

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE**

16 FEBRUARY 2017

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No .5

**SITE MEETING
APPLICATION NO: 16/1194 – CHANGE
OF USE OF EXISTING SQUASH COURTS
TO CHILDREN’S DAY CARE NURSERY
(FLYING START) INCLUDING NEW
ENCLOSED EXTERNAL PLAY AREA
SOUTHERN SIDE OF THE CENTRE AND
EXTERNAL ALTERATIONS TO THE
BUILDING, LLANTWIT FARDRE LEISURE
CENTRE, CENTRAL PARK, CHURCH
VILLAGE, PONTYPRIDD.**

Author: Mr.M.JONES, Democratic Services Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director Planning.

3. BACKGROUND

3.1 In accordance with Minute No. 111 (Development Control Committee, 19 January 2017), a site inspection was undertaken on Thursday, 2nd February 2017 to consider highways issues and the impact of the development on the surrounding area.

3.2 The meeting was attended by the Vice Chair of the Development Control Committee (County Borough Councillor M.Griffiths) and Committee Members - County Borough Councillors J. Bonetto, (Mrs) S.J.Jones, (Mrs) J.S.Ward and E.Webster.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors, P.Jarman, P.Wasley and M.J.Watts.
- 3.4 During their inspection, Members viewed the proposed application inside Llantwit Fardre Leisure Centre and from the external play area around the southern side of the Centre.
- 3.5 Members were informed by the Development Control Planning Officer that full planning permission was being sought for the conversion of the two squash courts at Llantwit Fardre Leisure Centre to a children's day nursery, and he gave his observations on the proposal conversion.
- 3.6 Members were informed that the proposed nursery use would help to enhance and prolong the operation of the leisure centre which had reduced its opening hours due to the current economic climate and would aid in the increasing financial costs associated with the operation of the centre.
- 3.7 The Planning Officer alleged Member concerns in respect of Safety/Childcare standards together with the concerns expressed in respect of noise and disturbance as it was considered that there would not be a significant impact on neighbours.
- 3.8 The Development Control Planning Officer stated that the proposal has been reviewed in terms of the visual impact, highways safety and its impact on the amenity of the area and is considered acceptable and in compliance with the Local Development Plan.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/1194/08 (MF)
APPLICANT: RCTCBC
DEVELOPMENT: Change of use of existing squash courts to children's day care nursery (Flying Start) including new enclosed external play area to southern side of the centre and external alterations to the building.
LOCATION: LLANTWIT FARDRE LEISURE CENTRE, CENTRAL PARK, CHURCH VILLAGE, PONTYPRIDD, CF38 1RJ
DATE REGISTERED: 16/11/2016
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve

REASONS: Whilst the loss of the squash court facilities at the leisure centre is regrettable, the operation of a day nursery within the building will provide a much needed facility in an area that has a significant demand for such a provision whilst at the same time enhancing and prolonging the operation of the leisure centre as a whole. Furthermore, it is not considered that the proposal would have a significant impact upon the character and appearance of the locality, the amenity of the neighbouring properties, or upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as five letters of objection were received following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the conversion of the two squash courts (D2) at Llantwit Fardre Leisure Centre to a children's day nursery (D1). The nursery operator, Flying Start, would provide a child day care facility within the existing leisure centre for use by residents of the surrounding community whilst the remainder of the leisure centre (sports hall and gymnasium) would continue to operate as existing.

The proposed conversion would require a number of internal alterations be undertaken within the existing leisure centre in order to accommodate the new nursery. The works would involve the existing squash courts being redeveloped to provide an internal play area along with associated staff room/office, toilet,

changing room, store and kitchen facilities all of which would be independent to the main leisure centre and for the sole use of the nursery only.

