

**Application Number:** DM/2023/00939

**Proposal:** Change of use from residential to Mixed use - Residential/Childminder

**Address:** 75 St Lawrence Park, Chepstow, NP16 6DQ

**Applicant:** Jane Wilson

**Plans:** Existing Floor & Site Location & Site Plan, Little Hoots Weekly Schedule covering letter and supporting evidence, Pick up and Drop off Parking Policy, Noise Management Policy

**RECOMMENDATION: Approve**

Case Officer: Mr Adam Foote

Date Valid: 04.07.2023

**This application is presented to Planning Committee due to the number of objections received from the public consultation**

**1.0 APPLICATION DETAILS**

1.1 Site Description

The application site comprises a detached two-storey dwelling located on a purpose built, no through residential development. The site is located within the settlement boundary for Chepstow as shown on the proposals map of the Monmouthshire Local Development Plan (LDP) and is within a residential area.

1.2 Background

Planning consent has recently been granted for the "Conversion of garage and linking to main residence to form additional accommodation" under application ref: DM/2023/00302. During the course of the previous application various public representations were received alleging that a child minding business was operating from the site without planning consent prompting a planning enforcement investigation ref: E23/170. The enforcement investigation concluded that the use operating from the site formed a material change of use from a single dwelling to a mixed use. Therefore, this application has been submitted to regularise the use of the site. The use has operated from site for about six years.

1.3 Proposal Description

This application seeks a change of use of the land from solely residential to a mixed residential/childminding use. The site currently has two members of staff (one being the owner/resident of No 75) and provides care for six children, sometimes more during school holidays/exceptional circumstances. The service is registered as a childcare provider and licensed for up to ten children.

**2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2023/00302	Conversion of garage and linking to main residence to form additional accommodation.	Approved	12.07.2023
DC/2012/00846	Proposed single storey rear extension and front entrance porch.	Approved	30.11.2012
M09686	Single Storey Rear Extension To Extend Kitchen	Approved	25.03.2004

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S5 LDP Community and Recreation Facilities  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development

### 4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040  
Planning Policy Wales (PPW) Edition 11  
Technical advice note (TAN) 11: noise  
Technical advice note (TAN) 18: transport

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Chepstow Town Council:** recommends refusal due to parking issues, detrimental impact upon amenity and privacy of neighbours due to noise nuisance.

**MCC Environmental Health:** No objection.

**MCC Licensing:** No reply.

**MCC Highways:** No objection, concerns relating to parking provision.

#### 5.2 Neighbour Notification

This application was advertised by means of a direct neighbour notification and a site notice. A number of representations have been received in both support and opposition. The main points are summarised as:

Support; great need for childminding services, essential/invaluable service, allows parents to work, community asset, there is significant provision in place to minimise disruption and other comments supporting the business and owners personally.

Objection; noise and disruption, general disturbance, traffic generation and impacts on highway safety, impacts upon property values, restrictive covenant within title deeds, not an appropriate use within the setting, would set a precedent for business use, concerns over signage, safety concerns relating to the use in conjunction with building works generated by a recent planning approval, concerns over the occupiers not having a safe route of exit in case of emergency, safety concerns over relating to the occupiers having dogs and this not being acceptable in a child care setting, negative impacts upon the living conditions and mental health of neighbouring residents, detraction from the enjoyment of local residents homes, added pollution, concerns over potential expansion of business.

### 5.3 Local Member Representations

None.

**Cabinet Member for Education:** Comments in support of the application; I am writing in my role as Cabinet Member for Education in Monmouthshire and following advice I have received from my Early Years Manager regarding this childcare application. Monmouthshire has targets to increase the number of its childminders. In recent years numbers have declined and we have a statutory duty under the Childcare Act to ensure that there are sufficient numbers. A neighbour, in objecting to this application, has alleged that this provision is an illegal nursery, but my Early Years Manager assures me that she is aware of this facility and that this is not the case. Everything is above board and in line with the National Minimum Standards for Childcare.

Please note all representations can be read in full on the Council's website:  
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### 6.1 Principle of Development

The application site is located within the defined settlement boundary for Chepstow where there is a presumption in favour of development and the efficient use of land is encouraged. Childminding services are needed within the County and by their nature are typically located in residential properties usually operated by the home owner. It is well established through case law that childminding can occur in a residential dwelling without triggering a change of use on the basis that the operation is *ancillary to the primary function of the dwellinghouse* and taking into consideration of the impact of the use on the local area and neighbouring residents. The scale of the proposed childminding use and the change to the existing dwelling to accommodate the mixed use, is considered on balance to form a material change of use in this case.

LDP Policy S5 (Community and Recreation Facilities) is relevant to the assessment of this application. S5 states; *“Development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. Development proposals that result in the unjustified loss of community and recreation facilities will not be permitted”*.

A number of objections received from the public consultation referenced covenants in the title deeds of the property. This falls outside the remit of the Town and Country Planning Act and is not an 'in principle' issue that would result in the refusal of this application and thus this matter has been given no weight in the assessment of this application.

Given the aforementioned points, no objection is raised to the principle of the proposed development in this location.

