

Item No. 6

APPLICATION NUMBER	CB/13/00470/FULL
LOCATION	15 The Avenue, Flitwick, Bedford, MK45 1BP
PROPOSAL	Change of Use of current dwelling to form Childrens Nursery including associated alterations to property and site
PARISH	Flitwick
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Annabel Gammell
DATE REGISTERED	11 February 2013
EXPIRY DATE	08 April 2013
APPLICANT	
AGENT	Coates Dixon & Mitchell Surveying & Design
REASON FOR COMMITTEE TO DETERMINE	Councillor Turner called in on grounds of adverse affect on local residents, traffic issues, noise, parking. One of the neighbours who raised concerns works for CBC.
RECOMMENDED DECISION	Full Application - Granted

Reason for Committee: Councillor Turner called in on grounds of adverse affect on local residents, traffic issues, noise, parking.
One of the neighbours whom raised concerns works for CBC.

Site Location:

The application site is 15 The Avenue, Flitwick, a two storey detached dwelling, located on the north side of The Avenue. It is a large property constructed of orange brick, partly cream rendered with a brown tile roof and later additions of a large flat roof garage. The vehicular access and driveway is located to the west side of the property and leads into a parking area in front of the property enclosed behind a wall. Parking provision on the site is for approximately 4 spaces (excluding the double garage).

Residential properties on The Avenue are of varying ages, sizes and styles surround the site as well as a mixture of commercial and retail to the west towards Flitwick town centre.

The Application:

This is a full planning application for the change of use of the property from a dwelling (Use Class C3), to a children's nursery (Use Class D1).

The nursery accommodates up to 37 children aged between 0-5 years old. Nine members of staff would be employed at the site, the application is being made by Merry Poppets Nursery an existing child care facility currently operating at 20

Steppingley Road, Flitwick. The enclosed rear garden would be used as an outdoor play area. It is proposed to demolish the existing garage, and create 7 off street parking spaces.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework

- 1- Building a strong, competitive economy
- 2-Ensuring the vitality of town centres
- 4- Promoting Sustainable Transport
- 8-Promoting Healthy Communities

Core Strategy and Development Management Policies for Central Bedfordshire (North)

CS1	Development Strategy
CS3	Healthy and Sustainable Communities
CS10	Location of Employment Sites
CS14	High Quality Development
DM3	High Quality Development
DM4	Development within Settlement Envelopes
DM9	Providing a range of transport

Development Strategy for Central Bedfordshire 2013

Policy 1	Presumption in Favour of Sustainable Development
Policy 21	Provision for Social and Community Infrastructure
Policy 43	High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire, 2010

Planning History

MB/92/01487/FA	Erection of two storey side extension and single storey rear extension and change of use to residential care home - Granted
MB/83/0759A/FA	Change of use of dwelling to offices - Refused
MB/83/00759/FA	Extensions and Alterations - Granted
MB/76/01151/FA	Erection of a garage - Granted

Representations: (Parish & Neighbours)

Flitwick Town Council

Object:

Although Members in principle support the development of the building they are extremely concerned regarding

parking, access and egress proposals. Members discussed the parking and drop off requirements in some details and felt that it would be better if there were individual "in" and "out" entrances which would alleviate the concerns regarding reversing from the site onto an already busy vehicular and pedestrian area.

Neighbours

Seven letters of comment and objection have been received:

13 The Avenue, Flitwick:

- No objection to the use, requested suitable boundary treatment, taking account of the levels of the site, and the privacy from bungalow windows.

14 Highlands, Flitwick

- Potential noise from play area - would need to ensure suitable fencing and maintenance/removal of trees to rear.

14 The Avenue, Flitwick:

- Parking/Congestion issues.
- Commercial activity inappropriate within residential street.

15A The Avenue, Flitwick:

- Traffic issues and Pedestrian Safety
- Parent/Staff travel arrangements
- Noise
- Use of a residential property for commercial purposes
- Drainage

It is noted that a survey of the existing Merry Poppets Steppingley Road site was submitted with this letter of objection.

