

PETITION

COMMITTEE DATE: 17/06/2020

APPLICATION No. **20/00036/MNR** APPLICATION DATE: 17/01/2020

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Percival

LOCATION: LLANDAFF PRIMARY CARETAKERS HOUSE, 28 HENDRE CLOSE, LLANDAFF, CARDIFF, CF5 2HT

PROPOSAL: CHANGE OF USE FROM RESIDENTIAL (C3) TO NON-RESIDENTIAL INSTITUTION (D1) FOR USE AS PRE-SCHOOL NURSERY WITH CONVERSION OF EXISTING GARAGE TO PLAY AREA

RECOMMENDATION: That planning permission be **REFUSED** for the following reason :

1. The use of the proposed nursery would be likely to result in an increase in the number of children being dropped off and picked up by car on Hendre Close and in the streets nearby, which would be detrimental to pedestrian and highway safety as it would exacerbate existing parking and traffic congestion problems in Hendre Close and the surrounding streets and cause further inconvenience to residents.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for planning permission for a change of use from dwelling house (Use Class C3) to non-residential institution (Use Class D1) to enable the former caretaker's house adjacent to Llandaff Church in Wales Primary School to be used as a pre-school nursery for between 20 and 24 children. The present nursery would re-locate here from the scout hall which is approximately 70m away, to the east of the main school building. The number of children attending the nursery will not be increased. The nursery is not connected with the school but operates independently.
- 1.2 No external alterations would be made to the house. The rear garden would be made secure and the garage door altered to allow the garage to be used as an outdoor play area and storage space.

2. **DESCRIPTION OF SITE**

- 2.1 The site is a two storey detached house dating from the second half of the 20th century, which has an attached flat roofed single garage and an enclosed rear garden bordered by mature trees. It is located at the entrance to the primary school at the end of Hendre Close, a residential cul-de-sac of semi-detached

houses, and fronts onto the gated staff car park and part of the hard surfaced school playground. The sole vehicular access is shared with the school car park.

- 2.2 The adjoining school site contains a variety of single and two storey buildings, surrounded by soft and hard play areas. It can be accessed via Hendre Close and also from Cardiff Road in Llandaff via a narrow lane which also serves the scout hall. Staff parking is provided at the north-eastern end of the site near to the Cardiff Road entrance, and at the Hendre Close entrance.

3. **SITE HISTORY**

Llandaff City Church in Wales Primary School:

- 3.1 98/00954/W - Provision of new timber framed structure to be used as a classroom (sited to the southwest of the two-storey building at the north-western end of the site). Permission granted.
- 3.2 99/01637/W - Single storey extensions to the existing school building. Refused 15/12/99: *"The use of the proposed nursery extension would be likely to result in an increase in the number of children being dropped off and picked up by car at the Hendre Close entrance to the school which would be detrimental to pedestrian and highway safety by exacerbating the existing parking and traffic congestion problems in Hendre Close and the surrounding streets and cause further inconvenience to residents"*
- 3.3 00/00946/W - Single storey extensions to the existing school building to include music room, staff and administration facilities, reception and nursery classrooms. This application was for the same development as the above (99/01637W) but included a school travel plan to demonstrate existing and predicted vehicle trips to and from the school. The plan set out proposals to encourage parents to walk to and from school with their children, and staggered start and finish times for the proposed nursery, in order to try and alleviate the current traffic congestion in and around Hendre Close. The proposals did not overcome the Chief Traffic and Transportation Officer's concerns about traffic. Planning permission was refused for the same reason as for 99/01637/W. The applicant appealed against the refusal but the appeal was dismissed on 16/02/2001, the Inspector concluding that the proposed development would exacerbate the present problems of parking and traffic congestion in Hendre Close and the surrounding roads, to the detriment of road and pedestrian safety, and to the amenity of local residents.
- 3.4 00/01786/W - New replacement demountable classroom to the north-east of the school playing field and car parking spaces. Permission granted. The parking space was to be retained for staff parking only.
- 3.5 01/01575/W - Extensions to accommodate new administration facilities, a music room and a replacement classroom; and the provision of a canopy outside the main entrance/reception. Permission granted subject to conditions, including that *"No part of the school shall be used as a day nursery or crèche.*

Reason: The introduction of a day nursery or crèche at the school would be likely to lead to a significant increase in school traffic and demand for short stay parking in Hendre Close and the surrounding roads, which are already congested, to the detriment of pedestrian and highway safety and the amenity of residents.”

