



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PLANNING & DEVELOPMENT COMMITTEE**

**24<sup>th</sup> APRIL 2023**

**SITE MEETING**

**APPLICATION NO: 23/0004 Change of use to Mixed use development consisting of a residential dwelling Class C3) and child minding facility (Class D1) 5 WOODLAND CRESCENT, ABERCYNON, MOUNTAIN ASH, CF45 4UT.**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION**

**Author:** Kate Spence, Council Business Unit. \_\_

**1. PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

**2. RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

**3. BACKGROUND**

- 3.1 In accordance with Minute No 243 (Planning and Development Committee – 6<sup>th</sup> April 2023) a site inspection was undertaken on Monday 24<sup>th</sup> April 2023 to consider the potential impact of music from the premises on the surrounding area.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, W. Lewis, L A Tomkinson and R Williams, and Local Member, County Borough Councillor R Lewis.

- 3.3 Apologies for absence were received from Planning and Development Committee Member County Borough Councillor J Bonetto and Local Member, County Borough Councillor A J Dennis.
- 3.4 Members met at the front of the property on Woodland Crescent, Abercynon, Mountain Ash. The Planning Officer advised Members that a change of use is sought to mixed used development consisting of a residential dwelling (Class C3) and child minding facility (Class D1).
- 3.5 The Planning Officer advised Members that objections had been received from 11 individuals in respect of the application, regarding use of the road to the rear of the property, and associated noise.
- 3.6 The Planning Officer advised that the application has a recommendation of approval, as the proposed development would be compatible with surrounding uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.
- 3.7 Members queried turning facilities on Woodland Crescent. The Highways Officer confirmed that turning could be achieved using the side road, preventing use of the road to the rear of the property, that is privately maintained by residents.
- 3.8 Members queried proposed staffing arrangements of the child minding facility with the applicant who was also present. The applicant confirmed that herself would be the sole staff member.
- 3.9 Local Member, County Borough Councillor R Lewis communicated the concerns of local residents, notably regarding the increased vehicular use to the immediate highways, turning facilities and parking, and asked that the Planning and Development Committee Members present visit the privately maintained highway to the rear of the property.
- 3.10 Members visually inspected the privately maintained highway to the rear of 5 Woodland Crescent.
- 3.11 The Chair thanked the Officers for the report and closed the meeting (10:13am).

#### **4. OTHER MATTERS**

- 4.1 Since the site inspection was undertaken on Monday 24<sup>th</sup> April, the Local Planning Authority have received additional late letters from third parties commenting on this application. Letters of objection were received from two individuals who raised the following points of concern:

- Concerns with parking, in particular along Knight's Terrace;
- Concerns with Highway Safety and a lack of turning points;
- Raise concerns that there is a private road to the rear of the property, which residents maintain;
- Concerns with the consultation process undertaken;
- Concerns that the use would be maintained specifically as a Childcare Facility, and no other uses within that Use Class (D1);
- Objects to utilising the rear lane for access.

4.2 Members are advised that these concerns have already been submitted by objectors following the initial consultation process, and that the concerns raised are addressed in the original report.

4.3 Members are also advised that following the site visit meeting and having further considered the development proposal, that it is considered prudent to restrict the use of the property to child minding purposes only as other uses within Class D1 might not be appropriate at this residential location. As such, if Members are of a mind to grant planning permission, it is suggested that the following condition should also be attached to the planning consent:

*'The premises shall only be used as a mixed residential dwelling (Class C3) and Child-Minding Facility (Class D1) 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 statutory instrument revoking and re-enacting that Order. When the use hereby approved ceases, the premises shall revert back to its original Class C3 use as a dwelling house only.'*

*Reason: In the interests of the residential amenity of neighbouring occupiers and to define the scope of the consent, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.'*

**PLANNING & DEVELOPMENT COMMITTEE**

**06 April 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0004/10 (GRD)  
**APPLICANT:** Mrs R Johns  
**DEVELOPMENT:** Change of use to Mixed use development consisting of a residential dwelling (Class C3) and child minding facility (Class D1)  
**LOCATION:** 5 WOODLAND CRESCENT, ABERCYNON, MOUNTAIN ASH, CF45 4UT  
**DATE REGISTERED:** 11/01/2023  
**ELECTORAL DIVISION:** Abercynon

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**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS.**

**REASON:** The application proposes the change of use of an existing dwelling to a mixed-use development consisting of a residential dwelling (Class C3) and child-minding facility (Class D1).

The development is small in scale and would provide additional facilities in an area where there is an identified need. The proposal would be compatible with surrounding uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety. Consequently, the proposal is considered acceptable and in line with relevant policies of the Local Development Plan.

