

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 November 2010

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

S/0244/10/F - GAMLINGAY

**Change of Use of Store and Office to Children's Nursery.
Alterations and Conservatory at Unit 3 The Old Glove Factory, Church Street,
for Mrs P Jenkins (The Children's Montessori Nursery)**

Recommendation: Refusal

Date for Determination: 13 May 2010

Notes:

This application has been reported to the Planning Committee for determination at the request of the local member, Councillor Kindersley.

Members will visit this site on Wednesday 3 November 2010

Site and Proposal

1. The old glove factory is a single storey, brick built industrial unit to the north of 33 Church Street. To the north the application site abuts a taller and larger industrial unit. To the west the site abuts the Gamlingay telephone exchange. There is an area of grass to the rear of the building, which is separated from the grass area surrounding the telephone exchange by way of a tall chain link fence. To the front of the building the application site includes a hard surfaced parking area and the access road leading south towards Church Street. This access road also serves the industrial unit to the north and runs alongside the close-boarded boundary fences and hedges of the curtilages of 33 Church Street and residential properties in Coach House Court. At its narrowest point the access road measures less than four metres, which continues for approximately 20 metres before it widens out to in excess of 5.5 metres before it meets Church Street.
2. This full application, received on 18 February 2010 and amended on 13 April 2010, proposes the change of use of unit 3 of the old glove factory from an industrial use (B2) to a children's nursery (D1). In addition to the change of use it is proposed to extend the building by way of a conservatory to the rear and provide eight parking spaces at the front of the building, as well as internal and external alterations. A new shed is also shown on the plans but no elevations have been provided. The amended plans included a revised site plan and copies of certificate B's showing that notice was served on the owners of parts of the access road. Additional information in the way of a Transport Statement was submitted on 30 July.

Planning History

3. **SC/0054/48/** - erection of new factory block – approved
4. **SC/0022/57** – erection of restroom - approved

5. **SC/0108/57** – erection of canteen for female employees - approved
6. **SC/0265/49** – erection of W. C. – approved
7. **SC/0097/61** – erection of new factory block - approved
8. **SC/0814/64** – erection of new office - approved
9. **SC/0728/65/D** – extension to factory - approved

Planning Policy

10. Local Development Framework Core Strategy 2007:
N/A
11. Local Development Framework Development Control Policies 2007:
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

Consultations

12. **Gamlingay Parish Council** recommends that the application be approved and adds that it allows a local facility to remain in the village.
13. **Environmental Health Officer** – is concerned that problems could arise from noise and has suggested that a number of conditions be attached to any planning consent in order to minimise the effects of the development to nearby residents or occupiers and to investigate the potential for soil and groundwater contamination. The applicant is also advised to contact the Food Health and Safety Team to register any food operations.
14. **Highways Officer** – originally objected to the application due to the fact that a Transport Assessment had not been submitted. Following the submission of the Transport Statement the Highway Authority still has concerns that due to the fact that there will be an intensification of the access, as acknowledged within the Transport Statement, which would be detrimental to Highway Safety.

Representations

15. A number of representations have been received from the owner/occupiers of 33 Church Street. Who are concerned about the following:
 - (a) health and safety, especially mothers and children sharing the same access as commercial vehicles;
 - (b) that the access road is not entirely within the applicant's ownership or control and that its use will exacerbate issues with trespassing onto their property;
 - (c) the impact upon amenity from the nursery use and people using the access road, and the effect that it will have upon vulnerable members of their family; and
 - (d) whether it would lead to further development of the site.

They also questioned whether an alternative building, like the church hall or proposed eco hub could be used and whether the applicant has the right to use the access for the proposed use.

Following the submission of the Transport Statement concerns have been raised about the following:

- (a) the reference to traffic flows on Church Street being low is incorrect as it is often 'jammed up' and there have been meetings to discuss how to manage the high volume of traffic;
- (b) as the nursery would be located closer to the shops parents would use the car park whilst visiting the shops instead of just to drop off/pick up children as is presently the case; and
- (c) whether the factory has an asbestos roof.

They have also reiterated their concerns about commercial vehicles passing young children using the access road and that the site will be used for further development in the future as well as raising concerns about inconsistencies in the stated opening hours.

