

REFERENCE: P/17/373/FUL

APPLICANT: Water Wings Swim School Unit 12d Kingsway Buildings, Bridgend Industrial Estate, CF31 3YH

LOCATION: Unit 12d Kingsway Buildings Kingsway Bridgend Industrial Estate CF31 3YH

PROPOSAL: Retention of the change of use of the former Bridgend Camping and Leisure Unit (Use Class A1) to a member's only swimming pool (Use Class D2)

RECEIVED: 3 May 2017

APPLICATION/SITE DESCRIPTION

The application is described as seeking retrospective permission for the change of use from a retail unit (Class A1) to a members only swimming pool (Class D2). It is a re-submission following a previous refusal of permission, (P/16/488/FUL refers).

This revised application has been accompanied by a detailed 'Planning Statement' which provides background information concerning the building and its planning history, details of the applicant company and a description of the proposal that is subject of this application which differs from that previously refused.

Unit 12d, the application premises, forms part of a complex of buildings that once accommodated the Sony Manufacturing Plant, off Western Avenue on Bridgend Industrial Estate. The unit was once used as a staff refectory and break out area and is centrally located, equidistant from Western Avenue and South Road which provide access to this site. From 2007, Unit 12d was used for the sale of camping and leisure goods, eventually receiving retrospective consent for the operation in 2013. This use however ceased in 2015 with the operator going into administration.

In 2016, the applicant company took over the lease and commenced the construction of the indoor swimming pool and other internal works. The internal arrangements are confirmed on the submitted plans and comprise a swimming pool (18m x 6m), two changing rooms, WC, plant room and viewing areas.

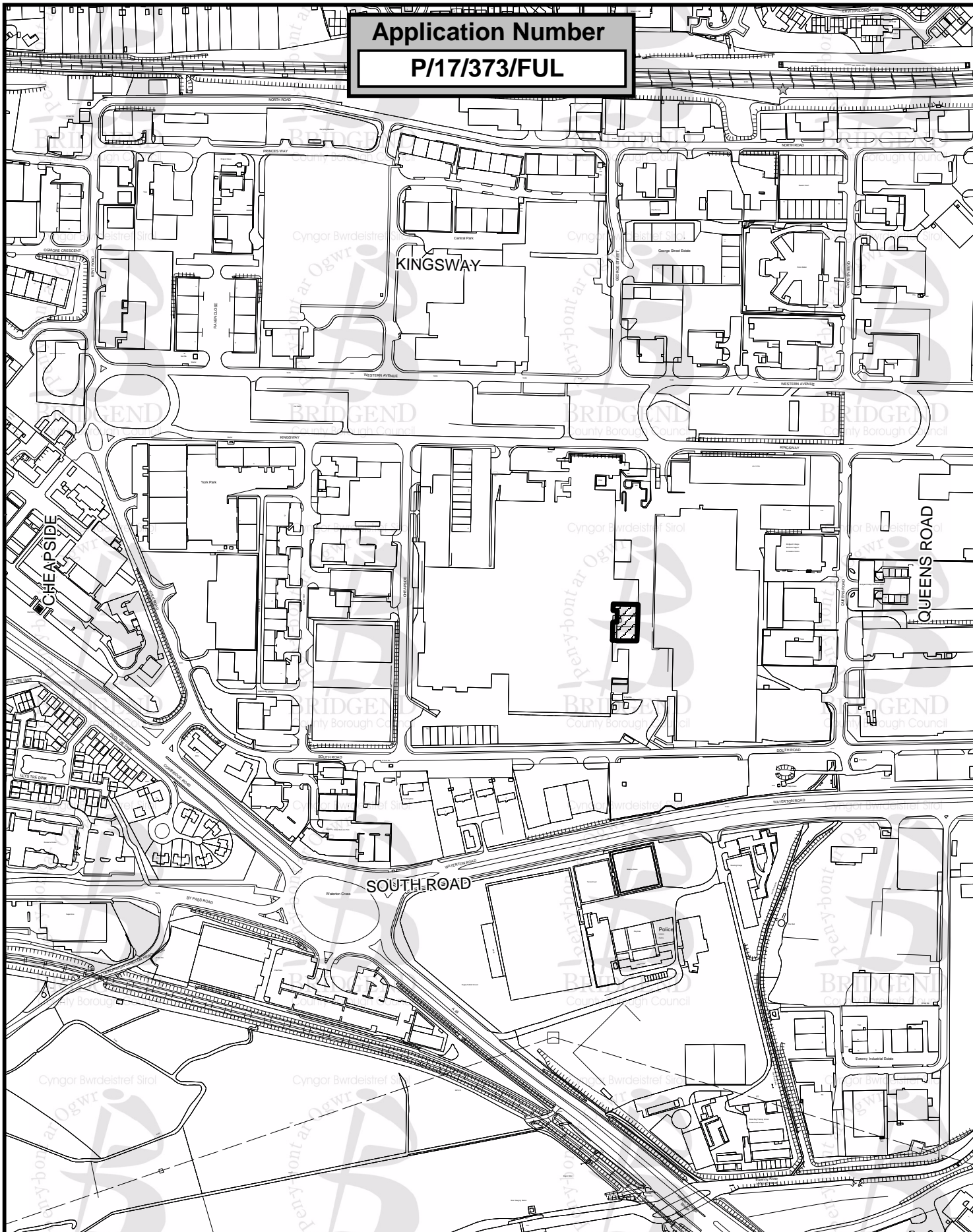
The application form indicates that the use commenced in October 2016. Water Wings School, the applicant company, is an established swim school business that previously operated from Bryntirion and Porthcawl Comprehensive Schools outside of school hours. The success of the swimming school and the need to expand the hours of operation required alternative premises for the business in the Bridgend area. The planning statement acknowledges that the business has commenced without permission but is seeking retrospective permission again on the basis of a number of changes to the business. The statement confirms that Water Wings is a private members pool that only provides swimming lessons to members of Water Wings Swim School. Membership is included within the cost of purchasing a block of lessons. The school has also reduced the hours of opening for the Water Wings facility which are as follows:

