

**Application Number: F/YR13/0679/F**

**Minor**

**Parish/Ward: Doddington**

**Date Received: 9 September 2013**

**Expiry Date: 4 November 2013**

**Applicant: Mrs D Oswald**

**Agent: Mr C Walford, Peter Humphrey Associates Ltd**

**Proposal: Change of use of ground floor and part first floor of existing dwelling to childcare nursery for children, erection of detached double garage/store; 2.2m close boarded fence and formation of car park**

**Location: 50 Benwick Road, Doddington**

**Site Area/Density: 1,729 square metres**

**Reason before Committee: Due to the level of objections received from local residents, which is in conflict with the officer's recommendation.**

## **1. EXECUTIVE SUMMARY/RECOMMENDATION**

This application seeks full planning permission to part change the use of an existing dwelling to a childcare nursery, which includes the erection of a detached double garage/store, a 2.2 metre high close boarded fence (retrospective) and the formation of a car park to the rear of the site.

The relevant policies have been considered alongside the identified material considerations and as a result the proposal, on balance, is considered acceptable. The recommendation is to approve the application as being consistent to both national guidance (NPPF) and local planning policy consisting of the Fenland Local Plan – Core Strategy Proposed Submission September 2013 and the Fenland District Wide Local Plan 1993.

## **2. HISTORY**

Of relevance to this proposal is:

2.1	F/YR11/0124/F	Erection of 4 x 2-storey 4-bed dwellings with garages (to the rear of the site).	Granted on 30 June 2011. Committee.
2.2	F/YR09/0824/F	Erection of a detached double garage to existing dwelling involving part demolition of sun room/car port.	Granted on 17 February 2010. Delegated.
2.3	F/YR04/0192/F	Conversion of part existing garage to 1-bed accommodation and erection of detached garage and store.	Granted on 7 April 2004. Delegated.
2.4	F/0614/80/F	Installation of a new door.	Granted on 20 August 1980.

### 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.

Paragraph 19: Significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28: Promote the development of community facilities in villages.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 123: Planning policies and decisions should aim to mitigate and reduce to a minimum, adverse impact on health and quality of life arising from noise from new development.

Paragraph 128: Conserving and enhancing the historic environment.

#### 3.2 **Fenland Local Plan Core Strategy (Proposed Submission September 2013):**

CS1: Presumption in favour of sustainable development.

CS3: Spatial strategy, the Settlement Hierarchy and the Countryside.

CS6: Employment, Tourism, Community Facilities and Retail

CS12: Rural Area Development Policy.

CS16: Delivering and Protecting High Quality Environments across the District

CS17: Community Safety

CS18: The Historic Environment.

#### 3.3 **Fenland District Wide Local Plan:**

E8: Proposals for new development.

E9: Alterations and extensions to existing buildings should respect the scale and character of the original building, use matching materials, have regard to adjoining properties and provide adequate access, parking etc.

E12: Proposals will be favoured for developments in Conservation Areas which protect and enhance the character of the area, provided certain criteria are met.

E20: To resist any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution. To take account of the amount, type and location of hazardous substances where proposals are submitted involving these substances.

CF2: Proposals will be favoured for the development of school sites and buildings for community use.

### 4. **CONSULTATIONS**

#### 4.1 ***Parish Council:***

Whilst the principle of a childcare nursery is to be applauded, the quantity of vehicles travelling to and from the site will add considerable congestion to an already busy road. All vehicles, whether entering or leaving the site will cross oncoming traffic causing stand stills with associated safety concerns.

- 4.2 **Tree Officer (FDC):** The proposal requires significant works within the RPA of the existing Wellingtonia tree, including the construction of a garage, turning circle, parking bays and tarmac surface. The revised proposal is a major incursion into the RPA of a tree of high landscape value and prominence. The Council require more detail of the construction method including a full level survey showing existing and proposed levels, specification for the cellular confinement system and garage with cross sections. The applicant should seek the advice of an Arboricultural Consultant to assess the impact.
- 4.3 **Police Architectural Liaison Officer:** Concerned that the scheme does not indicate any form of external lighting to the footpaths from car park to building and within the car park and access road. As a number of children are likely to be collected after dusk in winter months it will be essential that this element of any build is provided to reduce crime risk but more importantly in this instance reduce fear of crime. Recommends a condition to be applied for the design and submission of an external lighting scheme for approval and installation prior to the use.
- 4.4 **Archaeology (CCC):** No objections on archaeological grounds to the redevelopment of the interior for the proposed change of use of the scheme.
- 4.5 **Middle Level Commissioners:** Will not be commenting on this application.
- 4.6 **Environmental Health (FDC):** No objections.
- 4.7 **Highway Authority:** Initially commented that they had no objections in principle to the proposed development. The parking data supplied with the application which details 4 other sites is useful for comparison purposes; however, this is not a measure of the adequacy of the provision in relation to the maximum accumulation of vehicles to each site.

