

Application Number: F/YR13/0929/F
Other
Parish/Ward: Delph Whittlesey
Date Received: 17 December 2013
Expiry Date: 11 February 2014
Applicant: Mrs W Whitwell
Agent: Mrs W Whitwell, 21 Glenfields

Proposal: Change of use of part of dwelling to child-minding facility (retrospective)

Location: 21 Glenfields, Whittlesey

Site Area/Density: 0.04ha / 25 dph

Reason before Committee: This application is before committee due to the level of support received as part of the submission and at the request of Cllr Mrs Mayor for the following reason:

'The business has been in situ for eleven years and is located in the catchment area of Park Lane School where established children already attend and their siblings will attend. No objections had been previously raised. The applicant has never received any complaints from neighbours or children's service providers. Officers decision was made on three letters of objection when these issues should have been discussed and resolved rather than being refused by officers under delegated powers.'

1. EXECUTIVE SUMMARY/RECOMMENDATION

This is a retrospective application for the change of use of part of an existing dwelling to a child minding facility. Over 80% of the rooms in the dwelling are used for the business and as such it is clear that the character of the building has changed from that of a residential property to a business premises.

The development was brought to the Local Planning Authority's (LPA) attention as a result of a Planning Compliance complaint relating to high volumes of vehicular movements and the resulting disturbance caused to local residents. If there were no issues with the development then it is unlikely that the LPA would be aware that the change of use had occurred.

The proposal was previously refused under delegated powers however there have been no changes to the site, its surroundings or to planning policy since the previous decision. The applicant has confirmed that letters have been written to parents as an attempt to overcome the parking/disturbance situation however the actions outlined in the letter rely on goodwill rather than formal agreements which can be controlled through the planning process.

It is considered that the intensity of the use proposed will result in a harmful impact on neighbouring residential amenities due to the noise generated by the use itself and by the noise and disturbance generated by vehicular movements. Policies of the Development Plan stipulate that development should promote high levels of residential amenity.

In this instance it is considered that the proposal is in serious conflict with these policies. It is therefore recommended that planning permission is refused.

2. HISTORY

F/YR13/0619/F – Change of use of part of dwelling to child-minding facility (retrospective) – Refused 11/10/2013 (Delegated decision)

F/YR09/0579/F – Conversion of a double garage to form additional living accommodation to existing dwelling – Granted 11/03/2009 (Delegated decision)

F/93/0408/F – Erection of 7 dwellings (comprising 2 x 3-bed detached houses with garages 2 x 4-bed detached houses with integral garages 3 x 4-bed detached houses with double garages) – Granted 30/09/1993 (Delegated decision)

F/90/0744/RM – Erection of 65 dwellings with garages comprising of 2 x 2-bed bungalows 39 x 4-bed houses 6 x 5-bed houses and 18 x 3-bed houses – Approved 07/10/1991 (Delegated decision)

F/0759/88/O – Residential development – Granted 20/02/1989 (decision details not available)

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 32: Decisions should take into account whether safe and suitable access to the site can be achieved for all people.

3.2 Draft Fenland Core Strategy:

CS2: Health and Wellbeing of Fenland Residents

CS15: Facilitating the Creation of a More Sustainable Transport Network in Fenland.

