

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/1099	<u>DATE:</u> 15/01/2017
PROPOSAL:	Change of use from office (Use Class A2) to day nursery (Use Class D1).
LOCATION:	84 Margam Road, Taibach, Port Talbot SA13 2BW
APPLICANT:	Miss Lisa Carter
TYPE:	Change of Use
WARD:	Taibach

BACKGROUND

Members are advised that Cllr John Rogers requested on 20/01/17 that the application be determined via Planning Committee due to concerns over the availability of on-street car parking issues and highway safety.

SITE AND CONTEXT

The application site is located at 84 Margam Road, Taibach, Port Talbot.

The application site comprises a two-storey semi-detached property currently occupied as an office (Use Class A2).

The site is bounded by a residential dwelling to the north, Margam Road (A48) to the east, a mixed use property with commercial office on the ground-floor and flat above to the south, and a rear access lane to the west. There is an existing parking yard (covered) to the rear of the property accessed via the rear lane.

It is also noted that there are a number of existing commercial properties in the general vicinity of the application site such as a chip-shop, general store and office.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the Change of Use from Office (Use Class A2) to Day Nursery (Use Class D1). It should be noted that no external alterations are proposed to the property.

The proposal will provide a pre-school and toddler room, together with kitchen and W/C at ground-floor, together with baby rooms and office at first-floor.

The developer has indicated that the rear parking area would be unaltered by the proposed development.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2005/0510 Change of use – ground floor shop to dwelling and alterations to canopy at front of property Approved 08/07/05
- P2007/1456 Change of use from Class C3 dwelling to Class A2 office Approved 05/12/07

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection, subject to conditions.

REPRESENTATIONS

The neighbouring properties were consulted on 20/01/17.

A site notice was also displayed on 20/01/17.

In response, to date no representations have been received.

REPORT

National Planning Policy

- [Planning Policy Wales](#)

Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP20** Transport Network

Topic based Policies:

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

- [Parking Standards](#)
- [Affordable Housing](#)

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion is not required for this application.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Local Development Plan (LDP), the principle of the change of use at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

Impact on Visual Amenity

By virtue of the fact that no external alterations are proposed to the building, which already has a commercial use, it is considered that the change of use would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

Having regard to its proposed use for up to 19 children, the main issue to consider in terms of the impact upon the adjoining areas concerns potential noise and disturbance from the use and traffic movements to and from the site.

As referred to earlier, the adjacent (attached) property (no. 82) is in use as a dwelling, with the property to the south (no. 86) having a mixed use with commercial office on the ground-floor and flat above. The existing property has a lawful A2 use (financial and professional services), which means that there would be a certain level activity at the property from visiting members of the public, while the premises is also located on a busy main road where noise levels from traffic and associated activities are experienced.

Within this context, whilst it is acknowledged that the proposed use could generate noise from children within and outside the building (the applicant has indicated there would be a maximum of 19 children) and/or parents dropping off etc., it is considered that these would not be to unacceptable levels, especially given the existing lawful commercial use of the premises and likely background noise levels from Margam Road (A48). It is also noted that, although hours have not been supplied, the nursery would be expected to be closed in the evening (and can be conditioned to that effect).

Similarly, the proposed use will potentially increase traffic movements back and forth to the site, notably in morning and afternoon pickup and dropoffs, however given its location any increased noise from traffic movement would not be unacceptable or harmful to the amenity of the area.

In respect of other impacts, it is noted that no external alterations are proposed to the property, with no additional side windows or extensions proposed. As such, it is considered that the proposed change of use

would not create any unacceptable overlooking or other impacts on nearby residential properties over and above that currently experienced.

Accordingly, the change of use to a nursery is not considered to have a demonstrable level of harm in terms of noise on nearby residents.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the property benefits from 3 existing parking spaces to the rear yard area, accessed via the rear lane. They are currently enclosed with large rear gates and covered.

The Head of Engineering and Transport (Highways Section) has assessed the application and offers no objection subject to conditions. These relate to the retention of 3 parking spaces to the rear yard area and amending the rear access gates so they do not open out onto the adopted rear lane.

As part of their assessment, the Highways Officer has also noted that the public highway to the front and opposite the application site are governed by various traffic orders (including bus stop) as well as a controlled crossing point. However, they consider that there is still scope to provide adequate on-street parking in close proximity to the site for the drop-off and pick-up of the proposed nursery's clients/customers.

In respect of the parking area to the rear, it is noted that they are covered with a canopy and enclosed with large metal gates (which open out onto the rear lane). These appear to have been in place for approximately 2-3 years and would have required planning permission. However, there does not appear to be any such planning permission in place. Furthermore, due to the restricted width of the gates, it is considered that manoeuvrability of the two outer spaces would be restricted if the central space was occupied. In order to overcome this, a condition is therefore recommended stating that the existing wall and gate on the rear boundary plus canopy have to be removed prior to first beneficial use of the nursery. This will ensure that the three spaces are independently accessible and will ensure that 3 spaces are provided and retained, in the interest of highway and pedestrian safety.

Having regard to the above, and while noting the concerns expressed by Councillor Rogers over the availability of on-street car parking issues and consequent impacts on highway safety, it is concluded that the

proposal would not have an unacceptable impact upon highway or pedestrian safety.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed change of use would not have an unacceptable impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no unacceptable impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, TR2 and BE1 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

RECOMMENDATION Approval with Conditions

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 the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

Location Plan (GD.84MR.05)

Block Plan (GD.84MR.06)

Existing Elevations (GD.84MR.02)

Proposed Elevations (GD.84MR.04)

Existing Floor Plans (GD.84MR.01)

Proposed Floor Plans (GD.84MR.03)

Site Plan - Parking Arrangements (GD.84MR.07)

Reason

In the interests of clarity.

Action Conditions

(3) Notwithstanding the submitted details on Drawing GD.84MR.07, prior to the first beneficial use commencing, the existing gates and wall to the rear boundary of the property and existing canopy shall be removed from the site, and retained as such thereafter including the three off-street car parking spaces.

Reason

In the interest of highway and pedestrian safety to allow the three spaces to be accessed independently, and to remove the existing gates which open out over the public highway.

Regulatory Conditions

(4) The premises shall be used for a Day Nursery only 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).

Reason

In order that other changes of use can be assessed in the interests of amenity and highway safety.

(5) The use hereby permitted shall not be open to customers outside the following times:

08.00am to 19.00pm.

Reason

In the interest of the amenities of the area.