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
KP16 (Green Infrastructure);
H4 (Change of Use of Residential Land or Properties);
EN8 (Trees, Woodlands and Hedgerows);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
C1 (Community Facilities);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).
- 4.2 *Supplementary Planning Guidance:*
Waste Collection and Storage Facilities (October 2016).
Childcare Facilities (November 2017).
Green Infrastructure (November 2017).
Managing Transportation Impacts (Incorporating Parking Standards) (2018).
- 4.3 *Planning Policy Wales (Edition 10 – December 2018):*
2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.
3.6 Development proposals must address the issues of inclusivity and accessibility for all.
3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.
4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.
4.1.33 In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.
4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.
4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.7.6 In proposing new development, planning authorities and developers must:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;
- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

4.4 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* Have similar concerns to those expressed by the police. Advise that the information provided by the applicant is short of essential details and do not feel able to support the application as it stands.

5.2 *Pollution Control (Noise & Air):* Have spoken to the applicant. No comments to make.

5.3 *Parks Development:* No comments received.

5.4 *Waste Strategy & Minimisation Officer:* A change of use from C3 to D1 may lead to an increase in the volume of waste produced. It has been noted from the application form that waste will be stored at the side of the property as it is presently. This will be acceptable.

5.5 *Childcare Strategy Unit:* No comments received.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Police Crime Prevention Design Advisor:* The principal concerns for any establishment with young children are that of safety and security. South Wales Police have some concerns about this location and would make the following observations and recommendations in relation to this application.

6.2 Hendre Close is small cull de sac with only one way in and one way out. South Wales Police are aware of the parking congestion issues which can be particularly problematic at the start and end of school days as parents drop off children. The problems are also known to Cardiff City Council who have made a traffic order restricting vehicle access to the street to residents only at certain times of the day.

- 6.3 The proposed location of the nursery is at the top of the close in the turning area which is currently a yellow hatched marked area to prevent the parking of vehicles close to a school entrance, due to the danger this would pose to pupils as they enter or leave the school. Vehicles are therefore not allowed to park or wait in this area, which is right outside the proposed development.
- 6.4 The proposal caters for provision of only one parking space and provides no information on how many children will be attending the nursery, or how parents are likely to take the children to the nursery e.g. by car or on foot etc. There is no detail provided, on how many staff will work at the nursery and how they are likely to travel, and where are they likely to park their cars. There is no mention of the traffic order, or how the proposed nursery will function with this order in place. Little consideration has been provided in any Design and Access statement on the wider community safety issues, including the required physical design and security measures required on the proposed building to ensure the adequate well-being and safeguarding of small children.
- 6.5 In view of this South Wales Police would make the following recommendations:
1. The proposed hours of operation mean that parents could be dropping off or collecting children during the hours of darkness. South Wales Police recommend a scheme of work in relation to external lighting on the main entrance is submitted to the authority for approval.
 2. The rear garden of the property should be made secure with 1.8m min walling or close boarded fencing and gating.
 3. The main front entrance door should be fitted with access control features that allow for staff to verify the identity of visitors before they are admitted.
 4. All ground floor entrance doors should be PAS24:2016 compliant.
 5. All ground floor windows should be PAS24:2016 compliant and have widow restrictor fitted.
 6. The premises should be fitted with a monitored alarm facility which conforms to South Wales Police alarms policy and be fitted with a panic attack (PA facility)
 7. Appropriate risk assessments are carried out to ensure adequate fire prevention, warning and evacuation measures are in place.
 8. There is an appropriate management plan in place which covers issues such as records of children arriving, leaving and evacuation procedures.
 9. There is a limited CCTV system in operation that records all persons entering or leaving.
 10. There is more information provided in terms of proposed accessibility and travel plans including where are vehicles of the proposed users to be parked so as not to cause danger or inconvenience.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. 12 individual representations as well as a letter from the Insole Estate Residents Association and a petition of 56 signatures opposing the application have been received. The grounds for objection are:

- 1) There is already a problem with congestion, traffic hazards, noise, traffic pollution and rudeness from parents parking on grass verges and across driveways in the surrounding area, and large delivery vehicles have had to reverse down the pavement on Hendre Close because of the parked cars.

