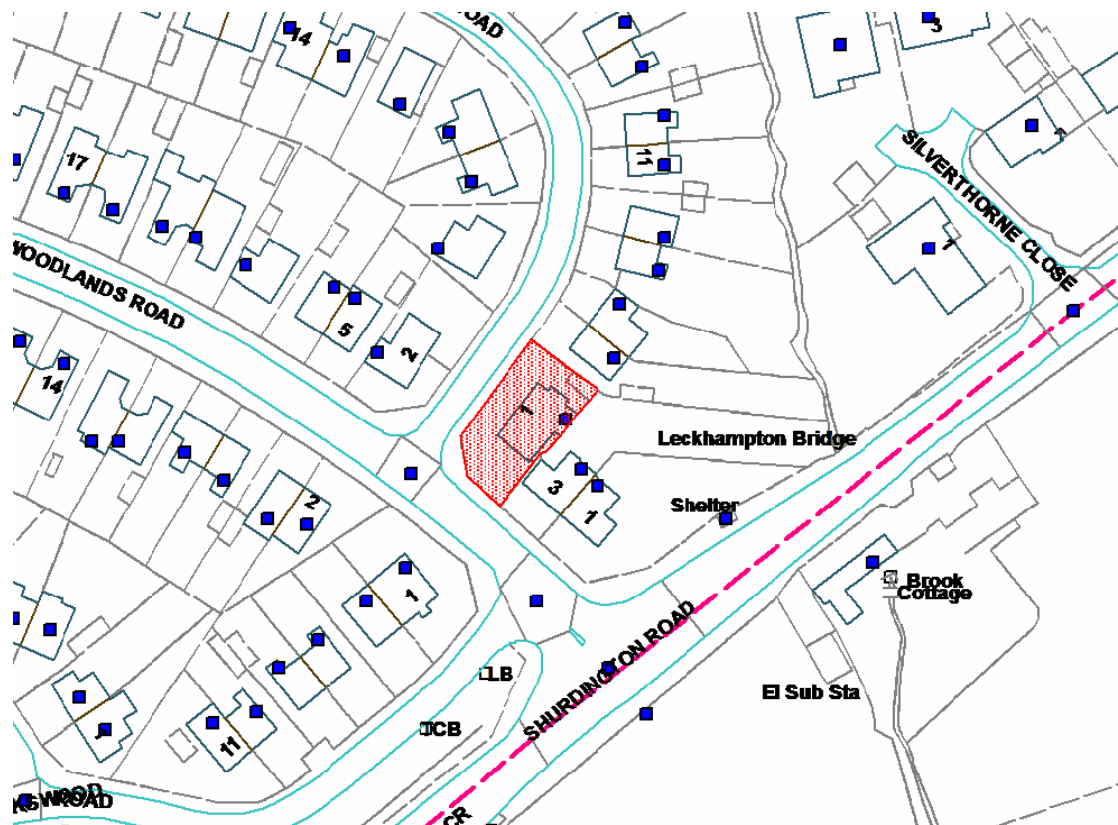


APPLICATION NO: 14/01901/COU	OFFICER: Miss Chloe Smart
DATE REGISTERED: 17th October 2014	DATE OF EXPIRY: 12th December 2014
WARD: Warden Hill	PARISH: Leckhampton With Warden Hill
APPLICANT:	Mrs Justine Chapman
AGENT:	PSK Architecture
LOCATION:	1 St Michaels Road, Cheltenham
PROPOSAL:	Proposed change of use from residential dwelling (C3) to pre-school and nursery (D1)

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1. The application site is a detached bungalow located within a residential area on the corner of St Michaels Road and Woodlands Road.
- 1.2. Planning permission is sought to allow a change of use from a residential dwelling (C3) to a pre-school and nursery (D1). The application follows on from a pre-application submission to the Council earlier in the year.
- 1.3. The applicant proposes a maximum of 18 children at any time for between the ages of 2 to 5 years. The opening hours would be between 8am and 3pm Monday to Friday, with the pre-school operational for 38 weeks of the year (school term time only).
- 1.4. A request has been made by Councillor Ryder for the application to be determined at planning committee. This is due to reservations regarding the proposal and to local concerns to be discussed and debated. A Parish Council objection has also been received.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

N/A

Relevant Planning History:

14/01061/PREAPP 8th July 2014 CLO
Change of use from residential to a pre-school

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
HS 7 Loss of residential accommodation
TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

21st October 2014

No Comment

Crime Prevention Design Advisor

5th November 2014

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the material considerations of the planning application specifically relating to designing out crime.

I would like to draw your attention to the PDF document attached to the carrying e-mail which relates to the following comments. See annex A as below, referring to your Planning Authority's planning policy

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

Developer Obligations

Please be aware that these representations are prepared by Gloucestershire Constabulary Crime Prevention Design Advisor to address Crime Prevention through Environmental Design (CPTED) and the 7 Attributes of Safer Places. A separate representation may be submitted by the Constabulary Estate's Department to seek developer obligations towards Police infrastructure through Section 106 and the Community Infrastructure Levy.