In respect of car parking and servicing, Benwick Road in the vicinity is a 30mph 'B' Classified highway; the function of such a highway is a distributor road; the LPA will be aware that Benwick Road in the vicinity of the site has significant issues relating to on-street parking, and it is considered essential that this development does not contribute to the further deterioration of the function of the street.

I would re-iterate that, whilst the LHA has no objections in principle, we remain to be convinced that the available parking and servicing provision available within the site curtilage is sufficient to cater for the scale of the proposed development and will not have a further detrimental impact in conditions on Benwick Road.

Following revisions to the scheme regarding parking provision and numbers further comments received:- I am content with the use of the garage for parking, and would suggest that this is best used by longer term parking associated with staff usage.

The reduced level of the proposal accords with my assessment of a reasonably proportioned relationship between likely vehicular activity and parking demand (potential parking demand being for a children nursery with 40 children spaces are around 12 – 18 car parking spaces).

It is noted that the frontage access to Benwick Road has been closed, and all pedestrian access will be gained via the rear of the site, thus reducing the propensity for frontage pick up/ drop off.

On this basis, I have no objections to the issue of planning permission. The provision of the car parking and access road should be secured by condition for implementation prior to the commencement of the development, including visibility splays.

#### 4.8 **Local Residents:**

12 letters/emails received with the following concerns / objections:

- The road is very busy with large lorries associated with Greenvale, and vehicles using the hospital and medical centre. All cars using the proposed nursery should use the car park and not park on the road.
- Noise and disturbance on residential amenities generated by the proposed use; namely children playing outside and from vehicles using the car park.
- Noise levels from children on the cemetery which is currently under construction to the west of the site and the impact on ceremonies and people visiting.
- The access to the site is not considered acceptable for the site; in particular there is no footway.
- The site is unacceptable and inadequate for the village as it is not within the centre and would create vehicles 'double backing' on themselves to use the facility.

## 5. **SITE DESCRIPTION**

- 5.1 The application site is 0.17 ha in size and occupies a large detached house situated along the road frontage with associated parking and garden space to the rear. Part of the garden has been subdivided and planning permission has been secured for the development of 4 houses to the rear of the site.

The site is located within the Doddington Conservation Area and the house itself is of historic and architectural merit. The site is situated close to the medical centre and to the hospital. Immediately to the west is an agricultural field and to the east and north are residential properties.

## 6. **PLANNING ASSESSMENT**

- 6.1 The proposal seeks full planning permission for a part change of use of the existing house at 50 Benwick Road, Doddington to a childcare nursery.

The proposal has been the subject of pre-application discussions and has been amended since the original submission following concerns in respect of parking provision and residential amenity. Subsequently the scheme has been amended to reduce the number of children from 60 to 40.

The proposed childcare nursery has been indicated to be open from 7.30 am to 18.00 pm, Monday to Friday and would cater for children ranging in age from 6 months old to school age. The proposed nursery would potentially have 9 full-time employment opportunities.

The key considerations for this application are:

- Principle and Policy Implications
- Impact on Residential Amenity
- Impact on Highway Safety and Parking Provision

## Principle and Policy Implications

The site is located within the village of Doddington. The site falls within the development area boundary and within the Doddington conservation area.

The proposed use in this location is considered acceptable in principle, however the main issues associated with this application is the impact the proposal has on residential amenity and highway safety having particular regard to the scale of operation, potential nuisance and disturbance and adequate off-street parking.

The use of the building and the proposed erection of the garage and fence are not considered to create any unacceptable harm to the character and appearance of the conservation area.

