

## PETITIONS OBJECTING AND IN SUPPORT

COMMITTEE DATE: 19/05/2021

APPLICATION No. **21/00497/MNR** APPLICATION DATE: 01/03/2021

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Llandaff City Busy Bees

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

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**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The premises shall be used only for the purposes specified in the planning application (pre-school nursery) and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) 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 and/or generate unacceptable levels of traffic in surrounding streets, contrary to policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.
3. No more than 19 children shall be present on the site at any one time for the purposes of attending the nursery as pupils.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic in the streets around the site, in accordance with policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.
4. The use of the premises as a pre-school nursery shall not be carried out otherwise than between the hours of 08.00 and 17.00 Monday to Friday and shall not be carried out at any time on weekends and bank holidays.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure that the proposed development

does not interfere with the safety, convenience and free flow of traffic in the streets around the site, in accordance with policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.

5. Before the development hereby approved is brought into beneficial use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in the plan, unless otherwise agreed in writing with the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually to the Local Planning Authority, commencing from the first anniversary of beneficial occupation of the development for a minimum period of 5 years thereafter.

Reason: In the interests of sustainability and the management of transportation impacts, in accordance with policies KP5, KP13, KP15 and T5 of the Cardiff Local Development Plan.

6. The change of use hereby approved shall not be implemented until facilities for the secure and sheltered storage of cycles, scooters and buggies have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be maintained and shall not be used for any other purpose.

Reason: In order to encourage non-car modes of transport in accordance with policies KP5, KP13 and T5 of the Cardiff Local Development Plan.

7. A maximum of one car parking space shall be maintained within the site at all times.

Reason: To ensure that excessive car parking provision is not provided at the site, in accordance with policy T5 of the Cardiff Local Development Plan and the requirements of Cardiff Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards)" (April 2018).

**RECOMMENDATION 2:** The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the Commercial Services Department on 029 20717500.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for planning permission for a change of use from dwellinghouse (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 up to 19 children with 1 full time and 9 part time employees. Opening hours would be 8am to 5pm Monday to Friday. 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 20<sup>th</sup> 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. The house has been vacant for 2 years.
- 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**

- 3.1 20/00036/MNR - 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. Refused 18/06/2020: *'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.'*

Llandaff City Church in Wales Primary School:

- 3.2 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.
- 3.3 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”*

- 3.4 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.
- 3.5 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.
- 3.6 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 11 – February 2021):*  
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.  
3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.  
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.  
4.1.9 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.  
4.1.10 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:  
- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;  
- are designed in a way which integrates them with existing land uses and neighbourhoods; and  
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.  
4.1.11 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.  
4.1.34 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.  
4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities.  
4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.  
4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas.  
6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any

significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.7.3. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

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.

4.5 *Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery (July 2020).*

4.6 *Future Wales- the National Plan 2040.*

It is considered that the proposed decision is in accordance with the 11 key outcomes to be achieved by the planning system as set out in 'Future Wales – The National Plan 2040'

4.7 *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:* Transportation raises no objection to the proposed relocation of the nursery. The current pre-school nursery operates as a natural feeder to the local primary school (75% of children have siblings at the adjacent primary school), which would continue. It is stated that children attend the existing nursery for up to three years (age 2 up to 5), the majority of whom (85%) stay all day, which means travel patterns are consistent.

5.2 The proposal is to relocate and reduce the size of an existing day nursery (from a maximum of 26 pupils per day to 19 pupils per day), from the scout hut (accessed from the A4119 Cardiff Road) to the Llandaff Church in Wales Primary School caretaker's House. The new location is approximately 75m south-west of the scout hut, and can be accessed either through the school grounds, from the A4119 Cardiff Road (past the Scout Hut) or from Hendre Close. Hendre Close is a 'school street' which prevents parental access (and parking) between 8.30 to 9.15am; and, 2.45 to 3.45pm (1st September to 31st July). The new location, like the scout hut, would offer one dedicated parking space, which would be utilised by the nursery manager, and accessed outside