A number of external works would also be undertaken at the leisure centre to accommodate the proposed nursery. Two independent accesses would be created within the centres south-western side elevation and an outdoor play area would be created on the bank at the south-western side of the building. These works would include a new 0.92m high retaining wall within the adjacent bank to allow the land behind to be back filled creating a level play area (enclosed with 1.8 metre high weld mesh fencing); and a new ramped access from the adjacent footpath to serve the new independent accesses. A new window would also be inserted within the centres south-eastern elevation and roller shutters would be sited over both the new accesses and window.

It is proposed the nursery be open between the hours of 07:00am – 18:00pm Monday to Friday and not at all on Saturdays, Sundays or Bank Holidays. The nursery would employ 4 full time members of staff and would accommodate up to 30 children at any one time.

The applicant has stated that in the current economic climate the only way to ensure that the Local Authority can continue to deliver much valued leisure services and facilities in the Borough is through the development of innovative approaches to how the services are delivered, i.e. through the diversification of existing facilities and by providing alternatives uses. Therefore, in this instance, it is detailed that the proposed nursery use would help to enhance and prolong the operation of the struggling leisure centre as a whole through the introduction of a self sufficient business within the building that will aid in the existing day to day and ever increasing financial costs associated with the operation of the wider centre.

The applicant has also stated that prior to submitting the planning application a number of venues/sites were investigated in respect of the proposed nursery's siting with the squash courts at Llantwit Fardre Leisure Centre being the most financially viable, the most suitable location at the heart of the village, and the most suitable location in respect of access and parking facilities and impact upon surrounding properties.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site forms an established leisure centre located at the centre of Church Village. It currently accommodates a sports hall, a gymnasium, two squash courts and associated changing facilities. The site is set back from the

main highway through the village in a small cluster of buildings that comprise the leisure centre itself, Llantwit Fardre Sports Club, and Parc Canol Surgery Both adjacent properties are located to the south of the leisure centre along with a large public car park that serves all three buildings. To the north and east the site is bounded by various playing fields with woodland and a children's playground located to the west, south-west. Vehicle access is gained off Main Road to the south with various pedestrian accesses throughout.

PLANNING HISTORY

Previous planning applications submitted at the application site:

07/0494	Llantwit Fardre Leisure Centre, Church Village	Canopy for smoking	Granted 18/06/07
92/0335		Extension to provide bar facilities	Granted 16/06/92

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Four letters of objection have been received from members of the public and one has been received from Llantwit Fardre Community Council, making the following comments (summarised):

- The proposed removal of the squash courts is against Welsh Government, Rhondda Cynon Taf and Sports Wales policy as it will remove a community sports facility.
- Whilst it is acknowledged that the existing squash courts may not be producing the revenue the Council would like, they provide a valued facility for the community and should be kept. Money should not be the determining factor in this case. Have alternative revenue producing schemes at the leisure centre been considered that would also allow the squash courts to remain?
- How is removing a sports facility from within the leisure centre protecting the leisure facilities at the centre?
- Gwauncelyn Primary School is less than 200 metres from the leisure centre and would be a more appropriate location for the proposed nursery. Have alternative sites been considered? Prefabricated units sited elsewhere would provide a better facility.
- Will the nursery be secure and safe for children? Will any member of the public be able to walk in/out as they please? Question whether the

proposed security fencing will be sufficient to protect the children as the area has various antisocial behaviour issues.

- The adjacent public car park is already full most days and evenings, the proposed nursery would exacerbate this issue. There are only 2 disabled spaces at the leisure centre and 16 of the spaces within the adjacent car park belong to the sports club.
- Whilst located at the centre of the village, the leisure centre is far from being the heart of the village. It is difficult to see how this development will maximise opportunities for the children of the village.
- The centre is isolated from the nearest shops, main road and public transport links.
- Many houses have been built in the area and many more are proposed. Why take away a community facility, particularly a sports facility that will benefit the occupiers of these properties.
- The proposed retaining and drainage works may impact upon the structural integrity of the adjacent sports club building.
- Llantwit Fardre Squash Club has operated out of the leisure centre since 1984. Members are largely local residents who wish to continue to play at their local centre. The proposed removal of the squash courts will mean the extinction of the club.
- The Local Authority failed to notify the squash club of their plans to remove the squash courts prior to submitting the planning application. A notice has been erected at the leisure centre stating that the squash courts will be closed in December 2016 and work on the new nursery will begin in January 2017. Why is this the case if planning permission has not yet been granted?
- The proposal involves the use of Welsh Government grant money which would be better spent elsewhere.
- The leisure services at the centre should be enhanced not diminished in line with the Well-being of Future Generations (Wales) Act 2015.

