

**DC/2016/00219**

**CHANGE OF USE FROM D2 TO D1 (CHILDREN'S NURSERY)**

**UNIT 1, CASTLE MEADOWS PARK, ABERGAVENNY**

**RECOMMENDATION: APPROVE**

Case Officer: Alison Pankhurst  
Date Registered: 1/03/2016

**1.0 APPLICATION DETAILS**

- 1.1 The application relates to a change of use of Unit 1 Castle Meadows Park from an indoor climbing centre with ancillary retail, café and other facilities (Class D2 use) to a Children's nursery (Class D1 use). It has an approximate floor space of 464m<sup>2</sup>. The unit lies within an established industrial estate known as Castle Meadows Park situated on the outskirts of Abergavenny town centre.
- 1.2 It is proposed to change the use of the unit from D2 to D1 use; it would function as a private nursery which would be open Monday to Saturday. The unit has parking allocated at the front of the premises but the applicant has confirmed that they have secured additional parking from the adjacent unit. No external alterations to the building are proposed.

**2.0 RELEVANT PLANNING HISTORY**

DC/2011/00055	Change of use to indoor climbing centre (Class D2) with ancillary retail, café and office facilities	Approved 17/05/2011
DC/2007/01082	Change of use from industrial to builders merchants	Approved 30/11/2007

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

- S5 – Community & Recreation Facilities
- S8 – Enterprise & Economy
- S13 - Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 - Place Making and Design

Development Management Policies

- DES1 - General Design Considerations
- EP1 - Amenity and Environmental Protection
- MV1 – Proposed Developments and Highways Considerations
- Policy SAE2e – Protected Employment Site

**4.0 REPRESENTATIONS**

**4.1 Consultations Replies**

Abergavenny Town Council – no objections to the application.

MCC Highways – made the following comments: the application is confusing. The application site red line will provide inadequate parking for the staff parking let alone the drop off and pick up requirement for the proposed new use. Access to the site is well established with adequate visibility to and from the site. Recommendation – The application should be deferred for parking at the site to be revisited for the proposed use.

Further to this, comments were received by the owner of the proposed nursery to confirm that additional parking had been secured with the adjacent unit. Confirmation has been sought in writing from the adjacent unit to show that they have agreed to allow them to use the additional parking spaces.

The applicant confirmed that the proposed nursery in unit 1 will be a drop and go service for parents first thing in the morning and at the end of the day. The staff allocation for unit 1 parking is more than covered by the 10 allotted front spaces for the unit.

In response to this letter from the applicant Highways have commented that subject to this being to your satisfaction and passed on to next owner/tenant, then when figures for staff and visitors are recorded, they would offer no further comment.

Planning Policy – the site is located within the Abergavenny Town Development Boundary in a Protected Employment Site where Policy SAE2 of the LDP applies, the specific reference of which is SAE2c. Policy E1 relating to the Protection of Existing Employment Land should be considered, however, it is noted that the existing unit relates to a D2 use and the principle of a change from a B1/B8 use has therefore been previously accepted and implemented.

There are some concerns over the proposed nursery's location as the unit is in close proximity to other existing industrial/business units. It is noted an application was approved for a B2 use immediately adjacent the site in April 2015 (DC/2014/00775). Policy DES1 relating to general design considerations and EP1 concerning amenity and environmental protection must therefore be considered. It is nevertheless acknowledged that the proposed nursery would provide some community benefits, Strategic Policy S5 relating to community and recreation facilities provides support to this effect.

Policy MV1 relating to proposed developments and highway considerations should be referred to as well as Strategic Policy S16 which promotes minimising the adverse effects of parking.

Welsh Water – have no comments to make on the above application.

SEWBREC Search Results - No significant ecological record identified

#### 4.2 Neighbour Notification

Several responses have been received in support of the application and in opposition to the application during the consultation period; the comments are as follows:

Eleven responses were received in support of the proposed application making the following points:

- Lack of childcare in the area and long waiting lists

- Compatible opening hours and holiday care
- Prime location
- Promote more businesses in the area
- After school club
- New jobs
- Drop & go service

Five responses were received objecting to the proposal and made the following points:

- Increase in traffic on Brecon Road and Merthyr Road
- Already too many nurseries in the area
- Concerns about parking at the site
- No access to play area outside
- Parking area dangerous as not enough room

Two general observations were also received from the proposed owner of the building stating that:

- parking will not be an issue as parking has been secured from the unit next door which is not open during the day
- in reference to outdoor play, outdoor play with free flow access is crucial to any high quality early years setting and we have looked at this carefully and will be providing a substantial and safe play area for the children on the site which will be extremely secure.

#### 4.3 Local Member Representations

The Local Member is in support of the application.

### 5.0 **EVALUATION**

#### 5.1 Principle of the proposed development

The proposed development is for the change of use of the existing unit from Class D2 use (indoor recreation) to Class D1 use (private nursery). The site is located on the outskirts of Abergavenny town centre and originally built for light industrial use. Whilst in principle a change of use of the unit from a climbing centre to a nursery could be considered acceptable, however Highways have raised an issue with regard to parking. The unit has provision of 10 car parking spaces to the front of the premises with additional car parking spaces available in front of the adjacent unit to the north. The applicant indicates that there will be at least 8-10 staff at the premises depending on how many children are being looked after. The opening hours of the premises will be 07.00-18.00hrs Monday to Friday and 10.00-18.00hrs on a Saturday.

