

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **31st MARCH 2021**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **FULL APPLICATION- CHANGE OF USE FROM BISTRE YOUTH AND COMMUNITY CENTRE, COMPRISING FORMER SCHOOL BUILDING AND CAR PARKING TO MIXED USE AS CAFÉ, BAKERY SCHOOL, PLAYGROUP/NURSERY, MIXED USE SPORTS HALL, SPORTS TRAINING FACILITY/ACADEMY WITH EXTERNAL COVERED SPORTS HALL AND ASSOCIATED ADDITIONAL CAR PARKING**

APPLICATION NUMBER: **061148**

APPLICANT: **MR MARK JONES**

SITE: **BISTRE COMMUNITY CENTRE, NANT MAWR ROAD, BUCKLEY CH7 2PX**

APPLICATION VALID DATE: **2ND APRIL 2020**

LOCAL MEMBERS: **COUNCILLOR N PHILLIPS**
COUNCILLOR A WILLIAMS

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **MEMBER REQUEST**
IMPACT UPON NEIGHBOURING AMENITY

SITE VISIT: **YES**
CONCERNS OVER IMPACT OF SPORTS HALL ON EXISTING NEIGHBOUR AMENITY

1.00 SUMMARY

- 1.01 This is a full application for the change of use of the former bistre youth and community centre, comprising former school building and car parking, to a mixed use as cafe, bakery school, playgroup/nursery, mixed use sports hall, sports training

facility/academy as well as the erection of an external covered sports hall with associated additional car parking.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Time Limit
 2. Approved Plans
 3. Materials
 4. Use of suitable acoustic materials for sports hall as recommended in NIA
 5. Landscape plan
 6. Landscape plan implementation
 7. Hours of use
 8. Levels
 9. Restrictions to lighting
 10. Any doors or windows in sports hall to be closed whilst in use
 11. Once Sports hall no longer required, building removed and site returned to previous condition
 12. Foul water drainage scheme to be submitted
 13. No surface water to be allowed to connect directly or indirectly to the public sewerage network

3.00 CONSULTATIONS

3.01 Local Member

Councillor N Phillips

Concerns over covered sports hall- siting, noise, hours of use- requests committee determination.

Councillor A Williams

Feels that given nature of application it would be more suitable for Committee to determine application. Requests committee determination.

Buckley Town Council

No response at time of writing.

Highways Development Control

The proposals use the existing access to the site; the layout and available visibility splays are considered appropriate. No highways conditions are proposed.

Community and Business Protection

I have no objections to this proposal providing the following conditions are imposed to minimise adverse noise to nearby residential properties :-

1. The sports hall is not to be used after 21.00 hrs.
2. The sports hall is to be constructed of suitable acoustic materials as outlined in the applicants noise assessment with a minimum Sound Reduction Index of -25 dBA.

Welsh Water Dwr Cymru

Requests conditions.

Coal Authority

No objection.

4.00 PUBLICITY

4.01 Neighbour Notification

13 Objections received on the following grounds:

- Temporary sports hall- concern over its visual impact, noise and lighting intrusion
- General concerns over lighting overspill
- Smells from bakery
- Traffic impact- increased traffic flow to site and existing on street parking issues locally
- Security- anti social behaviour
- Proposed path on site- loss of privacy and security concerns from adjoining residents
- Opening hours
- Question of need for more sporting facilities- impact on other local centres
- Inadequacy of existing tarmac for car parking
- Site is not disused
- Land drainage issues
- Loss of existing trees/shrubs

3 Letters of Support

- Good to see building in reuse
- Additional parking will help local issues
- Community hub

5.00 SITE HISTORY

5.01 No relevant site history.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
Policy STR1 – New Development
Policy STR11 – Sport, Leisure and Recreation
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development Inside Settlement Boundaries
Policy D1- Design Quality, Location and Layout
Policy D2 – Design
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development
Policy SR1 – Sports, Recreation or Cultural Facilities
Policy SR2 – Outdoor Activities

Planning Policy Wales edition 11

7.00 PLANNING APPRAISAL

7.01 Proposal

- 7.02 The proposal is for the change of use of the Bistre youth and community centre, to a mixed use as a cafe, micro bakery, playgroup/nursery, mixed use sports hall, sports training facility/academy with the erection of an external covered sports hall and associated additional car parking.