CONSULTATION

Transportation Section – no objection.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection.

Early Years and Family Support Services – no objection.

Education and Lifelong Learning – no objection.

Countryside, Landscape and Ecology – no objection.

Structural Engineer – no objection.

Sports Wales – no objection – we would not support any development that would be detrimental to the sports of squash and racket ball in Wales. Our preference would be for the courts to remain in their current use, however, if the courts are converted to a nursery then we would expect that alternative facilities would be offered to the squash club and community.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Church Village, but is not allocated for any specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA13 – sets out the criteria for the consideration of development proposals within the settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking;
- Access, Circulation and Parking Requirements.

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 Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 11 (Tourism, Sport and Recreation) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport, Recreation and Open Space;
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.

Principle of the Proposed Development

This application seeks the change of use of the two squash courts (D2) at Llantwit Fardre Leisure Centre to a children's day nursery (D1) whilst the remainder of the leisure centre (sports hall and gymnasium) would continue to operate as existing.

The leisure centre lies inside the defined settlement boundary and is conveniently located at the centre of Church Village, off the main highway through the area. It therefore boasts excellent access to a range of sustainable transport options, being easily accessible on foot and bicycle as well as via bus services and by private motor vehicle. Further, there is sufficient existing off-street parking facilities associated with the leisure centre within the adjacent public car park. It is therefore considered that the proposal complies with the requirements of Policy AW2 of the LDP and the Well-being of Future Generation (Wales) Act 2015 which both aim to support sustainable development.

With regard to the proposed use itself, it is considered that although the nursery and sports uses will remain separate, albeit in adjacent parts of the building, they are generally compatible in that they should not have any adverse operational impact upon one another or the adjacent properties. Additionally, the applicant has detailed that the proposal will enhance and prolong the operation of the struggling leisure centre as a whole through the introduction of a self sufficient business within the building that will aid in the existing day to day and ever increasing financial costs associated with the operation of the leisure centre. As such, it is considered that the proposed change of use of this element of the leisure centre would allow for the continued delivery of the remaining, broader leisure facility at the site with the diversification significantly increasing the footfall to the centre and potentially attracting additional users to the remaining leisure facilities on offer.

Additionally, the broader residential areas of Church Village, Tonteg and Llantwit Fardre have had significant new housing developments over recent years and general education provision has historically been sought through the planning process in association with the development of these new dwellings. However, nursery education is not generally provided for in any such arrangements and accordingly there is a continued increasing demand for nursery provision for pre-school age children in the area. As such, this proposal will provide a much needed nursery facility in the area that will help to meet the significant demand.

Notwithstanding the above, it is considered that the key determining factor of this application is whether the principle of removing an existing community sports facility at the leisure centre and replacing it with a community nursery facility is acceptable or not. In this respect it is noted that the objectors have commented that the proposed change of use would be contrary to Welsh Government, Rhondda Cynon Taf and Sports Wales policy as it will remove an existing community sports facility. However, there are no specific LDP or PPW policies in relation to maintaining indoor sports facilities, with both local and national planning policy more associated with the provision of outdoor formal playing fields and informal open space for the use of all ages and abilities within society. Having said this, Chapter 11 of PPW requires that Local Planning Authorities should provide the framework for well-located good quality sport, recreational and leisure facilities. With regard to this point, the current squash courts are used specifically and solely for one sport and are a small proportion of the overall leisure centre use. The other uses at the centre consist of a gymnasium and sports hall which are used by a broad cross section of the public for a variety of differing uses. It should also be noted that there are specific squash court facilities at larger nearby leisure centres, Hawthorn Leisure Centre (approximately 3 miles away) and Llantrisant Leisure Centre (approximately 4 miles away). As such, whilst the objectors concerns are acknowledged and the loss of the squash courts at the leisure centre is regrettable, it is considered that there is provision of such specialist facilities within reasonable proximity to the residents living within the communities surrounding Llantwit Fardre Leisure