16. A representation has been received from D H Barford, on behalf of LJA Miers Executive Pension Fund, who objects to the application. This objection is based on the land ownership of the access being incorrectly shown and no notice being served on their client; the increase in traffic movements and the impact upon highway safety; and there being insufficient parking, resulting in further congestion on Church Street, Stocks Lane and the access road to the site. Concern is also raised that the argument for the low traffic movements is based on the fact that the majority of the parents walk to the present site, and this is something that the applicant cannot guarantee will continue as well as the fact that the narrow access road, which is used daily by heavy goods vehicles for the distribution of goods to and from the industrial unit at the rear of the site, has insufficient width for two vehicles to pass each other. Finally concerns are raised about the impact upon the amenities of the commercial premises to the north and the adjoining residential properties as a result of unacceptable levels of noise and disturbance. The boundary treatment proposed for the nursery garden area is considered to be wholly inadequate and there is a deficiency of any consideration towards landscaping and noise attenuation measures.
17. Representations have been received from the occupier of Unit 1 Church Street who is concerned about the fact that HGVs and forklifts use the area near the building; all of the land owners were not properly notified; the remaining two units of the old glove factory, which have a larger square footage, will be left without parking or a drop off point as a result of the development; and there is insufficient parking if all the staff chose to drive, which could exacerbate the issue of parking in the locality. Inconsistencies in the design and access statement are identified and concerns about any disruption for works to the main drain are also raised as well as the need for signage. There is also concern that the site edged red includes land that the applicant does not have access rights over.
18. A representation has been received from the owner/occupier of 4 Brookfields, Potton, who has two children that attend the nursery and urges that the application be supported.
19. A representation has been received from the owner/occupier of 9 Sutton Road, Potton, who would like to wholeheartedly support the application as the curriculum that the nursery offers is unique and not offered by other pre-schools within the area.

Planning Comments – Key Issues

20. As this application proposes physical alterations to the part of the old glove factory, in addition to its change of use the issues to consider in the determination of the application are the appropriateness of the proposed alterations and the impact of the change of use on neighbour amenity and highway safety and the levels of parking that would be provided.

Alterations and Conservatory

21. The most significant material change to the exterior of the building is the addition of the conservatory to the rear. Given the modest scale of this conservatory and the limited views that there would be of it there is no objection to this part of the proposal. Similarly there is no objection to any of the other external changes. No details have been provided of the new shed that is detailed on the drawings, though this could be secured by way of a planning condition. Apart from a security gate to the south of the building there are no other boundary treatments proposed.

Access Ownership

22. Initially a number of the representations questioned whether all of the access road was in the applicant's ownership and/or control. The agent subsequently served notice of the application on the other landowners and submitted the relevant certificates. It appears that there is still some dispute about who owns parts of the access road and what permission the applicant would have to use it. However, this is a legal matter that would need to be resolved between the relevant landowners.

Impact upon amenity

23. Although the rear garden of number 33 Church Street abuts the site and its access any noise from the use of the site and vehicular movements would be experienced during the working day. Given the fact that the site has an extant B2 use, which could potentially produce more noise than the proposed use, the impact upon neighbour amenity would not be sufficiently adverse to result in a reason for refusal. However, given the potential for disturbance from children playing in the rear garden area it would be sensible to replace the existing chain link fence with a close-boarded fence. If the application were to be approved this is something that could be secured by way of a boundary treatment condition. Similarly it would be appropriate to attach the conditions requested by the Environmental Health officer, to further limit the impact upon neighbour amenity, if consent were granted.

Highway Safety and Parking

24. The Transport Statement considers the trip generation during the peak hours of 08:00 – 09:00 and 17:00 – 18:00 and officers accept that at peak periods the change of use will not have a significant impact. Officers also accept that the proposal will result in the redistribution of traffic that is presently within the village. However, the existing and proposed sites are different in character and the nature of the surrounding development and uses that surround them.
25. The Transport Statement acknowledges that the use would generate more traffic than the industrial use outside peak hours. Given the use of the industrial unit to the north, and the potential B2 use of the rest of the old glove factory, there is clearly the potential for conflict to arise when vehicles access the narrowest stretch of the access

road. The use of the access road by pedestrians, with children, throughout the day also raises concerns about the potential for conflict between users.

26. Although the issues relating to the ownership of all of the access road are a legal matter it does highlight the fact that the use of the wider section, where vehicles are expected to wait whilst other vehicles and pedestrians traverse the narrower section, is not entirely within the applicant's control. Therefore if this land were to be developed or sectioned off then it would potentially result in vehicles having to wait on Church Street for vehicles to leave the access road. Moreover the land to the east of the access is a green/gravel verge with signage on it and although the land to the west is hardstanding it is directly outside one of the windows of 33 Church Street. Vehicles waiting on this land would have the potential to impact upon the amenities of the occupiers of this residential property.
27. If the application is approved then it is requested that a condition be used to secure an area of land where vehicles can wait clear of the public highway prior to entering the narrowest part of the access road. The applicant would have to provide evidence that they could comply with such a condition prior to any development commencing.

