

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

15 January 2020

AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/4298/18/FL

Parish(es): Willingham

Proposal: Demolition of existing garage and outbuildings and erection of new children's nursery with associated infrastructure and landscaping.

Site address: Rear of 74, Rampton Road, Willingham, Cambridge, CB24 5JQ

Applicant(s): Ms Morrice

Recommendation: Refusal

Key material considerations: Principle of Development
Highway Safety
Impacts to Residential Amenity and Noise Impacts

Committee Site Visit: 10th December 2019

Departure Application: No

Presenting Officer: Aaron Sands, Senior Planning Officer

Application brought to Committee because: As a matter of public interest and referred back from committee on the 11th December 2019.

Date by which decision due: 31st May 2019

Executive Summary

1. The application site is located on the edge of, but outside the Development Framework. The principle of development in this location is considered to be, on balance, acceptable, as there is sufficient need that policies S/7 and TI/9 provide support. However, in considering the detailed design of the proposal, officers consider the development would result in an adverse impact to the residential amenity of neighbouring residential properties that could not be mitigated. The application is therefore recommended for refusal.

Planning History

2. None Relevant

Site Constraints

3. The application site comprises the residential garden of no. 74, with that property and the proposed access located within the Development Framework and the remaining garden are located outside. The site is on the edge of Willingham, with properties generally being single dwellings fronting the road, with some variety in setback but with wholly limited penetrative development. Some 200m to the south of the site is a Public Right of Way (PROW), which runs concurrently with a designated award watercourse.

Proposal

4. The application proposes the erection of a new children's nursery (Use Class D1), following the demolition of the garage to the site of no. 74, in order to facilitate an access, along with parking and turning areas and associated landscaping.
5. The nursery building is proposed in an approximate 'T' shape, measuring approximately 16.1m in overall depth, 36.1m in overall width, 3.7m in height at the ridge and 2.2m in height at the eaves.

Relevant Policy

6. National Guidance

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

Noise Policy Statement for England (NPSE)

7. South Cambridgeshire Local Plan 2018

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in Favour of Sustainable Development

S/6 The Development Strategy to 2031

S/7 Development Frameworks

S/9 Minor Rural Centre

CC/1 Mitigation and Adaptation to Climate Change

CC/3 Renewable and Low Carbon Energy in New Developments

CC/4 Water Efficiency

CC/6 Construction Methods

CC/7 Water Quality

CC/8 Sustainable Drainage Systems

HQ/1 Design Principles

NH/2 Protecting and Enhancing Landscape Character

NH/4 Biodiversity

SC/9 Lighting Proposals

SC/10 Noise Pollution

SC/11 Contaminated Land

TI/2 Planning for Sustainable Travel

TI/3 Parking Provision

TI/8 Infrastructure and New Development

TI/9 Educational Facilities

8. Supplementary Planning Documents (SPD)

Cambridgeshire Flood and Water SPD – Adopted 2016

District Design Guide – Adopted 2010

Landscape in New Developments – Adopted 2010
Trees and Development Sites – Adopted 2009
Biodiversity – Adopted 2009

Consultees

9. **Parish Council** – No recommendation. Whilst the Parish Council supports additional nursery places within the village, it does have reservations about the site and traffic, given the busy nature of the road, particularly at peak times.
10. **Local Highway Authority (LHA)** – Local Highway Authority would request that appropriate signage be installed to highlight the entrance and exit, the width of the entrance and exit is required to be 3.75m with a minimum of a 1.8m footway with a bound surface for the first 10m. If the LPA is minded to grant permission, conditions are recommended in respect of pedestrian visibility splays, the falls levels and materials of the access and the requirement for a traffic management plan.
11. **Environmental Health Officer (EHO)** – Objection. The proposal is extremely likely to cause a loss of amenity to nearby residents from noise from the passage of vehicles using the access.
12. **Landscape Officer** – Objection due to adverse effects on the landscape and on views and visual amenity. Recommended principles to be adopted to improve the landscaping and visual impact.
13. **County Transport Assessment Team** – Insufficient information provided to assess the proposed development.
14. **County Growth & Development Officer** – Recommend revisions to layout in accordance with Cambridgeshire County Council “Guide to the Location and Specification of New Build Nurseries and Pre-Schools”.
15. **Drainage Officer** – No objections subject to a condition requiring a detailed scheme for the disposal of foul and surface water.
16. **Ecology Officer** – No objection subject to a conditions requiring the submission of a construction ecological management plan, and a scheme for the enhancement of biodiversity.
17. **Tree Officer** – No objections subject to a condition requiring a detailed Arboricultural Method Statement and Tree Protection Strategy to be submitted to and approved by the Local Planning Authority.
18. **Contaminated Land Officer** – No objections subject to conditions requiring further contaminated land investigations and appropriate remediation and verification.

