

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
5 NOVEMBER 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

	Agenda Item No. 10
--	---------------------------

APPLICATION NO: 15/0814 CHANGE OF USE TO A MIXED USE OF RESIDENTIAL AND CHILD MINDING FACILITY FOR UP TO 12 CHILDREN UP TO THE AGE OF 8 AT 2 LLEWELLYN TERRACE, YNYSYBWL, PONTYPRIDD

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 17th September 2015 Development Control Committee meeting with an officer recommendation of refusal. A copy of the original report is attached as **APPENDIX A**. At that meeting Members noted that there was a lack of childcare provision in the area and that the property has been approved fit for purpose by the CSSIW. It was also commented that there is sufficient parking facilities in the vicinity of the site to accommodate the proposed use. Members subsequently considered the proposed change of use to be acceptable and were therefore minded to approve the application, contrary to the officer recommendation.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The officer concerns regarding the potential impact upon highway safety and the levels of amenity currently enjoyed by the surrounding residents are outlined in the original report, however, a brief summary is provided below:

The proposed childminding facility would generate a significant amount of two-way trips by parents to and from the property with additional staff trips dropping off/picking up children to and from schools/bus stops. Llewellyn Terrace and the surrounding residential streets are not satisfactory for the proposed additional vehicular use and therefore highway objections are raised in the interests of highway and pedestrian safety and free flow of traffic.

Furthermore, it is considered that a childminding facility at the site catering for up to 12 children at any one time and operating from early in the morning until the evening, throughout the year, would cause demonstrable detriment to the amenity standards currently enjoyed by the surrounding neighbours. As such, the noise and disturbance likely to be caused by the activities of the proposed use would inevitably cause a significant deterioration in the living conditions of the closest neighbours.

Consequently, whilst the introduction of a new business in the local community is welcomed, it is considered that this type of use within such a confined terraced street would not be acceptable in terms of its potential impact upon highway safety and the amenity of the surrounding neighbours. As such, the proposed change of use is considered unacceptable, contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. RECOMMENDATION

If, after further consideration, Members are minded to grant planning permission, it is suggested that the following conditions of consent would be appropriate:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref. Site Location Plan 1, Ground Floor, Level 1 and Attic and documents received by the Local Planning Authority on 06/06/15 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The childminding use, hereby approved, shall not operate outside the following hours:
 - 07:30 to 18:30 Mondays to Fridays.
 - Not at all on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of neighbour amenity and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development plan.

4. The childminding use, hereby approved, shall not cater for more than 12 children at any one time.

Reason: In the interests of neighbour amenity and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development plan.

This page intentionally blank

APPENDIX A

APPLICATION NO: 15/0814/10 (MF)
APPLICANT: Miss L Cadwallader
DEVELOPMENT: Change of use to a mixed use of residential and child minding facility for upto 12 children up to the age of 8.
LOCATION: 2 LLEWELLYN TERRACE, YNYSYBWL, PONTYPRIDD, CF37 3LG
DATE REGISTERED: 24/06/2015
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: Refuse

REASONS:

The proposed change of use would have an unacceptable impact upon the levels of amenity currently enjoyed by residents of the nearby residential properties as a result of the increased levels of noise and general disturbance likely to be generated through the operation of a childminding business to care for 12 children at any one time. Furthermore, the proposal would have a detrimental impact upon pedestrian and highway safety in the vicinity of the site.

APPLICATION DETAILS

Full planning permission is sought for the change of use of 2 Llewellyn Terrace, Ynysybwl from a residential dwelling (C3) to a mixed use as a residential dwelling and childminding business (C3/D1) to care for up to 12 children at any one time.

The proposed childminding business would operate between the hours of 7:30am to 6pm, Monday to Friday but not at all on weekends or Bank Holidays. Two members of staff would run the business (one being the applicant who also resides at the property), each being a registered childminder with the CSSIW to care for up to six children up to the age of 8 at any one time.

The applicant has stated that the business would involve a mixture of full time day care, half day care and before and after school care for children between the ages of 8 months and 8 years, including dropping off/picking up from the schools/bus stops.

There are no off-street parking spaces at the site and none proposed. In light of this the applicant has stated that the dwellings main front entrance off Llewellyn Terrace will be used for pedestrian access only by parents walking to the property to drop off/pick up their children, and that any parents coming/going to/from the property in vehicles will use the properties rear access off the unadopted service lane to the rear of the street.

