

Application Number: F/YR13/0320/F

Minor

Parish/Ward: Wisbech Town Council/Kirkgate

Date Received: 17th May 2013

Expiry Date: 12th July 2013

Applicant: Mrs K Thorpe

Agent: Mr David Broker, David Broker Design Services

Proposal: Expansion of childcare facility involving an increase in hours of operation, an increase in children numbers/ages ranges and a change of use of store room to form additional accommodation

Location: 39 Kirkgate Street, Wisbech

Site Area/Density: 0.1 ha

Reason before Committee: This application is before committee given that an elected Member is acting as agent for the scheme. Should this not have been the case it would have been determined under delegated powers by Officers

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the expansion of the childcare facility involving an increase in hours of operation, an increase in children numbers and age ranges and a change of use of store room to form additional accommodation.

The site is located at 39 Kirkgate Street and features an existing pre-school facility which was granted planning permission in 2009 having previously comprised an office and warehouse unit.

The key issues to consider with regards to this application include –

- Policy Considerations;
- Proposal and Impact upon Amenity;
- Highways, Access and Parking.

The applicant is seeking to increase the number of child places from 44 to 68, increase the hours of operation, and increase the child age ranges catered for. In view of the site location and the relationship with the private rear garden of no. 37 Kirkgate Street) concerns are raised with regard to the proposed expansion and intensification of the premises and the impact that this would have upon the amenity of the occupants of adjoining dwellings.

CCC Highways have acknowledged that the existing facility appears to function without undue inconvenience to users of the site, the existing public highway or adjacent neighbours; however, on site turning/parking and servicing are at a premium and are below the standards that what would normally be expected.

However, it cannot be certain what additional impact the development will have in relation to the expansion of the use, whether the existing facilities will remain

adequate, or whether a highway safety or neighbourhood amenity issue will arise through the expanded operation. In this context CCC Highways have recommended that a temporary permission is granted to enable the impact of the use to be evaluated, prior to the establishment of a long term consent.

The minor alteration involving the conversion of the existing area of store room into a utility area/kitchen facility is acceptable. However taking other changes proposed into account it is evident that the proposal results in a significant expansion and intensification of the site in terms of usage.

Therefore, in this instance giving weight to the benefits of the proposal and the need for such facilities and balancing this need against the potential adverse impacts of the proposal it is considered that a recommendation of a temporary 1 year permission is warranted to enable the impact of the proposal to be evaluated, prior to the establishment of a long term consent.

2. HISTORY

Of relevance to this proposal is:

2.1

- F/YR11/0046/EXT – Erection of 4 x 3-bed semi-detached houses and 2 x 3-bed semi detached house with integral single garage (involving demolition of existing offices and factory (renewal of planning permission F/YR08/0113/F) – Granted (20/03/2011);
 - F/YR09/0038/F – Change of use from offices and warehouse to pre-school and erection of 2.8 metre high pergola to side – Granted (18/03/2009);
 - F/YR08/0113/F – Erection of 4 x 3-bed semi-detached houses and 2 x 3-bed semi detached house with integral single garage involving demolition of existing offices and factory – Granted (20/03/2011).
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3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

3.2 Emerging Fenland Local Plan - Core Strategy (Proposed Submission) Feb 2013:

CS2: Facilitating Health and Wellbeing of Fenland Residents

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS16: High Quality Environments

3.3 Fenland District Wide Local Plan (1993):

CF1: Provision and Improvement of Educational Facilities

H3: Development should be within existing settlement

E9: Alteration and Extension of Buildings

TR3: Parking

4. CONSULTATIONS

4.1 Town Council

Initial comments received recommended approval however this was only for change of use of the store room and not the revised expansion/intensification plans.

The Town Council were re-consulted on the amended proposal and have indicated that their comments stand, and members welcome increased service provision.

4.2 FDC Tree Officer

No trees/vegetation implicated in this proposal

4.3 FDC Environmental Protection

The Environmental Protection Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. Environmental Health have not received any complaints regarding the existing use of the premises.

4.4 FDC Housing & Development

No comments received

4.5 CCC Highways

Discussed in further detail within report, however the conclusion in summary indicates that;

- The existing facility appears to function without undue inconvenience to users of the site, the existing public highway or adjacent neighbours; however, on site turning/parking and servicing are at a premium and are below the standards that what would normally be expected.

