

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 April 2012

AUTHOR/S: Corporate Manager (Planning and New Communities)

S/0290/12/FL – PAPWORTH EVERARD

Part Change of Use to Provide Childcare Facility (retrospective) – 9 Blyton Road, Papworth Everard, Cambs, CB23 3XY for Mrs Gillian Wadkin

Recommendation: Refuse

Date for Determination: 4 April 2012

Notes:

This Application has been reported to the Planning Committee at the request of the Development Control West Team Leader having regard to potential impacts on the local community

Members will visit the site on Tuesday 3rd April.

Site and Proposal

1. 9 Blyton Road is a modest detached two-storey dwelling of late 20th century character (although there appears to be rooms in the roof). The dwelling forms part of a modest cul-de-sac of 16 dwellings and this in-turn forms part of a large planned 20th century housing estate. Dwellings in the immediate vicinity are predominantly detached of a similar size to no.9, however the design of dwellings varies.
2. 9 Blyton Road is served by a modest rear garden behind which the Papworth Everard Development Framework Boundary runs. The Site is also served by a single garage and substantial driveway with space for four average domestic vehicles to park within. In addition there is a small front garden bounded by a hedge.
3. Blyton Road is an adopted highway and, owing to the fact that it is essentially a cul-de-sac there is a turning head incorporated into the road layout, this turning head is directly opposite the application site.
4. The application seeks a part change of use to the residential property to allow for the care of up to 22 children at any one time between the ages of 0-8yrs and during the hours of 7:30 and 18:00 Monday to Friday. The use is currently being operated from the site and employs the equivalent of 4 full time posts.

Planning History

5. None of relevance.

Planning Policy

6. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:

DP/1 Sustainable Development
DP/3 Development Criteria
DP/7 Development Frameworks
NE/15 Noise Pollution
TR/2 Car and Cycle Parking Standards

Consultations

7. Papworth Everard Parish Council – Recommends refusal, commenting:

"The additional traffic congestion and noise created by the additional vehicular movements and by groups of children at play around the facility throughout the year will cause disturbance and inconvenience to residents in Blyton Road and adjoining roads. The change of use proposed is inappropriate for a residential cul de sac. This is supported by current planning policy and guidance – at South Cambridgeshire LDF: Development Control Policies Policy N/E 15 Noise Pollution."

8. Environmental Health Officer - No objections to the principle of development with regard to statutory noise and disturbance. Advises that if officers are minded to recommend approval then it may be prudent to control the development via standard conditional requirements pertaining to limited working hours and days and the times in which children using the facility could be permitted to play outside.

9. Local Highways Authority – "The Highway Authority believes that the proposed childcare business will not be significantly detrimental to highway safety but may lead to nuisance parking and potential effect upon residential amenity".

Representations

10. 2 Letters from Cambridgeshire County Council Children and Young People's Services Team advising that currently in Papworth childcare provision is not in balance with demand [implied deficit], that the service has an Ofsted 'good' rating and supporting the proposals.
11. 1 Letter from the National Childminding Association (NCMA) supporting the proposals.
12. 38 letters of representation received. 9 of which raise concerns for the development and 29 (3 of which come from address points outside of the District) of which support the development.

The concerns received can be summarised thusly:

- Harm to residential amenity through noise and disturbance from the care of children on the site (both internal and external)
- Harm to residential amenity through nuisance parking and traffic generation

- Harm to residential amenity from car lights
- Harm to residential amenity through loss of privacy
- Harm to highway safety
- Absence of a transport statement, noise assessment and parking plan
- No consultation carried out by applicant
- Precedent creation
- Private covenant restricting use

The reasons for support can be summarised thusly:

- The essential service provision
- The unique domestic setting is beneficial for certain types of children who don't respond well to more formal childcare facilities
- Employment provision

Planning Comments – Preamble and Key Issues

13. There is some planning case law that decrees that when considering childcare provision on domestic premises that a material change in use occurs with the provision of care for 6 children. Conversely there is case law that rules that the care for 6 six children does not constitute a material change in use. Clearly it is a matter one of fact and degree and each case should be considered on its own merits. Notwithstanding this, in this instance the use is considered of such intensity that the development constitutes a material change of use.
14. The key issues to consider in the determination of this applications is:
 - The impact upon residential amenity (noise and disturbance from children and nuisance parking and congestion).

Residential Amenity

15. It is clear from representations received that the service is valued by some members of the community, unsurprisingly such representation has been received exclusively from those that have child care needs. At the same time concerns have been raised by other members of the community predominantly from occupants of neighbouring dwellings on Blyton Road in relation to amenity and safety impact.
16. Although the application submission is not explicit in this regard a site visit confirmed that the whole of the ground floor of the property is devoted to child care on an average day, and it is reasonable to assume that aspects of the first floor are used for the younger children to sleep during the day. At the same time Officers note that toys such as slides etc are within the rear garden of the premises but are of such insubstantial nature that they are not considered to constitute operational development.