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further

Annex A - Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

"Development will be permitted only where it would:

- (c) make adequate provision for security and the prevention of crime and disorder; and
- (b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety.

ACCOMPANYING PLAN AVAILABLE TO VIEW ON LINE

Parish Council

17th November 2014

The Council objects to the application and requests that the following observations be noted and considered by the Planning Committee in respect of the plans for the above application:

Observations

There is a 71% objection rate to this proposal on the CBC public planning portal which is significant. The majority of supporters of the application do not live in close proximity of the site whilst the objectors do.

The main objections are around safety, principally concerning traffic drop off and pick up of children in an already congested area. St Michael's Road is a very narrow road of only 5 metres wide, and if you examine the colour coded PDF document appendix 2639554 there is a potential for 12 cars to attempt access to this property for the 11.45 am finish and the 12.00 pm midday start, leading into Woodlands Road which is already a 'rat run' out onto

the busy A46. Consequently this would create a severe safety issue at an already busy junction.

The impact of the development on the local community cannot be underestimated. The overall fit of this location is out of character to the surroundings; if you examine other facilities within a half mile radius of this property you will observe that St. Christopher's in Lincoln Avenue, Winton House Day Nursery in Warden Hill Road and Nursery Rhymes Day Nursery in Kidnappers Lane are all 'stand alone' facilities with drive in and drive out access and egress.

The planning department are requested to visit number 3 Woodlands Road as the resident of this property works from home and his office overlooks the rear of this bungalow the subject of this application, his ability to continue with a successful enterprise would be severely jeopardised, due to noise and loss of privacy. There is also a health concern of waste being stored adjacent to the boundary fence separating the 2 properties.

It will also be necessary to liaise with the residents of 3, St Michaels Road again to discuss loss of privacy and traffic congestion.

The Council considers it important for attention to be given to planning policy TP 6 in the Cheltenham Local Plan in relation to parking provision in development. This proposal does not appear to comply with this policy and compliance to this policy is especially crucial in this location.

The Leckhampton with Warden Hill Parish Council requests that this application is considered by the full Planning Committee

GCC Highways Planning Liaison Officer

14th November 2014

I refer to the above application received on 21st October 2014 for the Change of Use from residential to childcare facilities.

Location

The surrounding highway network comprises residential estate roads, St Michaels Road is a Class 4 highway which is narrow and in places less than 5 metres in width. It is subject to a speed limit of 30 MPH there are footways and street lighting in the locality.

Accessibility

Woodlands Road forms part of a local public transport network with a designated cycle route also being available connecting the local area to Cheltenham town centre. The demographic of the surrounding area is felt to include a high proportion of working families who could access the development on foot and then proceed to other destinations using public transport or cycles. There is a local bus service with transport links into the centre of Cheltenham. The town centre has a full range of amenities, and accessibility to the national transport structure. There are local schools shops and public houses within 2k of the site.

Access and Visibility

The proposal is for use of the existing access. The proposal is to use the existing access which has a visibility splay of 54 metres to the north east and clear visibility to the junction of Woodlands Road. There is an intention to increase the height of the existing boundary fences from 1.2 metres to 1.8 metres. I do not consider this to be detrimental to highway safety as there was an established boundary hedge at this height or in places higher, and the width of the footpath allows for adequate vehicle inter-visibility at the junction and the point of access. There is a segregated pedestrian footway, to provide a safe access for pedestrians.

Accident Analysis

I can confirm I have researched the recorded accident data and have found no evidence of any recorded incidents at this location.

Parking and Turning

The application form states 2-3 parking spaces however the submitted proposed plan, (drawing no. 1470) shows parking for 2 vehicles and turning, however this does not show any dimensions, each parking space is required to be a minimum of 4.8 metres long and 2.4 metres wide, after evaluation of the plan, I consider that the turning provided will not accommodate the manoeuvring of vehicles, however the area has on street parking.

Vehicle Trip Generation

I consider that the proposal will result in an intensification use at the point of access and the local highway network, but arrangements have been proposed to mitigate this intensification by staggering the arrival and departure times for children to a maximum of 6 at any one time.

Recommendation

I raise no highway objections to this application.

Environmental Health

26th November 2014

I have reviewed the application and offer the following comments:

The change of use to a pre-school will have a significant detrimental effect on the amenity of nearby properties. The loss of amenity will be caused by noise from children using outdoor areas. Children will naturally create some noise when playing outdoors and little can be done to prevent this. The garden of the premises is in close proximity to other residential properties which will inevitably suffer some disruption from this source for the 2 hours a day that the outdoor area is proposed to be used. The application does not include any proposals to mitigate this effect and indeed such measures as are likely to be effective in controlling this noise source are likely to be visually intrusive to the point of being unacceptable.