This development would make the situation worse as there would be more traffic extended over a longer period, given the nursery would have more varied opening hours than the school which extend outside of the existing "School Street" hours.

- 2) Two previous planning applications (00/946W and 01/01575/W) which included nursery provision for 26 children each in the mornings and afternoons were refused on the grounds that the development would be detrimental to pedestrian and highway safety.
- 3) The Council is currently monitoring air quality in the area surrounding the school. Air quality is likely to be adversely affected by this development.
- 4) The proposed development would have a wide impact on the extended community but only a few adjoining houses were notified of the planning application.
- 5) Additional noise throughout the day and loss of privacy to adjoining neighbours whose garden would be overlooked.
- 6) There are other empty properties on Llandaff High Street that would be more suitable.
- 7) This development would interfere with an on-going dispute over a right of way through the school grounds.
- 8) The application does not include enough information relating to numbers of pupils, timings for sessions, school terms, existing access restrictions etc. and the site plan is unclear.
- 9) No parking spaces for teachers are shown on the plans.

7.2 One objector states that they might support the application if a lockable, monitored and safe walk way was provided between the Llandaff High Street school entrance and the Hendre Close entrance so not all traffic comes one way and is shared between both entrances. Or the allotted 'no driving' enforcement times are extended considerably given nursery start and end times are far more varied than the school

7.3 One person has written to state that they do not object to the proposals but that a “walking bus” needs to be considered because the school is not within a catchment area but is a church school where pupils come from further afield. Parents are often not considerate to and of the area.

8. **ANALYSIS**

8.1 The application site is within a residential area, immediately adjacent to an existing school, and there are no objections to the principle of the proposed use. However, the main consideration with regard to this proposal is the impact on highway safety and the amenities of neighbouring residents.

8.2 In 2000 an application for a nursery extension at the school (reference 00/00946/W) was refused on the grounds that “the use of the proposed nursery extension would be likely to result in an increase in the number of children being dropped off and picked up, by car, at the Hendre Close entrance to the school which would be detrimental to pedestrian and highway safety by exacerbating the existing parking and traffic congestion problems in Hendre Close and the surrounding street and cause further inconvenience to residents”. An appeal against this decision was dismissed, the Inspector concluding that “the proposed development would lead to a significant increase in school traffic associated with the Hendre Close entrance and that this would be unacceptably detrimental to road and pedestrian safety and to the amenity of local residents.” Subsequently, in 2001, an application for extensions to the existing primary school (01/01575/W) was allowed only on condition that “no part of the school shall be used as a day nursery or crèche.” The reason for this condition being “The introduction of a day nursery or crèche at the school would be likely to lead to a significant increase in school traffic and demand for short stay parking in Hendre Close and the surrounding roads, which are already congested, to the detriment of pedestrian and highway safety and the amenity of residents.”

8.3 Since the appeal was dismissed Hendre Close has been designated a School Street and access restrictions have been put in place. This is a pilot scheme that began in January 2020. During term time motor vehicles are not permitted to drive in the streets around the school on weekdays between 8.30am to 9.15am and 2.45pm to 3.45pm. Signs inform drivers of the restrictions at the entrance to the street and any unauthorised vehicles entering during restricted times can be issued with a Penalty Charge Notice. Designation of School Streets is intended to reduce traffic around school entrances in order to improve safety, reduce pollution and make sustainable methods of travel more appealing. Hendre Close has been selected for the trial as it is a Cul-De-Sac, where problems can occur when a large volume of vehicles enter the street and have to reverse or perform more complex manoeuvres such as five point turns. Younger children have less experience of driving behaviour so are less able to predict what a driver may do, leading to heightened safety concerns in Cul-De-Sacs.

8.4 The nursery would operate from 8am to 5.30pm, which is outside the hours of the existing Traffic Regulation Order, and therefore parents and staff would be

able to access the site by car via Hendre Close. There would be 24 children per day attending the nursery, and 4 full time and 4 part time members of staff. Although the applicant has indicated that most of the children and staff walk to the current nursery, which is close by, it cannot be assumed that this will always be the case and it would not be possible to regulate this via a planning condition.