Representations

19. Approximately 19no. objections received incorporating the following summarised points;
 - The noise generated from children outside would adversely impact the residential amenity of neighbouring property, particularly as the nursery is a forest school, that specifically encourages children to be outside.

- Noise levels shown in the noise impact assessment are indicated as being “noticeable and intrusive” and would prevent enjoyment of garden areas by neighbouring residents.
- The noise mitigation measures would not be sufficient to protect neighbouring amenity.
- The proposal would result in general noise pollution, impacting the tranquillity of the local area.
- There would be a loss of privacy from staff and children being able to look into neighbouring private rear gardens.
- There are alternative locations where the nursery could be located that would be less impactful to neighbours.
- There will be unacceptable traffic congestion and association noise and pollution during drop-off and pick-up times.
- The width of the entrance is not sufficient to allow vehicles to move freely and will lead to obstructions on the road.
- Promoting alternative modes of transport is unlikely to be successful, as public transport connections are not close to the site and parents will drop children off on the way to work.
- The existing footpath and cycle links to the centre of Willingham are lacking, and would not be attractive for children.
- There is insufficient car parking provided to accommodate staff and drop-off and pick-ups and people will be forced to park on the road, restricting traffic flow.
- There is no shortage of childcare/nursery places in Willingham.
- There is insufficient evidence to support that there would be a future shortage, and Northstowe New Town.
- Rampton Road is a busy thoroughfare where there are frequent accidents.
- The site is outside the Development Framework.
- The existing road floods during heavy rain, and if this is not resolved it will exacerbate access issues.
- Insufficient information regarding whether the foul network would be able to cope with additional demands.
- The applicant has not carried out public consultation with local residents.
- There are insufficient details for managing waste collection.
- The access width is insufficient to meet the requirement of the local highway authority and allow access for larger cars.

20. The following matters have been raised that are not material planning considerations. Officer notes have been *italicised* where relevant for information.

- The developer’s motivation for submitting the application.
- Motivations of people who have made representations.
- The submission of the application and subsequent amendments is causing distress.
- Risk of fires from “campfire cooking”.
- The proposal would set a precedent.
- The proposed accommodation, in terms of the internal space and facilities to serve users of the site. *This would be a matter covered by other legislation.*
- The application does not mention signage for the nursery. *This would require a separate advertisement application.*
- The design and access statement includes photos that have been labelled incorrectly.
- Whether the applicants are local to the area.
- Impacts to private views.
- Impacts to property value.

Planning Assessment

21. The key considerations in this application are;
- Principle of Development
 - Design and Character
 - Highway Safety
 - Parking Requirements
 - Impacts to Residential Amenity and Noise Impacts
 - Drainage
 - Contaminated Land
 - Ecology and Biodiversity

Principle of Development

22. The application site is located outside, but adjacent to, the Development Framework, where policy S/7 provides for certain forms of development. It would fall to a test of whether any other policies support the principle of the development in this location in this instance.
23. Policy TI/9 sets out the policy tests for new education facilities, including early years placements (EYP), and applies to such proposals anywhere within the district, not just those within the development framework. The applicant has provided details of alternative facilities in the area and information in respect of future need. Officers do not consider need should be limited to just Willingham, as there is every likelihood the site would be used by parents on their way to work, and residents of surrounding villages would likely utilise additional provision. The submitted details indicate that there are surrounding villages with a shortfall in provision that may benefit from this proposal, and officers note future growth in and around the area that might benefit from the proposal, such as Northstowe New Town.
24. Officers note the details provided in respect of other nurseries in the area and the services they offer, which indicates there is one other full time nursery, and one that provides term time cover. Officers note that neither appears to represent the same type of nursery as that proposed, as the application is explicitly for a forest school, and policy TI/9 provides some support for the increase in range of education provision. Details have been provided in respect of the benefits this type of EYP facility, and how they differ from other provisions, such that officers consider this proposal would be supported by that policy. The development is accessible, located along a main thoroughfare into Willingham, and the County Growth and Development Officer has raised no objection to the amended scheme.
25. Officers consider the principle of the development is therefore on balance acceptable and would accord with the spirit of policies S/7 and TI/9, in promoting the accessibility and range of services within villages to reinforce the wider sustainability of the village and surroundings.