Monday to Friday: 3:30pm - 8:30pm
Saturday and Sunday: 8:45am - 2:45pm

The revised and reduced hours of operation are *"reflective of the new business model and the demand for lessons"*. They no longer include weekday mornings and early afternoon

Application Number

P/17/373/FUL



Scale 1:5,000

Date Issued:
15/12/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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sessions. In addition, the applicant company has reduced the swimming offer and no longer provide parent and baby/toddler swimming in the mornings or aqua zumba or pool parties.

A Transport Statement and Proposed Site Layout Plan, prepared by Lime Transport, has accompanied this resubmitted application. The report seeks to address concerns raised by the Highway Section in relation to the suitability of the site from a sustainable transport perspective and the likely conflict between pedestrians and vehicles due to the lack of a safe pedestrian route on site. An appraisal of the site's sustainability with reference to public transport provision has been included in the Transport Statement along with a calculation of trip generation and parking demand.

The statement and plans confirm that a total of 27 marked out parking spaces will be provided. Twenty one spaces will be marked out on the area to the front of the building with six bays to be provided along the eastern edge of the building, five of which will be dedicated to staff. A 1.5m wide buffer strip between these spaces and the building will provide a safe route, with lighting, for staff and customers to access the main entrance.

RELEVANT HISTORY

Until 2006/07, the building was part of the Sony manufacturing plant.

P/13/229/FUL - Retrospective permission was granted on 3 June 2013 for a change of use from Class B1/B2/B8 to Class A1 (Retail) - The permission was the subject of the following restrictive condition:

The premises shall be used only for the storage, display and sale of camping and caravan equipment together with ancillary complimentary goods and for no other purpose including any other purpose in Class A1 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: To enable the Local Planning Authority to retain effective control over the form of retailing to be undertaken at the premises.

(Policy R9 of the Bridgend Unitary Development Plan)

P/16/488/FUL - Change of use from camping and leisure sales to outlet to private swim school and formation of swimming pool within the space. Application REFUSED permission on 11 November 2016 for the following reasons:

1. The use of the building as a 'Private Swim School' (Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) conflicts with Policy REG1 (2) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complementary to and/or ancillary to the industrial uses on Bridgend Industrial Estate. Insufficient information has been submitted to demonstrate that (i) no alternative location is sequentially preferable than the application site; (ii) the unit has been marketed for at least two years for employment uses; (iii) the site is accessible by a choice of means of transport; (iv) an industrial building is required to accommodate the use; (v) the use with other existing development does not threaten the status and character of Bridgend Industrial Estate; (vi) the operation of other industrial and employment uses would not be adversely affected and therefore the proposal does not comply with Policy REG 3 of the Bridgend Local Development Plan (2013).