the periods of school street prohibition

- 5.3 The Transport Statement indicates that 55% of parents with children, and 67% of staff walk to the existing nursery. Of those who drive, a majority of parents (87%) and staff (100%), park within the public car park in Llandaff Village and subsequently complete their journey on foot.
- 5.4 The nursery has undertaken a travel pattern survey of existing users. The survey illustrates that typical users are local residents. The survey results appear to indicate that the vast majority of the pupils would arrive at the nursery on foot, as all but one of those driving to Llandaff would park in the public car park and walk the remainder of the journey. Therefore, no additional vehicular trips would be made to Hendre Close (which cannot be used during drop-off and collection periods) or seek to park in the immediately adjacent residential roads. It is indicated that *“parents and staff are permitted to walk through the school site to access the nursery, the increase in walk distance for a small number (particularly those parked within the Llandaff Village Car Park) is approximately 75m.”* (para 3.2.2). Families and staff have access through the school grounds at drop off before 9am and after 3pm. The transport statement indicates (via the attendee travel survey) that up to 3 car journeys may be generated by the nursery. It is also noted that the vast majority of these vehicular movements park at the public car park and walk to the nursery.
- 5.5 A similar survey was undertaken of the existing staff modes of travel. This also illustrates that no members of staff currently park on-site, with one member of staff using the public car park in Llandaff. No operational staff members park on site presently, nor will in the future. As indicated, the one parking space would (like now) be allocated to the manager. If the manager is not on-site the parking place would not be used. The SPG allows a maximum of one car park space per 20 pupils.
- 5.6 It is noted that no mention of secure cycle parking is made in either the transport statement or the planning statement, although adherence to the Managing Transportation Impact SPG is stated in the Planning Statement. The applicant has confirmed that secure cycle parking *“would be available for bikes, parents wishing to leave buggies and scooters”*. A secure cycle store will be located adjacent to the building, plus two cycle racks for some casual outside storage.
- 5.7 The TS also states that the Nursery will prepare a Travel Plan to further encourage the use of sustainable/active modes of travel for journeys to/from the site.
- 5.8 Conditions are requested to secure the provision of a Travel Plan (to be monitored for 5 years) and SPG compliant cycle parking facilities, and to limit the number of car parking spaces to the SPG maximum.
- 5.9 *Pollution Control (Noise & Air)*: The existing acoustic environment will already be dominated by children noise from the existing school, and the layout of the of existing residential receptors is such that they have their amenity space situated South East of the school, therefore it is felt that there is minimal risk of

impact on amenity from noise. Further, it seems that 1.8m high close board fencing is already in existence (for safety reasons) which will provide some acoustic screening.

- 5.10 It is not known whether there are plans for hot cooking at the nursery; such cooking, if it requires mechanical extraction for odour management, can be dealt with by way of condition to any permission granted.
- 5.11 *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.
- 5.12 *Childcare Strategy Unit:* No evidence of unmet parental demand has been recorded by the Childcare Business Support Team, Cardiff Family Advice and Support (Family Gateway, Family Information Service, etc.) or other key stakeholders. No comments to make at this time.

## 6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Police Crime Prevention Design Advisor:* No comments received.

## 7. **REPRESENTATIONS**

- 7.1 The application has been advertised by site notices and neighbour notification. 7 individual representations, one representing the Insole Estate Residents Association, and a petition of 82 signatures opposing the application have been received. The grounds for objection are summarised as follows:
- 1) The existing problems with congestion, inconsiderate parking and traffic hazards will increase. The safety of the children will be put at risk by the increase in traffic and parking congestion.
  - 2) The current control measures are ineffective - despite the introduction of cameras at the entrance to Hendre Close, this limits access to the cul de sac for only 45 minutes in the morning and one hour in the afternoon. The school day is actually much longer - traffic starts arriving before 8.00 a.m. and continues throughout the day until after 5.30 p.m. This development would make the situation worse as there would be more traffic extended over a longer period, given the nursery would have varied opening hours which extend outside of the existing "School Street" hours.
  - 3) Air quality is likely to be adversely affected by this development. There will be an increase in air pollution, with more cars and many cars idling during the time of pick ups, drop offs and inclement weather. The Council is currently monitoring air quality in the area surrounding the school.
  - 4) Only one parking space is shown on the plans. This is not enough and will lead to increased congestion on Hendre Close.
  - 5) The application suggests that the majority of the children will be walked to school. Since many live more than a kilometre away this is unrealistic, especially if the weather is bad. Also, parents are very unlikely to use



the Llandaff Village car park and cross the busy main Cardiff Road to access the Nursery if located on the further side of the school. It is noted that currently 9 of the pupils are driven by car all or some of the way, with most cars using the High Street car park in Llandaff Village. Also nearly all current staff walk to the nursery. However, this pattern for both children and staff might change from year to year, with the main entrance changing from High Street/Cardiff Road to Hendre Close.