Design and Character

26. This area of Willingham is an edge of village location, characterised by a linear, regular form of development of primarily residential dwellings, in a wide range of styles. Officers note some limited at depth development, though it appears there is a mix of uses, including agriculture, equine uses and residential outbuildings. There are a range of glasshouses in the surroundings, and officers note a PROW and a well established tree belt to the south.

27. The application proposes an at depth development, demolishing the existing garage to the side of the dwelling with an access to the side. While the limited at depth development is noted, officers also note the form of the proposed building would blend well with the verdant site, utilising natural facing materials and a low height that would reduce its visual prominence in the locality. The retention of the majority of the well established trees in the site, as part of the forest school ethos, would provide further screening, better reflecting the prevalent character.
28. There would be a notable side access, which would clearly lead to something to the rear of the front dwelling. However, officers noted other properties in the area that had side accesses, such that this in itself would not create a notable departure from the area. The parking and manoeuvring area within the site would be screened from public views by vegetation and the existing physical development, such that it would not appear visually intrusive. On the whole, therefore, officers consider the proposed design would appropriately preserve the character of the area, in accordance with policies HQ/1 and NH/2.

Highway Safety

29. The application proposes to alter the existing access and create a new access along either side of the existing dwelling on site, demolishing the garage to the north and utilising what appears to be a narrow field access to the south. The result would be an in-out access, with a footpath running alongside the northern access. Rampton Road is a well provisioned and heavily trafficked thoroughfare into and out of Willingham. The road is reasonably straight, and with a 30mph speed limit.
30. The submitted transport technical note indicates that some 5 to 7 vehicle movements are expected to occur during the peak periods. Officers note that the County Transport Assessment Team have not commented on the revised details but consider there is a likelihood that users of the site would look to drop children off before the full peak. The details provide indicate approximately 29 vehicle movements in each peak utilising the accesses.
31. The Local Highway Authority have raised no objection to this application in terms of the principle of the in-out access, though officers note the width of the accesses are approximately 3m, for vehicles, as opposed to the requested 3.7m, which would not be achievable given the constraints of the site. It appears there would be potential for access for emergency vehicles along the northern access with the inclusion of the footpath, however, but this matter would fall under building regulations.
32. While the application has been accompanied by some indicative details in respect of a travel plan, officers consider that alternative forms of transport are unlikely to be attractive over the private car, as parents would most likely drop off and pick up children on the way to and from work, and there are no bus stops in particularly close proximity that would provide a ready access for use of that form of transport. Notwithstanding, a more detailed travel plan could be conditioned to better demonstrate appropriate measures to be imposed.
33. While officers note the limited widths, it appears there is sufficient space for vehicles to use the site. On balance, and subject to the conditions suggested by the LHA to ensure the safe functioning of the highway, as well as conditions requiring signage and lighting details to be provided to facilitate the in-out access the proposal is considered to accord with policy TI/2 and the provisions of the NPPF, notable paragraphs 108 and 110.

