

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0752/COU 31.08.2017	SF247 West Limited T/A Snap Fitness C/O Bidwells Mr T Eyres 25 Old Burlington Street London W1S 3AN	Subdivide the existing retail (Class A1) unit into three units and change the use of one new unit from retail (Class A1) to gym (Class D2) use 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, and change the use of one of the units from A1 (retail use) to D2 (leisure use, i.e. gym). The application unit, which is located at the southern end of the existing building, has a floor area of 916 square metres.

A new shopfront and entrance will be created for the proposed gym unit. It is proposed to open the gym 24 hours a day, 7 days a week.

Dimensions: Floor areas specified above.

Materials: Not applicable.

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

#### PLANNING HISTORY 2005 TO PRESENT

16/1006/COU - 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 - Granted 12.01.17.

17/0754/ADV - Display 2 internally illuminated fascias and various window manifestations - Not yet determined.

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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

Dwr Cymru - Provide advice to the developer.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to noise management condition, and restricted hours of opening of car park serving the unit.

Principal Valuer - No comments.

Strategic & Development Plans - No objection.

### 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.

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Response: 2 letters of objection have been received at time of report preparation (26.10.2017).

Summary of observations:

1. Use of the car park (to the west of the units) 24 hours a day will attract anti-social behaviour by way of 'boy racers';
2. Late night users of the gym in the evening will cause disturbance to nearby residents;
3. Noise impact from late night use of gym.

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.

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..."

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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. 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.

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Therefore it is considered that the proposed development would provide a positive change to Blackwood Town Centre.

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that the proposed development complies with this Policy for the following reasons.

- i) Proposals must have no unacceptable impact on the amenity of adjacent properties or land - The application site is located within close proximity of the residential properties located on Lilian Road (to the south), Mayhill Bungalows (to the west), and Tuckers Villas/Graig View (to the north). Given the proposed hours of operation, i.e. 24 hours a day, 7 days a week, a condition has been recommended requiring a detailed noise management scheme to be submitted and agreed by the Local Planning Authority prior to use of the gym. Such measures will include the control of amplified music, noise insulation within the unit, and internal layout and design to ensure music does not emanate from the unit when gym users enter and leave the unit.

There are also historical problems at the site in relation to the late night use of the car park immediately to the west of the units by 'boy racers'. At present the car park is closed (by way of a lockable gate) after 6pm (4pm on Sundays). Whilst it is not considered reasonable to require these car park closing times be maintained when the units are occupied, a condition has been suggested requiring this car park be closed between 23.30 - 05.30 every night. It is anticipated that this will serve as an appropriate measure to prevent anti-social behaviour associated with 'boy racers'. During this 6 hour period when the car parking is closed, gym users will be able to use the existing Council car park to the south of the application, as these parking spaces are located within 50 metres of the gym entrance.

- ii) Proposals would not result in the over-development of the site - As no enlargement to the building is proposed, the development is not considered to constitute over-development.
- iii) The proposed use is compatible with surrounding land uses - The site is bounded to the north, west and south by existing residential properties. The conditions referred to above are aimed at ensuring the 24 hour gym use does not detrimentally impact on the residential amenity of neighbours. To the east are existing commercial uses.

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Policy CW3 of the Local Development Plan relates to highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network. The Transportation Engineering Manager raises no objection to the proposed development and therefore it is considered that the proposal accords with Policy CW3.

In terms of the external physical works to facilitate the sub-division of the existing unit, it is considered that the new front facade is acceptable in terms of its setting, scale, and design. Separate advertisement consent for the proposed gym has been applied for under application reference 17/0754/ADV.

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

Comments from public:

1. Use of the car park (to the west of the units) 24 hours a day will attract anti-social behaviour by way of 'boy racers';
2. Late night users of the gym in the evening will cause disturbance to nearby residents;
3. Noise impact from late night use of gym.

All of the above concerns have been addressed in the analysis section above, as well as in the recommended conditions.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

**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.

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- 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 part 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.
- 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) 00.00 hours to 24.00 hours Monday to Sunday.  
REASON: In the interests of the amenities of the area.
- 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 05.30 hours or after 23.30 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.

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- 07) The development shall be carried out in accordance with the following approved plans and documents:  
Drawing Number: 6385(P)203, Revision C, Proposed Building Elevation, received 31.08.2017;  
Drawing Number: 6385(P)203-1, Revision B, Proposed Building Elevation, received 31.08.2017;  
Drawing Number: 6385(P)202-1, Revision A, Proposed Building Elevation, received 31.08.2017;  
Drawing Number: 6385(P)102, Revision A, Proposed Building Plans, received 31.08.2017;  
Drawing Number: 6385(P)102, Revision B, Existing Building Plans (Red Line Plan), received 31.08.2017.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/WelshWater that are brought to the applicant's attention.

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:  
Policy CW2.

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