

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 July 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1608/09/F – FEN DRAYTON
Change of Use from Offices (B1) to Children's Day Nursery (D1)
at The Old School, High Street for The Whitfield Group

Recommendation: Delegated Approval/Refusal

Date for Determination: 4 March 2010

This Application has been reported to the Planning Committee for determination because the Parish Council has recommended refusal contrary to officer recommendation.

The site lies within the Fen Drayton Conservation Area

Site and Proposal

1. The full application, received on 7 May 2009 and amended dated 5 March and 17 March 2010, relates to a detached building located within the Fen Drayton village framework and Conservation Area. It is a part single, part two-storey property, facing onto High Street. It currently has a lawful office use (Class B1), although the building is not occupied at present. The proposal seeks a children's nursery use on the site. Members previously voted to refuse an application for a similar scheme at the site at August Planning Committee 2009, details are which are provided below.
2. The building has two existing accesses. The first access is direct from High Street to the front of the property, which serves a small parking area. The second access runs across the frontage of the public house to the south of the site, and serves the existing parking area to the rear, as well as a further access to the adjacent dwelling at Teal Cottage. There is a mini-roundabout on the junction between High Street and Horse and Gate Street. To the front of the building is a brook, and the site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. The brook is also designated as a Protected Village Amenity Area. A Flood Risk Assessment has been submitted with the application, along with a Design and Access Statement, and an Access and Traffic Statement. A Tree Survey, Arboricultural Implication Assessment and Method Statement were also submitted as part of an amendment.
3. The public house to the south, the Three Tuns Inn is a grade II* listed building. To the north is a detached dwelling, the Blandings, and the shared boundary at the rear is a 1.8m high hedge. To the west, behind a 1.8m wooden panel fence, is the rear garden of Teal Cottage. There are some trees along this boundary.

Planning History

4. Application **S/0446/09/F** was refused by Members at August Planning Committee 2009 and dismissed at appeal for the change of use of the building to a children's day nursery. The reason for refusal related to highway safety matters concerning the

access onto High Street. The Planning Inspector concluded that the development would not be served by an appropriate safe means of access from the public highway and would therefore be detrimental to public safety. This application did not include the widening of the bridge. A follow up application, **S/1265/09/F** was refused for the same reasons.

5. Application **S/0039/90/F** for the use of the building as offices and car park was approved dated 19th March 1990. This followed the refusal of application **S/1710/89/F** for the same use on grounds of noise disturbance to the occupiers of adjacent dwellings from the car park.

Planning Policy

6. **Local Development Framework Development Control Policies 2007:**

DP/1 – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **CH/4** – Development Within the Curtilage of a Listed Building, **CH/5** – Conservation Areas, **CH/6** – Protected Village Amenity Areas, **NE/6** – Biodiversity, **NE/11** – Flood Risk, **NE/15** – Noise Pollution & **TR/2** – Car and Cycle Parking Standards.

7. **Paragraphs 4.37 – 4.42** of Local Development Framework Listed Buildings: Works to or Affecting the Setting of Supplementary Planning Document adopted July 2009 relate to the setting of Listed Buildings. It is noted that the setting of a listed building can include other properties (buildings), and its setting owes its character to the harmony produced by a particular group of buildings.
8. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation

9. **Fen Drayton Parish Council** recommends refusal on a number of grounds. Its summary states:
 - (a) There is no material change to the previous scheme refused and dismissed at appeal
 - (b) The widening of the bridge will seriously affect the adjacent trees, and would further depress this aspect of the village
 - (c) Potential flooding from the brook would result
 - (d) There would be a serious impact upon the existing Mothers and Toddlers group and the Pre-School group
 - (e) There is concern regarding the potential for increased journey numbers to and from the site
 - (f) Comparisons with other nurseries do not show any in other small villages
 - (g) There will be a shortage of staff parking
 - (h) No speed data for High Street is provided
 - (i) Vehicles will arrive at the site at peak times
10. With regard to the tree survey submitted, Fen Drayton Parish Council note that the trees by the brook contain nesting Rooks, and any works to roots would adversely affect these birds.