**REASON APPLICATION REPORTED TO COMMITTEE**

- The application has received three or more objections to the proposal, and the Development Control Service wish to recommend approval of the application contrary to those objections.

**APPLICATION DETAILS:**

Full planning permission is sought for the change of use of an existing dwelling to a mixed-use development consisting of a residential dwelling (Class C3) and child-minding facility (Class D1).

No external or internal alterations are proposed, and in terms of physical alterations, the property will be maintained as existing.

The proposed child-minding facility at the property would operate Monday to Friday between the hours of 0800-1800. One member of staff is proposed, and the child-minding facility would cater to a maximum number of 10 children between the ages of 6 months and 12 years in age.

#### **SITE APPRAISAL:**

The application site relates to a detached two-storey property, located within a residential area of Abercynon.

The property benefits from a garden and driveway to the front, with an enclosed garden to the rear. The property faces the adjacent highway to the south and is bound by a rear lane to the north.

Neighbouring properties and their associated amenity spaces adjoin the application site to the east and west, with other residential properties in close proximity located to the north of the site, beyond the rear lane.

#### **PLANNING HISTORY:**

05/1368/10: 5 WOODLAND CRESCENT, ABERCYNON, MOUNTAIN ASH, CF45 4UT: '*Construct blockwork building to rear of property to provide garden storage facility*'. Granted, 18/11/2005

#### **PUBLICITY:**

The application has been advertised by site notice, posted near the application site and by direct notification to neighbouring properties. Objections have been received from 11 individuals, who have raised the following points of concern and objections:

The proposed use is out of character and inappropriate in a residential area;

- Increase in noise levels due to children playing in the garden, and noise pollution more generally;
- Concerns with additional and increased volume of traffic and vehicular movements, to the detriment of highway safety;
- Woodland Crescent is inadequate as a Highway to serve the proposed development;
- Parking concerns, including insufficient parking within the street and area at present, and concerns with additional parking demand generated by the development;
- Objections were raised with regards to utilising the rear lane for pick up and drop offs in connection with the development;
- Concerns with access to Woodland Crescent and wider residential area. Objectors note that the access bridge to the area is only single-traffic and additional vehicles would cause concerns in terms of highway safety;
- The property should be maintained as a child-minding facility with no other uses at the site;

- Several Objection and letters of concern were raised with regards to additional traffic and vehicular movements generated by the development along Alexandra Place, which is an unadopted private road to the rear of the site. Objectors have raised concerns that the road is maintained by residents, and that additional traffic could cause damage to the road at Alexandra Place, and that additional traffic would adversely impact access, parking and the free flow of traffic along the private road.
- Capacity of foul sewerage in the area;
- Loss of value to neighbouring properties;
- Concerns raised with regards to the consultation process.

**CONSULTATION:**

Public Health and Protection

No Objection, Subject to Conditions

Local Highway Authority

No Objection, Subject to Condition

Dwr Cymru/ Welsh Water

No Objection, Subject to Condition and Advisory Notes

Waste Services

No Comments Received

Children and Community Services

Support the Application

**POLICY CONTEXT:**

Rhondda Cynon Taf Local Development Plan:

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is

in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall

cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the

provisions do not apply to LDPs adopted prior to this date and plans adopted before

4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on

24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located within the defined settlement boundary and is unallocated for any specific purpose. The following policies are relevant in the consideration of this application:

**Policy CS1 – Development in the North:** outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

**Policy AW2 – Sustainable Locations:** supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW5 – New Development:** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 – Design and Placemaking:** requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10 – Environmental Protection and Public Health:** does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

National Guidance:

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note 11 – Noise

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 23 – Economic Development

**REASONS FOR REACHING THE RECOMMENDATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

**Main Issues:**

**Principle of the proposed development:**

The application proposes the change of use of the property to a mixed-use development consisting of a residential dwelling (Class C3) and child-minding facility (Class D1), caring for up to 10 children at any one time.

The application site is situated within settlement boundary limits, within an established residential area where it would not be uncommon to find such small scale uses. No external alterations are proposed, and the primary use of the property would continue to be that of a residential dwelling. Overall, it would not be considered that the provision of a small childminding business, with one member of staff would significantly alter the general character of the area.

Planning Policy Wales (PPW) also states that the planning system should support mixed use developments, including flexible live/ work units where these are appropriate. The development would provide the applicant the opportunity to work from home, along with providing a childminding facility for the benefit of the wider community.

The proposal is therefore considered acceptable in principle, subject to other normal planning considerations, such as any potential impact upon the amenity of neighbouring occupiers and the impact of the change of use upon access and highway safety.