- 8.5 Both the police and the Council's highways officers have expressed concerns about the impact that additional traffic would have on road safety in the streets around the school, particularly Hendre Close. Since the time of the previous planning applications, the Traffic Regulation Order has been imposed in relation to Hendre Close, but this does not also cover the surrounding streets, and does not correspond to the proposed nursery opening times. The nursery could therefore result in increased traffic and an increased demand for parking on Hendre Close and in the surrounding roads, a situation that was considered unacceptable in relation to the previous proposals for a nursery unit and an extension at the school in 1999, 2000 and 2001.
- 8.6 The applicant has supplied additional information regarding the number of children attending the nursery (24 per day, with 5 leaving at lunchtime and 2 arriving at lunchtime), the number of staff and how they currently travel to work (6 staff; 5 walk and one drives) and how the parents would be likely to take the children to the nursery (this is not known at present, but the majority walk to the current location). However, this has not altered the advice of the transportation officer that there is currently insufficient evidence to support a recommendation of approval.
- 8.7 A large number of objections have also been received (see paragraphs 7.1 to 7.3 above), the majority citing concerns about traffic, parking and highway safety. In response to the objections:
- 1) Highway and parking issues are discussed above.
 - 2) These previous applications are referred to elsewhere in this report. The number of children attending the proposed nursery would be lower (between 20 and 24) but it is still considered that the potential increase in traffic and parking demand in the surrounding streets would be unacceptable.
 - 3) Air quality in the area would be unlikely to be affected significantly by the increase in traffic. Pollution control officers have not raised this as an issue of concern.
 - 4) The application was publicised in accordance with the appropriate Regulations (Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)). The number, and source, of objections received suggest that this was adequate.
 - 5) Pollution Control officers have raised no concerns regarding noise. The application premises is a detached house and noise is only likely to be apparent when children are playing outside. This would be unlikely to be any more obtrusive than existing background noise. Appropriate boundary structures can be used to prevent loss of privacy to adjoining property.

- 6) The Local Planning Authority must consider the acceptability of the development that has been applied for, irrespective of whether there are alternative sites available that others may prefer.
- 7) Planning permission would not override any legal requirements or rights of way. This is not a material planning consideration.
- 8) Further information relating to these issues has been obtained from the applicant.
- 9) One parking space is shown on the plans, at the front of the house. This accords with the Council's adopted parking standards, which specify a maximum of one space per 20 children for day nurseries.

8.8 In conclusion, there would need to be evidence that additional vehicular traffic associated with the nursery would not exacerbate the current problems of congestion and highway safety concerns in the surrounding streets, more consideration of how numbers of staff and pupils and dropping off/picking up times could be controlled, whether the existing vehicle prohibition TRO is effective and whether it would need to be altered to take account of nursery opening times and, on the basis of the evidence, whether a Travel Plan and/or planning conditions could overcome any or all of the concerns raised by Transportation officers, the Police and local residents, before approval of the application could be supported. As it stands, it is considered that the development would lead to additional traffic in Hendre Close and surrounding streets which would be detrimental to pedestrian and highway safety and cause additional inconvenience to residents.

8.9 Although the previous applications for a nursery at the school were for a larger facility, accommodating more than the proposed 24 children, they were refused on the grounds that *any* additional traffic would be unacceptable, including the application that incorporated staggered opening times and a Travel Plan. Given that prevailing traffic and parking demand in the area will have increased in the years since the previous applications were considered, the introduction of any further traffic to the streets around the school is likely to have an even greater adverse impact.

8.10 As it has not been adequately demonstrated that there would be no unacceptable impact on pedestrian and highway safety, or on the amenities of local residents, as a result of the proposed development, it is recommended that the application be refused for the reasons set out above.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