7.03 Site

- 7.04 The site is 0.89 hectares in area and is known as the Bistre Community Centre, Nant Mawr Road, Buckley, Flintshire within the settlement of Buckley in the Flintshire Unitary Development Plan. The site was a former primary school, prior to its use as a community centre. The site lies within a residential area and next to the Bistre Scout hut. The proposal utilises the entire site, including both the former school building and its playing fields to the side.

- 7.05 The site currently has a variety of community uses, including use as a nursery, day centre and as a venue for Slimming World meetings, although these uses only utilise a portion of the school building.

7.06 Principle of Development

- 7.07 The proposal is for a range of uses occupying the existing building but also proposing a new building, namely a covered sports hall. In principle there is no objection to the range of uses proposed or the formation of a sports facility within the settlement boundary of the town, having regard to the sites existing use and its location. I consider that the principle of the use as a sports and recreational

facility is in accordance with policies STR11 and SR1 of the Flintshire Unitary Development Plan.

7.08 The acceptability of the proposal is also subject to the proposal being an appropriate form of development which is sympathetic to the character of the site and its surroundings. As the site is in proximity to existing properties in particular those which back onto the site at Eglwys Close the safeguarding and the privacy and living conditions of the occupiers of these properties is a material consideration.

7.09 Paragraph 4.4.1 of Planning Policy Wales 11 stresses the importance of community facilities and how these can *“perform various functions which cover a broad range of activities and services and can be delivered by the public, private and third sectors’ Community facilities contribute to a sense of place which is important to the health, well being and amenity of local communities.”* Furthermore in paragraphs 4.5.1- 4.5.2 the importance of recreational sports facilities is emphasised, and it is stated that Planning Authorities should be promoting and supporting such developments.

7.10 **Proposed New Sports Hall**

7.11 The proposed sports hall is approximately 20x 30 metres and is approximately 7. 2m high to its highest point. In the context of the site and its topography I do not consider that this is a scale that is inappropriate for this location. This height is comparable to existing housing, which is also located on a higher point than the application site in the case of the two storey detached dwellings on Ffordd Eglwys. It is located between the former school building and the adjacent Scout Hut and can be read in the context of these buildings. These are both relatively large buildings in the context of the surroundings.

7.12 The sports hall has been sited in a position to ensure it is located as far away from existing residential properties as it can be, whilst relating to the facilities in the former school building, and the parking areas.

7.13 The proposed sports hall will provide a different form of training facility than is available in the local area. Objections have been raised which consider that the development is inappropriate given the residential nature of the locality. Whilst the site is surrounded by residential properties it should be noted that the site itself is not a residential site but has a long established educational and community use. The adjacent Scout hut has an analogous community and recreational use. The proposed sports hall is a pre-fabricated form of development. Its external colour can be conditioned to ensure that it is suitable for use in this location and

with regard to the amenity of residential properties. In order to protect the site and its amenity required a condition is proposed requiring its removal and the reinstatement of the land, if the use of this facility should no longer be required.

7.14 Living conditions of existing residents in relation to the New Sports Hall

7.15 The sports hall/training centre is proposed to the north of the dwelling known as 'Mizpah'. At its closest point the proposed sports hall is 21 metres from the rear of the dwelling known as Mizpah, which is the nearest residential property to the development. There are no windows in the sports hall and the impact will be from the bulk of the building.

7.16 It should be noted that the proposed sports hall is located further away from this property than the Scout Hut which is next to both sites. In addition the sports hall is not excessively tall, and there is a tall established hedgerow on the boundary between Mizpah and the application site which mitigates against much of the impact which will provide year round screening from the sports hall.

7.17 I have suggested a condition requiring a landscape plan and I would require any approved landscaping scheme to retain this feature. Policy D1 of the Flintshire Unitary Development Plan requires that development respects the scale of surrounding development, as well as relating well to the local topography and aspect of the site.

7.18 I consider that the proposal accords with this policy, as well as to GEN1 which requires that all development should harmonise with the site and its surroundings in terms of its siting, scale, layout and use of space, and that the sports hall is sited appropriately and with full regard to neighbouring living conditions.

7.19 There is approximately between 26, at its closest point, and 36 metres from the proposed sports hall to the rear of the nearest boundaries of the properties on Ffordd Eglwys. The boundary to the north of the site has an existing native species hedgerow and will be subject to the same landscape condition as above. It should also be noted that the dwellings abutting the site also have 1.8 metre high close boarded fences on their rear boundaries.