CS16: Delivering High Quality Environments

3.3 Fenland District Wide Local Plan:

E8: Landscape and amenity protection

4. CONSULTATIONS

- 4.1 **Parish Council:** No objection therefore recommend approval.
- 4.2 **North Level Internal Drainage Board:** Comments awaited
- 4.3 **CCC Highways:** It is apparent that there are currently 25 children on the books and not all children attend the site at all days or at regular times which has the effect of staggering the arrival and departure times throughout the working day. It is apparent that the busiest period is between 17.00 and 17.30 on a Thursday and Friday where around 10 vehicles could be expected to collect children (allowing for siblings in the same vehicle) which would result in 20 vehicle trips. The site can only accommodate 2 – 3 vehicles and it is appearance that the additional turning/manoeuvring/parking demand must be met on the adjoining highway within the cul-de-sac. Such additional ad hoc parking could be viewed as inconsistent with the level of enjoyment/amenity that adjacent residents may expect in such a close residential environment.
- 4.4 **FDC Environmental Health:** No objections
- 4.5 **FDC Housing an Development:** Comments not received at time of report
- 4.6 **Neighbours:** Responses as a result of consultation on the application are as follows:
3 letters of objection from neighbouring residents received concerns regarding;
- there are very few changes in the submission from the previous refusal
- the noise from the children playing outside is intolerable;
- the proposal is not acceptable in a small residential area;
- the proposed number/times of children being let outside at a time is not acceptable;
- a restrictive covenant on the property states that no business or trade shall be carried out on site;

- the measures to improve the situation outlined in the submission are on a voluntary basis and are not enforceable;
- the applicants park their car elsewhere within the cul de sac to allow visitors to park on their drive, this means that the cul de sac is full of cars all day;
- refuse trucks struggle to get to the site due to on street parking;
- emergency vehicles will struggle to get to the site due to on street parking;
- existing residents entrances are blocked by users of the site;
- increase in traffic;
- the submission states that three other properties have given permission for vehicles to use their drives to park however this is impractical;
- supporters who signed the petition are nationwide, not many are local;
- detrimental impact on neighbours who have the right to enjoy their property;
- precedent;
- impact on sale of neighbouring properties given noise generated by use;
- there have been no changes to the site/business since the previous refusal;
- the owners vehicles are missing from the photos included in the submission;
- the applicants husband also runs a kick boxing business and has customers visiting the site;
- when the business first started neighbours were unaware of it;
- the amount of children would not comply to health and safety standards;
- concerns that the business could still grow;

No letters of support received as a result of the consultation undertaken in respect of the application however the following support was included with the application:

A petition of 57 signatures (47 separate addresses) from Glenfields;

An online petition with 614 supporters from nationwide locations including Manchester, Essex, Leeds and London;

A petition of 995 signatures with supporters from locations around the east of England such as Whittlesey, Peterborough, March, Doddington and Wisbech;

93 letters of support from parents of children who attend the childminders, members of the community and other healthcare professionals. Their comments can be summarised as follows:

- The business provides a valued service;
- The business is rated outstanding by OFSTED;
- Whittlesey Town Councillors, the Head teacher of the nearby Park Lane Primary School and neighbours are in support of the proposal.
- The Council has a commitment to support local businesses and promote economic growth.
- Concerned that the closure of this facility will result in a lack of suitable and sufficient childcare for up to 25 families.
- Families cannot afford not to work and need these facilities.
- Attending the childminders build's children's confidence.
- This nursery is the most highly recommended in the area.
- This nursery results in children having a good standard of literacy, numeracy and vocabulary.
- The children have staggered start times
- The children are not allowed to play in the garden before 10am and outdoor play is limited to minimise impacts to neighbours.
- Parents are given instructions for parking and the occupants cars are moved to allow parents to use the driveway.
- Closure of this facility will set a precedent.
- Closure of this facility would have a negative effect on the children who attend.

- They are highly regarded within the community and create a family atmosphere for the children.
- The location creates a 'homely' dynamic.
- In the current economic climate it is saddening that we are not doing everything we can to support a thriving business.
- The need for planning permission for Registered Childminders has not always been clear with inconsistencies in the number of children allowed before planning permission.
- Registered Childminders provide care within a domestic setting and a number of parents choose them for the home from home environment that they are able to offer.
- Continuity of care is vital to children in their early years to support their learning and development.
- The business occupies a large family home and there is little difference between this and a large family occupying it.
- Measures have been put in place to minimise disruption.
- This is not just a business but an extension to their family.
- Closure of this facility will mean some parents will have to give up work.
- Paramount consideration should be given to the impact on the children should this facility be forced to close.
- Having visited the home on many occasions, have personally experienced the brunt of their neighbour's unrealistic expectations regarding parking in the area.
- The importance of a full and extensive investigation into the complaints by the neighbour is clear.
- The potential closure of this facility has caused considerable stress to parents who do not have family to help them out with childcare.
- The childminders have taken steps to resolve any parking and noise issues.
-

