

Planning Application 19/0851/COU

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0851/COU 11.10.2019	Mrs H Morris 152 King George V Drive Heath Cardiff CF14 4EN	Change the use from a dwelling and garage to day care nursery provision 12 Gwendoline Road Risca Newport NP11 6DD

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is situated at the end of a cul de sac, on the western side of Gwendoline Road.

House type: Large two storey detached four bedroomed property, with large, detached, flat roofed garage/store adjacent and concrete apron to front and side.

Development: Change of use from use as dwelling and garage to use as day nursery.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Provision of staff car parking spaces and parents drop off spaces in front and to the side of the garage building. Internal alterations to both ground and first floor to facilitate proposed use.

PLANNING HISTORY 2010 TO PRESENT

None.

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POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

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

Policies: SP3 (Development within Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design consideration - Highways), CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 15: (Development and Flood Risk) July 2004.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No

COAL MINING LEGACY

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

CONSULTATION

Head Of Public Protection - No objection subject to conditions relating to hours of operation, waste storage, odour control and the provision of a grease trap in relation to foul drainage.

Transportation Engineering Manager - No objection subject to a condition relating to existing parking areas within the site.

Early Years Development Child Care Group - No response received.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice attached to the front boundary fence. One neighbouring property was informed by letter.

Response: None received.

Summary of observations: None.

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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?

The proposed development is unlikely to have a significant effect on crime and disorder in the local area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not applicable.

ANALYSIS

Policies: This application has been considered in accordance with National Policy and Guidance, Local Plan Policies and Supplementary Planning Guidance. The site is located within a C1 Flood Zone as identified by Natural Resources Wales and referred to in TAN 15, as a result, justification for the proposal in this location has to be provided. In addition the other main points to consider in the determination of this application are whether the proposal would have an unacceptable adverse impact on the amenity of neighbouring land and buildings, contrary to Policy CW2 of the LDP; would cause any potential danger to traffic or pedestrians, contrary to Policy CW3. A, or be unable to provide sufficient parking and operational space, contrary to CW3.C of the LDP.

The application site is situated approximately 40m to the south west of the main buildings on the Risca Primary School Campus. The rear boundary of the application site is formed in part by the concrete flood wall constructed along the bank of the Ebbw River. The applicant believes that the large garage building associated with the dwelling was used as a haulage depot in the past, it has a substantial concrete apron to the front and the side which is located entirely within the site, the footway separates it from the back edge of the carriageway. To the south of the site is the Risca Stores Field Carpark owned by the Council. It is separated from Gwendoline Road by means of a raised kerb and concrete bollards, and from the concrete apron serving the site by a metal gate.

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The applicant seeks to use the dwelling, which will undergo minor internal rearrangements, to offer childcare places for children from six months to five years, to families in the Risca area (a D1 use in planning terms). The house will be used for baby, toddlers and school children. The application site includes a garage and the applicant would like to convert it to a multi-functional space to be flexible to meet the needs of the community and working parents. No specific details have been submitted and in this respect it is considered appropriate to attach a condition to any consent restricting the use of the premises as a whole to a childrens nursery. Any future external alterations to the garage would require planning permission.

The site is located in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. It is set out in TAN 15 that highly vulnerable developments within C1 zones are required to be accompanied by a Flood Consequences Assessment (hereafter referred to as a FCA). However that requirement is further qualified in that document which indicates that in respect of a change of use, a FCA will be commensurate with the scale and nature of the proposal. In that regard this application relates to the change of use of an existing large residential property, located in a long established residential area, within the settlement boundary, close to existing community facilities (including Risca Primary School). It is therefore considered that in this particular instance the requirement to prepare a detailed, specialist, technical document, in the form of a FCA, would be onerous and unreasonable. However the applicant has prepared and submitted as part of the application 'A Flood Emergency Plan' in line with that suggested by TAN 15 setting out precautionary measures to be adhered to, including monitoring of NRW communications and an evacuation plan.

