

LOCAL MEMBER OBJECTION / CONCERN & PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01885/MNR** APPLICATION DATE: 16/08/2016

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Farleigh-Page

LOCATION: 2A WAUN-Y-GROES AVENUE, RHIWBINA, CARDIFF, CF14 4SY

PROPOSAL: CHANGE OF USE OF 2 (RESIDENTIAL) AND 2A (OFFICES) TO D1 (DAY NURSERY)

RECOMMENDATION : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The building hereby permitted shall be used as a day nursery as specified in the application 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 in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area. In accordance with Policy H4 of the adopted Cardiff Local Development Plan (2006-2026).
3. The premises shall only be open to the public between 07:30-18:30 Monday to Friday and not at all on Saturday or Sunday.
Reason: To ensure that the use of the premises does not prejudice the amenities of the area. In accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).
4. Prior to the development hereby permitted being brought into beneficial use, provision shall be made within the site for the parking of vehicles in accordance with details to be submitted to and approved by the Local Planning Authority, such approval to be obtained prior to the commencement of development. The submitted details shall include but not be limited to the marking of the parking bay .The parking area shown in the approved details shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site. In accordance with Policy T5 of the adopted Cardiff Local Development Plan

(2006-2026).

5. No more than 40 children and 12 staff shall occupy the premises at any time.

Reason: To ensure the amenities of the adjoining neighbours are protected. In accordance with Policy EN13, KP5 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought to change the use of the property from residential and offices to a day nursery which would accommodate a total of 40 children and 12 staff. The ages of the children would vary from 6 weeks old to 8 years old. The applicant states that the 3-8 year old children would be located in the outside annex, whilst the younger children would be within the existing building. As part of the wrap around provision, the nursery will also pick up/drop off children from/to nearby schools by utilising their own vehicle.
- 1.2 The application has been supplemented by a Transport Statement, dated November 2016.

2. **DESCRIPTION OF SITE**

- 2.1 The site is a semi-detached building with a mixed use of residential and offices. The property benefits from a westerly facing rear garden. Within the rear garden is a detached annexe. To the front of the premises there is available parking.
- 2.2 The adjoining semi-detached property is also a commercial property that has recently been given permission to be used as a health spa. The surrounding streets are residential in character. The properties along Waun-Y-Groes Avenue are a mixture of terraced and semi-detached houses. The semi-detached houses have off-street parking which is accessed off Waun-Y-Groes Avenue.
- 2.3 The site is not located within a conservation area or a designated flood zone. No Listed buildings or protected trees are affected by this proposal

3. **SITE HISTORY**

- 3.1 Nil

4. **POLICY FRAMEWORK**

- 4.1 The application site falls within the settlement boundary as defined by the Local Development Plan Proposals Map, but is not allocated for any specific use. Planning Policy Wales Ed. 9 (2016);

TAN 12 (Design), TAN 18 (Transportation);

Cardiff Local Development Plan (2006-2026)
Policy KP5 (Good Quality and Sustainable Design)

Policy T5 (Managing Transport Impacts)
Policy EN13 (Air, Noise and Light Pollution)

Supplementary Planning Guidance

Access. Circulation and Parking Standards (2010);
Buildings for Child-Care (September, 1998)

5. INTERNAL CONSULTEE RESPONSES

5.1 Pollution Control: No objections

5.2 Operational Manager (Transportation): *“Having assessed the application, supporting documents and associated correspondence I can confirm that the proposed change of use is considered to be acceptable in transport terms as now defined. In considering the matter I must take into account that the site benefits from established commercial and residential uses that themselves have both a daytime and overnight, moving and parking impact. Therefore while there may well be changes in the pattern of vehicle use associated with the site, the overall quantum of vehicular impact is anticipated to be consistent between the extant and propose uses.*

It is also noted that what is termed a ‘wraparound’ vehicle, i.e. a shared operational vehicle the advised principle function of which relates to the collect children from school (3.2.2, pg. 7), is to be provided and parked on a dedicated parking space. It is considered that the inclusion of this operational vehicle will reduce the need for independent drop-off/collection trips, thus reducing parking pressure and conflict with adjacent residents/residential traffic. The Transport Statement points out that a parking survey was carried out where it was found there were 52% spaces available during the AM peak and 48% during the PM peak therefore there is on-street spare parking capacity (5.2.5, pg. 13).

Moreover, the Transport Statement has projected that during the AM peak hour (07:00 – 08:00) there will be a maximum average of 1 child drop off every 4 minutes (4.35. pg. 10). I understand the objections concerning parking, however the Transport Statement confirms that vehicles related the crèche will mainly be concerned with dropping off and picking up children, thus parking pressure will be reduced.

