

**DC/2016/00634**

**CHANGE OF USE FROM RESIDENTIAL DWELLING TO PRIVATE DAY CARE NURSERY**

**TALYBONT COTTAGE, LLANELLEN ROAD, LLANFOIST**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Date Registered: 06/07/2016

**1.0 APPLICATION DETAILS**

- 1.1 This application relates to an existing dwelling in a large plot. It is proposed to convert the building to be used as a day nursery for children. As part of the conversion, it is also proposed to extend the property with a two storey extension to the front and a conservatory to the rear. This building work has been completed prior to the determination of the application although much of it would have been allowed under the Permitted Development Rights that the property enjoys in its current use as a dwelling.
- 1.2 The site is adjacent to a Welsh Water valve house as a main sewer runs through the site. An area of unused land adjacent to the valve house is to be used as a car park. Existing railings around the perimeter of the site are to be retained and existing vehicular and pedestrian gates are to be utilised.
- 1.3 The site is within the development boundary of Llanfoist and is not constrained by any flooding, ecological or conservation designations.

**2.0 RELEVANT PLANNING HISTORY**

MB32447 - Residential Development & Parking (5 Units). Refused 1992.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S5 – Community and Recreational Facilities  
S12 – Efficient resource Use and Flood Risk  
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  
NE1 – Nature Conservation and Development  
MV1 – Development and Highway Considerations

**4.0 REPRESENTATIONS**

4.1 Consultations Replies

- 4.1.1 Llanfoist Community Council – Recommends approval.

4.1.2 Dwr Cymru Welsh Water – No objections subject to conditions.

4.1.2 MCC Highways – No objection in principle.

4.1.3 MCC Planning Policy – No objection.

The site is located within the Llanfoist Development Boundary in a built up residential area. Strategic Policy S5 relates to Community and Recreation Facilities providing support in principle for development proposals that provide and/or enhance community and recreation facilities within or adjoining town and village development boundaries, subject to detailed planning considerations.

As the proposed nursery is located in close proximity to other dwellings Policy DES1 relating to general design considerations and EP1 concerning amenity and environmental protection must be considered.

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.

4.1.3 MCC Biodiversity Officer – No objection subject to conditions (see end of report).

4.1.4 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

## 4.2 Neighbour Notification

Five representations received. Object on the following grounds:

- Area is residential and a nursery would spoil the quiet nature.
- Increased traffic and congestion.
- Road not wide enough to accommodate traffic.
- Should be located in a more commercial setting.
- Llanfoist does not have the capacity for a third nursery.
- No consultation with residents before work started.
- Existing DCWW equipment on site could be hazardous to children.
- Destroyed wildlife habitat by felling of trees and construction of car park prior to planning consent being granted.
- Destroying a bat habitat is a criminal offence and legal requirements should be insisted upon.
- Should have waited until planning consent was granted before undertaking any works.

## 5.0 EVALUATION

### 5.1 Principle of Development

5.1.1 Strategic Policy S5 of the adopted Local Development Plan relates to community and recreation facilities. It states that development proposals that provide community facilities will be permitted within town and village development boundaries subject to detailed planning considerations. This site is within the development boundary of Llanfoist and therefore the proposal is acceptable in principle.

5.1.2 It is proposed to accommodate a total of 30 children comprising 6 babies (aged 0-2 yrs), 8 toddlers (aged 2-3yrs) and 16 children (aged 3-8yrs). The proposal includes a two storey extension to the building with a similar footprint to that previously approved for the dwelling although this permission has now lapsed. This is also considered to be acceptable in principle and a modern design with a flat roof and large areas of glazing is not opposed in this suburban context.

5.1.3 The site benefits from a relatively large external area partly due to the easement for the water pipe that crosses the site. It also benefits from having no dwellings or garden areas immediately adjacent to it that could be adversely affected by noise or disturbance as a result of the change of use. Furthermore, due to the presence of the Welsh Water pumping station to the corner of the site, the whole area is enclosed with railings that it is proposed to retain.

## 5.2. Visual Impact

5.2.1 To create more space, a two storey extension to the front of the building has been added together with a conservatory to the rear. The two storey extension squares off the footprint of the building and means that the integrity of the original roof can be retained and therefore the character of the building which is quite attractive, can be protected. The conservatory to the rear is in keeping with the domestic appearance and former use of the building.

5.2.2 The existing perimeter railings are to be retained which is welcomed. Unprotected trees that had been allowed to grow up around the dwelling over the years have been removed which has resulted in the site appearing relatively stark in comparison. Therefore, it is suggested that some new tree planting should be undertaken under a landscaping condition.

## 5.3. Residential Amenity

5.3.1 A nursery within a residential area is considered to be a compatible use. The site is located within the Llanfoist Development Boundary in a built up residential area. Strategic Policy S5 relates to Community and Recreation Facilities and provides support for development proposals that provide community facilities such as nurseries within town and village development boundaries. The site is not within close proximity of any other residential properties where the noise of the children would cause unacceptable disturbance to neighbouring occupiers. The hours of use, set out to be 7am until 7pm on the application form, are not considered unreasonable in this context.

5.3.2 The older and younger children will use the garden at different times on a rota so that there are smaller groups using the area and equipment at any one time. This will also have the benefit of reducing noise to avoid levels associated with a school playground.

## 5.4. Access, Parking and Traffic

5.4.1 The existing highway is a typical of older residential areas with a lack on off street parking, making the through route narrower with parked cars fronting the site. However, a car park has been provided which is compliant with the Monmouthshire Parking Standards and provides parking for staff and several drop off and pick up parking spaces within the grounds. There will be signs directing parents to the main entrance which is a short distance from the car park with a small ramp for push chairs, etc. The car park area will be surfaced with a mixture of tarmac and stone chippings with a concrete walkway. The car park and nursery area will be lit. The surrounding pavement and road also benefits from street lights. Given that drop off and pick up

times will vary greatly between individuals, it is not considered that a more formal drop-off zone be insisted upon.

5.4.2 The access gate already exists and has served the Water pumping station and dwelling. The Highway Officer would prefer to see the existing gate moved to a more central location with gates set back 3m to provide visibility of the footway for any pedestrian movements in the locality. However the gate has to be retained at its present location as Welsh Water require 24 hour access to their pumping station and their access could be compromised by having to cross a private car park, even if there is a right of access.

## 5.5 Biodiversity Considerations

5.5.1 It was unfortunate that the works to the roof were mostly complete by the time that a valid application was submitted because any likely disturbance would have already occurred and it would not now be reasonable to require a wildlife survey. However, considering the likelihood for bats in the building it is considered that an informative note should be added to any consent granted so that the applicant is aware of the legislation in relation to any future repair works to the main house.

5.5.2 Furthermore, considering the loss of potential roost features it would also be appropriate to secure by a planning condition bat enhancement in the form of an external bat box mounted onto the building.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions:

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| 1 | This development shall be begun within 5 years from the date of this permission.   |
| 2 | The development shall be carried out in accordance with the list of approved plans set out in the table below.   |
| 3 | No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.   |
| 4 | All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. |
| 5 | The new design shall incorporate enhancement for bats to include one or more of the following;<br>"Externally mounted bat boxes such as 'Schwegler 1FQ external bat roost", "2FE Wall-mounted Bat Shelter". The bat enhancement measure shall be installed before the building is brought into the approved use.   |
| 6 | No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.  |

Informatives:

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

The proposed development site is crossed by a public sewer. The advice of Welsh Water Dwr Cymru is attached to this consent which advises that no structure should be sited within 4.75m from the centreline of the pipes without the permission of DC-WW.

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