

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

5<sup>th</sup> August 2009

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0446/09/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**

**Date for Determination: 20<sup>th</sup> August 2009**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the Parish Council has recommended refusal contrary to officer recommendation and the site lies within the Conservation Area.**

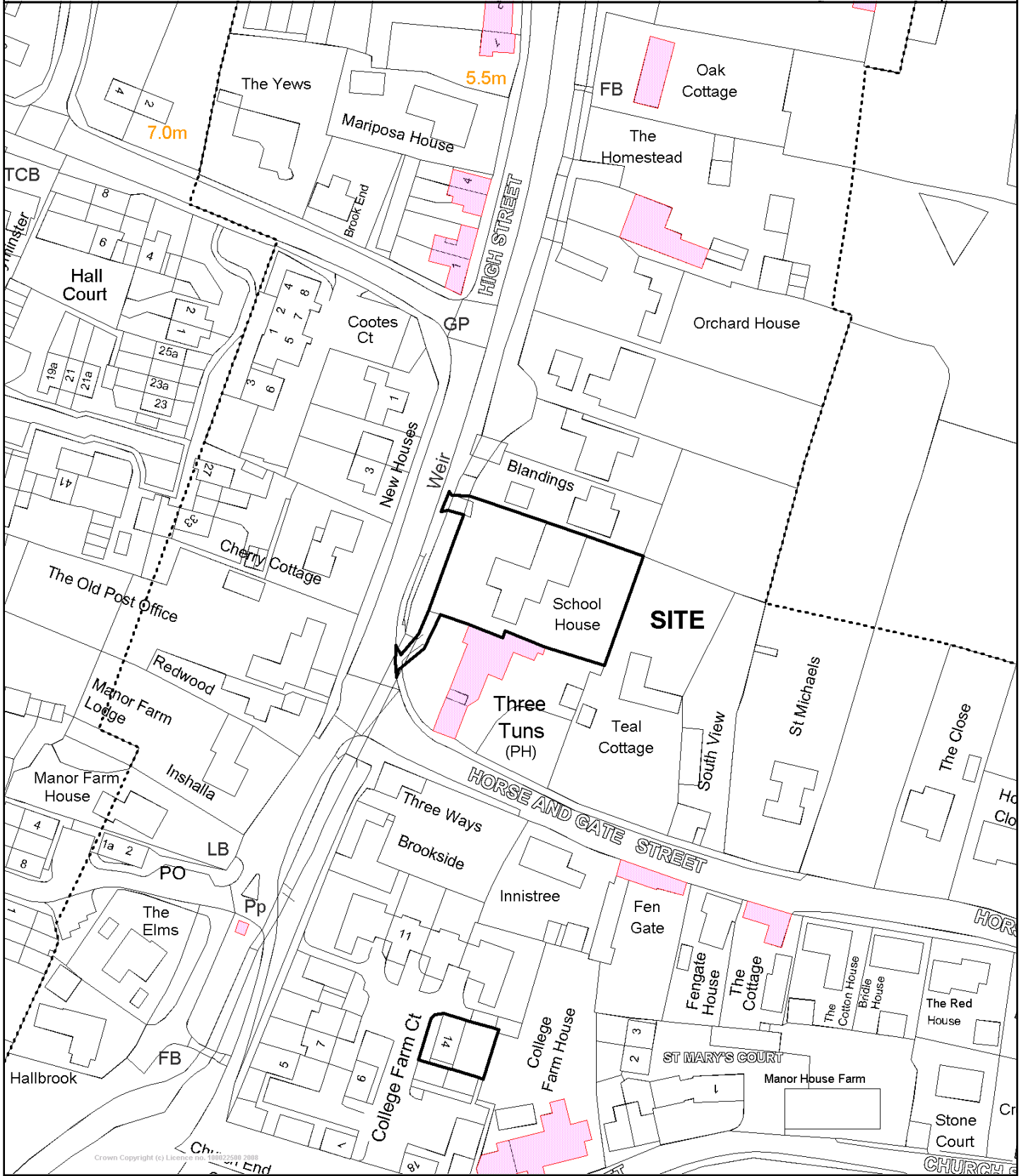
**Conservation Area**

**Site and Proposal**

1. The full application, received on 7<sup>th</sup> May 2009, 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, catering for approximately 50 full and part-time attending children and requiring 15-20 full and part-time carers, dependent on child numbers.
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. A Flood Risk Assessment has been submitted with the application. The brook also is designated as a Protected Village Amenity Area.
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/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



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Scale 1/1250 Date 22/7/2009

Centre = 533910 E 268266 N

AUGUST 2009 PLANNING COMMITTEE

**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**

5. 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/11** – Flood Risk, **NE/15** – Noise Pollution & **TR/2** – Car and Cycle Parking Standards.

