication has been provided as to where these will be re-provided in connection with the cinema complex. Clarification should be sought from the applicant.

Also, in terms of impacts relating to car parking and congestion on the highway, it is considered that the proposed addition of four restaurant units in place of current D2 uses (cinema auditoria) would not significantly increase the use of this leisure facility in terms of comparative footfall and car parking provision. However, consideration should be given to Appendix 5 of the Local Plan in this regard to ensure sufficient provision is made within the site.

Conclusion:

In summary, the proposal is considered to be acceptable in principle taking into account the fact that the site is designated as an out-of-centre destination providing food retail, bulky non-food goods and leisure uses. The expansion of the cinema complex is currently underway and outside of the control of planning. Therefore, the provision of four new restaurant (A3) units along the building's northeast façade is considered to be complementary to this expanded facility providing an enhanced leisure destination within the Borough.

Hertfordshire County Council Highways

The Highway Authority does not wish to restrict the grant of permission.

This application seeks permission for the change of use of four existing cinema auditoria from class D2 assembly & leisure to class A3 restaurants & cafes. Additionally the application is to include alterations to the east elevation of the building to suit the new use.

The responses to question 6 in the application form state that no alterations are proposed to access points for pedestrians or vehicles and that there would be no changes to the public highway were permission to be granted.

The responses to question 10 in the application form state that no alterations are proposed to parking provision.

The proposal is to increase food outlets around the cinema which is itself being extended. It is likely, therefore, that the proposal would generate very few new trips with most visitors coming from existing visitors to the retail/ leisure park. Therefore I do not believe I could substantiate a highway reason to refuse the development. Under these circumstances I have no objection or conditions to the grant of permission.

Environmental Health

Having reviewed the attached documents there is insufficient evidence in regards to the noise and odour from the extract ventilation and air condition units or details of the arrangements within the proposed restaurant units for catering or the toilet provisions as this would appear to be included in the remodelling exercise. In principal the proposal could be utilised for the proposed use. However, the detail would need to be provided for this department to make an informed decision.

Considerations

Policy and Principle

The Core Strategy identifies Jarman Park as an 'out of centre retail and leisure location'. This represents a significant change in Policy terms from the Dacorum Borough Local Plan where the site was defined as a Local Centre. 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 sets out 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 main issues as identified above are:

- Impact of the loss of four auditoria through the proposed change of use; and
- The provision of additional restaurant space and how this impacts upon the regeneration plans for Hemel Hempstead town centre.

The proposals are part of a general refurbishment and expansion of the cinema facility at Jarman Park, currently comprising an 8 screen multiplex cinema. Whilst four cinema screens will be lost as a result of the proposal there will in fact be a net gain resulting in a total of 17 cinema screens with internal works to convert the existing bowling facility to 13 new auditoria. There is thus no issue in respect to the loss of the four auditoria and the impact this could have on the viability of the existing cinema as a leisure destination for people in Hemel Hempstead and those from further afield as this proposal is in fact part and parcel of the overall improved cinema offer at Jarman Park.

The key issue therefore is whether the proposal complements or prejudices the regeneration plans for Hemel Hempstead town centre as set out within the Council's Hemel Hempstead Town Centre Masterplan (2011-2021). Within this there are ten overarching regeneration objectives which include encouraging the development of the leisure and evening economy. As such, the Masterplan identifies the location of a new commercial leisure space, including a cinema, at the site of the current Market Square (within the Gade Zone). The proposed expansion of the Empire cinema at Jarman Fields, as noted by the strategic planning team has the potential to conflict with regeneration aspirations within the town centre. The conversion of the bowling facility to cinema use does not require planning permission, and subject to compliance with the original planning permission and legal agreement requiring the LPA approval on parking and highways impact, for which such application is awaited, the expansion of the cinema facility as planned falls outside the remit of planning control. It has been said, however that the cinema offer here could complement any future planned cinema offer for the town centre and not necessarily compete with it.

The additional restaurant use, it is said, would complement the expansion of the cinema. Furthermore, the visual enhancements to the existing building would make a positive contribution to the appeal of Jarman Park as a leisure and retail destination in line with the Core Strategy (paragraph 13.8 and Table 6) introducing activity and

interest to the somewhat unsightly north east end of the building in accordance with Policies CS12 and 13. The design would replicate that of the recent upgrade to the building frontage.

It is important to consider however, whether the additional restaurant space, taking into account the recent refurbishments including the provision of a number of restaurant units along the building frontage through planning permission 4/02252/11/FUL, would impact on Hemel Hempstead Town Centre. The Core Strategy recognises and accepts that the quantum and mix of uses at this site may change over time but should remain complementary to the role of the town centre. The provision of restaurants is considered ancillary to the offer of the cinema and the leisure facility generally, in that these support and add to the leisure offer of the centre. It is considered that the addition of four new restaurant units would not in itself be of significant detriment of the town centre's regeneration aspirations.

In principle therefore the proposed development is considered acceptable.

Access and Car parking

There will be no change in terms of access and parking to the current situation. The cinema at present has a total number of 1884 seats. The parking requirement at 1 space per 3 seats is 628 spaces. There are 970 spaces available. The proposed expansion of the cinema would result in a total number of 2225 seats with a parking requirement of 742 spaces. The additional 228 spaces is considered ample for the restaurant use which by and large would be for existing customers to the cinema. It is not considered that people generally would use the restaurants at Jarman Park in isolation of any other uses within the whole retail and leisure complex.

In addition there are 42 disabled spaces and 18 cycle spaces.

Landscaping

No landscaping is proposed as the works are entirely internal or to the existing fabric of the building and therefore not deemed necessary.

Noise and Ventilation

The environmental health officer has advised that there is insufficient evidence in regards to the noise and odour from the extract ventilation and air condition units or details of the arrangements within the proposed restaurant units for catering or the toilet provisions. In principal they raise no objection but the detail would need to be provided to make an informed decision. The applicant has requested that these details be required by condition of the planning permission.

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 CS29 is considered necessary.

Conclusions

The proposed development provides an opportunity for much needed improvements to the appearance of the eastern end of the leisure building and to improve generally the leisure offer provided by the complex. The additional restaurant units add to the more family orientated leisure offer and this along with other recent developments within the area shall enhance the cinema and leisure offer of Hemel Hempstead. It is concluded that there would be minimal impact on the vitality and viability of the town centre, and there is ample car parking available to serve the proposed development and future planned expansion of the cinema.

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 in accordance with Core Strategy Policies CS12 and CS13.

- 3 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 in accordance with Core Strategy Policy CS12.

- 4 The development hereby permitted shall not be commenced until detailed internal layouts for the restaurant units hereby permitted have been submitted to and approved in writing by the local planning authority. The details shall show the arrangements within the proposed restaurant units for catering and toilet provision. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: To ensure suitable provision is made in accordance with Core Strategy Policy CS12.

- 5 **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 protect the water environment, including ground water in accordance with Core Strategy Policy CS31

- 6 **No exterior lighting shall be installed without the prior express approval in writing of the local planning authority.**

Reason: To ensure control in the interests of residential and visual amenities in accordance with Core Strategy Policy 12.

- 6 **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 Core Strategy Policy CS29.

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

Design and Access Statement

4022 L 0 05A

4022 E 0 01A

4022 P 0 02A

4022 L 0 06A

4022 L 0 07A

4022 L 0 08A

4022 P 0 01A

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

INFORMATIVE:

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.