- Hearing that this business should be closed down is a disgrace; they are brilliant at their job and to consider closing them down due to parking is beyond a joke.
- This will result in the loss of the best childminders in the Peterborough area.
- They have lived and worked at Glenfields for 11 years with the same neighbours throughout. There is no constant screaming, all you hear is happy children enjoying a fun day.
- The applicants have visited all of the Glenfields residents and none of them have a problem with the business continuing.
- The press incorrectly stated the number of children catered for which casts doubts over the validity of the issues raised by the 3 complainants.
- As a Glenfields resident I have no issues with them carrying out this service and applaud them for providing such a worthwhile service.
- Even though there are 25 children registered with this service they are not all there every day or at the same time.
- The recent complaints about noise and parking are the first in 13 years.
- Often the children are taken to local playgroups therefore constant noise is inaccurate.
- This is a family business on a family estate and is therefore ideally located.
- There may have been issues with parking previously but this has been addressed and measures put in place to be considerate to neighbours.
- They will not increase in size or take on more staff as that would result in a change of status to Childcare on Domestic Premises.
- The business is built around safety, trust and confidence.

- Their support to children who have some medical needs is invaluable.
- There are not enough childminders in and around Whittlesey.
- The site is near a green play area and other children on the estate play in their own back gardens which is noisier than the children who are at the childminding facility.
- It is irresponsible of the Local Authority to consider closing down this fabulous place.
- The complainants are not at home in the week.
- Live a few doors up from the site and have had no problems in the 4 years they have lived there.

5. SITE DESCRIPTION

- 5.1 The site is located on the western spine of Glenfields, at the bottom of the cul-de-sac. The existing property is a 5 bedroom detached dwelling with a garden area to the side. The site is within a dense residential area with open land to the rear.

6. PLANNING ASSESSMENT

- 6.1 The key considerations for this application are:

- Policy implications
- History
- Residential amenities
- Other Matters

(a) Policy implications

The proposal involves the change of use of part of an existing dwelling to a childcare facility. However the scale of the development is such that it is considered that the whole of the property has been changed as a result of the proposal. The change of use will result in all of the rooms within the house, apart from two bedrooms and the garage, being used for the childcare business. 81% of the property would therefore be used as a business. In planning terms, it is clear that the character of the dwelling as a whole has been changed from that of a residential property to a business which is D1 (non-residential institution) use. In this exclusively residential location the principle of such a business use would be out of keeping with the area.

The principle of a business within the built up settlement of Whittlesey is supported by policies of the Development Plan however there are issues with regard to the scale of the business proposed in relation to the location of the site and the impact on neighbouring residents.

The submission demonstrates that there are 25 children registered with the childminders although it is noted that some of them attend only at certain times. It is also noted that some of the children are siblings. However it would not be reasonable or enforceable to restrict the business to allow only certain children to attend at certain times and to insist that a specified amount are siblings to reduce the amount of vehicular trips to the site. Such a condition would not pass the tests of Circular 01/95.

(b) History

The application is a submission of a previously refused application which was determined under delegated powers. The proposal was refused due to the impact on neighbouring residential properties by virtue of noise and disturbance generated by users and visitors of the site and by virtue of the intensity of the business in this residential location. There have been no changes to the site or the surroundings or indeed the business model since the previous refusal therefore the reasons for refusal still stand. It is noted that the applicants have made steps to write to parents about parking and minimising disturbance to neighbours; however they would be reliant on the goodwill of the parents and this is not a formal arrangement that can be controlled through the planning process.

The childminders currently does not benefit from any planning permission and it is understood that the business commenced with six children which would fall within the permitted development rights of the property. However the business has expanded and now employs 3 full time members of staff with 25 children on their register. The situation came to the Councils attention through an Enforcement enquiry as neighbours complained about reduced residential amenities as a result of the use. It could reasonably be asserted that if the intensity of the childminders use was acceptable in this location, the Local Planning Authority would not be aware that such a facility existed as no complaints would have been received from neighbouring residents.