It is noted the junction at Waun-Y-Groes is protected by double yellow lines, so the egress and ingress from Caerphilly Road should not be inhibited by parked vehicles. Additionally the road is within a 20mph zone, calming traffic and reducing the speed of vehicles, the Transport Statement noting there is no reported accident history at the junction (3.2.3, pg. 7).

Also as pointed out in the application (4.2-4.2.3 pg. 9), there is no similar facility of this type in Rhiwbina and the establishment of such a business would address those who require child care locally.”

5.3 Childcare Strategy Unit: No comments to date.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Nil

7. **REPRESENTATIONS**

7.1 Adjoining neighbours have been notified. 15 letters of representation from occupiers of nearby properties have been received from 1, 3 (x5), 4 (x3), 10, 12, 14, 15 (x2), 16, 17, 23 (x2), 24, 27, 29, Waun-y-Groes, 9 Coed-y-Llyn (x3) and 431 Caerphilly Road. All object on the following grounds:

- Insufficient parking provision for the number of children proposed;
- Significant increase in traffic to the area resulting in pressure on parking provision, which is already at saturation point given the number of cars parking on-street who use the Birchgrove railway halt;
- Access to the site problematic given the access arrangement off Caerphilly Road;
- Believe the Transport Statement is flawed as the assessment does not take into account the following:
 - Adjoining beauty Spa development;
 - The assumption that parents would only be there for four minutes;
 - Banning staff from using their cars is unreasonable and unenforceable;
 - TS wrongly assumes on-street parking would be available when they would already be taken by those using the 'park and ride' at Birchgrove Halt;
 - Incorrect assessment of parking provision allocated for the site.

7.2 A petition of 56 signatures has been submitted that objects to the proposal on highway safety grounds. The lead petitioner is the owner of 9 Coed-y-Lyn, who wishes to address the Committee.

7.3 A petition of 60 signatures has been submitted in support of the nursery.

7.4 Councillor Saunders supports the objection from residents on highway safety grounds and lack of parking.

7.5 Councillor Cowan raises concerns on highway safety grounds as expressed by local residents.

8. **ANALYSIS**

8.1 **Key issues are:**

- land use;
- impact upon neighbours amenity; and
- parking/highway safety.

8.2 **Land Use**

The application has been assessed against Policy H4 'Change of Use of Residential Land or Properties'. This contains criteria whereby the conversion or redevelopment of residential properties to other uses will only be permitted in specific circumstances, one of which is 'the proposal is for a community use

necessary within a residential area'. Paragraph 5.16 states that there is a range of community uses that are appropriate and necessary, in principle, within residential areas. These include doctors' and dentists' surgeries, residential homes and childcare facilities.

The existing office use in no.2a falls outside any area designated within the Local Development Plan where offices are protected. The loss of an office within a predominantly residential area does not raise any land use policy concerns.

8.3 Impact upon the amenity of adjoining neighbours

Both Policies KP5 and H4 seek, inter alia, to protect residential amenity. In terms of this application it is considered that noise and privacy are the key concerns. Given the existing relationship and current use i.e residential and offices, it is considered that the proposal as a day nursery would not have a detrimental effect upon the privacy of the adjoining residential properties beyond that of the current use. In forming this view Officers have had regards to the existing means of enclosures and the ground levels of the adjoining properties.

In terms of noise, the Council's Pollution Control Section has been consulted and raises no objection to the proposal and does not suggest any conditions. A condition has been imposed to limit the use to Monday-to-Friday and limit the opening hours to 07:30-18:30, to ensure the amenities of neighbours are not unreasonably affected. Having regard to Pollution Control's comments and the current commercial use, it is considered that, on balance, the use would not be likely to undermine the amenity of adjoining residential properties.

8.4 Parking/highway safety

Officers note the concerns of residents and Ward Councillors; as a result a Transport Statement has been undertaken by the applicant to assess the impact of the development upon parking and highway safety. In summary, the Transport Statement does not preclude the Day Nursery from occupying this site on highway safety/ parking grounds. The Council's Transportation section has been consulted on the Transport Statement and is fully aware of the objections from residents and Ward Councillors but raises no objections to this proposal (see para 5.2 of this report). Therefore, objections on this ground are considered, on balance, hard to justify without technical supporting evidence of harm.

8.5 Other material considerations

Concern has been raised over aspects of the Transport Statement, inter alia, regarding contract of employment i.e. enforceability of requiring staff to access the site other than by car. The planning system cannot control this matter. However, the methodology of the Transport Statement is in line with the Council's own Supplementary Planning Guidance (Chapter 4 Access, Circulation and Parking Standards).