A core planning principle within the NPPF is to support sustainable economic development in order to deliver the business and thriving local places that the country needs. Paragraph 19 of the NPPF goes on to state that local authorities should place significant weight on the need to support economic growth through the planning system. Paragraph 28 further advises that planning policies should support economic growth by, amongst other things, promoting the development of local services and community facilities in villages. This stance is echoed in Policy CS6 of the emerging Core Strategy which seeks to encourage job growth.

Policy CS16 is also relevant to the proposal and sets out a criteria for achieving high quality environments. One of the criteria is that proposals should not adversely impact on the amenity of neighbouring users (including noise and loss of privacy).

The principle of the proposed development is therefore considered to be acceptable owing to the significant weight which should be given to the economic benefits of the scheme. These benefits do though need to be balanced against the other impacts of the development (as set out below).

## Impact on Residential Amenity

One of the main issues associated with the proposed use is the impact on the adjoining residential amenities. The main impacts are likely to be generated from noise created by children, particularly when using the outdoor facilities, and from the noise of vehicles coming and going from the site.

Whilst the proposal has been reduced down in scale from 60 to 40, it is accepted that there would be noise and impacts upon amenity caused to the existing and future adjoining residential properties. As set out in the core planning principles (paragraph 17) of the NPPF the planning policy test is whether the level of amenity which would remain would be of a 'good standard'.

In order to seek to provide this 'good standard' the hours and days of the operation can be restricted via a suitable planning condition. In this instance such a condition would see the proposed nursery close at 18:00 in the evenings.

The proposed nursery would not be opened at weekends or bank holidays.

The application indicates that the maximum number of children who would be using the outdoor space at any one time would be 12, whilst this element of the application cannot reasonably be restricted in planning terms, as any planning condition in this respect would not be reasonable or enforceable, it does indicate that it is highly unlikely that all children attending the nursery would be outside at the same time, thus reducing the levels of noise.

To the east of the outdoor play area is an existing garage serving the dwelling which would provide some screening and create a form of noise barrier from the adjoining residential property. The application also involves a 2.2 metre high fence, which has already been erected along part of the eastern boundary of the site. The fence is considered to provide screening for the adjoining dwelling and no concerns are raised in this respect. The fence is 0.2 of a metre above that which would constitute permitted development.

In terms of the location of the entrance door to the proposed nursery this is situated to the west of the site at a point some 30 metres away from the eastern site boundary. The car park, which provides 16 spaces, is situated to the rear of the site. It is likely that customers would park close to the path to the west of the site which links the car park to the building. The movements and noises (e.g. car doors closing) associated with the use would therefore predominately take place to the western side of the site away from the residential properties to the east.

The proposed surface finish to the car park was originally tarmac, however concerns were raised by the Council's Tree Officer in respect of the impact it would have on the roots of the existing wellingtonia tree which is of high landscape value. The revised proposal indicates the use of tarmac plainings as this compared to gravel would not be as noisy when vehicles enter and leave the site and should reduce the impact on the roots of the mature tree. The Council's Tree Officer has requested further details of the method of constructing the car park and garage and it is considered that this could be dealt with via a planning condition.

It is acknowledged that there would be an element of noise and disturbance to the adjoining neighbouring properties, however the proposed mitigation measures, site layout, reduction in number of children and subject to the use of appropriate planning conditions (as listed below) it is considered that the impact on the neighbouring properties would not be so adverse as to warrant a refusal on this basis – the standard of amenity which would remain after the development is therefore, on balance, considered to fall within the 'good' threshold.

#### Impact on Highway Safety and Parking Provision

Benwick Road is a 30 mph 'B' classified highway. It is noted that Benwick Road in the vicinity of the site has significant issues relating to on-street parking, and it is considered essential that this development proposal does not contribute to the further deterioration of the function of the road.

The vehicular access to the site would derive from the western side of the dwelling, which would be shared with the 4 permitted dwellings to the rear of the site. The access would be 5 metres wide to allow two vehicles to pass one another and there is adequate visibility in both directions. Accordingly the Highway Authority has no objections with the proposal and the provision of the car park and access road would be secured through planning conditions.

The Highway Authority is content with the reduced number of children in that it accords with their assessment and provides a reasonable proportioned relationship between likely vehicular activity and parking demand.

The main entrance to the building would be via a rear door from the car park. The front door has been indicated on the submitted plans for emergency/egress only. It is considered necessary to impose a condition in this respect as it would reduce the propensity for frontage pick up / drop off and encourage the use of the car park to the rear of the site.