The application is accompanied by the following:

- Statement of Purpose – the applicant has stated that there is an urgent need for childminding services within Ynysybwl where there is an approximate population of 5000 people and only one registered child minder located on the edge of the village in Coed y Cwm. Further, both Welsh Government and Rhondda Cynon Taf CBC have acknowledged this demand and are committed to increasing childminding provision in the area.
- Access Statement.

The application is reported to Committee by the request of Councillor Pickering in order to assess the potential impact of the development upon the amenity of the surrounding residents and highway safety in the vicinity of the site.

SITE APPRAISAL

The application site comprises a traditional, two-storey, mid-terraced dwelling and its associated amenity space located within a residential area of Ynysybwl. The wider street is defined by 4 terraced properties along the southern side and no. 1 Clive Terrace and its rear amenity space along the northern side. A vacant plot of land is located at the western end of the street where planning permission for two dwellings has recently been granted. The dwelling itself fronts the footway along Llewellyn Terrace and has an enclosed garden to the rear which is bounded by an unadopted and unmetalled service lane. A playground area is located beyond the lane. There are no off-street parking facilities or vehicle turning areas in the street. The surrounding area is residential in nature comprising mainly linear rows of traditional terraced dwellings of a comparable design and scale.

PLANNING HISTORY

No previous planning applications have been submitted at the site.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from the occupiers of the adjoining property no. 3 Llewellyn Terrace, making the following representations (summarised):

- The proposed use, having up to 12 children there at any one time, would cause significant noise and disturbance to the immediate neighbours given the terraced nature of the street and the subsequent close proximity of the adjoining properties.
- The proposed access off the rear lane is unsuitable given that it is unadopted, not maintained, and has no footways or street lighting along it. It is regularly used by farm vehicles and is in a poor state of repair so can be very dangerous. Therefore, it is unlikely that parents dropping off/picking up their children would use the lane and would instead access the property via the front entrance along the narrow terraced street which is already overcrowded with on-street parking and has no turning facilities.

CONSULTATION

Transportation Section – raise objections – the proposed childminding facility with up to 12 children on site at any one time would generate a significant amount of two-way trips by parents to and from the property with additional staff trips dropping off/picking up children to/from schools/bus stops. Llewellyn Terrace and the surrounding residential streets are not suitable for the proposed additional vehicular use and therefore the proposal would have a detrimental impact upon pedestrian and highway safety and free flow of traffic in the vicinity of the site.

Public Health and Protection – no objection, subject to conditions – the proposed use has the potential to have a detrimental impact upon the amenity of surrounding residents by way of noise and disturbance. As such, it is suggested that conditions be added to any consent stating that the business is restricted to a maximum of seven children at any one time; cannot operate other than in school term times and between the hours of 7.30am and 6pm, Monday to Friday and not at all on weekends and Bank Holidays; and is limited to a temporary 12 month period in order to give the applicant the opportunity to demonstrate that the business can be run effectively in the future without having a negative impact upon the amenities of surrounding residents.

Education and Lifelong Learning (Childcare Officer) – no objection – the RCT Childcare Sufficiency Assessment 2015 Update report includes an analysis of childcare supply and demand. The analysis suggests that the Ynysybwl ward is an area of 'High Demand/Low Supply' indicating that development of more childcare may be needed and should be sustainable. The analysis suggests that an additional 39 childcare places are required in this ward. Therefore, approval of this application would support the statutory requirement of RCTCBC to secure sufficient childcare, where reasonably practicable.

Early Years and Family Support Services (Childminding Development and Network Coordinator) – no objection – Ynysybwl has been identified as area that requires additional childcare provision. This scheme presents an opportunity to provide that provision, benefiting the area.

Ynysybwl and Coed y Cwm Community Council – no objection – we are in support of this application which will not only introduce a new business to Ynysybwl but also one which is necessary and will benefit the area.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Ynysybwl, but is not allocated for any specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 18: Transport.

PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the Proposed Development

Full planning permission is sought to change the use of this residential dwelling to a mixed use as a dwelling and childminding business for up to 12 children at any one time. In terms of the principle of the development, the application site is situated within the settlement boundary and within a residential area where it is not uncommon to find such uses. In determining this application, the difficulty lies with knowing at what point the number of children at the premises may begin to interfere with neighbours use and enjoyment of their property in respect to noise and disturbance, as well as any potential impact upon highway safety in the vicinity of the site.