8.6 Conclusion

In conclusion, the Local Development Plan identifies childcare facilities as an appropriate use within residential areas. Supplementary Planning Guidance 'Buildings for Childcare' identifies existing commercial buildings within residential areas, and residential properties adjoining existing commercial uses, as suitable

premises for childcare facilities. The petition submitted in favour of the development would appear to indicate that there is a demand within the area for such a facility.

Given the existing commercial use of the site, and the lack of an objection from the Council's Pollution Control Section, it is not considered that there would be such an adverse impact upon the residential amenity of adjoining residential occupiers, that a refusal of planning permission could be justified in this instance. In order to reduce the potential impact upon neighbours, a condition has been imposed which would restrict the opening hours and times.

It is considered that, given the location in close proximity to the train station and a main bus route, the application site is located within a sustainable location. Those neighbouring occupiers most likely to be affected by the proposal have concerns over parking, given the existing parking levels in the area, the proposed use and the number of children and staff to be accommodated. However, the submitted Transport Statement demonstrates how the transport implications can be satisfactorily managed and technical advice sought from Transportation colleagues raised no concerns.

Having regard to the policy context above, and giving consideration to the material matters raised, the proposal is considered acceptable on balance and planning permission is recommended, subject to conditions.

SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 316668 , 181059

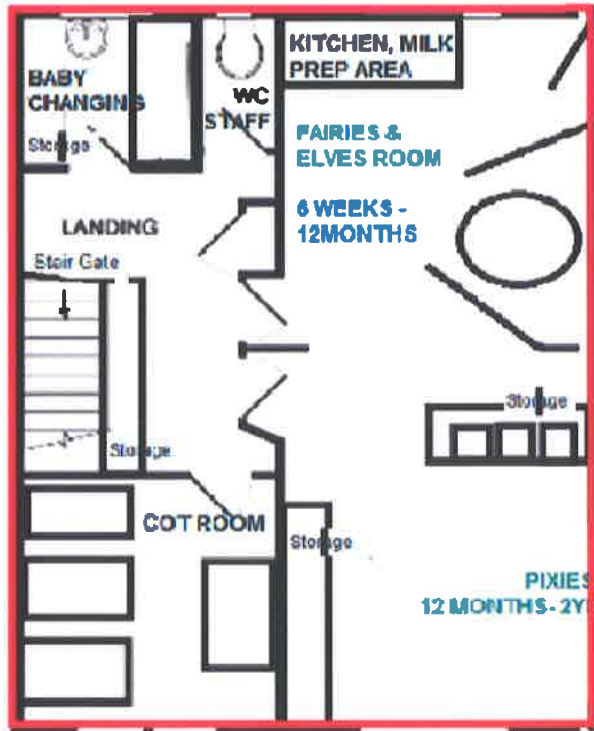


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View from access rd from Caerphilly rd.