The existing parking at the front of the site (to the east of the site) is to be retained for the first-floor residential accommodation. The proposed development provides a total of 18 car parking spaces, with 16 being served at the rear of the site.

The Highway Authority have reviewed the information submitted with the application which shows survey work undertaken for four comparable sites and have also undertaken an assessment of potential parking provision and demand in relation to comparable data contained within the TRICS database.

From this assessment the potential parking demand for a children nursery with 40 children spaces are around 12 – 18 car parking spaces. Given that the proposal accommodates 16 spaces to the rear of the site, the Highway Authority has no objections to the accommodation of 40 children.

Accordingly a highway objection to the application could not be sustained.

## **7. CONCLUSION**

- 7.1 This application requires the careful balancing of a number of issues. The principle of the development is, according to planning policies, to be given significant weight owing to the economic benefits arising from the proposal.

This significant weight needs to be balanced against the other impacts of the proposal. In highway safety terms and having regard to on-site car parking provision the development is, owing to the comments of the County Council, considered to be acceptable.

This means that the economic benefits need to be balanced solely against the impacts upon residential amenity. The key test in relation to the latter is whether the use would create conditions which would lead to a level of amenity which would be below a 'good standard'. The 'good standard' is not defined in policy and so a judgement has to be formed having regard to considerations such as the intensity of the use and the level of noise and disturbance which would result. The use of planning conditions is also material here in seeking to control the impacts.



Officers have undertaken a detailed assessment of the impacts and have devised a series of planning conditions which result, on balance, in the level of remaining amenity falling within the 'good' category.

Accordingly whilst it is acknowledged that some impacts would occur the proposal is not considered to conflict with planning policy in this regard. Therefore the impact on residential amenity is not considered to outweigh the significant weight which lies in favour of the economic benefits of the scheme. The application is therefore recommended for approval.

## **8. RECOMMENDATION**

### **Grant**

- 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 ground floor and part of the first-floor of the premises as shown on the approved plans shall be used for a childcare nursery and for no other purposes (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.**

#### **Reason**

**To define the permission, and to enable the Local Planning Authority to retain control over the permitted use in the interests of residential amenities.**

- 3 The use shall only be operated between the hours of 07:30 and 18:00 Mondays to Fridays and not at all on Saturdays and Sundays or Bank Holidays.**

#### **Reason**

**In the interests of residential amenities.**

- 4 All pedestrian access relating to the use hereby approved shall be gained via the rear of the building and not from the front of the building.**

#### **Reason**

**In the interest of highway safety.**

- 5 The maximum number of children on the nursery site at anyone time shall not exceed 40.**

#### **Reason**

**To enable the Local Planning Authority to retain control over the permitted use in the interests of neighbours amenities and highway safety.**

- 6 Prior to commencement of the use hereby approved, full details of the construction method including full level survey showing existing and proposed levels, specification for the cellular confinement system and garage with cross sections shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained in perpetuity.**

**Reason**

**In the interest of the visual amenities of the area and to safeguard the health of the tree.**

- 7 Prior to the use of the development hereby approved the vehicular access to Benwick Road shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the LPA and such a scheme shall include a 5m metalled/ sealed carriageway width for a length of 10m from the existing carriageway edge, and a minimum uniform width of 4.5m thereafter; the junction with Benwick Road shall be laid out with 6.0m radius kerbs.**

**Reason**

**In the interests of highway safety and to ensure a safe and satisfactory access provision.**

- 8 Prior to the use of the development hereby approved visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 43m, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.**

**Reason**

**In the interests of highway safety.**

- 9 Prior to the use of the development hereby approved the proposed on-site parking / turning / waiting area shall be laid out, demarcated, levelled and surfaced in accordance with a detailed scheme to be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for that specific use.**

