

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

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.

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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of further consultation received from neighbours.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.