Parking

28. The requirement to meet the maximum parking standards of 1.5 spaces per 2 staff would be met by 6 of the proposed parking spaces, to cater for the 6 part time staff and 1 full time staff member. Given the concerns about vehicular parking outside the site, and the impact upon the locality, there is no objection to the additional 2 'drop off spaces'. The parking area proposed for use by unit 3 presently serves all of the units of the old glove factory.
29. No details of cycle parking have been provided. The requirement would be for 1 secure cycle space per 2 members of staff working at the same time. Although the provision of secure cycling spaces would have space implications this is something that could easily be secured by way of a planning condition.
30. In terms of the remaining two units they have a gross floor area of approximately 249 sq. metres. On the application forms the existing use is given as B1c (light industrial), B2 (general industrial) and B8 (storage and distribution). The Transport Statement considers the existing use as being B2 and the planning history relates to the use of the site as a glove factory, which would fall within a B2 use class. If planning consent were granted for the erection or change of use of a similar scale of B2 unit there would be a requirement for 5 car parking spaces and 6 cycle spaces.
31. Although the Council cannot retrospectively require that these units, which have had an established planning use for a number of decades, have sufficient parking provision the issue of whether granting permission for the proposed change of use would have an adverse impact upon parking in the vicinity needs to be taken into consideration. Essentially, if consent were granted for the proposed change of use and the other two units, which are presently unoccupied, were subsequently let for a B2 use then any employees or people visiting these units would have no choice other than to park on Church Street or one of the surrounding streets. The argument made by the applicant that there is parking between the remaining two units is not accepted. This land would not be suitable in terms of its area for the suitable parking of vehicles and the limited visibility that it would provide for vehicles manoeuvring out of the spaces onto the access road would be an issue.

Inconsistencies in the information submitted

32. The previous comments are based on the opening hours that have been stated in the Transport Statement, which are 09:00 to 15:00. However, in the covering letter it states that there will be the option of children coming from 08:30 to 15:30 and the application forms detail opening hours of 08:00 to 17:00. Finally in an e-mail from the agent, with further information from the applicant, states that there is an extended learning group that runs from 16:00 to 17:15 on Thursday afternoons, during term times.
33. Similarly the design and access statement states that the site will be used for children between the ages of 2 and a half and 5, whilst the covering letter states that in addition to the nursery the site will also be used for a holiday club for children aged between 2 to 9. Although the latter is not material to the proposal the inconsistencies in the information about opening hours does call into question the accuracy of the Transport Statement and the conclusions it draws.

Recommendation

34. Refuse – for the following reasons:
 1. In order to meet the Local Planning Authority's parking standards the area of hardstanding that presently serves as parking for the entire industrial unit known as the Old Glove Factory would be used to serve unit 1, which has a gross internal floor area of approximately 154 sq. metres. The remaining units, which have a gross internal floor area of approximately 249 sq. metres and an extant B2 use, would subsequently be left without any parking. If this situation were permitted then the lawful occupation of the remaining units would result in additional pressure on the on street parking areas of the locality, namely Church Street, which would be harmful to the general amenity and highway safety of the area. The proposed change of use is therefore contrary to policies DP/3 and TR/2 of the South Cambridgeshire Local Development Framework, adopted 2007.
 2. The existing access road meets Church Street at a point that can suffer congestion as a result of parked vehicles on the public highway and the periodic loading and unloading of commercial vehicles that serve the nearby retail units. The further intensification of this access, at off peak times, as a result of the proposed change of use would have the potential to exacerbate this situation. Moreover, the limited width of approximately 20 metres of the access road means that two vehicles would not have sufficient space to pass each other. Although there is space for vehicles to pull clear of the public highway just off Church Street this is limited by a verge to the east and the boundary of the curtilage of 33 Church Street to the west. Therefore the intensification of the access would result in vehicles potentially having to wait on Church Street in order to access the site, especially when waiting to pass larger commercial vehicles accessing the industrial units to the north and slower moving pedestrians accessing the nursery, which would have a detrimental impact upon highway safety. The proposed change of use would therefore be contrary to policy DP/3 of the South Cambridgeshire Local Development Framework, adopted 2007.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- District Design Guide SPD
- Planning File Ref: S/0244/10/F

Contact Officer: Edward Durrant – Senior Planning Officer
Telephone: (01954) 713266