Also a receipt from Dyno Rod showing works that have been undertaken to the sewerage system.

17 The Avenue, Flitwick:

- Car parking problems
- Existing facilities including Steppingley Road, Merry Poppets already service the community need
- Noise concerns

18 The Avenue, Flitwick

- Traffic concerns
- Close proximity to Kingsmoor Lower School
- Impact upon neighbouring properties, value of properties, noise from play area

20 The Avenue, Flitwick

- Traffic issues/Parking

Consultations/Publicity responses

Highways	No objection - Recommends Conditions
Disability Discrimination Officer	No comments
Landscape Officer	No comments received
Community Safety Officer	No comments received
Public Protection	No objections - Recommends Conditions

Determining Issues

The main considerations of the application are;

1. **The principle of the development**
2. **Impact on visual amenities of area**
3. **Impact on neighbours' amenities**
4. **Access and parking issues**
5. **Any other material planning considerations**

Considerations

1. The principle of the development

The application seeks planning permission for a children's nursery accommodating approximately 37 children. This is an existing business, operating from Steppingley Road, and the number of children cared for varies on a daily basis, from between 27-36 children at any one time. The existing business is looking for a site to buy, opposed to their existing facilities which is leased. This property has been previously redeveloped as a house in multiple occupancy, and has therefore been considered acceptable as something other than a residential family home previously.

Relevant Policy Position:

Core Strategy Policy CS1 identifies Flitwick as a Major Service Centre wherein the Local Development Framework states that additional housing, employment

and services will be provided through continued redevelopment of the built up area. Policy CS3 promotes the creation of healthy and sustainable communities via the provision of a range of social and recreational facilities which includes the safeguarding and upgrading of education facilities. Policy DM9 is concerned with transport facilities and in particular, the encouragement of accessing new facilities other than by car.

The application site is within the centre of Flitwick which is an accessible location with a mixture of uses. The principle of locating this type of facility in and close to residential properties to provide child care to local residents is considered to be acceptable so long as it does not significantly impact on neighbouring properties in terms of noise and disturbance, and highway considerations are deemed acceptable, in accordance with Policy DM3.

Within the Development Strategy (2013) Policy 21 preamble states that schools and child care facilities are considered to be Community Infrastructure and it is necessary to provide these facilities in accessible locations to meet local need.

The National Planning Policy Framework places the creation of sustainable development as a golden thread running through decision making, it is considered that the appropriate location of community facilities to be vital to the creation of sustainable development.

It is considered that it is appropriate to locate child care facilities within locations where parents/guardians can use a variety of methods to access them. It is judged that providing the amenities of local residents can be ensured a community facility would be appropriate within this location.

2. Impact on visual amenities of area

The site is located centrally within the town of Flitwick, some 112 metres from the designated Town Centre. The area is predominantly residential, however there is a small retail area, to the south west of the site, at the junction of the Avenue with The High Street. The external changes to facilitate the development would be the removal of the existing double garage, and the removal of the front wall, this area would be replaced with a parking area.

Given the fact that the building and the external area will remain much as at present, it is felt that there will be minimal impact on the visual amenities of the area generally, and the proposal would preserve the character and appearance of the area in accordance with Policy DM3 (Core Strategy and Development Management Policies) and Policy 43 (Development Strategy).

3. Impact on neighbours' amenities

The site is surrounded by residential properties. The neighbouring properties potentially most affected by the proposal would be 13 and 15A The Avenue, as they are directly adjacent, with 16, 18 and 20 on the opposite side of the road, and 13 and 14 Highlands to the rear.

The only physical alterations to the exterior of the building is the removal of the

flat roof garage to the side of the dwelling, this would create an additional parking area. It is considered that it is unlikely the development would significantly impact upon any residential properties in terms of loss of light, the causing of an overbearing impact, loss of outlook, or loss of privacy.