(c) Residential amenities

As before the proposal is tantamount to the change in use of the whole property. It is considered that the increased noise levels generated by the amount of children proposed and the associated vehicular movements would result in a harmful impact on the amenities currently enjoyed by neighbouring residents. This has been evidenced in the consultation responses received from the three of the closest neighbours and the origin of the application being from a Planning Compliance complaint relating to disturbance issues.

Due to the size of the garage (which is below the standard set out in the emerging Core Strategy) is it clear that there are only two parking spaces available to the front of the site. This would cater for two members of staff (who reside on at the property) however it does not address the needs for the third member of staff or the parents dropping off and collecting children. The lack of space available for parking therefore forces parking onto the public highway. Due to the amount of children using the facility this would result in major congestion in this constrained cul-de-sac location which would be to the detriment of the amenities currently enjoyed by existing residents and to highway safety.

This position is reinforced by the consultation response received from CCC Highways and the snapshot of trip data provided which highlights an expected 20 vehicle trips on one collection time. It is noted that not all children attend the site all days or at regular times which is to be expected given the nature of the use however this has the effect of staggering the arrival and departure times throughout the day thereby providing no relief for neighbouring residents. It is noted that some visitors/members of staff may attend the site either on foot or on cycles which would alleviate some of the parking problems however it is neither reasonable, practical, or enforceable to impose a condition which stipulates a means of travelling to the site. The submission states that the applicants are willing to park elsewhere to free up the two parking spaces on site for parents picking up and dropping off children. Although seemingly this would overcome some of the parking issues, it would result in the displacement of the cars elsewhere within the vicinity so little would be gained.

(d) Other Matters

There is no dispute that the service provided by the applicants is a good childminding service which caters for many families. However it appears that the business has outgrown its current building and now the service is operating at a level which is to the detriment of neighbouring residential amenities. There has been a wealth of support demonstrated in the petitions included in the submission however most of the supporters are not affected by the noise and disturbance generated by the proposal given their distance from the application site.

Unfortunately there has been no demonstration of investigation of other premises which are in a more appropriate location and therefore more suitable for a use of this scale.

7. **CONCLUSION**

- 7.1 Although it is recognized that the site provides a valuable facility significant weight must be attached to the harm which is being caused to neighbouring residential amenities. Policies of the Development Plan and CS2 in particular stipulate that development should promote high levels of residential amenity. In this instance it is considered that the proposal is in serious conflict with these policies. It is therefore recommended that planning permission is refused.