## 6.2 Sustainability

The application site is located within the settlement boundary and is accessible via sustainable and public modes of transport - therefore no objection is raised to the proposed development. It is acknowledged that a number of existing and future users would travel to/from the site by private motor vehicle however, given the sustainable location it is possible for service users to travel to/from site by public and sustainable modes of transport. Both local and national planning policies provide a basis of support for the inclusion of community facilities within areas easily accessible to users via various modes of transport.

## 6.3 Biodiversity/Green Infrastructure

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. Such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. The applicant has commented that there are the following biodiversity enhancement features: a small pond, a bird box, bird feeders, a bird table and bug boxes that have been installed for the childminding setting. There are also some butterfly and insect friendly plants the children have planted. Thus, this duty is considered to have been satisfied.

## 6.4 Impact on Amenity

The proposed change of use is considered to impact upon the living conditions of neighbouring occupiers primarily in respect of traffic generation to/from site and in respect of noise and disturbance generated from the site. Highway safety and parking provision will be covered in greater detail in a separate section of this report. However, in respect of its impact upon the living conditions of neighbouring occupiers it is not considered that the proposed use in conjunction with the details/policies submitted by the applicant would result in any unacceptable impact upon the living conditions of neighbouring occupiers. It is not considered that the use would generate an excessive level of trips to/from site that would be unacceptably harmful to residents' amenity/living conditions.

In respect of noise/disturbance, the applicant has provided details of how this is dealt with in order to minimise the impact. This application has been considered by the Council's Environmental Health Officer who raises no objection to the application. The use has been operating from site for a number of years without complaints being received to the Local Planning Authority and based on the number of children cared for at the site it is not expected that it would result in any unacceptable impact. Based on the use and given the supporting information provided there is no justification for further details or surveys to support this application.

It is considered that the proposed development is acceptable in respect of its impact upon the living conditions of neighbouring occupiers and would not result in any unacceptable impact that would warrant the refusal of this application. It is considered necessary to attach a condition to any planning consent limiting the number of children being cared for and the number of staff on site to ensure the use does not result in an unacceptable impact. In relation to hours of operation, the use by its nature is not considered to generate significant impact during anti-social hours, and therefore it is not considered necessary to attach a condition limiting the use in this respect.

## 6.5 Highways

The development is expected to generate trips to/from site and therefore will impact upon parking provision and highway safety. There are no parking restrictions within the St Lawrence Park development and so on-street parking can lawfully occur regardless of the use of properties. The applicant has submitted details in respect of their parking and pick up/drop off policies which aim

to minimise the impact of the proposed development. This application has been considered by the Council's Highways Department who raise no objection in respect of highway safety or the impact of the proposal upon the capacity of the local highway network. Concern is raised in respect of on-site parking provision but given the sustainable location of the site it is considered that any impact would not be of an unacceptable level and accords with the requirements of national planning policies as listed below.

PPW11

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

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".

Future Wales

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

Given the above it has not been possible to identify any unacceptable level of harm arising from the proposed development in respect of highway safety or parking provision.

## 6.6 Response to the Representations of Third Parties and/or the Town Council

Some points raised via the public consultation process such as the restrictive covenant within the title deeds, highway safety/parking and the impact upon the living conditions of neighbouring occupiers have been covered within earlier sections of this report and deemed to be acceptable. The remaining main points are covered below:

Impact upon property value - this is not a material consideration in the assessment of a planning application and therefore has been given no weight in the assessment of the application.

Sets a precedent for business use - it is not considered that any precedent would be set by granting consent for this proposal. Each case is considered on its planning merits.

Concerns relating to signage - no signage is currently in situ and this application does not seek consent for signage.

Safety concerns relating to building works and the owners having dogs - this matter falls outside the remit of the Town and Country Planning Act and is controlled under separate legislation and therefore would not form a basis of refusal.

Impacts upon mental health of nearby residents - the scale and intensity of the use is considered to be minor, and the impact of the use is not considered to have an unacceptable impact upon the living conditions of neighbouring occupiers.

Pollution impacts - the scale and intensity of the use is considered to be minor; it is not considered that there would be any unacceptable impact in terms of pollution in the area generated from the use or from the limited scale of journeys to/from the site.

Concern over potential expansion of the business - this can be controlled via a condition attached to any grant of planning consent.

### 6.7 Well-Being of Future Generations (Wales) Act 2015

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 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### 6.8 Conclusion

The application seeks consent to regularise the mixed use of the premises. The use is considered to be acceptable within this location and provides a much needed community service. Due to the scale and intensity of the use it is not considered that there would be any unacceptable impact upon the living conditions of neighbouring occupiers. The Council's Highways Department have raised no objection in respect of highway safety and the Council's Environmental Health Officer has not objected on the basis of noise and disturbance to neighbouring residents. Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 The development hereby approved shall not operate with more than 2 members of staff or more than 10 looked after children at any given time.

REASON: In the interests of highway safety in accordance with LDP Policy MV1 and to ensure there is no unacceptable impact upon the living conditions of neighbouring occupiers in accordance with LDP Policy EP1.