Seven letters have been received from neighbouring properties, the concerns/objections can be categorised into these subsections:

Parking/Traffic/Highway Concerns

The existing access into the site is to be modified and used for traffic dropping off and picking up children. There is potential for noise/parking disturbance as a result of this, however the site can adequately accommodate 7 vehicles at one time and the edge of town centre location is very accessible in terms of alternative methods of transport.

Please see section "Access and Parking Issues" for more information on this matter.

Noise from use of the building and play area

The application property is a detached property so internal noise transmission to neighbouring properties is not considered to be significant. There is the potential however, for noise disturbance from the children as they play in the rear garden and in summer months when windows and doors are open.

With regard to the potential impact on the amenities of neighbours, the activity is only to take place on week days during working hours and not at all at week ends. In view of these hours, it is considered that the potential impact on neighbours by way of noise and general disturbance will not be sufficient as to justify refusal. It is very unlikely that all of the children would arrive or leave at the same time nor would they play in the rear garden at the same times in the day. As it is a nursery for the 0-5 year old's, it is likely that a proportion of these children would not be of an age to play in the out door space.

Boundary Treatment

It is considered that noise issues and tree related issues could be suitably controlled by the imposition of conditions regarding boundary treatment. It is noted that the site is on a slope, with number 13 being at a lower level than the application site, this would need to be reflected within the choices of boundary treatments.

Use of residential building for commercial purposes

The change of use or redevelopment of sites can be acceptable providing there is no unreasonably harm to the amenities of the adjacent properties or character of the surrounding area. It is considered that nurseries being a community facilities (D1 use) are often located within residential areas, this is to encourage people to use sustainable modes of transport to access them, and be located close to where people live and work. The site is very near Flitwick Train Station,

which would be accessible to commuters wishing to use this facility. It is noted that this site has previously been given consent for a use other than that of a family house, the site was granted consent to be used as a care home, which was used as a house in multiple occupancy. It is considered with this type of use more than the average number of people would use the site.

Drainage of the site and Property values

These are not material planning considerations, it is considered that the suitability of the shared drainage would be a legal matter between the owners of the properties.

The proposal is in light of the above considered to be acceptable to preserve the residential amenities of neighbouring properties.

4. Access and parking issues

The Avenue is a through route between Hinksley Road and High Street in Flitwick, this is a relatively busy road, which is predominantly residential however it is a road is used for people walking to Kingsmoor Lower School and to access the amenities within the town centre and at the top of the Avenue, for example the dentist, restaurants and shops. There are bus stops on this road, it has a suitably wide footpath on both sides of the road. It is considered that it is a relatively wide road for a residential street, with the characteristics of a thoroughfare.

The site access would be widened to allow seven car parking spaces on the frontage of the site. On The Avenue there are parking restrictions which impose no parking on the southern side of the road between 8 am -12.45 pm (Mon-Fri), and on the northern side of the road between 1.15 pm - 6 pm (Mon-Fri). It is accepted that some guardians would drive to drop their children off at the site, and this may lead to some on road parking, however it is considered that providing the cars are parked legally, the road would never be blocked. There are seven parking spaces to be provided, it is considered that these may be used for both staff parking and possibly to allow some guardians to drop off on the site and park off road.

It is acknowledged that there would be likely to be a level of disturbance during the traditional drop off and pick up times, relating to parking, however on this type of road, with the restrictions in place, it is considered that it would be an acceptable level of impact. The school would also be required to provide a travel plan, which would encourage sustainable travel to and from the site.

Subject to conditions relating to the construction of the junction with the highway and access, visibility splays, surfacing, refuse collection points, cycle parking and details of the parking spaces, construction worker parking, and retention of the parking area the proposal is considered to be acceptable in highway safety terms.

It is considered unnecessary to impose a condition regarding construction worker parking, the only physical works to the building would be the demolition

of the side garage, and the construction of fencing. It is considered that there is ample space on the frontage to accommodate vehicles for these relatively minor works.