6. **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**

7. **Fen Drayton Parish Council** recommends refusal on a number of grounds. Their summary states:

- (a) No benefit to Fen Drayton: users would be from outside the village, further contributing to adverse traffic conditions.
- (b) No business plan has been provided demonstrating a need for this: no demand.
- (c) Inappropriate siting on very busy corner: highway safety not adequately addressed.
- (d) Inappropriate siting: parents have expressed concerns regarding the proximity to the pub.
- (e) Inadequate/inappropriate parking facilities leading to obstructive parking on the road in the village.
- (f) Inadequate space for outside play area for children.
- (g) Water danger to children (brook in Conservation Area).
- (h) Flood area: access impossible in times of flood.
- (i) Detrimental to existing community spirit.
- (j) Other more suitable sites have been identified.

8. The **Environment Agency** confirms the submitted Flood Risk Assessment (FRA) meets the requirements of PPS25 (Development and Flood Risk). A condition is recommended regarding a Flood Contingency Plan to be submitted prior to the use commencing.

9. The **Conservation Officer** requested further information regarding the original submission, with particular reference to any proposed fences, gates, toilets, drop off points and pick up points. Comments regarding the further information will be confirmed verbally to the Planning Committee.

10. The **Corporate Manager (Health and Environmental Services)** stated there might be potential for noise to be created during times children are playing outside. However, there are no significant concerns regarding the impact upon the occupiers of adjacent dwellings, as this noise level is usually low. A condition is recommended regarding a noise management scheme. An informative is also requested by the Food and Health and Safety Team regarding Food Hygiene and Health and Safety/Welfare requirements.

11. The **Local Highways Authority** recommends refusal of the original submission in its present format, but requested further information. On submission of further information, the Local Highways Authority have removed their original objection, subject to a manoeuvring plan for the drop off area demonstrating that a vehicle can arrive and leave in forward gear if all spaces are taken. Some changes are also recommended to the cycle parking layout.
12. Comments have yet to be received from **English Heritage** regarding the grade II\* listed building to the south. Any comments received will be reported verbally to the Planning Committee.

### **Representations**

13. Letters of objection have been received from the occupiers of four of the adjacent properties including Teal Cottage and the Three Tuns, and from a representative of the Fen Drayton Pre-School Committee. These objections are summarised below:
  - (a) The development would create a negative effect on the operating standards of the adjacent public house, would cause use of the public house's own parking facilities, and would "bring unreasonable requests" from users of the nursery to the services of the public house.
  - (b) Lack of on site parking.
  - (c) Impact upon the Right of Way to Teal Cottage.
  - (d) Potential flooding.
  - (e) Impact upon highway safety and parking along High Street.
  - (f) Impact upon the accesses to the dwellings on the opposite side of High Street.
  - (g) The potential impact from falling branches.
  - (h) The impact upon the existing Pre-School within the village.

### **Planning Comments – Key Issues**

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

### ***Highway Safety and Parking***

15. The site has consent for a Class B1 office use, and already has two existing accesses. The proposed use would bring about a change in the types of journeys to the site. Members of staff are likely to arrive at similar times to the existing use, whilst the frontage parking area is likely to have busy spells of traffic in the mornings and late afternoons when children arrive to and from the site. Given the access from High Street is already in existence, the Local Highways Authority has confirmed that it does not object to the potential intensified use of this access. The access is 5m wide and would allow vehicles to pass whilst crossing the brook.
16. The rear parking area is shown on the plan for staff parking, and therefore its use will be similar to existing. A condition requiring this to be clearly marked for staff parking only would prevent unnecessary noise disturbance to the adjacent properties. The Local Highways Authority have also confirmed they have no objection to the potential for cars to park along the High Street when visiting the site for short drop-offs, given the slow nature of this section of road, and the lack of enforcement potential against such parking. I note concerns regarding the potential to block accesses in the area, but this potential is in place today. I do not consider the change of use would

significantly add to this problem, especially given the short length of time vehicles would be parked on High Street.