The majority of home childminding businesses rarely cater for more than 6 children at any one time, employing one member of staff who also resides at the dwelling. As such, it is considered these small businesses have a relatively low impact upon the surrounding area in terms of noise and disturbance from the operation of the use itself as well as vehicle movements to and from the site. In this case, it is considered that the caring for 12 children at any one time would be characterised by significantly increased levels of noise and disturbance from the number of children at the property as well as from the potentially high volume of calling traffic dropping off/picking up children. Therefore, whilst the introduction of a new business in an area where there is a deficit of such facilities is welcomed and is broadly acceptable, it is considered that the proposed use would have a fundamental change to the residential character of the site and would be overly intensive and therefore uncharacteristic of such properties. Consequently, the principle of the development is considered unacceptable.

Residential Amenity

As detailed above, the Council's Public Health and Protection Division have not raised any objections to the scheme, however, it was commented that they believe the caring for 12 children at any one time at the dwelling has the potential to have a detrimental impact upon the amenity of surrounding residents by way of noise and disturbance. As such, it is suggested that if the application is approved, conditions should be added to any consent stating that the business is restricted to a maximum of seven children at any one time; cannot operate other than in school term times and between the hours of 7.30am and 6pm, Monday to Friday and not at all on weekends and Bank Holidays; and is limited to a temporary 12 month period in order to give the applicant the opportunity to demonstrate that the business can be run effectively in the future without having a negative impact upon the amenities of surrounding residents.

Whilst these comments are appreciated, the applicant has applied to care for 12 children at any one time between 7.30am and 6pm, Monday to Friday, throughout the year, with two members of staff working at the property. As such, these are the parameters that should be assessed and taken into consideration when determining the application.

The application premise is a traditional, mid-terraced, residential dwelling situated in close proximity to a number of similar residential properties in a narrow terraced street. The proposed change of use would inevitably result in a considerable intensification of the existing residential use of the dwelling and therefore, it is considered that the proposed activities at the property would have a detrimental impact upon the amenity standards currently enjoyed by surrounding local residents by way of noise and disturbance and increased vehicle movements in the street.

Whilst planning policy promotes, where appropriate, mixed-use developments, including flexible workplace/dwellings, it is clear that such proposals should not compromise the levels of amenity currently enjoyed by adjoining occupiers. In this instance, whilst the business would only operate between the hours of 7.30am and 6pm, Monday to Friday, the applicant proposes that 12 children would be cared for at

any one time. It is considered that this number of children is overly intensive and is significantly more children than may be expected to live at such a dwelling in a conventional family, or even in an exceptionally large family. As such, any potential disturbance would also be significantly greater.

Subsequently, it is considered that the general use of the property to look after 12 children at any one time would result in a significant intensification of the current residential use, severely impacting upon the amenity standards currently enjoyed by surrounding residents by way of noise and disturbance.

In addition to the above concerns, whilst the applicant has stated that drop off/pick times could be staggered and that a number of customers would walk to the property, there is also concern in respect of the number of additional vehicle movements in street and the potential disturbance they would incur upon surrounding residents.

Given the significant number of children to be cared for at any one time and the mixed nature of the use providing full day care, half day care and morning and after school services, there is potential for a significant amount of vehicle trips to occur each day and the comings and goings would undoubtedly cause further noise and disturbance to the surrounding residents.

Therefore, in conclusion, it is considered the development would result in having a significant detrimental impact to residential amenity standards currently enjoyed by surrounding residents and the application is unacceptable in this regard.

Highway Safety

Following consultation, the Council's Transportation Section has raised objections to the proposed change of use in respect of the business's potential impact upon pedestrian and highway safety in the vicinity of the site.

It was commented that the dwelling is served off a terraced residential street (Llewellyn Terrace) which measures 5.5m in width with a 1.8m footway on the development side and a 3.5m verge on the opposite side. There is no turning area available in the street which subsequently results in residents, deliveries, visitors and emergency service vehicles being forced to reverse out in close proximity to the junctions of Clive Terrace and Augustus Street to the detriment of safety of all highway users. Also, the rear service lane is un-metalled, measures only 3.5m in width with no footways and is in a poor state of repair having a number of pot holes/puddles etc. along it.