- 6) Since the school broke a longstanding agreement of a right of way across the school grounds, action has been started by residents: the implementation of these plans will seriously affect the achievement of a resolution to this problem.
- 7) Many of the cars parked on Hendre Close during the day, making access difficult for delivery lorries etc., belong to teachers. The school needs to provide adequate parking for its staff and visitors before seeking to increase its complement of pupils.
- 8) The traffic survey undertaken by the nursery may not give an accurate picture as it is not known whether or not it was carried out during Covid restrictions.
- 9) The planning application makes much of its intention to serve the community but this has not been in evidence over the past years when the school and the governors have offered no help to residents when they have experienced harassment and rudeness from inconsiderate parents.
- 10) Previous applications for a nursery have been refused. Circumstances have not changed.
- 11) If the application is approved it should be confirmed that the Scout Hall would no longer be used as a nursery and the proposal does only apply during normal school term time, not existing school holidays.

7.2 The petition is also accompanied by photographs of cars at the Vaughan Avenue roundabout and the junction near the entrance to Hendre Close, taken during school term time.

7.3 38 individuals have written in support of the application and there is also a petition of 98 signatures supporting the proposed development. Reasons given for supporting the application are:

1. The move would provide improved facilities and improved safety and welfare for the children. There would be much better outside space and a better building – the existing scout hall is very old and in desperate need of renovation. It is affected with damp, is cold and has an asbestos roof. There are also security issues with the adjacent pub car park. The nursery cannot renovate it as they do not own it. The new premises would be of single use for Busy Bees only, which, within Covid restrictions and heightened safety measures, would be a huge advantage.
2. The vacant caretaker's house would be brought back into use. It is currently an eyesore, and regenerating this building would have a positive impact on the street. It would be used by a local, supportive, community based business - Cardiff Council are currently selling off

vacant properties and there are concerns about what it might be used for.

3. Full support should be given to a small business like this, which employs local people and caters for local children, especially in current circumstances.
4. The current location, as a shared resource, only allows for use during school hours, which are restrictive for full time working mothers/family who rely on childcare. The new location would allow more flexible hours as well as extending the curriculum.
5. Cardiff is participating in UNICEF UK's national Child Friendly Cities and Communities programme, to put children and young people at its heart and embed a children's rights approach across public services. This application to relocate the Busy Bees Nursery makes a valuable contribution to this strategy and should be approved by the Council and supported by the wider community.
6. Safety will be improved for young families who currently have to navigate their way to the existing site on Cardiff Road via Ely Road. The footpath on Ely Road to the Scout Hall is narrow and unfit for purpose with young children and buggies, particularly with cars moving at speed. Also, the current premises sits on an extremely busy road (Cardiff Road).
7. The move would enable the nursery to engage more positively with the surrounding community, e.g. holding fetes etc.
8. The use of the building as a nursery will not cause increased congestion or parking problems in the surrounding streets:
  - Staff will park in the public car park in Llandaff.
  - Parents who drive will continue to park in the village car park as it is quicker and more convenient than travelling through the back roads of the Insole Estate to then wait to join Western Avenue.
  - 2/3 of the Busy Bees cohort actually walk to and from Nursery or use public transport.
  - The current nursery can be accessed via the Hendre Close entrance as it currently stands, regardless of this new proposed move.
  - The nursery's longer opening hours would mean some children would leave later, instead of at school leaving time, so the impact of any traffic would be reduced.
  - Many parents use both the school and the nursery and therefore do a dual drop off.
  - Parking restrictions (cameras) on Hendre Close will continue to prevent traffic and congestion within the local area.
  - Car traffic is a challenge for the surrounding area, but this a symptom of the school, not the nursery (whose numbers are minimal). The bulk of the traffic congestion comes from the 428-pupil school. An assumed 2% increase in traffic flow due to nursery attendees is not a material increase.
  - Irresponsible parking will not be resolved if this application is either approved or refused and therefore should not be for consideration in relation to this application.
9. Many objectors refer to air quality but at present the children are exposed to a damp atmosphere in the scout hall which is not good for their lungs. Nitrogen Dioxide levels in the area that are caused by an increase in

congestion related to the school would be better tackled by a 'no-idling' zone around the Insole Estate and further road closures during school hours rather than preventing a nursery move where the impact is minimal.