Centre and the proposal therefore complies with both local and national planning policy and also meets the request of Sport Wales with regard to the provision of alternative facilities offered to the squash club and community.

It is also noted that prior to submission of this application the applicant considered two alternative sites in the general vicinity of the leisure centre along with the conversion of the squash courts. The alternative sites included proposals for a new build property adjacent to the nearby children's playground or between Parc Canol Surgery and the adjacent residential properties along Main Road. However, the site adjacent to the playground would have been located on an area of important open space within the community and would have also raised a number of ecology issues; additionally it was considered that a new building between Parc Canol Surgery and the adjacent residential properties would have an unacceptable impact upon the amenity of the neighbouring residents. Therefore both schemes would have been contrary to both local and national and local planning policy and the leisure centre was considered the only viable option.

In light of the above, it is considered that the operation of a nursery at the leisure centre will provide much needed nursery provision in an area that has a significant demand for such a facility, as well as enhancing and prolonging the operation of the leisure centre as a whole and allowing for the continued delivery of the remaining, broader leisure facility at the site. Subsequently, whilst the loss of the squash court facilities at the leisure centre is regrettable, it is considered that there is provision of such specialist sport facilities within reasonable proximity to the residents living within the communities surrounding Llantwit Fardre Leisure Centre and as such, it is considered that, on balance, the proposal is acceptable in principle, subject to an assessment of the criteria detailed below.

Visual Impact

The application proposes the partial change of use of the property along with the creation of an external play area and pedestrian access to the south-western side of the building. Whilst the external works would inevitably form a visible feature in the immediate vicinity, they are considered to form relatively minor alterations to the existing building and adjacent land and would be finished in appropriate external materials to match that of the existing property. As such, it is considered the resulting works will be in-keeping with the host building and will not be overly prominent within the surrounding area.

Subsequently, in the context of the wider locality, the proposal represents relatively modest alterations to the site that are required in order to provide the necessary nursery facilities. Therefore it is not considered that the proposal would be harmful to the character of the building or its wider setting and the application is considered acceptable in this regard.

Residential Amenity

With respect to the impact of the development upon the amenity and privacy of the surrounding neighbours, it is acknowledged that the proposed nursery use will inevitably result in a more intensive use than that of the existing squash courts which may in turn result in an increase in noise and disturbance, especially given the fact that an outdoor play area is proposed. However, given the current leisure centre use of the building where there is a potential for a significant number of people to be using it and coming and going at any one time and the nature of the potential uses that currently occur inside, as well as the regular use of the adjacent sports pitches and community use buildings, it is not considered that the proposed nursery use will result in significantly more disturbance in the locality than that which currently occurs. Further, the nearest residential properties are located over 50 metres away from the leisure centre and therefore the separation distance between the application site and these properties is considered sufficient to ensure any potential disturbance will be minimal. It is acknowledged that the outdoor play area will be located in close proximity to the adjacent sports club, however, as the nursery would only be open during the daytime between Monday and Friday and the predominant use of the sport club is during the evenings and on weekends, it is not considered the proposed nursery would have a significant impact upon the operation of the sports club.

It also noted that no adverse comments have been received from the Councils Public Health and Protection Division or from surrounding neighbours in this respect following consultation.

Therefore, whilst it is acknowledged that the proposed nursery will inevitably result in a degree of increased noise and disturbance, it is not considered that any potential impact would be significant enough to warrant refusal of the application. The proposal is therefore considered acceptable in this regard.