- It cannot be certain what additional impact the development will have in relation to the expansion of the use, whether the existing facilities will remain adequate, or whether a highway safety or neighbourhood amenity issue will arise through the expanded operation.

In this context it is recommended that a temporary permission is granted.

4.6 CCC Childcare Sufficiency

Supporting the provider to expand their provision, there is a need for more early years places in this area of the town.

- 4.7 **Neighbours/Interested Parties** 1 x letter of objection (no.37 Kirkgate Street) with concern over the revised proposals in respect of the number of children and age ranges due to the issue of noise.

Comments include;

- 'it is not a case of a few children playing. There are children and adults screaming and shouting. Combined with other noise used for certain activities it has resulted in us not being able to enjoy the garden of our property'.
- 'noise begins at 7:30am and the children are still playing as late as 6:30pm at this present time'.

5. **SITE DESCRIPTION**

- 5.1 The site is situated within Flood Zone 1 and the existing pre-school facilities occupy a building which formerly functioned as a warehouse with offices. This irregular shaped site physically adjoins surrounding residential properties. Access to the existing pre-school is gained via Grimmers Road.

The existing preschool 'Krazy Dayz' is seeking to convert an existing area of store room into a utility area/kitchen facility along with the use of existing offices which were not part of the previously approved application in 2009.

In addition to this, the existing pre-school is seeking to expand involving an increase in hours of operation and an increase in children numbers/ages ranges.

6. **PLANNING ASSESSMENT**

6.1 **Policy Considerations**

Policy E8 and E9 of the Local Plan seeks to ensure that when considering proposals for new development and the alteration and extension of existing buildings issues including the scale, style, character, appearance, amenity, and access and parking are taken into consideration. Policy CS16 of the Emerging Core Strategy - Local Plan sets out criteria to consider for all new development proposals including the impact on the amenity of neighbouring users. Therefore, it is necessary to assess this application in terms of the design, appearance, access, parking and impact on amenity.

Policy CS2 of the emerging Fenland Local Plan – Core Strategy seeks to facilitate the Health and Wellbeing of Fenland Residents with Policy CF3 of the Local Plan seek to support the provision of health and social services providing that they do not prejudice other policies of the plan.

Furthermore, comments have been received from the CCC Early Years & Childcare Sufficiency Team, whom confirm that they are supporting the provider to expand their provision and that there is a need for more early years places in this area of the town.

The previous application on this site (F/YR09/0038/F) supported the change of use from offices and warehouse to pre-school. The key issue in this application is whether the proposed expansion and intensification of the use will result in a highway or neighbourhood amenity issue.

6.2 Proposal and Impact upon Amenity

Scale of Operation -

The previous application on this site (F/YR09/0038/F) for the change of use from offices and warehouse to pre-school was conditioned for use between the hours of 07:45 and 18:15 Mondays to Fridays, and not at all on Saturdays, Sundays and Bank Holidays in order to safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

Details submitted by the applicant indicate at present the existing facility is a '44 place day nursery, with the extra space, we will be offering a total of 68 spaces increasing by 24 children at any one time'. This will result in 'offering 24 pre-school age spaces, 32 toddler age spaces and 12 spaces for babies'.

The applicant has indicated that 'the main reason for expansion is because of being full and with the increased amount of funding becoming available for the vulnerable 2 year old's age group, we must ensure we have sufficient spaces to provide care for them as many live in deprived conditions and are not achieving as well as they may be able to'.

The applicants are also seeking to extend their opening hours from 07:00hrs to 19:00hrs, at present they open from 07:45hrs to 18:15hrs. This is in order to accommodate parents who may work shifts or need earlier or later child care.

The previous use was a pre-school however within this expansion the applicants are seeking to increase the age of children they care for to 12 years old to allow them to provide holiday and after school care for children and families locally. At present the applicants currently provide care for families within a 20 mile radius between to ages of 0 to 8 years old. They have parents that travel from Peterborough who work in Kings Lynn and are a central point for many families who have to travel to work.

It is considered that the minor alteration involving the conversion of the existing area of store room into a utility area/kitchen facility is acceptable.

Potential Noise and Disturbance -

The site is surrounded by residential properties, with the outdoor play area associated with the existing pre-school physically adjoining the rear garden of no. 37 Kirkgate Street.