10. The current proposal cannot be compared to the applications that were refused 20 years ago – that plan had provision for two separate groups of children to attend morning and afternoon classes respectively. This current application does not reflect those numbers, nor does it have a dual-class, multi-sitting framework. Also, Busy Bees is not owned or run by the primary school as that nursery would have been – it will not be run as a 'feeder' nursery for the school.
11. A lot of the issues the objectors refer to relate to disputes with the school and have nothing to do with the proposed nursery, e.g. inconsiderate parking, abusive parents, loss of access through the school grounds. The nursery has no control over the access issue – it is not affiliated with the Primary School, and therefore has no influence over the Head Teacher or the Board of Governors.
12. A much larger nursery has been approved in the Trenwydd building on Fairwater Road, which could cause far more disruption to the local area than Busy Bees. It would be unfortunate for a project of that nature to be accepted while a small, local nursery is not.

## 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 A planning application for the same proposal (reference 20/00036/MNR) was refused by the Planning Committee on 18/06/2020 as it was felt that the likely increase in the number of children being dropped off and picked up by car on Hendre Close and in the streets nearby was unacceptable for reasons of pedestrian and highway safety. The information provided by the applicant at the time was short of essential details and Highways/Transportation officers advised that they were not able to support the application as it stood.
- 8.3 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 There is clearly a history of traffic and parking issues in this area caused by the picking up and dropping off of children attending the school. However, Hendre Close was designated a ‘School Street’ in January 2020 and access restrictions were put in place. 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. The 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 was selected 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 proposed nursery would operate from 8am to 5pm Monday to Friday, which is partly 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 before 8.30am and after 3.45pm. However, there would be fewer children attending the nursery than previously proposed (19 rather than 24) and the nursery would only operate until 5pm rather than 5.30pm. The applicant has also provided information on how staff and pupils travel to and from the current nursery site, which is close by, and this demonstrates that the majority of them walk. Those travelling by car tend to park in the public car park on Llandaff High Street, around 230m away, and access the nursery on foot. The proposed nursery location is only 75m from the existing site, making it possible for existing travel arrangements to be maintained.
- 8.5 The Council’s highways officers previously expressed concerns about the impact that additional traffic would have on road safety in the streets around the school, particularly Hendre Close, and were not satisfied that application 20/00036/MNR provided sufficient information to demonstrate that the proposed nursery use would not lead to an unacceptable increase in the number of car journeys in this area at school drop-off and pick-up times. However, they consider that the current application, which includes additional information relating to travel and attendance patterns, a reduced number of pupils, reduced opening hours and an offer to produce a Travel Plan, is acceptable and that there is now sufficient evidence to support a recommendation of approval.
- 8.6 A large number of objections have been received (see paragraphs 7.1 and 7.2 above), the majority citing concerns about traffic, parking and highway safety. In response to the objections:

- 1) Highway safety, traffic and parking matters are discussed above. The current problems experienced by residents are due to school traffic and the refusal of the application for the nursery would not resolve these issues.
- 2) Highways/Transportation officers have not raised any concerns that the current control measures are inadequate. The nursery opening hours would not vary but would be fixed at 08:00 to 17:00, with most children staying all day.
- 3) Air quality in the area would be unlikely to be affected by the development – the number of children attending the nursery will reduce, which will also reduce the potential number of car journeys in the surrounding streets, and the information supplied by the applicant suggests that most pupils will arrive on foot. Pollution control officers have not raised this as an issue of concern.
- 4) One staff parking space is shown on the plans, at the front of the house, and this accords with the Council's adopted parking standards, which specify a maximum of one space per 20 children for day nurseries. The parking space will be used by the manager, who will be subject to the School Street restrictions and will not be able to drive to or from the site during the peak hours of 8:30am to 9:15am and 2:45pm to 3:45pm during term-time (1<sup>st</sup> September to 31<sup>st</sup> July).
- 5) The travel patterns indicated in the application reflect the current situation and show that the majority of the children are walked to the nursery and that the Llandaff car park is already used by parents. There is a light controlled pedestrian crossing on Cardiff Road immediately adjacent to the existing access point into the school and current nursery site, and the proposed nursery will use this same access. Travel patterns could change in the future, with parents and staff choosing to access the nursery via Hendre Close, but the School Street restrictions will remain in place to discourage this, parents currently dropping off/picking up at the nursery have indicated that they prefer to park in the Llandaff car park so as to avoid the congestion around the school, and the nursery will operate a Travel Plan to encourage non-car modes of transport. Also, as children can stay with Busy Bees for up to three years (from age 2 up to age 5) travel patterns tend to be fairly consistent over long periods of time, with only marginal changes from year to year.
- 6) This is not a material planning consideration. The proposed change of use would have no effect on the legal dispute between residents and the school regarding access through the school grounds. The nursery would not be associated with the school, although the applicant advises that families and staff will have access through the school grounds at drop off and pick up times (before 09.00 and after 15.00). Planning permission would not override any legal requirements or rights of way.
- 7) The school is not seeking to increase its complement of pupils: the nursery will not be associated with the school. There is in any case no planning policy requirement for the school to provide car parking spaces for its staff and it would be unreasonable to require this as a condition of approving the application for the nursery.
- 8) It is not clear how Covid restrictions would have influenced the way in which people have travelled to and from the nursery. The survey carried

out by the nursery was of people's modes of transport, not a traffic survey.