**Impact on the character and appearance of the area:**

No external alterations are proposed. The application site and property, when viewed from the street and adjacent dwellings would therefore remain unaltered. Consequently, the proposed change of use would not adversely impact upon the character of the area.



Overall, the development would be considered to have an acceptable impact upon the character of the site and wider area.

**Impact on residential amenity and privacy:**

One of the main issues with regards to the proposal is whether the development would cause an increase in noise and disturbance to nearby residential properties.

The application site comprises a detached property with a rear and front garden and is in a predominantly residential area. The application site adjoins two neighbouring properties and their associated amenity spaces, with other dwellings and their associated garden spaces also located near the site.

The proposed development is the change of use of the dwelling to allow for an additional use of the property for a childminding business for up to 10 children. The business would operate Mondays to Fridays, between the hours of 0800 to 1800.

The proposed use will inevitably result in an increase in noise from the increase in numbers of children at the property and using the garden/ outdoor areas, in addition to the noise of vehicles as children are dropped off or collected. However, cars are already parked along the road and to the front of these properties, where it would be likely that neighbouring occupiers already experience some degree of noise and disturbance from the highway and from other residents entering and leaving cars and properties, particularly during the morning and evenings.

While the overall numbers of children proposed is higher than normally expected in a domestic setting, the small numbers that would likely use the outdoor spaces at any one time would not be unusual. Although the garden space is adjoining neighbouring gardens, children playing in a garden is normal noise associated with domestic use and is a reasonable use of the space for children to play. Furthermore, the rear garden is relatively enclosed which would somewhat lessen noise emanating from the site.

With only one member of staff being proposed, there are also limits in terms of the ages and number of children which could be cared for at the site at any one time. Under the 'National Minimum Standards for Regulated Childcare for children up to the age of 12 years' childminders may care for no more than 10 children under 12;

- of those 10 children, no more than six may be under 8 years of age;
- no more than three children may be under the age of 5;
- normally no more than two children may be under 18 months of age, although exceptions can be made for siblings.

Due to the nature and scale of the business, it is unlikely that the maximum of 10 children would be at the property at any one time, or throughout the day, and in line with the aforementioned guidance, it is unlikely that several very young children would be at the property at any one time, lessening any possible disturbance and noise emanating from the site.

Objectors have noted that the proposed use is out of character and inappropriate in a residential area, and concerns have been raised with regards to an increase in noise levels and noise pollution; however, as discussed within this report, the proposal is considered acceptable in terms of its impact on nearby residential properties. The childcare facility would be small in scale, with reasonable and appropriate operating hours. Overall, it is not considered that the development would cause significant harm to the living conditions of nearby residential occupiers regarding noise and other disturbances.

### **Access and Highway Safety:**

#### Access:

Primary access to the existing dwelling and application site is served off Woodland Crescent. There is considerable demand for on-street car parking fronting the dwellings on Woodland Crescent with limited off-street car parking facilities.

Several letters of objection were received by third parties noting that the highway network serving the proposed development is inadequate, and that an increase in traffic and vehicular movements at this location would be detrimental to highway safety. However, the Local Highway Authority have noted that Woodland Crescent has a carriageway width of 5.0m and a 1.8m footway on the development side and have raised no objection to the proposal based on access arrangements. Concerns were also raised with regards to the existing road and single-traffic bridge which gives access to this part of Abercynon. However, following consultation, the Local Highway Authority have raised no such concerns.

Objectors have also raised concerns regarding additional traffic and vehicular movements using Alexandra Place, which is an unadopted private road to the rear of the application site. Third parties are concerned that the development would increase traffic along the private road which could cause damage to the road, which is maintained by residents, and would adversely impact access, parking and the free flow of traffic along the private Road. However, the application site is located along Woodland Crescent, which is an adopted Highway and access and egress to and from the application site and proposed development can also be undertaken along adopted highways. The issue of allowing the applicants or those using the proposed childminding facility to use the private road along Alexander Place to the rear of the application site is

considered a private matter between residents other third parties and the owners of said private road.

Rear Service Lane:

To the rear is an unmade access lane providing rear access to the property. The applicant has stated that the rear lane will be used for the pickup and drop off of children to the proposed childminding facility. The Local Highway Authority consider that the rear lane is unsuitable as a primary access to the proposal and objectors have also raised concerns with regards to utilising the rear lane for pick up and drop offs in connection with the development. The rear lane is lacking in width as a shared use for vehicles and pedestrians, with a lack of permanent surfacing, no street lighting, sub-standard junction radii and sub-standard vision, increasing hazards to all highway users. Consequently, a condition is recommended to any grant of planning permission restricting the use of the rear lane and outlining that no means of access or egress to and from the Child-Minding Facility shall be undertaken via the rear service lane,

Trip Generation:

Planning permission is sought for up-to 10 children at the premises, which could potentially generate up-to a maximum of 20 additional vehicular trips per day along Woodland Crescent, should the facility operate at a maximum level every day.