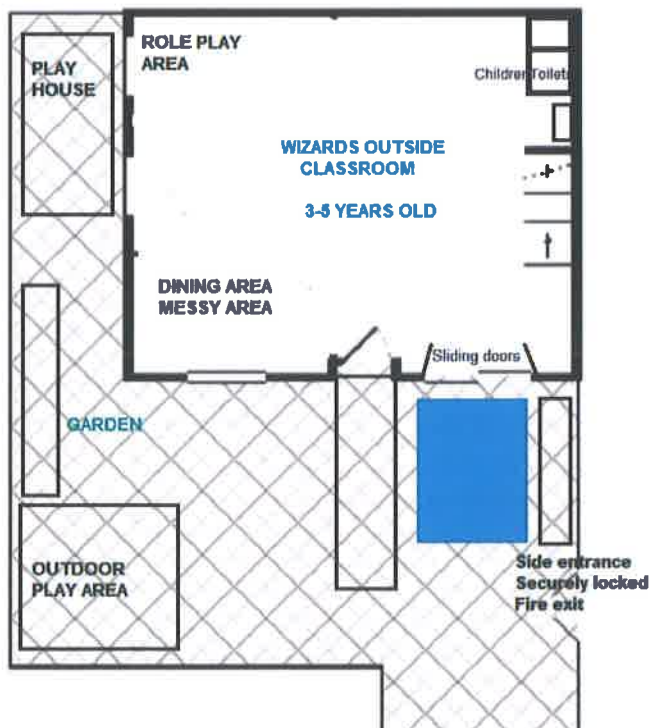
2. First Floor



2a First Floor

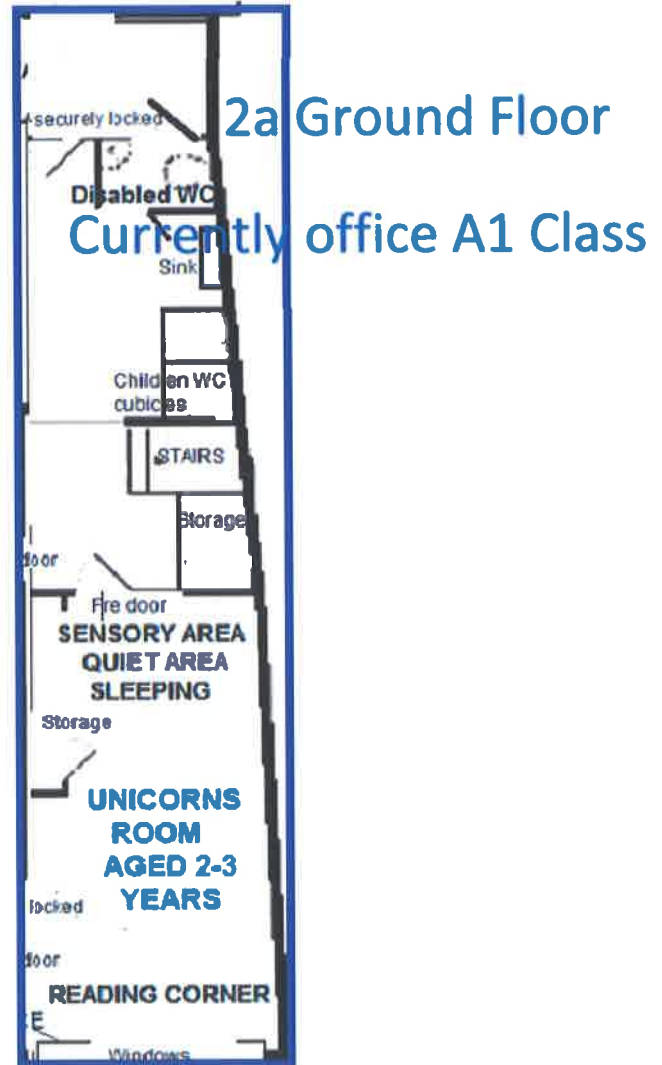
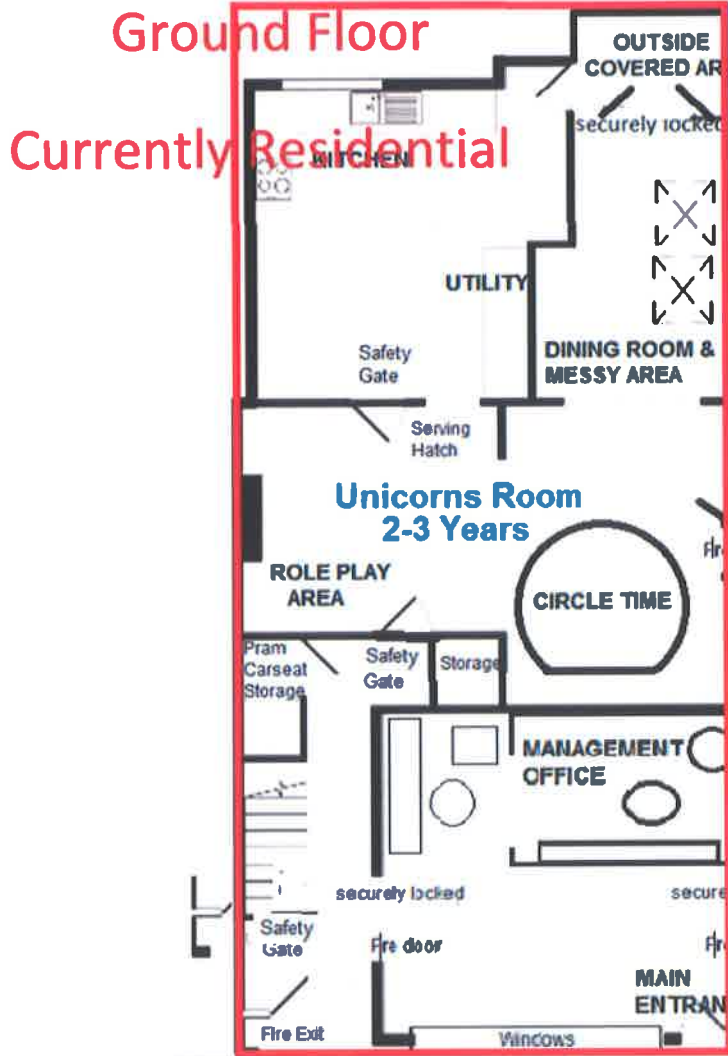


Annex- Outside Classroom



L16/01835/MNR

2 Waun Y Groes Avenue



16/01885/MNR