

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/1006/COU 18.11.2016	Blackmarsh Properties Ltd C/o Montagu Evans LLP Mrs L Turner 5 Bolton Street London W1J 8BA	Subdivide existing A1 retail unit into three units, provide associated changes to the external appearance and servicing arrangements, and change the use of one new unit from A1 retail to D2 gym Former Somerfield Stores Unit A 12 The Market Place Blackwood NP12 1ZP

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the Market Place, Blackwood.

Site description: Vacant former supermarket and associated car park.

Development: It is proposed to sub-divide the existing retail unit into three smaller units measuring 840 sq. metres (Unit 23A), 929 sq. metres (Unit 23B) and 209 sq. metres (Unit 23C). It is also proposed to change the use of Unit 23B from A1 retail to D2 (leisure) gym use.

A new shopfront and entrance will be created for each of the three units.

Dimensions: Floor areas specified above.

Materials: Not applicable.

Ancillary development, e.g. parking: Removal of existing entrance canopy.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement boundary as well as the defined Principal Town Centre of Blackwood.

Policies: Policy SP2 (Development Strategy - Development in the Northern Connections Corridor), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations - Highways), CW14 (Use Class Restrictions - Retail).

NATIONAL POLICY Planning Policy Wales (9th Edition), Technical Advice Note 4: Retailing and Commercial Development (2016), Technical Advice Note 23: Economic Development (2014).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions relating to noise control and hours of operation for the gym element.

Principal Valuer - No comment.

Strategic & Development Plans - No objection based on proposed uses and commercial vacancy rate for Blackwood Town Centre.

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ADVERTISEMENT

Extent of advertisement: 19 neighbouring properties/commercial premises were consulted by way of letter and a site notice was displayed near the application site.

Response: 8 letters of objection have been received at time of report preparation (20.12.2016).

Summary of observations:

- Blackwood does not require such a large gym;
- Unit should be used for A1 retail;
- Impact on Local Authority owned leisure centres;
- Enough gyms in the area already;
- New gym not locally owned;
- May cause smaller gyms in the area to close;
- Detrimental impact on highway safety by way of increased traffic movements to and from the site.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The proposed D2 (leisure) use is CIL exempt, and the premises already benefit from a lawful A1 use.

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ANALYSIS

Policies: As the application site is located within the identified Principal Town Centre, Policy CW14 is relevant. It states:

"Development proposals incorporating a change of use from class A1 retail premises to another use will be subject to the following restrictions:

- A Within identified Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other use will only be permitted where:
 - i The commercial vacancy rate of the centre has been over 10% for over a year and
 - ii For a change to residential use the property is located on the edge of centre..."

The commercial vacancy rate of the town centre is currently 11.2% (based on the 2016 survey) and has been over 10% for a year. Therefore the proposed D2 use is not considered to be contrary to this policy.

Paragraph 7.2.2 of planning Policy Wales (PPW) (9th Edition) relates to planning for economic development. It states that in considering proposals Local Planning Authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.

The Welsh Government's objectives for retailing and town centres are to:

- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.

Paragraph 10.1.5 explains that although retailing (A1 uses) should continue to underpin retailing and commercial centres, it is only one of the factors which contribute towards their vibrancy. Policies should encourage a diversity of uses in centres. Other appropriate retail and commercial centre uses are financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other sui generis uses.

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Mixed use development should be encouraged to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit retail and commercial centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

PPW acknowledges the importance of 'vibrancy' and 'viability'. Vibrancy reflects how busy and diverse a retail centre is at different times and in different parts, and in the attractiveness of the facilities and character which draw in trade whilst viability refers to the ability of the centre to attract and retain investment not only to maintain an existing centre but to allow for adaptation to changing needs.

Planning Policy Wales and Technical Advice Note 4 advocate a positive approach to determining planning applications where an economic benefit to the wider area is realised. The proposal should therefore be considered in the context of the economic benefits that it is likely to bring; the proposal will bring a vacant unit back into beneficial re-use, will provide increased employment opportunities, is likely to encourage footfall in to the town with linked trips, provides diversification with a suitable commercial leisure use and will serve to enhance the vitality of the area. Therefore it is considered that the proposed development would provide a positive change to Blackwood Town Centre.

In terms of the external physical works to facilitate the sub-division of the existing unit, it is considered that the new front facade and shopfronts are acceptable in terms of their setting, scale, materials and design. Separate advertisement consent may be required depending on the type of signage proposed.

Comments from Consultees: No objection is raised by consultees subject to conditions.

Comments from public:

1. Blackwood does not require such a large gym - This is a matter that the market will determine. This is not a matter to be controlled by planning.
2. Unit should be used for A1 retail - The application premises have been vacant for a significant period of time. Based on the relevant planning policy analysis outlined above, the proposed use is considered acceptable.
3. Impact on Local Authority owned leisure centres - Competition is not a planning matter.
4. Enough gyms in the area already - This is a matter that the market will determine.
5. New gym not locally owned - This is not a planning matter.
6. May cause smaller gyms in the area to close - Competition is not a planning matter.

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7. Detrimental impact on highway safety by way of increased traffic movements to and from the site - The Transportation Engineering Manager raises no objection to the proposed development based on the existing lawful use of the premises.
8. Late night activity will encourage 'boy racer' element back into Blackwood - If the hours of operation result in anti-social behaviour in the car park associated with the development, this would be a police matter.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) No individual unit shall be occupied until a scheme for that particular unit has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building and associated plant and equipment. The measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
- 03) Prior to the occupation of each individual unit, details of all external and roof mounted plant/machinery associated with the proposed uses shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of the amenities of the area.

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- 04) The use hereby permitted shall not be open to customers, nor deliveries taken at or dispatched outside the following times:

A1 use -

- (a) 07.00 hours to 23.00 hours Monday to Saturday, and
(b) 07.00 hours to 22.00 hours on Sunday.

D2 use -

- (a) 06.00 hours to 23.00 hours Monday to Saturday, and
(b) 06.00 hours to 22.00 hours on Sunday.

REASON: In the interests of residential amenity.

- 05) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenity of the area.

- 06) There shall be no access for vehicles to the existing parking facilities to the west of the premises subject of this consent before 06.30 hours or after 23.15 hours. Access shall be controlled by means of a barrier which shall be maintained in place and prevent access during those hours.

REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.

Please find attached the comments of Head of Public Protection that are brought to the applicant's attention.