**Reason**

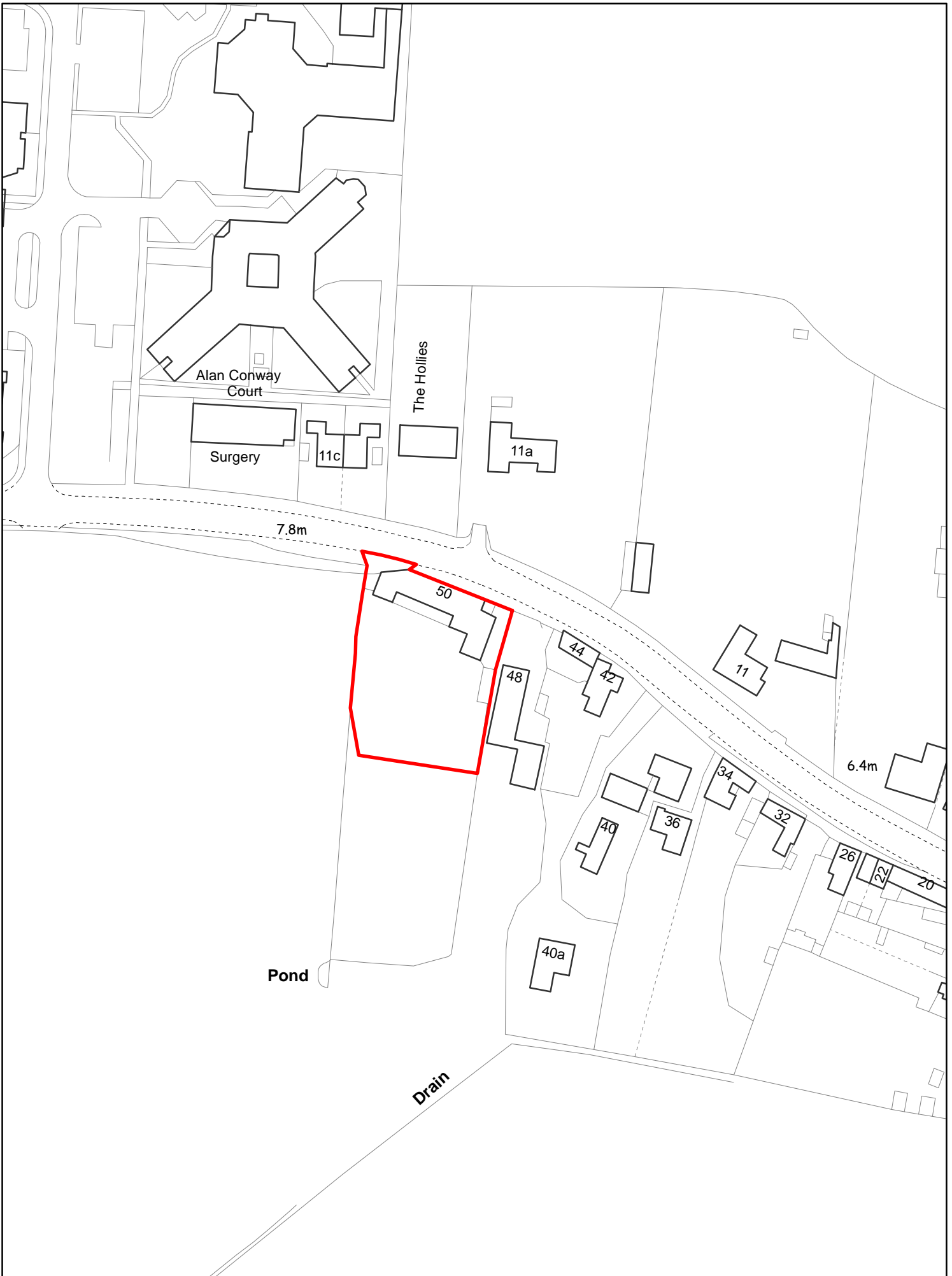
**To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.**

- 10 Prior to the use of the development hereby approve, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such lighting should be column mounted down lighters that meet the requirements of BS5489:2013 lighting level S5 or greater. The approved details shall be installed prior to commencement of the use and retained thereafter in perpetuity.**