2. Insufficient details of the proposed development have been submitted to enable an assessment of highway safety considerations to be made for compliance with Policies SP2, SP3, PLA4, and PL11 of the Bridgend Local Development Plan (2013).

PUBLICITY

Neighbours have been notified of the receipt of the application.

The application has also been advertised on site and in the local press as development that is out of accord with the policies of the Bridgend Local Development Plan (2013).

The period allowed for response to consultations/publicity expired on 1 November 2017.

CONSULTATION RESPONSES

Head of Street Scene (Highways): The current application (resubmission) is supported by a Technical Note prepared by Lime Transport. This suggests that the number of vehicular movements within the site (in the immediate vicinity of this particular unit) is low, as are vehicle speeds, during the typical opening hours of the proposed facility. This does not however indicate that the route pedestrians would need to take from the individual facility through the wider site and onto maintainable footway is safe. In this case it is considered that the issue of public safety should be an issue for the developer / landowner to deal with going forward as this is clearly not a matter of safety on the Highway network. Once outside the site perimeter it is acknowledged that there are footways leading away from the site.

With regard the issue of Public transport unfortunately the supporting Technical Note incorrectly suggests that the site is served by an hourly bus service. By inspection of the timetable it is clear that the site is served by only three buses on Mondays to Saturdays (8:01 am, 8:30am and 4:18pm) which makes the use of public transport an unsuitable mode of accessing the site. Accordingly the nearest reasonable public transport provision is on Cowbridge Road (A473), near the Tesco store and Police Headquarters, some 1km walking distance away which, whilst not ideal, could be considered favourably in this case.

It is unfortunate to note that the proposal is for a “members only swimming pool” which would not be considered as ancillary in any way to the surrounding uses. It is however noted that the opening hours and hence its use, will be limited. In regard to this concern it is noted that in an Appeal against the refusal of a Soft Play facility at the eastern end of the industrial estate, the Inspector determined that it would not be appropriate to refuse the application based on the un-sustainability of the site alone. Subject to a suitable condition restricting the opening hours and operation of the facility to those detailed in the submission, the Transportation Policy and Development Section has no objection to the development.

Economic Development: A review of the Welsh Government's property database has been undertaken which confirms a supply of units ranging from 846 sq.m to 1687 sq.m on Bridgend, Ewenny and Waterton Industrial Estates. Although the Council does not retain details of all enquiries for premises, the Team Leader - Projects does not recall requests for units of the size of the application site. Enquiries have generally been for smaller 'start up' units. Accordingly there are no objections to the application from the Economic Development Team.

Furthermore, Technical Advice Note (TAN) 23 says that it is essential that the economic benefits associated with new development are given due weight. Planning Policy Wales Chapter 7 (PPW7) requires all authorities to adopt a positive and constructive approach to applications for economic development. The application is from an established business that offers regular part time employment opportunities to local residents.

Coychurch Lower Community Council: The council see no need to object to this proposal but would draw your attention to the lack/inadequacy of parking arrangements. The Trading Estate already suffers from on street parking problems and we would not like to see this problem increased in anyway.

REPRESENTATIONS RECEIVED

No representations have been received from the occupiers of the adjacent units.

COMMENTS ON REPRESENTATIONS RECEIVED

With regard to the Community Council's opinion on the parking provision at the site, it is noted that the Head of Street Scene (Highways) considers the parking arrangements to be acceptable.

APPRAISAL

The application is reported to Committee as a departure from the Local Development Plan (LDP). More specifically, the application does not fully accord with the criteria of Policy REG3 of the Bridgend Local Development Plan (2013). Although applications for planning permission should be determined in accordance with the adopted development plan, there are material considerations in this case that outweigh the policy conflict which are considered in detail in the following sections of the report.

The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development. (Paragraph 1.2.1 of Planning Policy Wales - Edition 9 - November 2016 refers).

Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers). The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the planning system.

The adopted (LDP) which was subject to a Sustainability Appraisal, seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development.

In order to meet the varying requirements of business, and to provide access to employment and training for all residents of the County Borough, a range and choice of vacant sites on 120 hectares of land is identified and protected for employment (B1, B2 and B8 uses) purposes. If Bridgend is to retain its competitive industrial base it is imperative that the area is able to offer a broad portfolio of sites.