The existing three bedroom dwelling requires up to a maximum of 3 off-street parking spaces in accordance with the SPG Access, Circulation & Parking 2011 with none provided. The change of use to a mixed use of residential and childminding for up to 12 children requires that 1 additional space be provided for full time staff and that safe and appropriate facilities should be provided for dropping off/picking up children and servicing the premises.

There is concern that there is no off-street car parking at the site, no scope to provide any in future and the fact that Llewellyn Terrace does not offer a safe and satisfactory drop off point.

Llewellyn Terrace is heavily parked on the development side due to the nature of the terraced dwellings having no off-street car parking facilities. This in turn reduces the carriageway width to single file traffic to the detriment of safety of all highway users. Parents dropping off their children would totally block free passage of traffic for residents of Llewellyn Terrace to the detriment of safety of all highway users. Further, any vehicle entering the street would be forced to reverse out onto the junctions of Clive Terrace and Augustus Street to the detriment of safety of all highway users.

In light of these issues, the applicant has stated that drop off/pick times could be staggered and that parents could park to the rear of the site on Clive Terrace or in the lane and access the property via the rear pedestrian access gate. There is no potential of enforcing this and it is likely, and only practical, that on a wet days parents would park as close to the front door of the property as possible to drop off/pick up their children. Additionally, the rear access is not suitable as it is unmetalled with pot holes and puddles spread regularly along it. As such, parents dropping off/picking up their children are going to be reluctant to walk across a muddy access lane with no footways and the risk of conflict with vehicles to the detriment of safety of all highway users.

It is therefore considered that the proposed childminding facility would generate a significant amount of two-way trips by parents to and from the property with additional staff trips dropping off/picking up children to and from schools/bus stops. Llewellyn Terrace and the surrounding residential streets are not satisfactory for the proposed additional vehicular use and therefore highway objections are raised in the interests of highway and pedestrian safety and free flow of traffic. Consequently the application is unacceptable in this respect.

Visual Impact

As previously detailed, the change of use would be undertaken wholly within the fabric of the existing building and no external alterations are required or proposed. As such, there would no impact upon the visual amenity of the surrounding area.

Other Issues

It is noted that the Council's Education and Lifelong Learning and Early Years and Family Support Services Sections have commented that the Ynysybwll area is need of such childcare facilities and that the proposal will help to reduce the current deficit in the area whilst helping to support the Council's statutory requirement to secure such facilities, where reasonably practicable. However, in this instance, whilst it is acknowledged the proposal would create a new business in the area and one that is clearly necessary, it is not considered the property is reasonably practicable to provide care for 12 children at any one time due to the issues outline above.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

Having taken account of the issues outlined above, the proposed change of use would have an unacceptable, detrimental impact on the amenities of the neighbouring residential properties in terms of increased levels of noise and disturbance. Furthermore, it would have a detrimental impact upon pedestrian and highway safety in the vicinity of the site. As such, the proposal is therefore contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed change of use would have a significant adverse impact upon the amenity of nearby residential properties due to the increased levels of noise and general disturbance associated with the care of 12 children at any one time. As such, the proposal is contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

2. The proposed development is considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon pedestrian and highway safety in the vicinity of the application site for the following reasons:
 - The proposed development will generate additional on-street car parking in an area where there is already considerable demand leading to unacceptable highway safety concerns to the detriment of safety of all highway users and free flow of traffic.

 - In the absence of a satisfactory turning area on Llewellyn Terrace the proposed development would generate additional vehicle reversing movements in close proximity to the junctions of Augustus Street and Clive Terrace to the detriment of safety of all highway users and free flow of traffic.

 - In the absence of segregated pedestrian facilities leading to the rear of the site the proposed development would lead to potential vehicular and pedestrian conflict to the detriment of safety of all highway users.

=====

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

5 NOVEMBER 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 15/0814
CHANGE OF USE TO A MIXED
USE OF RESIDENTIAL AND CHILD
MINDING FACILITY FOR UP TO 12
CHILDREN UP TO THE AGE OF 8
AT 2 LLEWELLYN TERRACE,
YNYSYBWL, PONTYPRIDD**

OFFICER TO CONTACT

**MR M FARLEY
(Tel. No. 01443 494835)**

See Relevant Application File