

PLANNING & DEVELOPMENT COMMITTEE

21 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1294/10 (GRD)
APPLICANT: Fairleap Limited
DEVELOPMENT: Part change of use from offices (B1 use class) to a gymnasium (D2 use class)
LOCATION: FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS
DATE REGISTERED: 14/11/2023
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Approve, Subject to conditions

REASONS: The application site is located in a sustainable location and would make beneficial use of an existing building, providing employment opportunities and additional facilities within the key settlement of Hirwaun.

Whilst the area is predominantly residential in character, the site has previously been used as a Health Centre and offices. In this context and considering past uses which have operated at the site, it is not considered that the proposed use of part of the building as a gymnasium would significantly impact upon the amenities or privacy of neighbouring occupiers.

Furthermore, the proposal would not involve extension to the application building and would not impact upon the character and appearance of the site nor would the development have any adverse impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more objections have been received by persons affected by the proposal.

APPLICATION DETAILS

Full planning permission is sought for the conversion of parts of an existing building from office spaces (Use Class B1) to a gymnasium (Use Class D2). A small area of the building would be retained as office spaces.

The proposed gymnasium would contain a reception area, several treatment rooms, along with a Gym/ Yoga Area, Kitchen/ Canteen, Locker Room, Bike Stores and associated facilities.

The block plan submitted demonstrates that vehicular parking spaces would be retained as existing and provided to the side and rear of the building. Additionally, a bike shelter is proposed at the site.

The supporting information notes that the development proposes 2 full-time members of staff and 3 part-time members of staff. The opening times have been stated as 6am – 8pm Monday to Friday, and 9am - 12pm on Saturdays, Sundays and Bank Holidays.

No external extensions or significant external alterations are proposed at the site.

The application is also supported by a statement outlining the parking requirements for the gymnasium.

SITE APPRAISAL

The application site relates to a roughly rectangular parcel of land with an area of approximately 0.26 hectares, located towards the southern part of Hirwaun and located to the northwest of the Heads of the Valleys Road (A465), with access gained to the site from the adjacent highway, Brecon Road. The site is occupied by the former Hirwaun Health Centre, which has more recently been used as office spaces. The site also contains an existing area of hardstanding to be used as parking spaces.

The site is unallocated and is located within the settlement boundary limits of Hirwaun. The application site is bound to the east, west and north by neighbouring properties and their associated residential curtilages.

The surrounding area is predominantly residential; however, a barber shop is also located to the east of the application site.

PLANNING HISTORY

22/1281/38: FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS. *'Discharge of conditions 3 landscaping, 4 boundary treatment, 6 means of access, 7 S278 - access (19/0165/15)'*. Not yet determined

19/0165/15: FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS: *'Variation of Condition 1 (time limit) to extend the date of commencement of planning permission ref 14/0600 for the demolition of the former Hirwaun Health Centre and erection of 5 no. 4 bedroom detached houses and garages together with external works (Bat Survey Received 29th November 2019)'*. Granted, 19/12/2019

14/0600/10: HIRWAUN HEALTH CENTRE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS. *'Demolition of the former Hirwaun Health Centre and erection of 5 no. 4 bedroom detached houses and garages together with external works (amended layout plan received 26/11/14, amended drainage plan received 12/01/15)'*. Granted, 07/04/2015

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. Letters of objection have been received from three individuals. Points raised are summarised as follows:

- Consider that a gymnasium set in a predominantly residential area would be unusual and incongruous at this location;
- Concerns with additional vehicle movements affecting Brecon Road;
- Concerns with a substandard access to the site and concerns with pedestrian safety crossing the access to the site;
- Objectors note that previous breaches of planning control have occurred at the site, and that this would occur again with the proposed use;
- Concerns that the gymnasium would attract illegal drugs and steroids to the site;
- Concerns with the increase in noise caused by the introduction of a gymnasium at this location;
- Concerns with the early opening times proposed and noise generated by slamming of doors
- Objections due to the proposed opening times, which an objector has noted would exceed the operational times of previous uses at the site.
- Objections due to the proposal lowering neighbouring property values
- Objector notes that another gym is not needed in Hirwaun;
- Requests that a fence is erected around the site to protect the privacy of neighbouring occupiers and limit the noise and disturbance caused by the proposed use

CONSULTATION:

Hirwaun and Penderyn Community Council

No adverse comments received.

Local Highway Authority

No objections.

Welsh Government (Transport Section)

Does not issue a direction.

Flood Risk Management

No objections. Advisory notes recommended.

Public Health & Protection

No objections, subject to condition. Advisory notes recommended.

Ecology

No objections. Advisory note recommended.