The occupants of no. 37 Kirkgate Street have objected to this application with noise concerns raised over the revised proposals in respect of the number of children and age ranges.

The Environmental Protection Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. Environmental Health have also indicated that they have not received any complaints regarding the existing use of the premises.

However, notwithstanding this and taking all matters into consideration including the increase in child places from 44 to 68 and the relationship with the private rear garden of no. 37 Kirkgate Street concerns are raised with regard to the proposed expansion and intensification of the premises and the impact upon the adjoining occupants in terms of potential noise and disturbance.

6.3 Highways, Access and Parking

CCC Highways comment that the site area is constrained in terms of availability for off-street parking and turning associated with either staff parking or pick-up/drop-off of children. Around 3 parking spaces are available of the Kirkgate Street frontage; a greater number of vehicles can be accommodated with tandem parking (which apparently occurs on site) but such practice is less than ideal in terms of practical usage. The access from Grimmers Road, whilst capable of accommodating a number of vehicles, is not laid out (and is not capable of being laid out) to achieve a standard, usable, turning and parking arrangement. Accordingly, the development could be regarded as constrained in terms of the infrastructure available to cater for the current operation, let alone any further intensification of use.

Originally, the applicant did not provide any information regarding an increase in staff numbers, or indeed the origin of staff/ patrons in any detail (i.e. are majority of staff local/ do they recruit locally, and are some trips for such purpose not made by car?); similarly with patrons. CCC Highways requested that such elements be expanded upon to provide a fuller picture of the current/ potential future operations.

CCC Highways also point out that when reviewing the TRICS (Trip Rate Information Computer System) database it is apparent that the additional capacity now sought may have the propensity to generate around an average of around 88 additional vehicle movements throughout the working day; it is likely that, given the overall site constraints, some of additional parking demand arising from the increase in vehicles will be met on the public highway.

Notwithstanding the above, CCC Highways have inspected the site and discussed with the area traffic engineer and street officers. The current operation of the site does not appear to cause any undue local traffic issues in relation to the limited off-site turning and parking facilities, however, the impact of the use post expansion cannot be accurately predicted.

The applicant's agent has responded to CCC Highways comments and indicates that the proposal will not increase the number of staff and will only increase their number of working hours. Other comments include;

- There are 6 spaces at Kirkgate, which do work well;
- Walsoken Village Hall adjacent, opposite in Grimmers Road allow parents to Park in their car park when necessary;
- The Grimmers Road entrance and parking, whilst not laid out to the book, is actually used satisfactorily.

CCC Highways have re-asserted that the facilities are not conventional or workable in the sense of normal provision; as noted by the agent, the arrangements do appear to work in a practical manner for the current operation, though the continued functionality of the current infrastructure to cater for a percentage increase in children is unknown. Furthermore, CCC Highways have

outlined that parking within the village hall car park cannot be taken into consideration unless this area is formally included in the site edged red - since this informal agreement could be removed at any time.

With regards to the 'Trip Generation' method employed to estimate the additional potential vehicle trip generation CCC Highways have indicated that the method follows nationally accepted principles applying the data contained within the Trip Rate Information Computer System. CCC Highways have also stated that this data must always take precedence where specific local data is not provided, which is the case here.

The applicant's agent states that many families are local, but no data is provided to support this (and this is also likely to vary from admission year to admission year). CCC Highways note that the applicant indicates that patrons come from up to 20 miles away. The core nature of such a use usually involves linked trips i.e. home - nursery - work and vice versa, and are usually made by car, hence an average trip rate of around two vehicle movements per child/ per day. This takes into account multiple siblings which is presumably a trait at the child care facilities included within TRICS.

In addition, it is noted that a cycle parking area has been indicated. It is unclear whether this is a formal provision with secure/ lockable spaces. CCC Highways have also indicated that if the LPA is mindful to approve this application, then details should be submitted to regularise cycle parking provision via a planning condition.

CCC Highways have acknowledged that the existing facility appears to function without undue inconvenience to users of the site, the existing public highway or adjacent neighbours; however, on site turning/parking and servicing are at a premium and are below the standards that what would normally be expected.

However, it cannot be certain what additional impact the development will have in relation to the expansion of the use, whether the existing facilities will remain adequate, or whether a highway safety or neighbourhood amenity issue will arise through the expanded operation. In this context CCC Highways have recommended that a temporary permission is granted to enable the impact of the use to be evaluated, prior to the establishment of a long term consent.