**Reason**

**In order to ensure that the site meets the crime prevention guidelines.**

- 11 Approved plans**



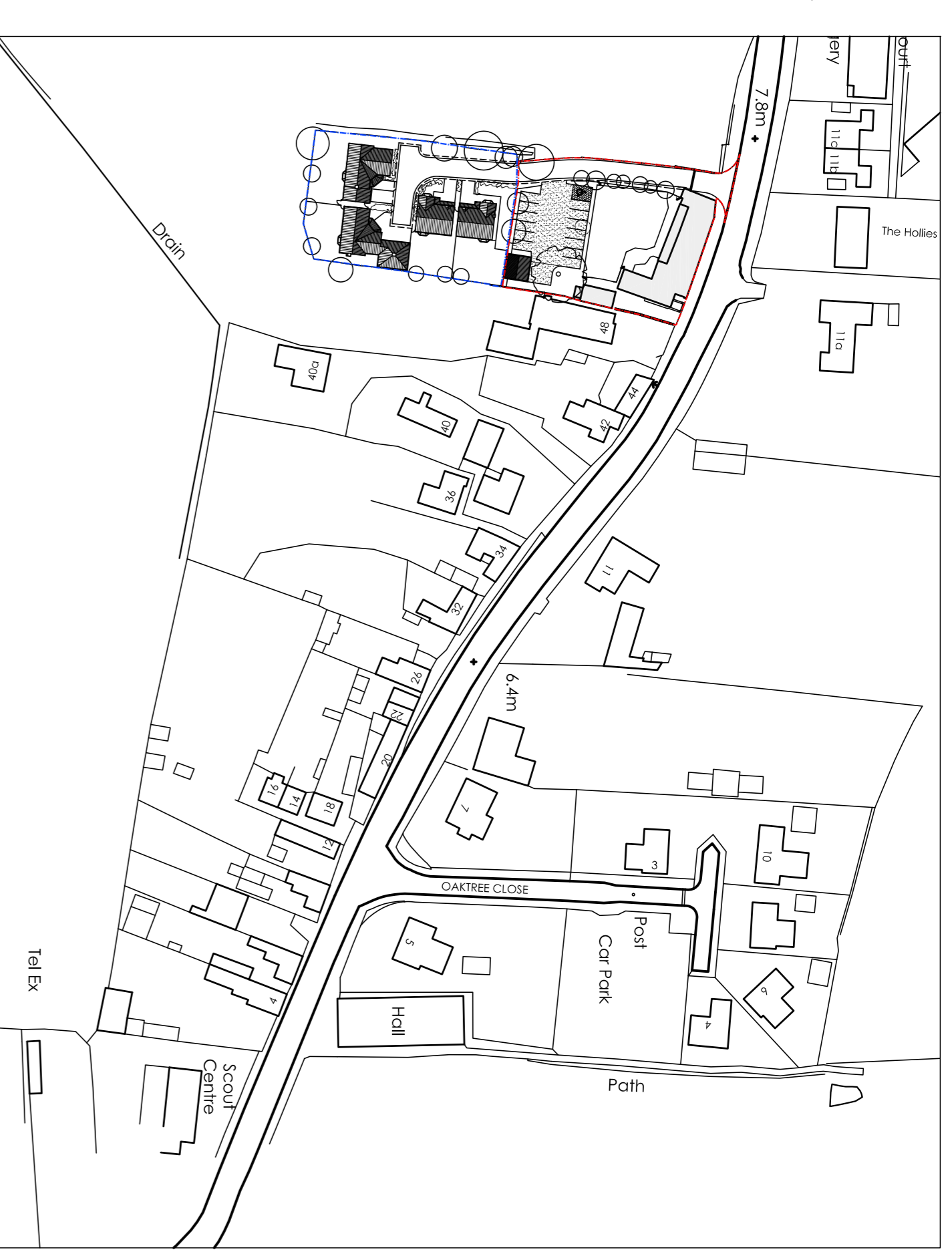
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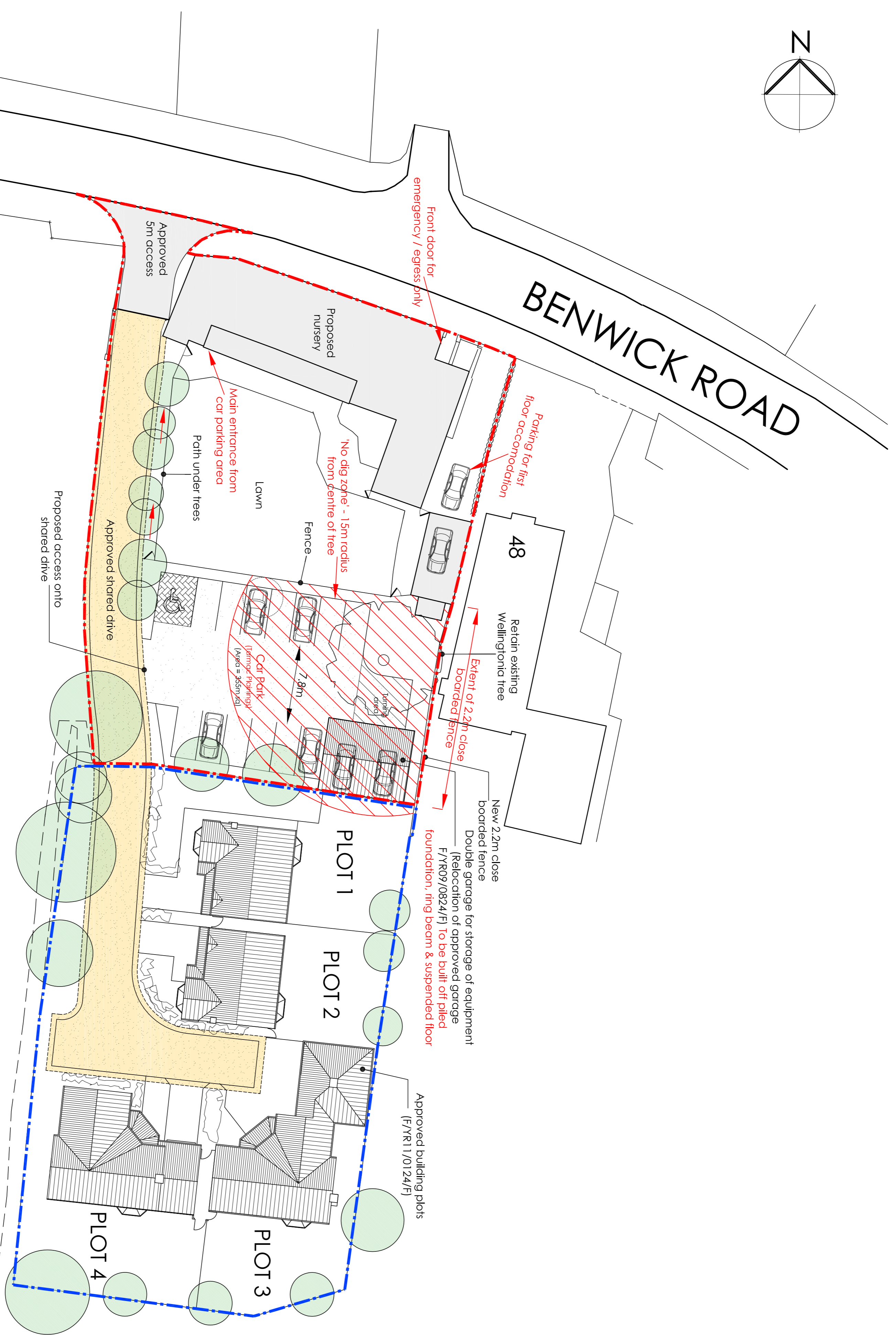
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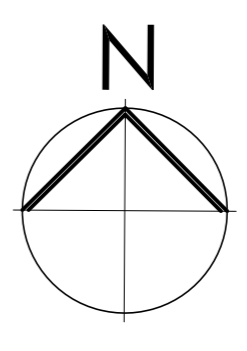
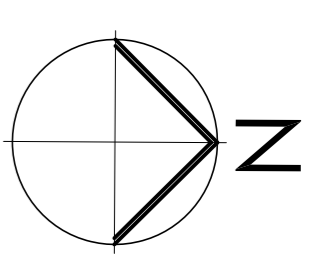




Location Plan 1:1250



Proposed Site Plan 1:250 @ A1



05/12/2013 - Amended for FDG / Highways. REV E.  
 22/10/2013 - Amended for Highways. REV D.  
 09/09/2013 - Amended for FDG validation. REV C.  
 06/08/2013 - Car Park amended for pre-app comments. REV B.  
 30/05/2013 - Layout amended. REV A.

**Peter Humphrey Associates**  
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
 Proposed C.O.U from dwelling to nursery  
 50 Benwick Road  
 Dodington  
 Cambridgeshire

CLIENT  
 Mrs D Oswald

DRAWING TITLE  
 Proposed Site Plan

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