Welsh Water

No objections, subject to condition. Advisory notes recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall

cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary limits of Hirwaun.

Policy CS1 (Development in the North): sets out criteria for achieving strong, sustainable communities.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW11 (Existing Employment and Retail Uses): Sets out criteria for proposals promoting alternative uses for employment and retail sites.

Policy NSA3 (Development in the Key Settlement of Hirwaun): Outlines how development proposals would be assessed within Hirwaun.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 12 (PPW) was issued on 7th of February 2024 with Future Wales: The National Plan 2040 (FW2040) published in 2021. PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the change of use of part of an existing building last used as office spaces to a gymnasium (Use Class D2). Part of the building would be retained as office spaces.

The site is situated within the settlement boundary limits of Hirwaun, is within walking distance of the settlement's retail centre and is located on a bus route. The development site is therefore considered to be in a sustainable location.

The building relates to the former Hirwaun Health Centre, which has also more recently been used as office spaces. Whilst the surrounding area is predominantly residential, the building and application site have been used for both business and non-residential uses and the provision of a gymnasium within parts of the building would not be considered to unacceptably conflict with surrounding uses in this respect.

Whilst PPW12 encourages a 'Town Centre First' policy, the key settlement of Hirwaun does not have a 'Town Centre' and it is accepted that the identified retail centre within the village is relatively small and lacks a wide range of properties capable of accommodating the proposed use. The application site is also within settlement boundary limits and within safe walking distance from the Town's Retail Centre.

Overall, it is considered that the proposal would make beneficial re-use of an existing building which would provide regeneration benefits through additional employment and provide additional facilities within the key settlement of Hirwaun.

The principle of development is therefore considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

Impact on the character and appearance of the area

The proposal would not result in any extensions and the external alterations would be limited. The character and appearance of the building would therefore remain largely as existing.

Impact on residential amenity and privacy

The proposal would not result in any extensions at the building and as such, it is not considered that the proposed development would adversely impact upon the privacy or amenities of neighbouring occupiers through loss of light or overshadowing.

It is acknowledged that the provision of a gymnasium at the site would result in comings and going to and from the site with some disturbance caused by vehicles and the presence of gym users accessing the facility. However, the building and application site relate to the Former Hirwaun Health Centre, with the building last being used as offices, with noise, activity and disturbances, including vehicular activity, associated with such past uses. It is not therefore considered that the proposed use of parts of the building as a modestly scaled gymnasium would significantly increase noise levels or levels of disturbance in comparison to what was previously experienced at the application site.

The detached building is set at a reasonable distance away from properties to the west and northwest, being sited approx. 20m away from the dwellinghouse of Sunnyville to the west and the gymnasium use itself would be sited approx. 11m from Sunnyview to the west with some existing boundary treatments providing some levels of protection to neighbouring amenities. The proposed gymnasium would also be located over 45m away from neighbouring properties to the northeast of the site.

A neighbouring property, namely Caraway, is located approx. 5m to the southeast of the building and proposed gymnasium. Some concern is raised with the proximity of the neighbouring property to the proposed use; however, the internal layout plan demonstrates that rooms which face the adjacent property to the southeast would be small 'treatment rooms', which would unlikely cause significant levels of intrusion or generate significant levels of noise which would detriment the amenities of neighbouring occupiers.

The proposed gymnasium would be contained within the building itself and due to the scale and layout of the proposed gymnasium and the detachment of the building from

neighbouring properties, it is not considered that the proposed use at this site would significantly detriment the amenities of neighbouring occupiers.

No objections were received by the Council's Public Health and Protection Department following consultation, with comments received in relation to the operation of the gymnasium, which are recommended as advisory notes to any grant of planning consent. A condition is also recommended that members of the public shall only be allowed on the premises between the hours of 06:00hrs – 20:00hrs Monday to Friday and 09:00 – 12:00 Saturdays and Sundays.

Concerns have been raised by third parties with regards to the proposed development and objectors have noted that the gymnasium would be out of keeping within this residential area, with concerns also raised in relation to an increase in noise, the proposed opening hours, and other disturbances such as slamming of doors. However, as discussed above, the site and building have been used for both business and non-residential uses in the past and it is considered that based on the submitted plans and information that the provision of a modest gymnasium at this location would be considered acceptable.

Overall, considering the existing context and past uses at the site, the proposed use of part of the building as a gymnasium would not be considered to significantly impact the amenities of neighbouring occupiers.

Access and highway safety

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received are summarised as follows:

Access

The carriageway width of 4.5m is satisfactory for two small cars to pass one- another only. It is not anticipated that the proposed use as a gymnasium would attract large service and delivery vehicles and therefore the existing 4.5m carriageway width is acceptable.

