

Item No. 10

APPLICATION NUMBER	CB/16/05738/VOC
LOCATION	11 Albany Road, Leighton Buzzard, LU7 1NS
PROPOSAL	Variation of Condition 1: variation of hours from 8am to 6pm Monday to Friday to 7.30am to 6.30pm Monday to Friday and removal of condition 2: use of garden area. (SB/90/421)
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Debbie Willcox
DATE REGISTERED	19 December 2016
EXPIRY DATE	13 February 2017
APPLICANT	Footsteps Nursery Ltd C/O Agent
AGENT	JCPC Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Dodwell for the following reasons: <ul style="list-style-type: none">• Full time use of garden by multiple young children, potentially from 0730 to 1830, will drastically reduce amenity for adjacent neighbours.• Young children will be moving around very heavily congested road during busiest times causing highway safety problems. Parking resulting from extended hours will exacerbate already critical situation beyond current working day.
RECOMMENDED DECISION	Variation of Condition - Granted

Recommendation:

That the Variation of Condition 1 and the Removal of Condition 2 be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The premises shall operate as a children's day care centre only between 07:30hrs to 18:30hrs on Mondays to Fridays and at no time on Saturdays, Sundays or public holidays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.
(Policy BE8, SBLPR and Section 11, NPPF)

- 2 Within one calendar month of the date of this permission a noise management plan to control noise levels from the external areas of 11 Albany Road shall be submitted to the Local Planning Authority for their written approval. Following the written approval of the noise management plan, no use of the external areas at 11 Albany Road shall take place thereafter except in accordance with the provisions of the noise management plan, which can only be varied through written agreement with the Local Planning Authority. Until the noise management plan has been submitted and approved in writing, the external areas shall only be used in association with

the day nursery between the hours of 10:30 to 11:30 and 14:15 to 15:15.

Reason: To protect neighbouring occupiers from unacceptable levels of noise pollution.

(Policy BE8, SBLPR and Section 11, NPPF)

- 3 Before the introduction of the extended operating hours, a Travel Plan shall be prepared, submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:

- a. plans for the establishment of a working group involving the nursery and parents
- b. travel patterns and barriers to sustainable travel
- c. measures to encourage and promote sustainable travel and transport for journeys to and from nursery
- d. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review

All measures agreed therein shall be undertaken in accordance with the approved Plan. There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval of the Plan) to monitor progress in meeting the targets for reducing car journeys generated by the nursery and this shall be 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

(Section 4, NPPF)

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. 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.
3. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;

- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

4. The applicant is advised that in accordance with the planning permission SB/90/00421 granted at appeal on 7/5/1991, the second floor of the building cannot be used for other than residential use, including as a children's day care centre, without a specific further grant of planning permission.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant during the determination process. 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) Order 2015.

NOTES

- (1) In advance of consideration of the application the Committee was advised of additional consultation responses received both supporting and objecting to the application. In addition an email from Andrew Selous MP had been received requesting that Members take into account the concerns of the occupiers of 5 Albany Road and impact on the residents of Albany Road in general.
- (2) In advance of consideration of the application the Committee was advised of additional comments.
- (3) In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.