

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0933/NCC 27.10.2017	CPI Care Limited Mr B Morgan The Warehouse Crown Street Crumlin Newport NP11 4PR	Vary Condition 03 of Planning consent 07/0985/COU to facilitate the use of the first floor as additional training space from an ancillary office Marlan Day Care Centre - CPI Care Ltd The Warehouse Crown Street Crumlin Newport NP11 4PR

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application property is located on the corner of Crown Street and Main Street, Crumlin.

Site description: Two storey end of terrace building with the principal access located on the corner where Crown Street and Main Street meet. The building is triangular in shape, with ground floor windows looking out onto Crown Street and first floor windows overlooking Main Street and Crown Street. The ground floor element of the building is currently used as a day centre for adults with learning disabilities, whilst the first floor is used as ancillary office space in connection with the day centre.

Development: Planning permission is sought to remove condition (03) of planning consent 07/0985/COU to change the use of the first floor office accommodation to facilitate additional floor space to be used as a training space in connection with the day centre.

Dimensions: Not applicable. The external and internal dimensions of the building remain unchanged.

Materials: Not applicable. There are no proposed exterior alterations.

Ancillary development, e.g. parking: None is proposed.

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PLANNING HISTORY 2005 TO PRESENT

07/0985/COU - Change the use to day centre for adults with learning disabilities -
Granted 09.10.07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within settlement limits.

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), SP22 (Community, Leisure and Education Facilities), CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

CONSULTATION

Transportation Engineering Manager - No objection raised.

Head Of Public Protection - Environmental Health have no adverse comments to make with regards to this planning application.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and twenty neighbours were notified by letters.

Response: At the time of writing the report, thirteen letters of representation were received objecting to the proposal. If any further representations are received, these will be reported to members at planning committee.

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Application No: 17/0933/NCC - Continued

Summary of observations:

1. There are currently existing parking issues on Crown Street and they will be exacerbated if the development proceeds.
2. There is no provision for another business use within the street as there is currently a day care centre, nursing home and doctor's surgery in one small street.
3. In support of the use of the building, however, objects to Saturday opening hours.
4. Concerned about the date the neighbour notification letter was printed and received in the post. This is a tactic employed by the council not allowing residents enough time to object to the application.
5. Residents not able to park outside their own properties.
6. Existing overlooking issues from the building and reduces the privacy of staff and occupiers of the care home.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable as no additional floor space is proposed.

ANALYSIS

Policies: The application has been determined in accordance with national guidance and local plan policies. The main consideration in the determination of this application is whether the proposed change of use is acceptable, the impact on the character of the surrounding area and highway safety.

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In that regard the application relates to the use of the first floor building which is currently used as ancillary office space in connection with the ground floor use as a day care centre for adults with learning disabilities. The building is accessed via the entrance on the corner of Crown Street and Main Street and there is an internal staircase leading to the current first floor office accommodation. In terms of the proposed use of the first floor, this will be used by the same care provider and for the same purposes as the ground floor.

Whilst the proposed change of use to the first floor introduces a new use within the building, the overall use of the building will be one planning unit and the resultant change would require the need to employ four additional staff. In that respect where a change of use occurs, the development needs to be compatible with neighbouring land uses, have regard to the safe use of the transportation network, and provide adequate parking and servicing. In that regard, previous planning permission (07/0985/COU) has already considered whether the existing use of the ground floor element within the building is compatible in this residential area. Therefore it is not considered that the first floor element of the building, which will be used for the same purposes, would be incompatible with neighbouring land uses. In addition, as there are no proposed external changes to the building, it is not considered that there would be any adverse impact on the physical character of the surrounding area.

In terms of highway safety, there is a requirement for new developments to provide parking, appropriate servicing and operational space. In this instance there is no provision to provide any additional parking, however, regard has to be given to the historical uses of the building. The Transportation and Engineering Manager has raised no objection to the proposal given that no extra parking can be provided and that the previous uses of the building has included a club and a warehouse, subject to the imposition of condition regarding the hours of operation are the same as the ground floor. Furthermore, as part of the process for determining this application, parking surveys have indicated that there is sufficient on-street parking available on weekdays in addition to the free car parking spaces provided in the public car park at the end of Crown Street to cater for the proposal.

In conclusion the proposal accords with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

Comments from consultees: No objection.

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Comments from public: The following representations were received objecting to the proposal:

1. There are currently existing parking issues on Crown Street and that will be exacerbated if the development proceeds - Crown Street is a busy residential street that is frequented by vehicle and pedestrian users outside of the surrounding area, which in turn does lead to parking problems during certain periods of the day. However there are no planning or highway restrictions to prevent this from occurring. The proposal intends to employ four additional members of staff, and it is not considered that the additional increase in staff numbers would have an adverse impact in terms of highway safety.
2. There is no provision for another business use within the street as there is currently a day care centre, nursing home and doctor's surgery in one small street - Whilst it is accepted that there are additional community facilities within this street, the application is not proposing to introduce an additional use to the area, it is utilising the same building where the use is currently being undertaken.
3. In support of the use of the building, however objects to Saturday opening hours - The previous planning permission permitted use of the building to be used on Saturdays. It would be difficult to restrict the use of the first floor given that the building will be used as one planning unit.
4. Concerned about the date the neighbour notification letter was printed and received in the post and that only four neighbours were consulted. This is a tactic employed by the council not allowing residents enough time to object to the application - Whilst the neighbour letters may have been received late, twenty neighbours were consulted and a site notice was erected allowing neighbours twenty one days to respond from the date that the site notice was erected outside the application site.
5. Residents not able to park outside their own properties - Whilst this is an inconvenience to residents, this is a common problem within residential areas and the introduction of four additional members of staff would not aggravate matters to such an extent as to justify a refusal of permission.
6. Existing overlooking issues from the building and reduces the privacy of staff and occupiers of the care home - There are no external changes proposed to the building, given the current and proposed use, there is no requirement for the developer to undertake any alterations to the building.

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Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching

the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing No. HD2323_A01 Site Location and Block Plan received on 27.10.2017
Drawing No. HD2323_A03 Proposed First Floor Plan received on 27.10.2017
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The day centre hereby approved shall not be open for use outside the hours of 08.30hrs to 17.30hrs Monday to Saturday and not at all on Sunday.
REASON: In the interests of residential amenity.
- 04) The premises shall be used as a day centre for adults with learning disabilities and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.
REASON: To retain effective control of the development.

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Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