Parking SPG Access, Circulation & Parking 2011 & Wales Parking Standards 2014

The Local Highway Authority (LHA) consider that the existing office use requires in the region of 16 off-street car parking spaces with 23 provided. The proposed gymnasium requires 1 space per 10m² in accordance with the South Wales Parking Standards 2014.

The applicant has provided a breakdown of the existing areas to be used in association with the proposed gymnasium.

- Treatment Room & Gym Area 170m² / 10m² = 17 spaces.
- Office to remain requires 5 spaces with 4 marked for use.
- There are 23 spaces provided 4 of which are marked for gym staff.

Therefore, the LHA considers that the proposed development requires up-to a maximum of 22 off-street car parking spaces with 23 spaces provided.

Cycle Parking

The development provides for 20 secure cycle stands to promote sustainable modes of transport with less reliance placed on the private motor vehicle as the primary mode of transport, which is considered acceptable.

Local Highway Authority Recommendation:

The proposed use would be served off an existing access which is acceptable for standard two-way vehicular movement. It is not anticipated that a gymnasium would attract a substantial amount of HGV vehicular movement and therefore no improvements at the junction have been conditioned. Off-street car parking complies with the guidance stated above and therefore no objection is raised or condition suggested.

Third parties have raised concerns in relation to impacts on pedestrian safety, concerns with additional vehicular movements along Brecon Road and what objectors consider to be a substandard access to the site. However, as identified above, no such concerns are raised by the Local Highway Authority in relation to access or highway safety and the development is considered acceptable in this respect.

Following consultation, the Welsh Government as Highway Authority for the A465 trunk road has not issued a direction in respect of this application.

Other Issues:

Welsh Water/ Dwr Cymru have offered no objections to the proposal, subject to a condition ensuring that no surface water from an increase in the roof area of the building shall be allowed to drain directly or indirectly to the public sewerage system. However, no extensions are proposed at the site and as such, the condition is not considered necessary.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that the site boundary does not fall within an area of surface water flood risk and no objections were received by the Council's Flood Risk Management section following consultation.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust, and waste. The Council's Public Health and Protection Department have also offered comments and recommended a condition in relation to opening hours at the proposed gymnasium.

No extensions and no alterations to the roof are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Third Party Comments:

Objectors have raised concerns with an increase in drugs and drug use in the vicinity of the site. However, should any illegal activity be undertaken at the site then the Police and other relevant authorities would have powers to act.

Concerns have also been raised by objectors in relation to previous planning breaches at the site. However, each application must be considered on its own merits with the Local Planning Authority assessing whether the proposed change of use of part of the building to a gymnasium would be acceptable in planning terms. Should any breaches of planning occur in future at the site, then the Local Planning Authority would have powers to take appropriate action.

Objectors have also noted that the proposed use would lower neighbouring property values. However, this would not be considered a material planning consideration for the purposes of this planning application.

Concerns were also raised with regards to a boundary fence between a neighbouring property and the application site, which the objector noted was agreed between neighbouring parties. However, a previous agreement between neighbours to erect a boundary fence would be considered a private matter between neighbouring occupiers. The provision of additional boundary treatment is not considered necessary as a condition for a grant of planning permission for the proposed use in respect of this development.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application site is in a sustainable location and would make beneficial use of an existing building, providing employment opportunities and additional facilities within the key settlement of Hirwaun.

Whilst the area is predominantly residential, the site has previously been used as a Health Centre and offices. In this context and considering past uses which have operated at the site, it is not considered that the proposed use of part of the building as a gymnasium would significantly impact upon the amenities or privacy of neighbouring occupiers.

Furthermore, the proposal would not involve extension to the application building and would not impact upon the character and appearance of the site, nor would it have any adverse impact upon highway safety in the vicinity of the site.

RECOMMENDATION: Approve, subject to conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Existing Site Layout. Drawing No. 01
- Existing Floor Plan and Elevations. Drawing No. 02
- Proposed Site Layout Location Plan. Drawing No. 03. Rev A
- Proposed Floor Plan and Elevations. Drawing No. 04

And documents received by the Local Planning Authority on 14/11/2023 and 19/01/2024 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The premises shall only be used as a gymnasium and offices 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 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interest of residential amenity and highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Members of the public shall only be allowed on the premises between the hours of:

Monday – Friday: 06:00hrs – 20:00hrs
Saturday and Sunday: 09:00hrs – 12:00 noon.

Reason: In the interests of the amenity of neighbouring occupiers and to define the scope of the consent, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the development being brought into beneficial use, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