11. The **Local Highways Authority** objected to the proposal on grounds of highway safety. They have been in discussions with the applicant since the application was submitted, and have responded to various information passed through regarding other nurseries in the area. The main area of concern to the Local Highways Authority is whether there is a right for any motor vehicles to access the parking spaces to the rear. A planning condition regarding the use of the access is not considered appropriate. They note concerns relating to the enforceability of parking arrangements and the potential impact upon the adopted public highway. Also, it is noted that due to other facilities in the village, demand for the use will be from outside the village where the car will be the primary method of travel. Negotiations are continuing.
12. The Council's **Conservation Officer** refers to previous comments made regarding the site. This relates to internal and external changes. None are shown on the plan, while the officer considers such proposed changes to potentially impact on the exterior of the building. Concerns are also raised as to the setting of the Conservation Area, and the impact upon the setting of the listed building.
13. The Council's **Environmental Health Officer** has considered the proposal in terms of noise and environmental pollution, and it is concluded there are no significant impacts from the Environmental Health standpoint. Members should be aware that at application S/0446/09/F, the Environmental Health Officer did recommend a condition regarding a noise management scheme.
14. The Council's **Trees Officer** has stated that the Hayden's Report indicates that the widening of the bridge can be achieved whilst retaining the adjacent tree. There are no objections providing the proposals within the report are followed, with Hayden's present on site during the works.

Representations

15. The occupiers of **Teal Cottage, Horse and Gate Street**, located to the east of the site, have questioned some aspects of the application. This specifically relates to the location of the diagrams for the bridge widening, the potential addresses of staff, the necessity to protect children given the proximity of the brook to the front of the site, and the impact upon the existing pre-school in the village.
16. The occupiers of **33 Cootes Lane** notes concerns regarding the trees should the bridge be widened, and questions whether two vehicles would be able to pass. Concerns regarding an increase in vehicle numbers in the village are also raised.

Planning Comments – Key Issues

17. The key issues relating to the application are highway safety and parking, the impact upon trees, the impact on the amenity of the occupiers of the adjacent dwellings, impact upon the Conservation Area, the adjacent listed building and Protected Village Amenity Area, and flooding.

Highway Safety and Parking

18. The Local Highways Authority original objected to the proposal. Given the previous Inspectors comments, there are continuing concerns regarding the access to the site, and potential parking on High Street, which would be the detriment of highway safety. Talks are currently on going on this issue, and Members will be updated on this matter once the Local Highways Authority has concluded its negotiations.

The Impact Upon the Trees

19. Contrary to the previous two applications that were refused, this application includes a scheme to widen the bridge over the brook to the front of the site. This would seek to increase the width by approximately 0.9m to the south, to allow the 5m width of the access to allow vehicles to safely pass each other. This would bring the bridge very close to the existing tree, which is considered to significantly contribute to the street scene and is protected in its own right due to its location in the Conservation Area.
20. The applicant submitted a Tree Survey, Arboricultural Implication Assessment and Method Statement, completed by an Arboricultural Consultant dated 17th March 2010. The tree to the south is referred to as T001 in this report. The report concludes that limited excavation would take place within the Root Protection Area of T001, and therefore a bespoke construction detail has been designed to reduce the impact to a minimum. The works could therefore be undertaken without due detriment to the health and safety of this tree. I note the comments from the Council's Trees Officer supporting this view. With the use of an appropriate condition, I do not consider any serious harm would result to the tree, and consequently, there would be no serious harm to nesting birds.

The Impact on the Amenity of the Occupiers of the Adjacent Dwellings

21. The proposal does include an existing garden, which would have the potential to be used as a play area on warm days. It has shared boundaries to the rear gardens of both Blandings and Teal Cottage. The size of the garden would restrict the number of children who could play at one time, but is unlikely to accommodate the proposed number of children at the site in one go. The respective boundaries would provide some screening. The Environmental Health Officer has previously stated that given noise levels of play associated with nurseries are relatively low, there are no serious concerns about the use (please note that no comments have been received regarding this application). However, a condition regarding a noise management scheme could ensure this to be the case. The scheme could include details such as times of outdoor play, a maximum number of children to play at one time, and some strengthening of the shared boundaries. Members should be aware the previous Planning Inspector did not dismiss the previous appeal on grounds of impact upon the amenity of the occupiers of these neighbouring properties.