- 9) This comment relates to existing dissatisfaction with the way in which the school has reacted to complaints by residents. It is not a material planning consideration. In any case, the proposed nursery is not associated with the school.
- 10) Each application has to be determined on its own merits. This proposal is not identical to previous proposals and contains additional information not previously considered. Also, circumstances have changed over the years – for example, the School Street restrictions have been introduced.
- 11) It would be possible to impose conditions on the opening times of the nursery if that could be justified but it would not be possible to restrict the use of the Scout Hall as that building does not belong to the applicant. Also, it would be unreasonable to restrict use of the nursery to school term times only: many parents require childcare so that they can work during school holidays as well as term times, and, if residents are concerned about traffic in the area, there is far less during school holidays and, as the nursery will have only 19 pupils, there would be very little noticeable traffic impact even if they all arrived by car.

8.7 With regard to the points raised in support of the application:

1. The former caretaker's house would appear to offer a better environment for the nursery than its current site but the condition of the existing premises is not a material factor in the consideration of whether the proposed premises are acceptable.
2. The re-use of an existing, vacant building accords with the aims set out in Planning Policy Wales that 'Developments should seek to maximise energy efficiency and the efficient use of other resources (including land)' (para. 3.7) and 'Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas.'(para. 4.2.22). Policy KP5(ix) of the Cardiff Local Development Plan also requires all new development to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by promoting the efficient use of land. Concerns about possible alternative uses of the building are not material to the consideration of this proposal.
3. & 4. Planning Policy Wales states that 'Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.' (Para. 5.4.4) and the Childcare Facilities SPG recognises that 'The provision of an adequate supply of good quality, accessible and affordable childcare will help support and deliver the Capital Ambition Report which outlines the Council's vision for Cardiff, by supporting parents and carers of children to achieve their full potential through work, training or study, which will contribute towards Cardiff having a thriving and prosperous economy.'(Para. 2.10). Support for local businesses providing services for local people, which reduces the need to travel, should be provided but not at the expense of other concerns such as residential amenity and highway safety.
5. It is not considered that either the approval or refusal of planning

permission for the relocation of this small nursery would have any overall effect on children's rights or on Cardiff's ability to achieve its goals for creating a child-friendly city.

6. It will become more convenient for people walking to the nursery from the west to access the site via Hendre Close rather than using Ely Road, which will provide them with a more appropriate pedestrian environment.
7. The nursery would have its own space rather than sharing a building and would be able to hold community events, but this is not a material planning consideration in this instance.
8. Highway safety, traffic and parking matters are discussed above.
9. As stated previously, the condition of the existing premises is not a material factor in the consideration of whether the proposed premises are acceptable. Air quality within the scout hall is a health, not a planning, issue. Also, overall levels of Nitrogen Dioxide in the area will not be materially affected by either approving or refusing this application.
10. It is noted that the current proposal differs in several ways from the applications that were refused in the past and that every application must be determined on its own merits.
11. It is noted that many of the objections relate to current issues that residents have with the school. These issues will not be resolved by either approving or refusing this application as they do not relate to matters over which the nursery has any control.
12. A larger nursery located on Fairwater Road has been granted planning permission recently but, as each planning application must be determined on its own merits, this has no bearing on the consideration of this proposal.

8.8 In conclusion, there is no evidence to suggest that additional cars associated with the use of the nursery would exacerbate the current problems of congestion and highway safety concerns in the streets around the school. Although a very similar application was refused in 2020, more consideration has been given in this application to the numbers of staff and pupils attending the site, the modes of transport they will use and the location and timing of dropping off/picking up, and, on balance, it is considered that the former concerns which led to the refusal of planning permission have been overcome and that the proposal is acceptable, subject to conditions restricting the number of pupils to no more than 19, controlling the hours of operation of the nursery and requiring the implementation of a Travel Plan. A condition preventing the premises being used as anything other than a day nursery is also recommended as there are other uses within Class D1, such as medical services and places of worship, which would have different operating hours and numbers of attendees, and would be much more likely to have a detrimental impact on the amenities of residents of the area due to issues such as noise and traffic.