Town Council comments regarding the parking provision:

The Town Council have objected to the development on parking/highway grounds, although were generally supportive of the development of the site. They suggested that an "in/out" system would be better than the 7 spaces provided. The scheme was originally submitted with an "in/out" system, the highway officer thought that the 7 spaces would provide a greater level of off road parking, as due to the nature of the nursery, it is likely that some guardians would take a few minutes dropping children off, and therefore this system could easily get blocked, leading to possible reversing out of the "in" and causing potentially greater hazard. It is judged that providing set parking spaces is more appropriate.

5. Any other material planning considerations

Noise issues:

The Councils Public Protection Officer is confident with appropriate acoustic fencing and a management plan to control the amount of time the children can play outside that any significant noise generated could be suitably mitigated to ensure an appropriate development in terms of noise.

It is noted that the conditions recommended by the Councils Public Protection officer have been recommended to Committee, however the specified hours to which children can or can not play in the out door space has been removed, this is considered unenforceable, however a management plan where the onus of managing noise levels falls with the nursery operators is considered appropriate. It is expected within the management plan, hours of play will be submitted to the council, however there may be a degree of flexibility within this approach, so requirements for the nursery to operate safely and to provide care of a high standard can be achieved.

It is noted that a condition to restrict the use of the building to week day, day time activities is reasonable and recommended, and therefore it is considered that at the times of the day when the exterior amenity area of the average family house would be most used (evenings and weekends), the site would be unoccupied.

Should noise become a statutory nuisance then there are laws outside planning regulations which would deal with this unlikely situation. It is noted that no complains relating to noise have been received by the Councils Public Protection department from the use of the existing Steppingley Road site, which is within a residential area, which is also shared with a music school. The Steppingley Road site, is close to residential properties, and the road is of a similar character to The Avenue, with highway restrictions.

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The development shall not be brought into use until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 3 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 4 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

- 5 **No works to commence on site until, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto) is submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter**

retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 6 Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the development being brought into use. The scheme shall be fully implemented prior to the development being brought into use and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 7 Before the development is brought into use, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the vehicular parking provision on the site shall not be used for any purpose, other than as vehicular parking provision, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision.

- 9 The use hereby approved shall not commence until a Management Plan for the use of outside garden areas has been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall be implemented and adhered to in perpetuity. The Management Plan shall detail;

- The times that the garden areas are to be used for outdoor play.
- Mitigation and/or control measures to protect neighbouring properties from noise from the use of the outside garden areas.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 10 The use hereby approved shall not commence until the full details of the acoustic fence to be installed has been submitted and approved in writing by the Local Planning Authority. The details will include the height and its construction. The acoustic fence shall be installed prior to the use commencing and therefore maintained in perpetuity accordance with the approved details.

Reason: To safeguard the amenities which the occupiers of neighbouring

properties might reasonably expect to enjoy

- 11 **No works to commence on site until, a landscaping scheme to include any boundary treatment, levels, hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March).**

Reason: To ensure a satisfactory standard of landscaping and boundary treatment.

- 12 The use of the land and building shall only be used as a D1 Childrens Nursery and for no other use within that class, it shall not be used outside the hours of 7.30am and 6.30pm on Mondays to Fridays, nor at any time on Saturdays, Sundays, Bank or Public Holidays. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenities of the area.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 02, 3B.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The change of use of the dwelling (C3 use) into a children's nursery (D1 use) has a minimal impact on the residential amenities of nearby occupiers, does not detract from the visual amenity of the surrounding area, and would have acceptable parking and access arrangements. The proposal is therefore in conformity with policies CS1, CS3, CS10, CS14, DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North), Policies 1, 21 and 43 of the Development Strategy (2013), and sections 1, 2, 4, and 8 of the National Planning Policy Framework. The proposal is also in accordance with the Council's Adopted Design Guide - Design in Central Bedfordshire, 2010.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.