In addition to those Strategic sites identified and safeguarded under Policy SP9 of the LDP, Policy REG1 also identifies a variety of employment sites suitable for employment uses of varying size and type. The application site is located on Bridgend Industrial Estate and is therefore in an area allocated and protected for employment purposes (B1, B2 &

B8). Development proposals which seek to change the use of existing employment buildings on REG1 sites to uses within Class D2 will be assessed against LDP Policy REG3. In 2015, the Council adopted supplementary planning guidance that deals with the protection of identified employment sites and circumstances where alternative uses, including D2 uses, may be acceptable (SPG2). It outlines those uses which are considered as 'exceptions' in terms of the protection of employment land for its primary function, the nature of D2 use classes that may be permitted on employment sites and guidance on site selection and submission of planning applications which meet the criteria contained in the relevant LDP policies.

The main issues in the determination of this application include the effect of the use on the supply of employment land, highway safety and whether it is a sustainable form of development having regard to the demand for travel. Consideration must also be given to any other material considerations such as the economic and social benefits of the development which may outweigh any local policy conflicts.

Unlike the previously refused application, this resubmission has been accompanied by a planning statement which seeks to address both local and national policy. It contends that the development is not only compliant but has economic and social benefits that should also be considered.

The applicant's agent has identified the relevant policies of the LDP (Policies SP2, REG1, REG2 and REG3) against which the application should be assessed. Policy REG2 seeks to protect employment sites and confirms that proposals which result in the loss of existing or proposed employment land or buildings will only be acceptable if they are for uses which will be complementary and/or ancillary or for *sui generis* uses which are suitably located on an industrial estate. The agent's supporting statement does not seek to claim that the members' swimming pool is a complementary use but suggests that, given the limited number of non-traditional employment uses currently present, it is considered that the continued use of this unit for 'non B1, B2, and B8' uses will not fundamentally alter the nature of the Industrial Estate. Indeed, it is argued that, as the Council has already accepted the loss of this unit for employment in granting an A1 retail consent in 2013, the change of use from A1 retail to D2 may prevent the loss of any further, vacant employment units in an alternative location given the known requirements for the proposed development and the type of unit that is therefore required.

LDP Policy REG3 confirms that proposals which result in the change of use of existing employment (B1, B2 and B8) buildings to uses within Class D2 of the Use Classes Order on Policy REG1 sites will be permitted provided that:

1. In sequential order of preference, all suitable retailing and commercial centre, edge-of-centre and out-of-centre sites and buildings have been assessed and found unsuitable;
2. The building has been vacant for at least 2 years and has been actively marketed for employment uses throughout that time;
3. The site is accessible by a choice of means of transport other than the car;
4. It is demonstrated that a former industrial building is required to accommodate the use;
5. The proposal, in terms of size and number, either singularly or cumulatively with other existing or permitted developments, is clearly subordinate to the employment use of the area and does not threaten the status and character of the wider allocation as an employment site for B1, B2 or B8 uses; and
6. The operations of other industrial and employment uses in the vicinity of the site would not be adversely affected.

The applicant's planning statement contends that Policy REG3 seeks to permit changes of use from traditional employment uses such as B1, B2 and B8 uses to non-traditional employment uses, in line with up to date national policy.

Criterion 1 of Policy REG3 seeks to ensure that suitable alternative premises have been assessed and no viable and suitable alternative is available in a more sustainable location.

The supporting statement confirms that the Water Wings Swim School business is local with its client base being in the Bridgend area. Accordingly, when they were seeking to expand, the search for appropriate premises was within and around Bridgend town centre. The applicant worked with a number of local property agents (listed in the planning statement) to find suitable and acceptable premises. The search for the new premises commenced in late 2015 and a number of properties that were on the market at that time were viewed. Of the few that were capable of accommodating a swimming pool, the application site was the only premises that proved a viable option.

It was also the only unit where the landlord was willing to allow a swimming pool to be constructed. It should also be noted that, of the units suitable to house a swimming pool in terms of construction requirements, the units were all industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had previous retail permission and, as such, was no longer in employment use.

Criterion 2 of Policy REG3 establishes a requirement for any commercial unit to be vacant for at least 2 years and actively marketed for employment uses during that period. On the basis of the information before the Council, there is some uncertainty as to when Bridgend Camping and Leisure vacated the site but it is understood that the company went into administration in 2015. The applicant's statement indicates that Bridgend Camping and Leisure ceased trading at the premises some time prior to going into administration but it is unclear whether the unit had been vacant for in excess of two years at the time the application was submitted. The agent has confirmed that marketing of the unit could not, however, commence immediately because of the legal restrictions associated with the administration process. It is accepted by the agent that the unit may not have been vacant for the time prescribed in the policy but there is documented evidence that the unit was marketed as part of the wider site for at least a year.