On-Street Parking:

It is noted that there is a considerable demand for on-street car parking along Woodland Crescent fronting the application site. Concerns were also raised by third parties with regards to insufficient parking at present, with further parking demand generated by the development. However, the Local Highway Authority consider that there is potential to park on-street for short durations a short distance from the application site on Knights Terrace and Woodland Crescent during pick up and drop off. It is therefore considered that the proposal would have minimal impact on the existing highway network, and on balance the proposal is considered acceptable in terms of parking arrangements.

Access and Highway Safety Conclusion:

The proposal will result in additional vehicular movements along Woodland Crescent and will generate on-street parking demand for short durations during pick up and drop off. However, the Local Highway Authority have raised no objection to the proposal in terms of access and highway safety and consider that taking into account there is space available on-street in close proximity to the application site, the proposal would not impact on the flow of vehicular traffic and on-balance the proposal is considered acceptable in terms of access and highway safety.

**Other Matters:**

**Public Health and Protection:**

Following Consultation, The Council's Public Health, and Protection department have raised no objection to the proposal and have recommended conditions relating to the number of children at the site, opening hours and the delivery times of commercial waste collection vehicles. However, due to the scale of operations proposed, it is not considered necessary to include a condition restricting the delivery times of commercial waste collection vehicles to and from the site. Notwithstanding, an advisory note is recommended which advises the applicant that any commercial or trade waste generated at the site must be disposed of and collected by a registered recycling and refuse carrier.

**Dwr Cymru/ Welsh Water and Sewerage**

Concerns were raised by third parties with regards to capacity of the foul sewerage system in the area. However, following Consultation, Dwr Cymru/ Welsh Water have raised no objections to the proposal.

Dwr Cymru/ Welsh Water have recommended a condition preventing any any increase in the roof area of the building /or impermeable surfaces from draining into the public sewerage system. However, no external works are proposed and as such, the condition is not considered necessary. Some advisory notes have also been recommended.

**Children and Community Services:**

Consultation was undertaken with the Council's Children's and Community Services Department who have noted that under the Childcare Act 2006, all Local Authorities in Wales have a statutory duty to ensure sufficient childcare (where practicable).

The current Childcare Sufficiency Assessment (CSA), which runs from 2022 to 2027 has identified that there are no Care Inspectorate Wales (CIW) registered childminders in the Abercynon ward at present. Consequently, the Council's Children's and Community Services department consider that there is an identified need for childminders in the Abercynon area, and strongly support this planning application.

**Third Party Objections:**

Objection letters were received with regards to a loss of value to neighbouring properties; however, this would not be considered a material planning consideration for this application.

Furthermore, concern was raised with the consultation process undertaken as part of this planning application. However, the Local Planning Authority (LPA) posted a site notice near the land to which the application relates, served notice on adjoining owners/ occupiers, and published the information on the Council's website. Consequently, the LPA undertook proper consultation and publicised

the application in line with The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

**Community Infrastructure Levy (CIL) Liability:**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

**Conclusion:**

The application proposes the change of use of an existing dwelling to a mixed-use development consisting of a residential dwelling (Class C3) and child-minding facility (Class D1).

The development is small in scale and would provide additional facilities in an area where there is an identified need. The proposal would be compatible with surrounding uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety. Consequently, the proposal is considered acceptable and in line with relevant policies of the Local Development Plan.

**RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan no's

- Site Location Plan. Title Number: WA762768;
- Floorplans. Received by Local Planning Authority 10/01/2023

And documents received by the Local Planning Authority on 04/01/2023, 09/01/2023, 10/01/2023, 11/01/2023 and 22/02/2023 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The childminding facility hereby permitted shall operate only between the following hours: 0800 – 1800 Mondays - Fridays

Reason: To ensure that the operation of the use is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 and Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The maximum number of children cared for at the site shall be no more than 10 at any one time.

Reason: In the interests of neighbour amenity and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development plan.

5. The means of Access and Egress to and from the Child-Minding Facility, hereby approved, shall be off Woodland Crescent only. There shall be no means of access or egress to and from the Child-Minding Facility, hereby approved, via the rear service lane at any time.

Reason: In the interests of highway and pedestrian safety, in line with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.