7. CONCLUSION

- 7.1 Taking all of the above into consideration (including the increase in child places from 44 to 68, increase in hours of operation, children age ranges and the relationship with the private rear garden of no. 37 Kirkgate Street) concerns are raised with regard to the proposed expansion and intensification of the premises and the impact upon the adjoining occupants.

CCC Highways have acknowledged that the existing facility appears to function without undue inconvenience to users of the site, the existing public highway or adjacent neighbours; however, on site turning/parking and servicing are at a premium and are below the standards that what would normally be expected. However, it cannot be certain what additional impact the development will have in relation to the expansion of the use, whether the existing facilities will remain adequate, or whether a highway safety or neighbourhood amenity issue will arise through the expanded operation. In this context CCC Highways have

recommended that a temporary permission is granted to enable the impact of the use to be evaluated, prior to the establishment of a long term consent.

The minor alteration involving the conversion of the existing area of store room into a utility area/kitchen facility is acceptable. However, the other changes proposed will result in a significant expansion and intensification of the site in terms of usage.

Therefore, in this instance giving weight to the benefits of the proposal and the need for such facilities and balancing this need against the potential adverse impacts of the proposal it is considered that a recommendation of a temporary 1 year permission is warranted to enable the impact of the proposal to be evaluated, prior to the establishment of a long term consent.

8. **UPDATE**

Members will recall that this application was deferred from the 18th September 2013 Committee Meeting. This was to allow the Agent to discuss mitigating measures with the neighbour and the applicant as noise issues for the neighbours (in particular to the rear garden of no. 37 Kirkgate Street) were highlighted as an issue of concern by Members.

In response the Agent has provided (a) sound protection measures to the south eastern boundary and (b) details of a cycle rack. With reference to the sound protection, the Agent has outlined that the adjacent residents to the south east have erected a 1.5 metre high fence with trellis above to 1.8 metres. 'Krazy Dayz' have an existing pergola immediately adjacent to that boundary, and it is proposed to raise the height of the existing cladding to the south eastern side by 900 mm to a height of 2.1 metres.

The Agent has also provided a letter from the 2 residents on the northern side of the site who do not have any concerns and support the application. However, the primary noise concerns related to the impact upon no. 37 Kirkgate Street to the south of the site. Therefore, all neighbouring properties were consulted with regarding the further information provided by the applicant. No responses have been received at the time of writing this report.

In re-assessing the scheme, with particular attention to the above mentioned issues, officers consider that the proposal is acceptable in terms of the level of the noise mitigation measures.

It is also noted that the Highway concerns were discussed at the Planning Committee Meeting on the 18th September 2013. In terms of the impact upon the Highway, it cannot be certain what additional impact the development will have in relation to the expansion of the use, whether the existing facilities will remain adequate, or whether a highway safety or neighbourhood amenity issue will arise through the expanded operation. In this context CCC Highways recommended that a temporary permission is granted to enable the impact of the use to be evaluated, prior to the establishment of a long term consent.

9. **CONCLUSION**

The benefits of the proposal and the need for such facilities are acknowledged and the noise mitigation proposed is welcomed. However, in light of the consultation response and professional advice provided by CCC Highways, Officers maintain their earlier recommendation for a temporary 1 year permission to enable the impact of the proposal to be evaluated, prior to the establishment of a long term consent.

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The intensification of use (in terms of the increase in hours of operation and the increase in children numbers and ages ranges) hereby approved is permitted for a period of 12 months from the date of this decision notice unless a further granting of planning permission by way of application is submitted prior to that date.

Reason - The proposal is not one the Council is prepared to permit other than for a limited period in view of the potential impact upon the highway network and highway safety concerns.

3. The use hereby permitted shall only operate between the hours of 07:00 and 19:00 Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays unless obtaining prior written approval from the Local Planning Authority.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

4. The cycle storage areas shall be provided prior to the first use of the development hereby approved and thereafter retained in perpetuity.

Reason - In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of transport.

5. The additional noise mitigation measures to the existing timber Pergola as shown on the submitted plans (dated 02/09/13) must be installed prior to the first use of the development hereby approved and thereafter retained in perpetuity.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

6. Plans