Criterion 3: The site is accessible by a choice of means of transport other than the car,

The Transport Statement submitted in support of the application has identified the closest active bus stop which is some 270m to the north on Western Avenue. The statement suggests that the site is served by an hourly bus service but this is incorrect with the timetable confirming that only three buses on Mondays to Saturdays (8:01am, 8:30am and 4:18pm) operate. Car sharing is however encouraged amongst its staff and students that live within the same area or attend the same classes and the applicant company is keen to further promote car sharing and can offer to introduce new students to others in the group lessons that are keen to find a car share partner.

The application site is located on land allocated for development which is within the primary key settlement of Bridgend, so defined under Policy PLA1 and is the focus of employment, retail and services serving the whole of the County Borough. Whilst it is accepted that public transport services to the site are infrequent and limited, safe routes and bus stop facilities exist and arguably the supply of services through the estate could increase in the future to correspond with any increase in demand. The applicant company acknowledges that, for the majority of customers, particularly very young children, the residential catchment will be outside reasonable walking limits. On the basis that the

customer base is within the Bridgend area the journey lengths, even by car, will be reasonably short.

Notwithstanding the local and national objectives relating to sustainable transport, any use of this building would generate traffic and, therefore, it may be difficult to argue that the use is so unsustainable to warrant refusing planning permission for this reason alone.

Criterion 4 of the Policy has been addressed in the supporting statement with the applicant indicating that only an industrial type building could accommodate this proposal. The Council has no evidence to counter this claim and it is noted that the pool is not an excavated, traditional swimming pool. It is an above ground pool and would not require a major building operation for the structure to be removed.

Criterion 5 requires the decision maker to consider the extent of the non-conforming uses and whether they remain subordinate to the employment use of the area and do not threaten the status and character of the wider allocation as an employment site for B1, B2 or B8 uses.

The applicant's supporting statement refers to the current number of vacant units on Bridgend Industrial Estate and there being no shortage of B1, B2 and B8 floorspace in the vicinity of Unit 12D. Although the applicant has not provided surveys to support the aforementioned statement, a recent review of the Welsh Government's property database confirms a supply of comparable, available units on Bridgend, Ewenny and Waterton Industrial Estates. Current demand has also been for smaller 'start-up' units. The current use of the building does not threaten the status of the employment allocation and accordingly the Economic Development Section has not opposed the application.

Furthermore, the operations of other industrial and employment uses in the vicinity of the site do not appear to be affected, with the supporting statement indicating that the reduction in the operational hours to those outside of the general hours of the surrounding businesses should minimise any conflict. It is noted that no objections to the operation were previously raised during the consultation on the previous planning applications or as part of this new application.

Policy SP2 of the LDP is the overarching policy against which all applications must be assessed. All development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. The Policy establishes fifteen criteria against which development proposals will be assessed and in respect of this application. Due to the nature of the development, only some of the fifteen criteria are relevant to the assessment of the application and they are considered as follows:

Complying with all relevant national policy and guidance where appropriate;

National policy, (Planning Policy Wales) reminds decision makers that traditional business use, classes B1-B8, only account for part of the activity in the economy and that the planning system must recognise the economic aspects of all development. Where a planning authority is considering a planning application that could cause harm, Technical Advice Note 23: Economic Development (February 2014) requires planning authorities to consider three questions in order to help clarify and balance the economic, social and environmental issues. In all cases robust evidence should be provided to support these tests:

1. Alternatives: if the site is not available (acceptable) could the use be provided on a site where the development would cause less harm and if so where?
2. Jobs accommodated: how many direct jobs will be based at the site?

3. Special Merit: would the development make any special contribution to policy objectives?

The first test follows the principle that the planning system should steer development to the most sustainable locations. The planning statement confirms that a review of alternative premises was undertaken through a number of local agents. Of the few that were capable of housing a swimming pool, the only premises that proved a viable option were all previously industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had retail permission and as such was no longer in employment use.

The application forms for the previously refused scheme confirmed that the equivalent of 4 full time jobs had been created as a result of the development. This has been increased over time with the business now employing 10 swimming teachers, 4 lifeguards and a dedicated receptionist. The direct and indirect economic benefits of the business are indeed worthwhile and are afforded some weight in the determination of the application.