8. **RECOMMENDATION**

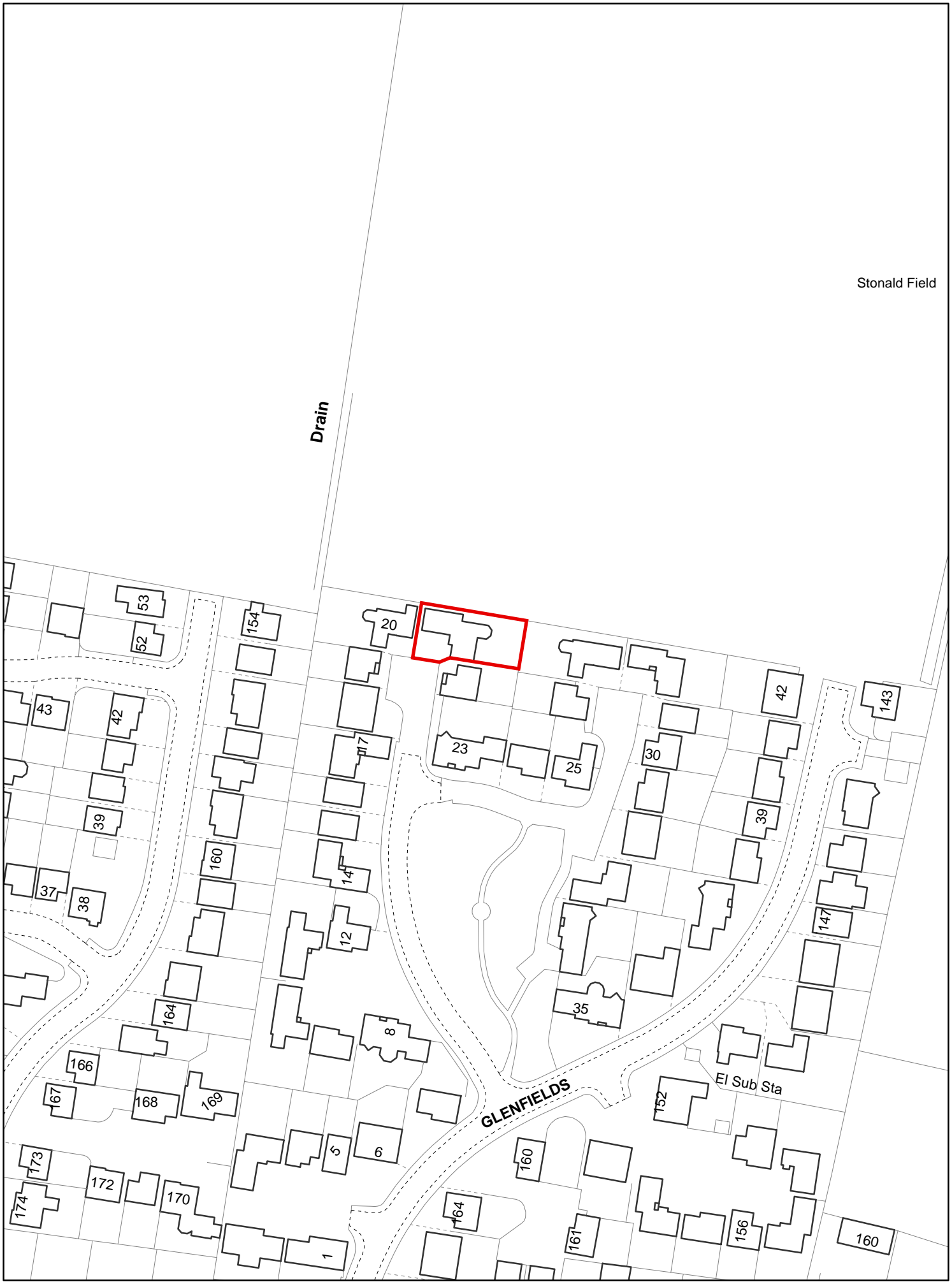
Refuse

1. **By virtue of the intensity of the use proposed neighbouring residents would unduly suffer from high levels of noise and disturbance generated by children and staff using the site and its associated vehicular activity. The proposal is therefore contrary to E8 of the Fenland District Wide Local Plan and CS2 and CS16 of the emerging Fenland Local Plan Core Strategy (submission version September 2013).**

- 2. The intensity and activities related to the business proposed would result in a use which is out of keeping with, and detrimental to, the character of this residential cul-de-sac. The application is therefore contrary to E8 of the Fenland District Wide Local Plan, CS16 of the Fenland Local Plan Core Strategy (submission version September 2013) and Section 07 of the National Planning Policy Framework.**