Parking Requirements

34. The proposal includes 10no. parking spaces overall, with 6no. spaces for staff and 4no. drop-off spaces, as well as an area of cycle storage. Policy TI/2 sets out indicative parking standards, requiring 1.5 spaces per 2 staff, which would be exceeded by the proposed provision.
35. In considering parking requirements, officers are mindful of the above identified harm in relation to the width of the access and the need to wait for vehicles to pass along its length, resulting in delay and limiting free flow of vehicles. It is considered this is likely to result in parking on the road as the time delay will mean parents feel they need to park along the unrestricted Rampton Road.
36. However, this is not a matter that arises from lack of parking specifically, but due to other impacts of the development. The proposal exceeds the required parking space requirements of by policy TI/2, and officers therefore consider the proposal would provide a suitable level of parking sufficient to meet the needs of the development. In light of the heavily trafficked road, it is considered a condition would be necessary to ensure the area was kept free for parking and manoeuvring at all times. Subject to that condition, it is considered the proposal would accord with policy TI/2 in terms of parking requirements.

Impacts to Residential Amenity and Noise Impacts

37. The application site is located in close proximity to a number of residential properties, notably nos. 70, 74 and 78 Rampton Road. Officers understand the applicant's father lives at no. 74, and the applicant therefore has control over that property. There is likely to be significant impact to that property, but, in discussion with the applicant, officers consider the impacts to no. 74 specifically could be dealt with by condition that ties the property to occupation by owners, employees or relatives of the business, who would be less affected by the impact due to the relationship with the operational matters.
38. In terms of overshadowing, overbearing or overlooking impacts, officers consider the buildings are of too low a scale, and appropriate boundary treatments would be required by condition, to result in an adverse impact to the residential amenity of surrounding property from those specific matters.
39. Nos. 70 and 78 are sited either side of the property, and officers note that both properties have objected on the basis of noise, particularly noise from the children outside the site. The EHO has raised an objection on the basis of noise impacts to amenity, and notes that the submitted report does not provide sufficient comfort in applying mitigation measures. In this instance, there are two specific sources of noise to be considered, the noise from vehicle movements using the access, as well as the activity in the parking areas, and the noise from the operation of the nursery, namely from children playing outside.
40. Officers would wish to make clear the specific distinction at this point between noise impacts in terms of harm to health, and those that might give rise to a loss of amenity. The latter is more subjective and harms to amenity may arise at much lower levels, and the EHO has explicitly objected on the grounds of amenity impacts, as opposed to health impacts. Officers do not consider the proposal to be adverse in terms of its health impacts but have referred to standards that assess the impact of noise on health for completeness. For information, the World Health Organisation (WHO) Noise

Guidelines recommends not exceeding 55dB, as prolonged exposure of such levels leads to adverse health impacts

41. The EHO has noted that there is no specific good practice guidance as to how to assess and consider noise originating from nurseries. The noise assessment has been based on BS4142, which applies specifically to the assessment of industrial and commercial noise. However, while the practice has been effective in assessing such forms of noise, the EHO has specifically noted that the noise likely to arise from the proposed use would be variable, and the assessment therefore provides no comfort that noise could be appropriately mitigated from.
42. The latest application has provided no further noise assessment to demonstrate what the effects would likely be, but officers note the previous report indicate a 54dB noise level at the nearest window to no. 70. Noise generated from the proposal would be variable in its type and in the main points of origin throughout the day, alternating between vehicle movements and noise from children.
43. The NPPG and the NPSE advise noise becomes noticeable and intrusive at 46dB at sensitive receptors, which would include residential buildings. Noise that that level would represent the Lowest Observed Adverse Effect Level (LOAEL) in accordance with the NPSE and the point at which health and behavioural impacts may be observed. At 51dB, noise becomes noticeable and disruptive, and falls into the Significant Observed Adverse Effect Level (SOAEL). The NPPG (para. 005 ref. ID: 30-005-20190722) indicates that, at LOAEL, effects should be mitigated and reduced, and at SOAEL, effects should be avoided.
44. While the access is considered acceptable in highway safety terms, officers note there is likely to be a heavy usage of both accesses. There is limited parking on the site, and while this is unlikely to result in a safety issue this would necessitate some level of waiting on the site as parents drop off and pick up children. The transport assessment indicates that much of the vehicle movements would take place outside typical rush hours, and officers consider this likely to be prior to 8am as parents drop children off prior to working hours. The EHO considers it likely that there would be a spike in vehicle movements as parents arrive, and officers agree that this is likely to be the case. While officers consider there is a likely noise levels would be reduced by the existing built form in the gardens of no. 70 and 78, vehicle movements would still be high intensity, and outside of typical rush hour where such noise could reasonably be expected. It would be closer to neighbouring property, and at a very different point of origin in comparison to the existing noise generated from Rampton Road.
45. As a forest school, by its very nature children would spend large portions of time outdoors, where there would be significantly less mitigation from built form than if children were predominantly indoors. The EHO has noted that, in assessing noise from children, there is no recognised standard that could be applied (i.e. such as there would be for assessing noise from industrial processes), and as such it is not certain what, if any, impact noise mitigation measures would have. Officers also note that noise from children explicitly cannot be the subject of noise complaints, and as such there are not other legislative regimes in place that would enable the council to respond to impacts.
46. Unmitigated, officers note the noise assessment indicates the noise level generated would be noticeable and intrusive, and as children are likely to be predominantly outside, officers consider this would likely be the more common levels of noise generated. While the noise report predicts a 5dB reduction through the use of fencing, the EHO has serious concerns with the potential that has to satisfactorily