Test 3 considers whether developments make a special contribution to national policy objectives but, considering the scale of the development and the nature of the use, this test is not relevant in this instance.

Having good walking, cycling, and public transport and road connections within and outside the site to ensure efficient access;

On the previous application, the Head of Street Scene (Highways) opposed the development on the basis that the application lacked sufficient supporting information which prevented a comprehensive assessment of the development from a highway safety perspective. The Planning and Transport Statement that accompanied this revised application have enabled such an assessment to be made and the consultant's conclusion that the site could operate without being detrimental to highway safety is accepted.

The use of other modes of transport to serve the development have been considered in an earlier section of the appraisal.

Given the scale and nature of the use, pollution is unlikely to be an issue. No adverse comments have been received from the Council's consultees.

Ensuring equality of access by all;

The swim school is located on one level and the internal arrangements have been designed to allow access for all.

Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;

As referred to elsewhere in this report, the use appears to have no detrimental impacts on the adjoining commercial uses.

Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;

The comments received from Dwr Cymru/Welsh Water and the Council's Land Drainage Engineers indicate that the drainage arrangements are acceptable. The Council is not aware of any capacity issues in the existing foul and surface water network.

Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development

Planning contributions (or obligations) secured by Section 106 agreements linked to new development are a mechanism for securing improvements to public transport and are widely used to bring development in line with sustainability requirements, for encouraging accessible public transport provision and for securing more sustainable patterns of transport development. Only those developments which have a significant travel impact should be subject to the requirement to provide public transport improvements or for paying a contribution towards public transport enhancements. Given the scale of this development, it is questionable whether it has a significant travel impact in the context of the wider industrial estate.

CONCLUSION

The policies of the adopted Bridgend Local Development Plan (2013) identify and protect land for employment in order to meet the varying requirements of business and to provide access to employment for all residents. Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can however, be considered where they are complementary or ancillary to the main industrial uses or where a *sui generis* use is suitably located on employment land.

In response to the significant demand and pressure to allow certain D2 (Assembly and Leisure) uses, particularly indoor recreation facilities, the loss of employment uses may be permitted subject to certain criteria. The agent's planning statement suggests that weight should be afforded to the previous planning permission for retailing from the unit and contends that the current application should not be tested against Policies REG2 and REG3 of the LDP.

Any decision made by the Council must have regard to the adopted policies of the local plan but it is accepted that previous planning decisions, depending on their status, may be afforded weight. The previous permission referred to in the 'Planning History' section of this report permitted only limited retailing from the premises, namely the storage, display and sale of bulky camping and caravan equipment and ancillary complimentary goods. On the basis of the site visit undertaken in connection with the previously refused application, all the fixtures and fittings of the former use had been replaced by the swimming pool and ancillary rooms. The applicant's agent has however indicated that the 'proposed' use only takes up about 30-40% of the original unit. The remaining 60-70% of the unit is exactly as the previous retail occupier left it and could be readily converted back to A1 retail without the need for planning permission. Whether the former use has been 'abandoned' is a matter of law but, on the basis of the information available, it is difficult to reach a conclusion on this matter.

In assessing this retrospective use against the aforementioned policies, it is considered that a 'members only swimming pool' is neither complementary nor ancillary and is certainly not a *sui generis* use. Furthermore, despite the claims in the supporting statement, the proposal does not fully accord with the criteria of Policy REG3. Firstly, it is questionable whether the unit had been vacant for at least 2 years before it was occupied by the swim school and secondly, the opportunities to access the site by other means of transport other than the car are limited. For the remaining criteria of the Policy, the application has sought to demonstrate that alternative locations were considered but no suitable buildings in a sequentially more appropriate location were identified, the use is having no impact on the adjoining operators and that such D2 uses remain subordinate and currently do not threaten the wider employment allocation. This is a position the Local Planning Authority accepts.

Creating 'Cohesive Communities' has the potential to contribute to the Well-being of Future Generations agenda and the planning system is required to locate developments

so as to minimise the demand for travel, especially by private car. Although the site is not well served by public transport it is nevertheless located in the Primary Key Settlement of Bridgend as identified by the Bridgend Local Development Plan (2013). It is so defined on the basis that it is the focus of employment, retail and services for the whole of the County Borough. Furthermore, Bridgend Industrial Estate is described in the Local Development Plan as being a highly sustainable and accessible destination benefiting the wider region and the County Borough as a whole.