7.20 There is no prescribed distance between such forms of development and residential properties, although the existing living conditions of residential properties in the vicinity of the proposal must be given significant weight.

7.21 I consider that with regard to the living conditions of the occupiers of the dwellings on the northern boundary of the site the proposal is in accordance with the relevant policies within the Unitary

Development Plan, in that the sports hall is located in the most suitable location in order to protect existing living conditions whilst still be appropriate to its proposed use.

- 7.22 Given the proximity of residential properties to the site, concerns over harm to general noise and disturbance has been raised, particularly as a result of noise and light pollution. It should be noted that the hall will have 40mm insulated walls to protect against noise pollution.
- 7.23 The application has been supported by a Noise Impact Assessment, the findings of which have been reviewed by the Community and Business Protection service. One of the recommendations in the Noise Impact Assessment is that the sports hall will be constructed from appropriate materials, which will aid with noise dampening. It would be appropriate to condition this to ensure that the facility is suitable for its location and would not give rise to unacceptable impacts upon neighbouring living conditions. Furthermore a condition will be imposed to require all openings remained closed whilst the sports centre is in use.
- 7.24 The facility will shut at 9pm, and there are no high level flood lights proposed. In order to protect neighbouring residential living conditions a restrictive condition is proposed to prohibit external lighting in the parts of the site likely to have a potential conflict with neighbouring amenity.
- 7.25 **Change of Use of the Existing School Building**
- 7.26 The former school building is proposed to house both a café, which can be used for community purposes as well as by users of the sports facilities and parents waiting for their children's sports training sessions to end, as well as a Bakery school. These uses utilise currently unused areas of the building, and the existing tenants, a youth and community centre and day nursery, are unaffected by the proposal.
- 7.27 The main section of the school building is to be a community café, this includes a kitchen area and toilet facilities. Rooms to the west of the building are to be used as a microbakery with associated offices. In the north western part of the building there are to be areas for sports changing and other associated office and briefing uses.
- 7.28 These uses are considered to be appropriate to the building and the location in general and it is not considered that these will unacceptably impact upon neighbouring living conditions, as the uses are contained within the existing building. Third parties have raised issues regarding smells from the bakery school however the community and business protection service have raised no issue regarding the proposal. This matter is therefore attributed very

minor weight as it is considered that the bakery use would not be intensive and therefore would not generate smells which would unreasonably affect nearby occupiers.

7.29 New security doors are to be installed. I do not consider that this is inappropriate on this building.

8.00 **Other Matters**

8.01 Highway concerns, related to parking provision, were raised in response to the pre-application consultation however following discussions, the applicant has produced a Car Park Study. This study considers the parking demand for the current uses of the site in combination with those of the additional uses. A conservative approach has been taken which includes all cars stopping for a minimum of one hour where in reality a number of vehicles will simply drop off/pick up and disappear. Parking accumulation figures are anticipated to be below those values reported in the study.

8.02 The study suggests an existing provision of 40 spaces whereas the current layout (un-marked bays) is likely to accommodate less than this; the area in front of the building has insufficient depth to accommodate two parking bays with adequate maneuvering space between. The additional parking provision is however considered satisfactory to cater for additional demand.

8.03 In response to the publication of this planning application third parties have raised issues regarding security and anti-social behavior. There is no evidence to support that the proposed use will give rise to an increase in anti-social behavior and therefore this matter attracts very minor weight in the overall planning balance.

8.04 Further issue were raised questioning the need for the sporting facilities and that this facility may negatively impact on the use of other such facilities. There is no policy requirement for the applicant to demonstrate need for the sports centre or no policy which seeks to limit the number of sports facilities in order to protect existing facilities. This matter therefore attracts very minor weight in the overall planning balance.

8.05 Furthermore issues were raised about drainage. The site is already developed with drainage infrastructure which was suitable to serve a fully occupied school on a daily basis. The use proposed would utilise the existing drainage system which would be more than sufficient to accommodate the demands of the new and existing uses. This matter therefore attracts very minor weight in the overall planning balance.

9.00 **CONCLUSION**

The proposal is considered to be appropriate for the location and in accordance with relevant development plan and national policies. I consider that the proposal has adequately considered the impact of the proposal on neighbouring amenity and has taken steps to ensure that any impacts are minimised. The conditions proposed will further ensure that existing amenity is protected. The proposal represents a community and sports facility that will contribute positively to the local community and local place making, in line with the advice in Planning Policy Wales 11. As such I recommend accordingly.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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