Impact upon the Conservation Area, the adjacent listed building and the Protected Village Amenity Area

22. The change of use requires no alterations to the external appearance of the building. I note concerns that any internal changes may place a demand upon the need for further openings. A condition can ensure that no further windows are added without planning permission, to allow for only suitable openings to be added, which may have previously been permitted development. The applicant has shown the requirement for some new low fencing to separate the rear parking area from the grassed area. There is no concern regarding the principle of such a fence, which again could be erected as permitted development at the proposed height of 0.9m, but a condition could ensure the fence is constructed using appropriate materials. It should be noted that when determining application S/0446/09/F, the Planning Inspector did not object to the proposal on grounds of impact upon the Conservation Area.
23. The public house to the south is grade II* listed. The existing access to the rear of the site is used in relation to the existing office use on the site. Given the lack of exterior

changes, the impact upon the setting is considered neutral. I note the concerns by the Conservation Officer, but no specific detail has been provided as to the exact reasoning. It should again be noted the previous Planning Inspector did not object on these grounds. Any comments received from English Heritage will be reported verbally to Members, but it has not previously responded to consultations on the proposal.

24. The brook area to the front of the site is a Protected Village Amenity Area. This application is the first of the recent three to include details of the widening of the footpath. This would be by approximately 0.9m. Given this small increase, I do not consider that the purposes behind the designation of the Protected Village Amenity Area would be seriously harmed.

Flooding

25. The site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. The Environment Agency had previously confirmed that the FRA provided was acceptable, and requested a condition regarding the submission of a Flood Contingency Plan to be approved by the Emergency Planner. Members will be updated on any comments received from the Environment Agency in relation to this application.

Other Matters

26. A variety of other matters have been raised during the consultation process. The Parish Council and occupier of a neighbouring property raise concerns regarding the impact upon the existing Pre-School in the village. Competition for such uses within the village is not a material planning consideration. I note the application does not include a business plan. As the site is already in employment use, a business plan demonstrating the need is not considered necessary for the determination of this application. However, the applicant has submitted marketing information, showing details since September 2008 and the lack of demand for office space in this location. The potential for other more suitable sites is again not a material planning consideration in this instance.
27. I note concerns regarding safety of children given the proximity of the brook across the front of the site. There is a good vegetation screen to the east side of the brook, which should prevent any serious incidents taking place. The access bridge across the brook does not have any railings, but the proposed bridge would have a railing. Given the ages of the children attending the building, they would require parental accompaniment to cross the bridge to the building. Given the need for parental support, I do not consider the brook would create any safety issues to users of the building. The applicant is likely to require completion of a risk assessment on this matter.
28. An informative can be added following comments by the Environmental Health Officer relating to application S/0446/09/F in respect of Food Hygiene and Health & Safety/Welfare requirements. A further informative echoing previous correspondence from Teal Cottage regarding the potential for the existing poplar trees at the rear of the site to shed branches can also be added.

Recommendation

29. Delegated approval/refusal subject to negotiations with the Local Highways Authority with regard to the access.

If the application is supported, conditions would include submission of a Flood Contingency Plan, notice that the use shall only commence once the bridge widening is complete, the provision of appropriate cycle parking prior to the use commencing, the design of the proposed fencing to the rear, the number of pupils to be a maximum of 30, the cessation of the use if the parking to the rear is not available for this use, the submission of a noise management scheme, a scheme to show staff parking to the rear and visitor parking to the frontage, the method of bridge construction to be as noted within the Tree Survey, Arboricultural Implication Assessment and Method Statement dated 17 March 2010, and the removal of permitted development rights for additional windows.

Informatives

In addition to the granting of planning permission, the applicant will need to comply with Food Hygiene and Health & Safety/Welfare requirements. The applicant/agent should contact the Food and Health & Safety Team (Health & Environmental Services, South Cambridgeshire District Council on 01954 713375) for advice concerning the proposed premises design/layout, Food and Occupational Safety and Welfare Regulations/requirements, Toilet Standards and Food Premises Registration.

The applicant should be aware of local concern regarding the Poplar trees along the rear boundary of the site, and their potential for shedding branches.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies adopted 2007
- Local Development Framework Listed Buildings: Works to or Affecting the Setting of Supplementary Planning Document adopted July 2009
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning Files Ref: S/1608/09/F, S/1265/09/F, S/0446/09/F, S/0039/90/F and S/1710/89/F.

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