The applicant company acknowledges that for the majority of customers, particularly very young children, the residential catchment will be outside walking limits. On the basis that the customer base is within the Bridgend area, the journey lengths, even by car, will be reasonably short. Notwithstanding the local and national objectives relating to sustainable transport and criterion 3 of Policy REG3, any use of this building would generate traffic and therefore it may be difficult to argue that the use is so unsustainable to warrant refusing planning permission for this reason alone.

The applicant's failure to market the vacant unit for at least two years also represents a falling in the context of the aforementioned policy. The material planning harm assessed by having failed to undertake this exercise is, however, difficult to substantiate. Had this process been undertaken correctly, it could be argued that the unit could have been occupied by a B1, B2 or B8 use. This is, however hypothetical and does not constitute sound evidence that could be relied upon.

National policy (Planning Policy Wales) requires that planning authorities identify three questions for Local Planning Authorities to help clarify and balance the economic, social and environmental issues.

The first test follows the principle that the planning system should 'steer' development to the most sustainable location. Of the few that were capable of housing a swimming pool, the only premises that proved a viable option were all previously industrial in nature and on industrial estates. The applicant's agent indicates that the exception to this was the application site which had most recently been used for retail purposes and as such was no longer in employment use

The planning statement confirms that the business now employs 10 swimming teachers, 4 lifeguards and a dedicated receptionist. The direct and indirect economic benefits of the business should not be dismissed and in this case are afforded some weight against the scheme's policy deficiencies as set out above.

One factor that should also be considered is the next steps in the process after any decision to refuse planning permission, namely the service of enforcement notices to cease the use. Although, it is not the Local Planning Authority's responsibility, nor a requirement to identify, or provide, alternative sites to which unauthorised development might be relocated, as part of its economic development functions, the authority should be in a position to suggest more appropriate locations. Given the nature and physical requirements of the use, a similar type of building would be required and in all probability that is likely to be on an industrial estate.

Overall, on the basis that the use is having no impact on the adjoining operators nor is it threatening the wider employment allocation on the estate, the development is, on balance, acceptable. In reaching this conclusion, weight has been afforded to the economic benefits of the business and the former retail use of the unit. Conditions will however be imposed limiting use of the unit to the current operators and preventing any change to other D2 uses.

The Local Planning Authority can grant permission for development which does not accord with the provisions of the development plan in force in the area under Article 20 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 subject to ratification by Council.

RECOMMENDATION

(A) That the application be referred to Council as a proposal that represents a departure from the Development Plan which the Development Control Committee are not disposed to refuse as the application has sought to demonstrate that alternative locations were considered but no suitable buildings in a sequentially more appropriate location were identified, the use has no impact on the adjoining operators and that such D2 uses remain subordinate to and currently do not threaten, the wider employment allocation of the industrial estate. Critically, the business provides employment for up to 14 people which benefit the local economy.

(B) That if Council resolve to approve the proposal, the following conditions be attached to the consent:-

1. The development shall be carried out in accordance with the following documents and plans:
 - a) Paragraphs 1.12 to 1.15 of the Planning and Access Statement by Prospero Planning dated April 2017
 - b) Job No. 15-168 Dwg No. 001 Revision A received on 3rd May 2017.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The Members Swimming School facility hereby permitted shall be operated only by Water Wings Swim School. All materials and equipment brought into the premises in connection with the use permitted shall be removed within three months following the cessation of the occupation by the above named company.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

3. The premises shall be used as a Member's Swimming School 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: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

4. The use shall not be carried out outside the hours of 15:00 to 21:00 Monday to Friday and 08:30 to 14:45 on Saturdays and Sundays.

Reason: To ensure that the Local Planning Authority retains effective control over the development, in the interests of highway safety.

5. Within three months of the date of this permission the car parking shall be laid out within the site in accordance with drawing title: Layout of Development Drawing No: Figure 1.2 Revision A by Lime Transport received on 3rd May 2017. The parking

spaces shall thereafter be kept available for the parking of vehicles in relation to this business in perpetuity.

Reason: In the interests of highway safety.

6. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Welsh Water Developer Services have advised the following:

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru/Welsh Water. Please note that issuing of a Discharge Consent is independent of the planning process and consent may be refused although planning permission is granted.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

BACKGROUND PAPERS
None