TAN 15 also indicates that development, particularly highly vulnerable development, i.e. residential development, in 'C' flood zones should not be permitted unless fully justified in accordance with the tests contained in paragraph 6.2 of TAN 15.

The justification tests set out in paragraph 6.2 of TAN 15, read as follows:-

- Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.
- The application site is brownfield land in accordance with the definition contained in PPW.

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The proposed location of the development contributes to the local authority's strategy required to sustain an existing settlement (criterion i); the location of the proposal in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region (criterion ii); and the site is previously development land in accordance with PPW 10 (criterion iii).

In terms of potential consequence (criterion iv), the risks and consequences can be managed to an acceptable level. For these reasons it is considered that the development complies with the requirements of TAN15 and is therefore acceptable from a flood risk perspective.

Policy CW2 sets out criteria relating to amenity and contains the following criteria: -

- There is no unacceptable impact on the amenity of adjacent properties or land.
- The proposal would not result in over-development of the site and/or its surroundings.
- The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

It is considered that the proposed use is acceptable given the surrounding land uses, i.e. residential to the north, and Primary School to the North East, Public Carpark to the South, and will not detract from existing levels of neighbouring amenity. No objections have been received from the Public. However, it is recommended, that a condition is attached to any permission that would prevent the use of the premises being changed to another use within use class D1 (non-residential institutions) in order to retain effective control over the development. The Head of Public Protection does not object to the proposal subject to a condition relating to hours of operation. Further conditions have been requested relating to the submission of a scheme of odour/effluvia/fume control; the submission of a scheme of foul drainage to include a grease trap and details of the storage, collection and disposal of commercial waste which may be attached to any consent. Consequently, subject to the imposition of appropriate conditions the development is in accordance with Policy CW2 of the LDP.

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Policy CW3 sets out criteria which developments must satisfy in respect of highways requirements:-

- The proposal has regard for the safe, effective, and efficient use of the transportation network.
- The proposal ensures that new access roads within development proposals are designed to a standard that:
 - i. Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
 - ii. Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve.
- Parking, appropriate servicing and operational space has been provided in accordance with the CSS Wales Parking Standards 2008.
- Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.

The Transportation Engineering Manager raises no objections to the proposed use of the site on highway grounds. The applicant indicates that the site is capable of accommodating nine parking spaces, four of which will be designated for staff and five others designated for parents dropping off their children. The adequacy of the parking arrangements have not been questioned, but the Transportation Engineering Manager has requested the imposition of a condition relating to the availability at all times of existing parking areas within the site in connection with the proposed use. It is therefore considered that subject to an appropriate condition the proposal satisfies the relevant requirements of Policy CW3.

Comments from Consultees: See above.

Comments from public: None received.

Other material considerations:

The scale of this development is such that its impact on prosperity, resilience, health, equality, the community, Welsh culture, and the need to be globally responsible will be very limited.

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.

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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:
Location Plan, Drwg No. Appendix 3; Received on 11th October 2019,
Proposed Internal Layout, First Floor, Drwg. No. Appendix 7; Received on 11th October 2019,
Proposed Internal Layout, Ground Floor, Drwg. No. Appendix 9; Received on 11th October 2019,
Block Plan Drwg No. Appendix 2, Change of Use of Dwelling and Garage to Day Nursery; received on 11th October 2019,
Flood Emergency Plan Version 2: Received on 22nd November 2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The use hereby permitted shall not be open outside the following times 07:30 to 18:00 Monday to Friday and not at all on Saturdays, Sundays, or Bank Holidays.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The Staff Car Parking and Parent Drop Off Spaces. indicated on the approved plan shall be retained for the parking of vehicles at all times.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.
REASON: To prevent pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 06) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The premises shall be used for a childrens day nursery 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: In the interests of residential amenity and to retain effective control over the development in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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.