## 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 *Environment (Wales ) Act 2016*

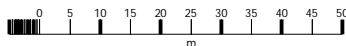
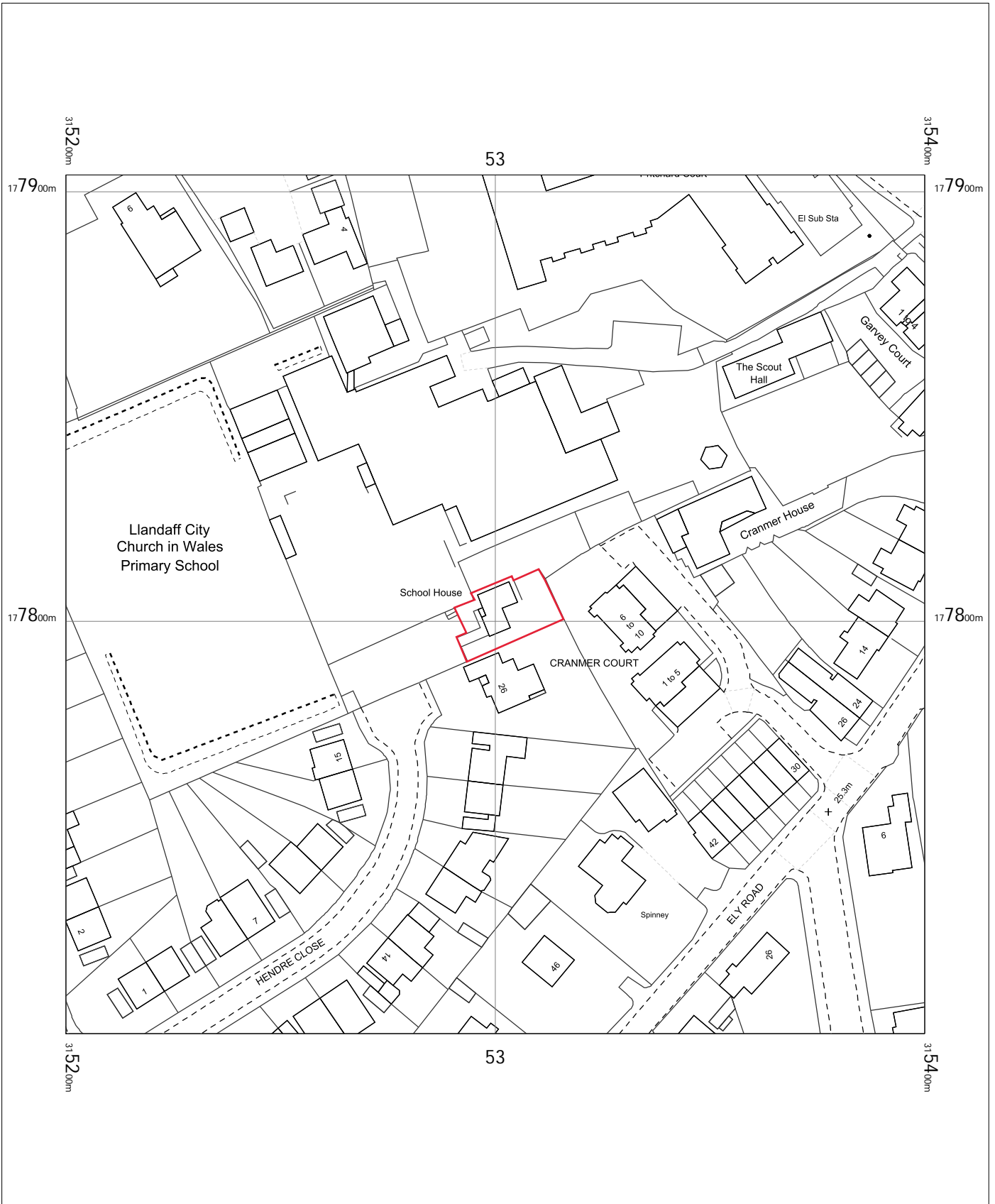
The Environment (Wales ) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions, and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

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

The 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.



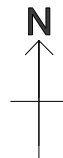
# 28 Hendre Close



OS MasterMap 1250/2500/10000 scale  
Thursday, January 9, 2020, ID: BW1-00851614  
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