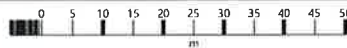
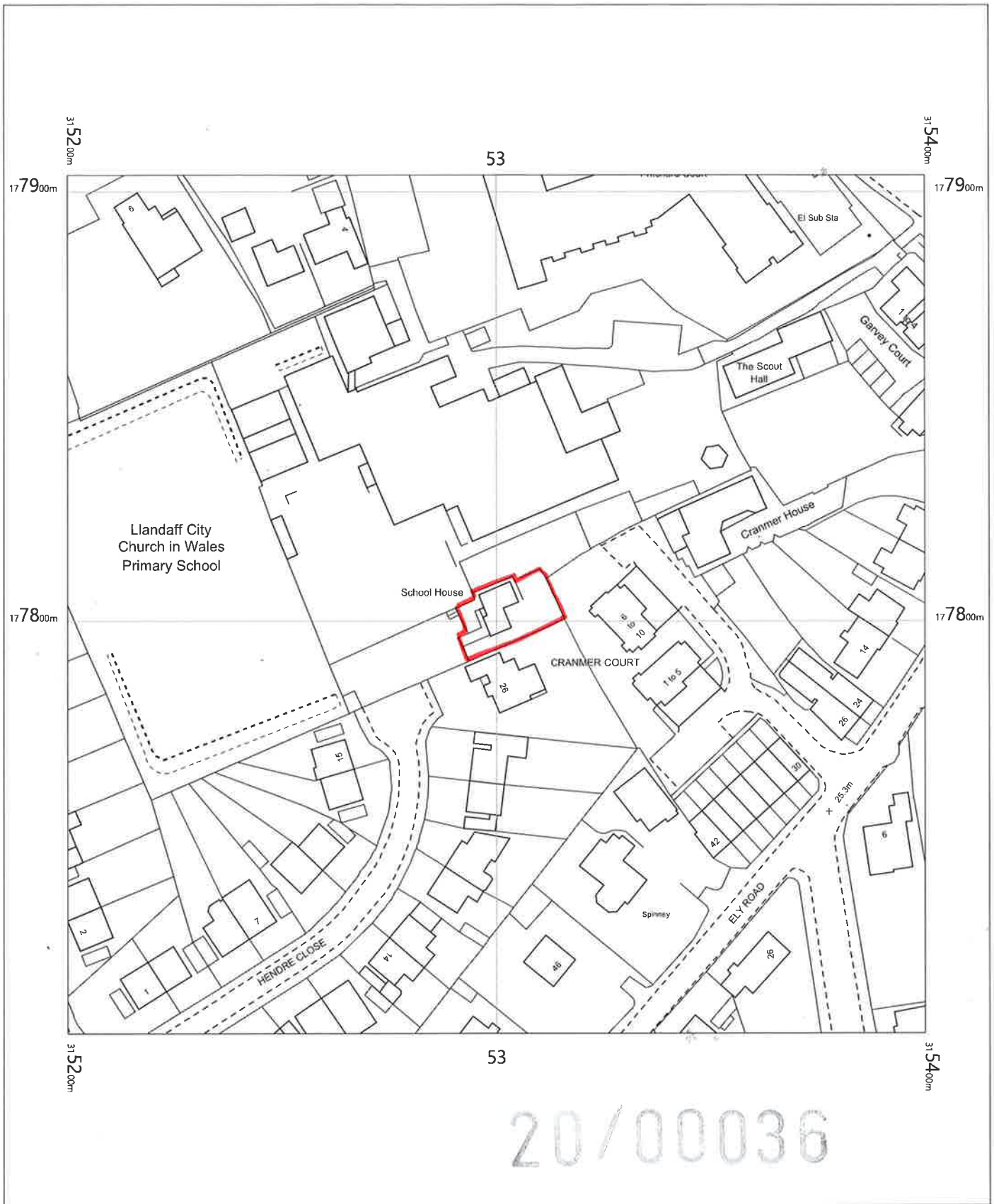
9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 *Well-being of Future Generations (Wales) Act 2015*

Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

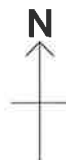
28 Hendre Close

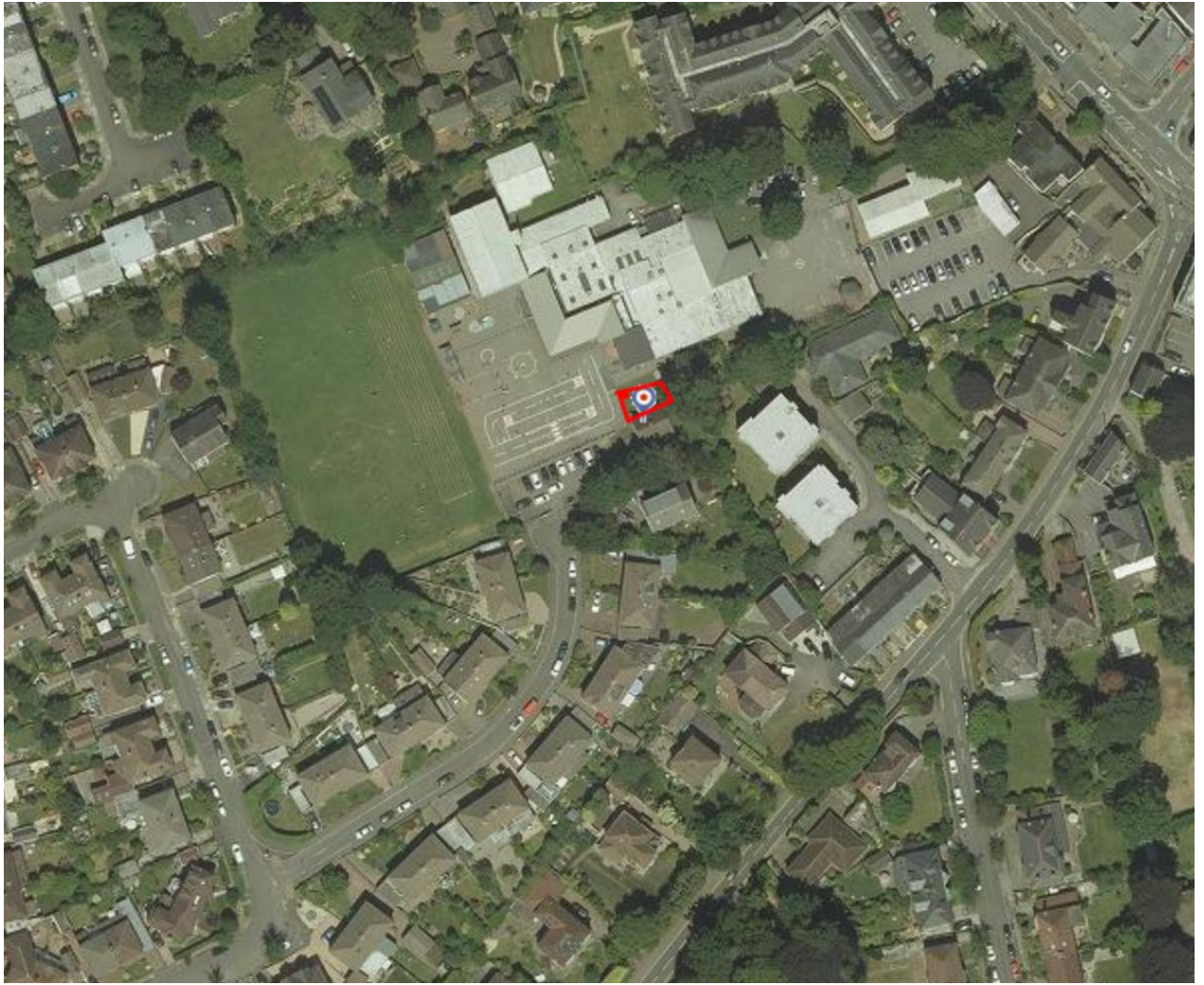


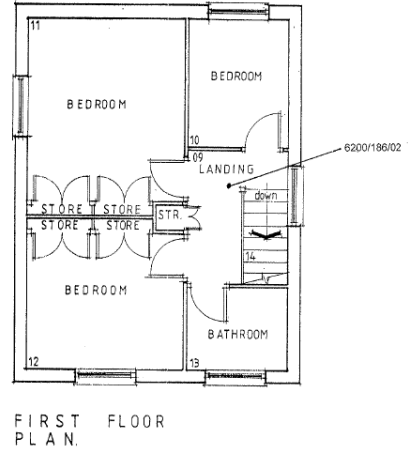
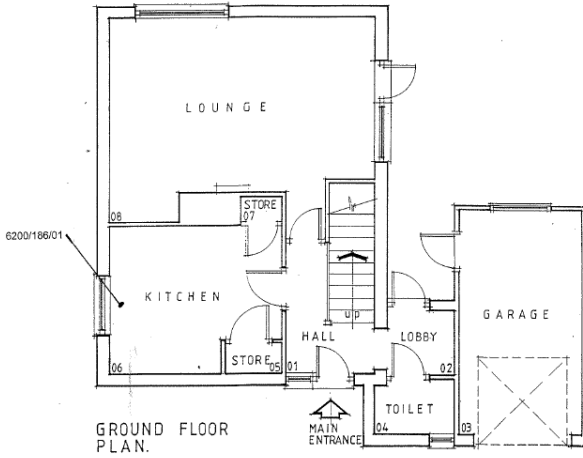
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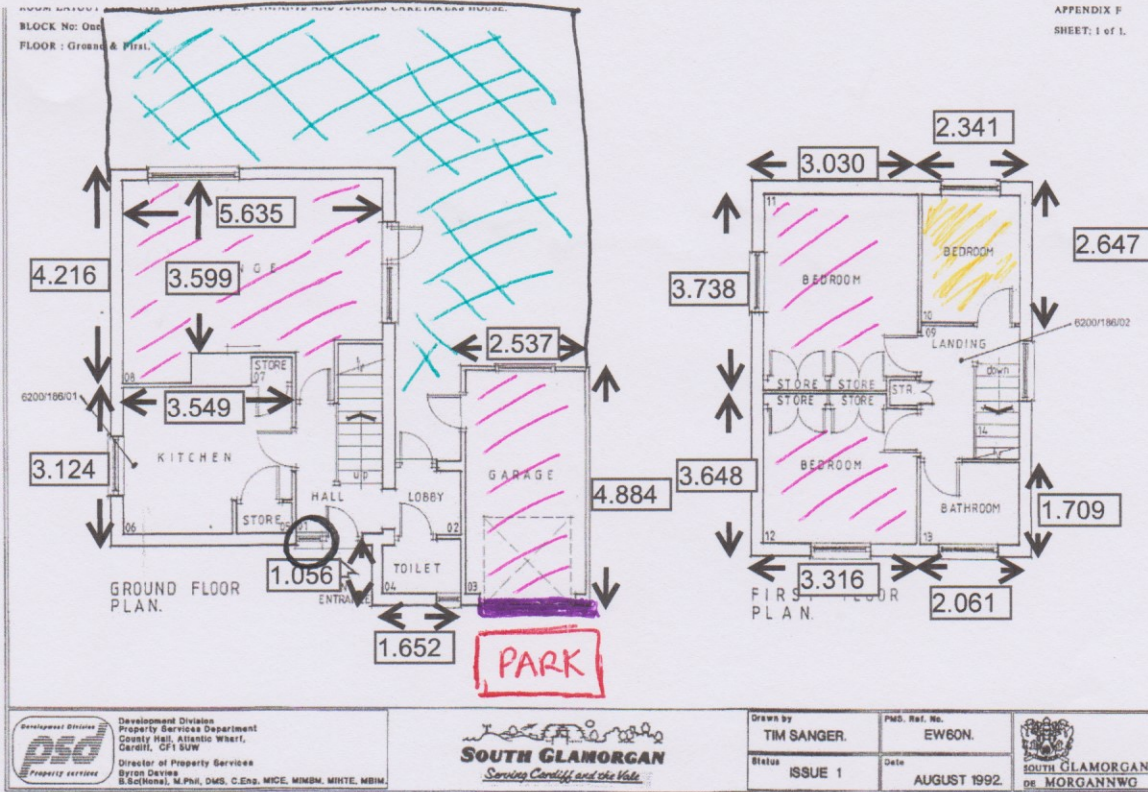
APP. No

Llandaff city caretaker's House - change of use.

20/00036/

Site Plan showing useage of rooms.

MNR



○ Position of small outdoor sign A4 depicting name & type of business.

/// Play areas. Ideally we would like to remove the wall between the 2 bedrooms to make 1 upstairs play area and 1 downstairs play area, with a messy play / all weather play area in the garage.

/// Rear garden - outdoor play area with children's growing area / vegetable garden.

PARK Parking space for 1 car

/// This room to be used as an office area.

— Indicates position of garage door. We would like to replace this with a window and door. The window would allow for a roller blind - which would hold our main signage - to display when we are closed.