mitigate the impacts. The submitted noise assessment has done its best to assess the proposal, but the lack of recognised appropriate methodology to assess such noise impacts, and the uncertainty around the efficacy of noise mitigation measures does not overcome concerns that there would be an impact to amenity of neighbouring property.

47. In conclusion, the significant alteration in the type, level and position of the noise that would be spread throughout the day, would result in an adverse impact to the residential amenity of neighbouring residential properties with no comfort that satisfactory mitigation could come forward. The proposal is therefore contrary to policies HQ/1 and SC/10.

Drainage

48. The application site is located in Flood Zone 1, at the lowest risk of flooding, and while there are areas of identified as being at risk of surface water flooding in the surroundings, there are no significant areas within or immediately adjacent to the site that would be likely materially impacted. The drainage officer has raised no objection to the proposal, that considers a condition could adequately deal with the provision of drainage infrastructure. Officers note the application indicates the proposed development would utilise sustainable drainage systems and seek to connect to the mains sewer and consider there is ready opportunity for these elements to be included to a satisfactory level within the site, but consider, in light of the increase in areas of hardstanding, details should be required by condition, to ensure the development would adequately protect the water environment in accordance with policies CC/7 and CC/8.

Contaminated Land

49. The proposed use of the site would be considered a sensitive use, particularly in light of the nature of the school, where it would be expected that children would interact with the land, potentially including digging or close interaction with soils. The contaminated land officer notes the historic uses of the site, including a garage and outbuildings and considers there is some risk that the site could be contaminated such that further works are required. They recommend this could be dealt with by condition, with appropriate remediation and verification being carried out in the event contamination is identified. As the risk of contamination is low, officers consider a condition could appropriately deal with this matter, in accordance with policy SC/11.

Ecology and Biodiversity

50. The application has been accompanied by a Preliminary Ecological Appraisal (PEA) that has been reviewed by the ecology officer, who raises no objections subject to conditions. The report suggests there are ecological constraints within the site, such that the recommendations within the PEA are not considered sufficiently detailed to ensure no adverse impacts would arise from the carrying out of the development. However, it is considered that appropriate methods could be readily achieved, and a construction ecological management plan could be required by condition.
51. There is ready opportunity within the site to provide biodiversity enhancements, both in the building and amongst the trees being maintained. A condition would also be necessary to ensure a scheme of biodiversity enhancement is submitted. Subject to those conditions, the proposal would accord with policy NH/4.

Recommendation

Officers recommend that the Committee **refuse** planning permission for the following reason:

Reason:

1. While the application has been accompanied by a noise assessment, there are no recognised standards appropriate for measuring the impacts of noise from a nursery. The proposal would result in a substantial change in the form and position of prevalent noise sources and a significant increase in the level of activity within the site. While a recognised standard has been adapted in the assessment of the proposal, there is no comfort the mitigation measures recommended would result in any material change in the level of noise generated from the proposed development. The development would therefore result in an adverse impact to the residential amenity of surrounding dwellings, contrary to policies HQ/1 and SC/10 of the South Cambridgeshire Local Plan 2018 and the provisions of the National Planning Policy Framework, notably paragraphs 170 and 180.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Plan 2018
- Planning File Ref: [S/4298/18/FL](#)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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