Noise and disturbance from children

17. Representations received raise concerns for noise and disturbance from the child care activities inside the premises. The Environmental Health Team has been consulted on the application and do not consider the use to represent a statutory nuisance in this regard, however the planning consideration of

amenity is a more sensitive test. Officers have visited the site during use and stood in both the front and rear gardens and do not report significant aural disturbance associated with *internal* activities associated with the use.

18. Representations received also raise concerns for noise and disturbance from child care activities in the rear garden.
19. The application submission states that outdoor play is limited to the summer months and only between the hours of 10-11:30am and between 1:30-2:45pm. One of the representations received states that there are requirements/guidance, superfluous to the planning system, that state that children in care should be allowed to have free flow to outside areas whenever they choose, this is not corroborated but it seems pragmatic. Notwithstanding this, the hours of outside play stated by the applicant are within social hours and it would be reasonable and justified for the Local Planning Authority to impose such a condition to this extent.
20. Further to this, it's prudent to note that the age range of children that permission is sought to provide care for is between 0-8 yrs old. Older children may have a greater proclivity to make noise than the younger children given their need to 'let off steam', such is life. In this regard it would be reasonable and justified for the Local Planning Authority to impose a condition to control the maximum age of children that could be cared for.
21. In the same vein it would be reasonable and justified for the LPA to impose a condition that would remove rights for outside play to be carried out on the front garden.
22. Having regard to this it is not considered that there would be a significant adverse harm to residential amenity arising from noise and disturbance from children at play either inside or in the rear garden of the sufficient to sustain refusal of the application.

Nuisance parking and vehicular movements

23. Representations raise concerns for the impact of vehicles dropping children off at the premises. These concerns refer to nuisance parking outside of the application site area and the noise and general disturbance from frequent vehicular movements to and from the site.
24. The application seeks permission to care for a maximum of 22 children at any one time. However the application submission states that, at the time of writing, 50 children are registered with the applicant for care provision. Thus despite seeking a maximum of 22 children at any one time, due to the fact that children do not predominantly remain on the premises for a whole working day, there is the potential for more than 22 children to pass through the site on the average day.
25. Indeed the empirical data supplied with the submission, which catalogues the number of children attending the premises and their mode of transport to and from over the span of a single week, reveals that an average of 29 children pass through the site on any given day (the spread does not vary significantly with a low of 28 and high of 30). This data cannot be relied upon in perpetuity but it does offer a useful glimpse of the current intensity of the use.

26. In addition this data shows, in terms of gross movements, a practical 50/50 split between the mode of transport (i.e. car or by foot) that individual families currently use to take children to and from the site. The data shows that more children are taken to site by car than on foot but this appears to be because of the propensity for larger families to use a car, whereas single child families appear more likely to walk.
27. The sum of this is that in terms of current intensity the use entails a high number of vehicular movements to and from the site. Furthermore, if granted approval, it is possible that the number of children visiting the site on an average day could increase and the maximum of 22 still be met (i.e. more children for shorter time periods). The LPA could not, it is considered, practically enforce a condition to limit the number of children registered with the applicants business or to limit the number of vehicular movement to or from the site.
28. This intensity of vehicular movements is considered to have a material impact upon the area. As discussed, the site forms part of a small cul-de-sac with a narrow highway and is immediately adjacent to the turning area in the road. Intensive vehicular comings and goings associated with the use would be considered to have an impact upon residential traffic using the cul-de-sac and thus cause a significant nuisance as well as a significant disturbance to the occupiers of immediate residential properties.
29. The applicant has advised that the maximum number of children in care at any one time on the site could be reduced to 16 and that they would be amenable to a requirement to increase the off-road parking serving the site by one or two spaces. This has been taken into consideration but it is still considered that, having regard to the above, the potential for significant harm to residential amenity resulting from vehicular movements could still occur despite such measures.

Further considerations

30. Representations have been received raising concern for harm to highway safety, loss of privacy and the absence of a transport statement, noise assessment and parking plan. Such considerations are material but there is not considered to be material harm caused by the development in respect of these considerations.
31. Representations have been received raising concern for lack of consultation on the behalf of the applicant, a private covenant restricting the use on the site and precedent creation. These are not considered to constitute material considerations in this instance.

Conclusion

32. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should not be granted in this instance.

Recommendation

33. Refuse

Reason for Refusal

Permission is sought for the part change of use to the premises to allow childcare provision for a maximum of 22 children. The property in question is a detached residential dwellinghouse comprising part of a narrow cul-de-sac of sixteen similar residential properties and is sited opposite the turning head that serves the cul-de-sac. Despite being well served by off-road parking the potential impact from vehicular movements associated with a use of this intensity is considered to result in a significant nuisance and disturbance to the residential amenity of occupiers of surrounding dwellings. To this end the development is considered to be contrary to the stipulations of policy DP/3 (criterion j & k) of the South Cambridgeshire Local Development Framework Development control Policies DPD 2007 which seek to ensure that planning permission will not be granted for developments that would have an unacceptable adverse impact on residential amenity from traffic generated.

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

- South Cambridgeshire Local Development Framework 2007

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