Highway Safety

No objections have been raised or conditions suggested following consultation with the Council's Transportation Section. It was commented that there is safe access to the public car park off Main Road and then from within the car park to the leisure centre itself for pedestrians. Further, there is sufficient off-street parking within the adjacent public car park for use by both staff and parents of the proposed nursery as well as staff and customers of the existing leisure centre, sports club and surgery uses.

Consequently, in light of the above highways assessment, it is not considered the proposed development would have any adverse impact in regards to pedestrian

or highway safety in the vicinity of the site. The application is therefore considered acceptable in this regard.

Childcare

Following consultation, no objections have been received from the Council's Education and Lifelong Learning or Early Years and Family Support Services Sections. As such, whilst the child safety concerns raised by an objector are acknowledged, following the relevant conversion works, it is considered that the resulting unit will be suitable and appropriate for use as a nursery and will meet all of the relevant safety/childcare standards.

Drainage and Flooding

It is noted that an objector has raised concerns with regard to land drainage, commenting that surface water run-off from the application site may impact upon the adjacent Llantwit Fardre Sports Club building. However, following consultation, no objections have been raised by the Council's Land Reclamation and Engineering Section in respect of flood risk. It was noted that the applicant has not provided any surface water drainage details and consequently it is difficult to assess the potential impact of the development in respect of flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition being added to any consent requesting full drainage details be submitted to and approved by the Local Planning Authority prior to any works starting on site.

In light of the above advice from the Councils Land Reclamation and Engineering Section, the development is considered acceptable in this regard, subject to the conditions detailed below.

Land Instability

An issue was raised with regard to the stability of the land as a result of the public consultation exercise. An objector commented that the proposed engineering works might have a detrimental impact upon the structural integrity of the adjacent Llantwit Fardre Sports Club building. In light of this issue consultation has been undertaken with the Council's Structural Engineer whereby no objections have been raised and it has been confirmed that the structural plans and calculations submitted with the application are acceptable.

Ecology

It is noted that consultation has been undertaken with the Council's Countryside, Landscape and Ecology Section with a view to assessing any potential impacts

upon ecology. Their response raised no objection to the application subject to standard advice.

Other Issues

It is noted that objectors have commented that the Local Authority failed to notify the squash club of their plans to remove the squash courts prior to submitting the planning application and that a notice has been erected at the leisure centre stating that the squash courts will be closed in December 2016 and work on the new nursery will begin in January 2017 prior to approval of any planning application. Whilst this issue is regrettable, it is not a material planning consideration and cannot be taken in to account during the determination of this application. It is also noted that since receiving the comments from the objectors, a representative from the Council's Leisure Services section has met with the squash club to discuss the matter further.

It is also noted that an objector commented that the proposal involves the use of Welsh Government grant money which would be better spent elsewhere. This is not a material planning consideration and cannot be taken in to account during the determination of this application.

Community Infrastructure Levy 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

It is considered that the operation of a nursery at the leisure centre will provide a much needed facility in an area that has a significant demand for such a provision whilst at the same time enhancing and prolonging the operation of the leisure centre as a whole and allowing for the continued delivery of the remaining, broader leisure facility at the site. Further, whilst the loss of the squash court facilities at the leisure centre is regrettable, it is considered that there is sufficient provision of such specialist facilities within reasonable proximity to the residents living within the communities surrounding Llantwit Fardre Leisure Centre. As such, on balance, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: Grant

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 ref. 10008-2850-B01, 10008-2850-B02, 10008-2850-B03 and 10008-2850-B04 and documents received by the Local Planning Authority on 16/11/16 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. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The nursery unit shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The premises shall be used as a day nursery only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the consent granted in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Upon the cessation of the use of the property as a day nursery, the use shall revert back to any use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 or any Order revoking or re-enacting that Order without the formal consent of the Local Planning Authority.

Reason: In order to safeguard the future use of the building, consistent with the policies of the Local Planning Authority.

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