Stonald Field

Drain



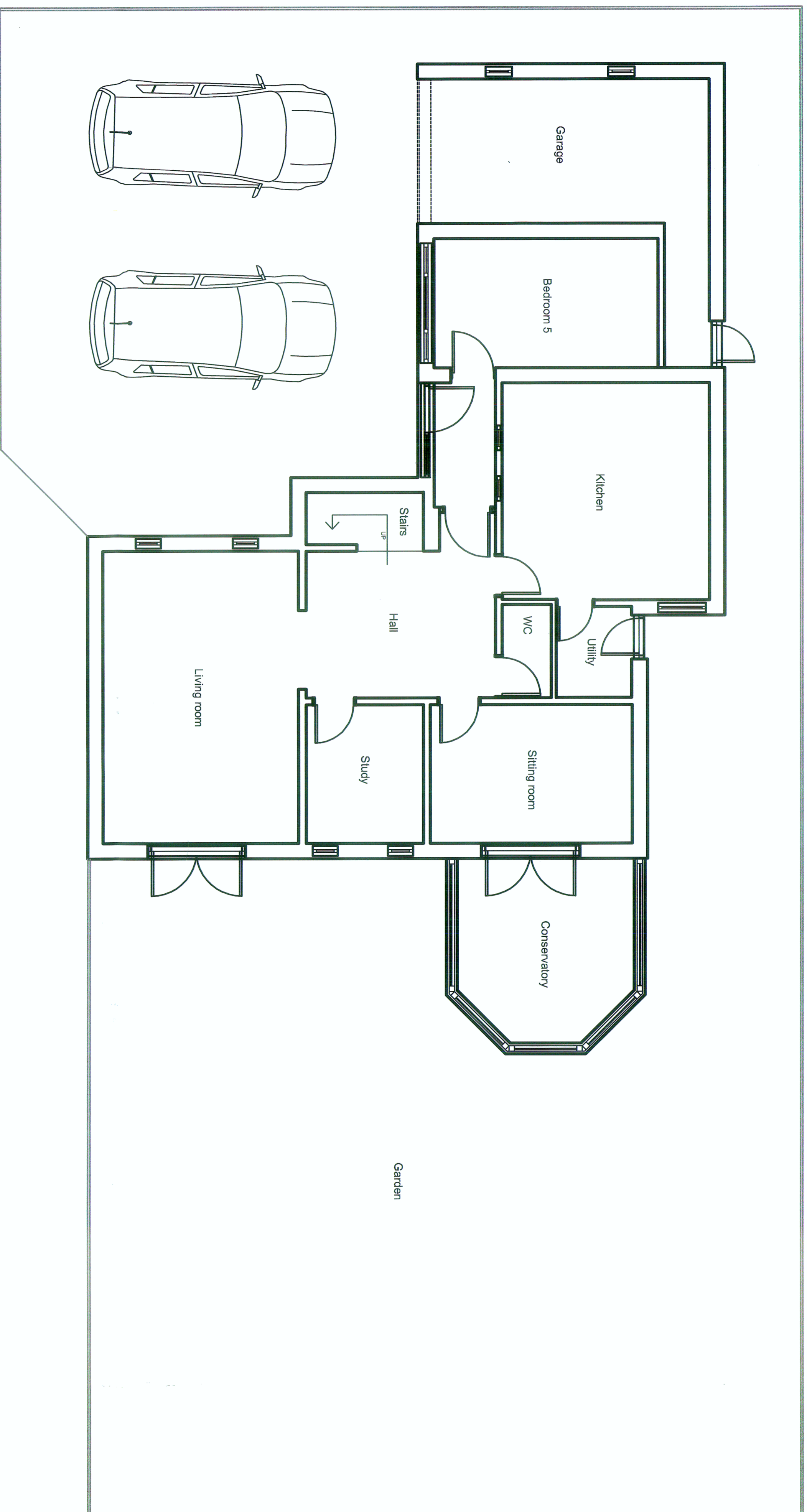
Created on: 19/12/2013

F/YR13/0929/F

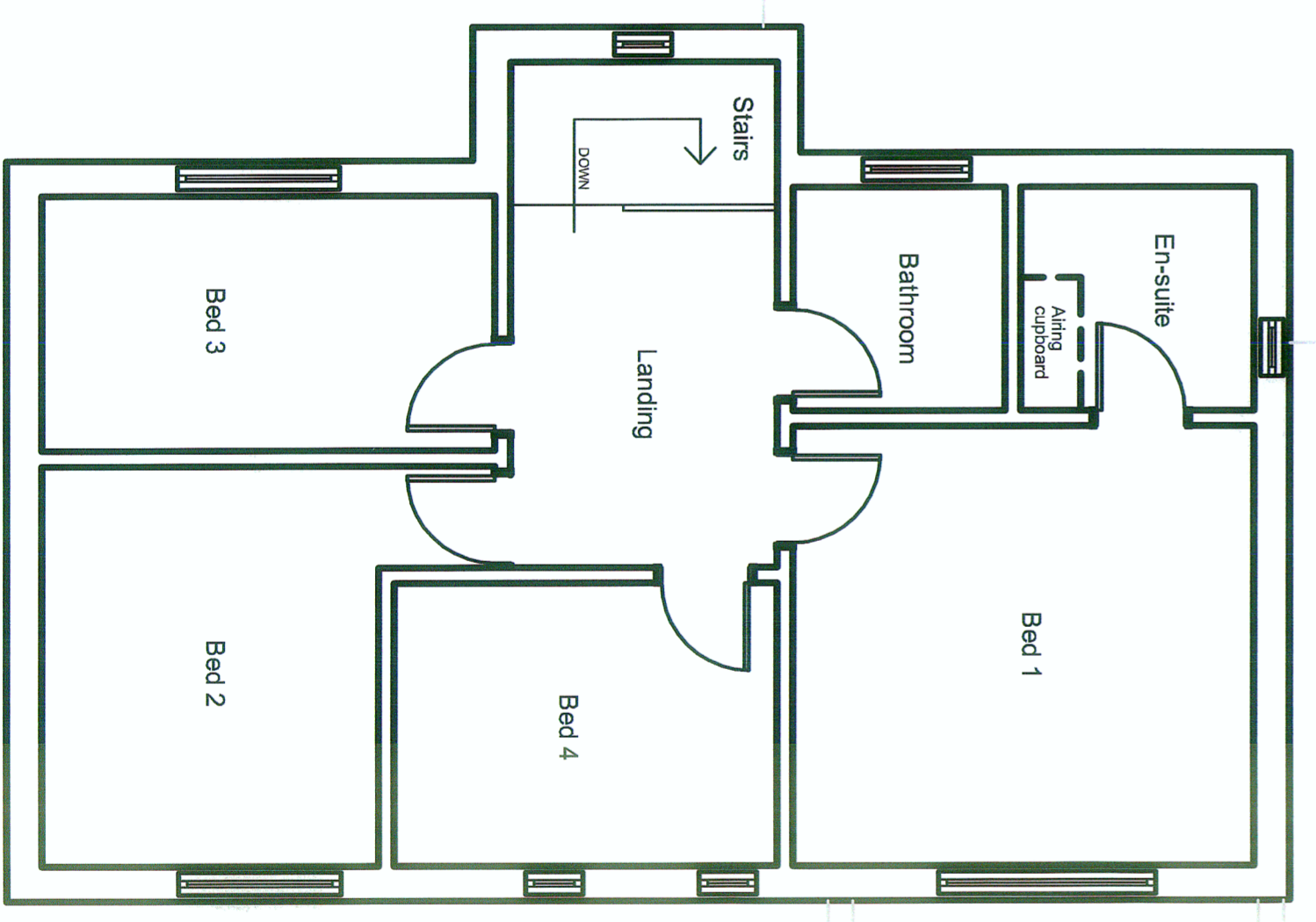
Scale = 1:1,250

© Crown Copyright and database rights 2013 Ordnance Survey 10023778





Ground Floor



First Floor

Supervised childminding areas:
 Living room
 Hall
 Study
 Sitting room
 Conservatory
 W/C
 Kitchen
 Utility
 Bedroom 2
 Bedroom 3
 Bedroom 4
 Landing
 Bathroom

All other areas are private/family access only.
 Family vehicles removed from driveway between the hours of 07:15am & 18:00pm to allow for parent drop off/pick up.

project	21 Glenfields Whiteleysey		
drawing title	Existing layout		
scale	1:50@A1	drawn	D.Grant
date	06/12/2013	rev	
DWG No.	21G2013		