17. The site has 17 existing spaces. Given the floor area, a B1 use would require 15 parking spaces in line with the Council's maximum parking standard. A pre-school use with 20 members of staff would also require 15 parking spaces. The site therefore has an over provision for the requirements of the standard. It is considered to have adequate parking provision, and extra facilities to allow for drop off spaces. The applicant has also stated that flexible childcare sessions used in its other nurseries would spread the time of arrivals and departures, rather than have the total of 50 children arriving and departing at the same time.
18. The Local Highways Authority is requesting a plan to show that vehicles would be able to enter and leave the visitor parking area in forward gear when all parking spaces are filled. Members will be updated verbally on the progress of this matter. I consider that if it cannot be achieved, a compromise could be reached whilst still meeting the parking standards of the use.
19. The Local Highways Authority requests the cycle hoops are located 1m apart. The hoops scale at 900mm. If the Local Highways Authority continues to recommend they be 1m apart, then this can be worded in a condition. A condition can ensure the cycle parking is provided prior to the use commencing to encourage cycling to the site.
20. I note there is a Right of Way along the access to the rear of the building, which serves the adjacent property of Teal Cottage. The arrangement at this section of the site should not alter significantly, and I do not consider there would be any serious impact upon the Right of Way.

#### ***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, and would certainly not accommodate the 50 children to which the site could cater for. The respective boundaries would provide some screening. The Environmental Health Officer has stated that given noise levels of play associated with nurseries are relatively low, there are no serious concerns about the use. 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.
22. Given the rear parking is potentially for staff only, there should be no increase in noise and disturbance from vehicles accessing the rear parking area of the site. The situation is considered to be as it is for an office use.

#### ***Flooding***

23. The site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. The Environment Agency has confirmed that the FRA provided is acceptable, and request a condition regarding the submission of a Flood Contingency Plan to be approved by the Emergency Planner.
24. 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 would prevent any serious incidents taking place. The access bridge across the brook does not have any railings. However, 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.

### ***Impact upon the Conservation Area and Protected Village Amenity Area***

25. The change of use requires no alterations to the external appearance of the building. The applicant has shown the requirement for some new low fencing to separate the rear parking area from the grassed area. I have yet to receive comments from the Conservation Team on this issue, but a condition could ensure the fence is constructed using appropriate materials.
26. The brook area to the front of the site is a Protected Village Amenity Area. Giving the access across this area and the boundary planting is existing, I do not consider the scheme would affect the designation of this area of land.

### ***Other Matters***

27. A variety of other matters have been raised during the consultation process. The Parish Council and the Fen Drayton Pre-School Committee both 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. The potential for other more suitable sites is again not a material planning consideration in this instance. The Parish Council also refer to a loss of community spirit as the Pre-School may be affected. However, the nursery is likely to create a new community in its own right.
28. I note concerns regarding the Poplar trees along the boundary of the site and Teal Cottage. An informative can ensure these concerns are passed to the applicant. A new fence separating the parking and grassed area would provide safety to children and not allow access to Teal Cottage through the existing Right of Way.
29. I also note concerns regarding the adjacent public house. I do not consider the proximity of the use would have any serious impact upon the public house.

### **Recommendation**

30. Delegated approval (as approved by the amended site plan date stamped 25<sup>th</sup> June 2009), subject to comments from the Local Highways Authority regarding the potential for vehicles to enter and leave the visitor parking area in forward gear if all spaces are full and the layout of the cycle spaces, and the Conservation Officer's comments regarding the amended site plan and further information provided.
31. Conditions on any approved consent would include submission of a Flood Contingency Plan, the provision of appropriate cycle parking prior to the use commencing, the design of the proposed fencing to the rear, the submission of a noise management scheme, a scheme to show staff parking to the rear and visitor parking to the frontage

## **Informatives**

32. 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.
33. 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
- Planning Files Ref: S/0446/09/F, S/0039/90/F and S/1710/89/F.

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