Meadowbank Day Nursery will be a privately owned day nursery managed by a qualified teacher with highly qualified and experienced staff. All requirements will be met by the relevant legislation for day nurseries and crèches. The building will be compliant and converted to all DDA (Disability Discrimination Act) requirements and fire regulations.

It is acknowledged that the proposed nursery would provide community benefits due to its accessible location close to nearby residential areas; Policy S5 relating to community and recreation facilities provides support to this effect.

#### 5.2 Design

No alterations to the external features are proposed. Alterations to the internal layout will be required for the use as a nursery so that it complies with regulations.

### 5.3 Economic Development Implications

The existing use of the premises is as an indoor climbing centre, ancillary café and offices. The current occupants are moving out of the unit to a larger premises and the opportunity and the locality of converting this unit to a private nursery arose. The proposed use will generate employment at the nursery with 4-8 full time staff and 2/3 part time staff. The proposed change of use of this unit will be in the spirit of Local Development Plan policy to support economic development and as the unit is not presently in a B1 use, there would be no prejudice to the loss of this type of business unit under Policy SAE2, and employment opportunities are provided. Therefore it is considered that the proposed development complies with Policy S8 the Monmouthshire Local Development Plan.

### 5.4 Access and Parking

Concerns were initially raised by the Council's Highway Officer with regard to parking at the site. However it has been confirmed by the applicant that additional spaces have been acquired during the business's operational hours from the adjacent unit. In accordance with their parking standards a D1 use should have 1 space per 2 full time staff within an urban or town centre area. The existing site currently has 10 parking spaces with an additional 10 parking spaces being provided in front of Unit 2. Highways have since commented that on the subject to this being to your satisfaction and passed on to next owner/tenant, then when figures for staff and visitors is recorded, they would offer no further comment. During peak times the site is likely to be busy with drop off/pick up but it is anticipated these movements will not be all concentrated into the same period, being dependent on when parents/ carers commence or finish work, which will vary. The site can also be accessed via public transport and given its proximity to the town centre and residential areas, by foot. Thus it is considered that the concerns raised by Highways, while noted, can be accommodated by accommodating parking in front of the building and the adjacent unit 2. It is considered that the proposed development is in accordance with Policy MV1 of the Monmouthshire Local Development Plan.

### 5.5 Response to Objections

In response to the objections concerning the proposed change of use, the parking issue has been resolved by the spaces acquired in front of the adjacent unit and is now considered to be acceptable. The applicant is the owner of the overall business area and has agreed in writing that the operator of the proposed nursery could utilise the spaces fronting Unit 2 for dropping off and pick up. A condition would be applied to ensure this arrangement is implemented.

As for the increase of traffic on the surrounding main roads, the Castle Meadows site is a well-established industrial estate and has businesses in all of the units. It is therefore considered that it is unlikely to generate more traffic than is capable of being accommodated on this road network. In addition, due to the close proximity of the town centre and residential areas there is potential for carers and children to walk to the nursery rather than use cars. There is a pavement on both sides of the main road to access the units and although other users enter and egress from the site to other working units it provides a safe and easy access to the site and in accordance with Policy MV1 of the Monmouthshire Local Development Plan.

Some objections state that there were too many nurseries in the area, however several letters of support were also received stating that there was a need for nursery spaces and the proposal would be well supported and received. The proposed development would result in employment opportunities in the area and the applicant has stated that this particular area has been highlighted for future childcare development due to the nearby housing estates being developed. Professionally-run day nurseries are increasingly required by working people across the UK and Abergavenny/ Llanfoist is a growing town with housing provision for families who need childcare while in work. The site is easily accessed from both by foot and car.

There is concern regarding the lack of access to an outside play area. The operator of the proposed nursery has made a general observation concerning this comment and has stated that she appreciated the comment made and that outdoor play with free flow access is crucial to any high quality early years setting and that the proposal would be providing a substantial and safe play area for the children on the site which will be secure.

A condition has been added to ensure the use is limited to a children's day nursery within use class D1, in that otherwise permitted changes to other D1 uses could take place (e.g. a school) that might cause harm to amenity or cause parking issues that would need closer assessment.

The reference to an adjoining site being approved for B2 (general industrial) use, is not considered to preclude a nursery use on the current site as the adjoining site is separated from this one by a dense hedgerow (and is at a lower level) and is a use permitted for the recycling/ reconditioning of household furniture which is not a noisy or intrusive form of use.

## **6.0 RECOMMENDATION: APPROVE**

### Conditions/Reasons

1. This development shall be begun within 5 years from the date of this permission.
2. The premises shall not be used for the approved purposes outside the following times Monday to Friday 07:00-18:00hours and Saturday 10:00-18:00 hours.
3. The premises shall be used for the approved purpose as a children's day nursery only and for no other purpose within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order).
4. The use, hereby approved, shall not be commenced until a Parking Management Plan (PMP) has been submitted to and agreed by the Local Planning Authority, ensuring adequate parking arrangements for the children's day nursery, hereby approved. The development shall be carried out in accordance with the approved PMP.

### Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. In the interests of amenity.
3. In the interests of amenity.
4. In the interest of highway safety and to ensure satisfactory parking is provided for the use approved.