The loss of amenity will also be caused by arrivals and departures of children at the premises. I note the application proposes staggered start and finish times and a changeover time between 11:45 and 12:00. This amounts to a total of 24 arrivals and 24 departures each day in total, 18 of each in a 90 minute period at each end of the day. During the changeover period there will potentially be 12 movements (6 in, 6 out) in 15 minutes. In assessing the impact I must assume that most arrivals and departures will involve a vehicle and such a high level of use in a residential area will produce noise as vehicles stop/start, load and unload.

Due to the issues outlined above, I would therefore recommend refusal of this application.

4th December 2014

I understand that further information has been submitted to support this application, which includes some details of planting around the border of the site and a fence to the boundary of 3 Woodlands Rd.

The proposed 1.8m high hedge will take some years to mature and initially will contain significant gaps. Even when fully grown a typical hedge offers little in the way of noise

insulation. It will have no effect at all on noise from vehicle arrivals/departures and drop-offs/collections, which will occur outside of the hedged area.

The fence to the boundary of 3 Woodlands Road is likely to have little effect on controlling noise levels unless it is specifically designed for acoustic performance, and I can see no information to this effect.

The additional information does not change my opinion and I must repeat my recommendation that this application be refused.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	68
Number of objections	44
Number of supporting	24
General comment	0

5.1. Five letters have been sent out to inform neighbouring properties of the proposal. At the time of writing this report, a total of 68 comments have been received, with 44 raising an objection and 24 in support.

5.2. Comments Received

Summary of objections;

- Disruption and noise to immediate neighbours and the wider locality.
- Loss of privacy.
- Residential character of the area would be altered.
- Parking and highway safety concerns.
- Location not suitable/practical for intended use.
- Not in keeping with the character of the area.

Summary of support;

- Need for childcare in the area.
- Provision for staggered drop off and collection
- Noise and traffic disruption would be minimal

6. OFFICER COMMENTS

6.1. Determining Issues

6.1.1. The key considerations relating to the proposal are the principle of the proposed change of use from residential, the suitability of the site for the proposed use, the impact on neighbouring amenity and access and highway arrangements.

6.2. Loss of residential accommodation

6.2.1. Local Plan Policy HS7 restricts the loss of residential accommodation through change of use or demolition. The policy states that development involving the loss of residential accommodation through change of use will not be permitted unless it falls within certain criteria. Part (d) of this policy allows for change of use providing the proposed use would be beneficial to the wider economy and the local community; and cannot suitably be accommodated on alternative sites.

6.2.2. The text accompanying policy HS7 refers to a children's nursery as a community facility and therefore the loss of residential accommodation for a use of this nature would not be contrary to this policy.

6.3. Principle of change of use

6.3.1. In order to facilitate the proposed use in a successful manner without compromising neighbouring amenity, there is a requirement to provide secure and appropriate outdoor amenity space and adequate bin storage. It is also essential that the proposal does not compromise highway safety.

6.3.2. The property is located in a prominent corner plot, with the associated amenity space to the front of the site. There is currently a low boundary wall enclosing the site at the front, which steps up alongside St Michaels Road.

6.3.3. During pre-application discussions, officers raised concerns regarding the use of the site as a pre-school and specifically had concerns as to the means of enclosure to the front of the property. The initial pre-application incorporated a high close boarded fence to the front of the property and whilst this would have provided the security aspect required, this would be unacceptable from a design perspective. The reason for this is that there is an established character of low boundary fences at the front of properties in the area. As such, a high fence at the front of the property would be considered an incongruous addition to the street scene.

6.3.4. As part of the current submission, an indicative layout plan has been provided to demonstrate how the site might be used. The plan suggests that the space to the front of the property would be enclosed by a 1.8 metre evergreen hedge. Additional 1.2 metres would be used within the site to further enclose certain areas.

6.3.5. The layout of the site is such that the amenity area is to the front of the property and therefore needs to be sufficiently enclosed to facilitate the use. Officers consider the need for such a high boundary treatment at the front of the property, which is not in keeping with the character of the area, highlights the unsuitability of the site for a use of this nature. Furthermore, whilst the low boundary fences would not require planning permission, their requirement further highlights the unsuitability of the site. Overall, it is a contrived arrangement that will compromise the spacious character of the wider locality.

6.3.6. The amenity space for uses such as this would normally be to the rear of properties, however given the close proximity of the neighbouring dwellings and small spaces available to the rear of the application site, this would also result in a significant impact on neighbouring amenity.

6.3.7. Officers have strong reservations that the site is not suitable for the use proposed. The rest of this report will expand upon this.

6.4. Impact on neighbouring amenity

6.4.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

6.4.2. A number of objections have been received in relation to the proposed change of use, with one of the main areas of concern relating to the noise and disturbance which would be generated as a result of the proposal.

6.4.3. Due to the nature of the proposed use, the Council's Environmental Health Officer (EHO) has been consulted on this application and also provided comments as part of the pre-application process.

- 6.4.4.** As part of the pre-application response, concerns were raised in relation to the potential impact on neighbouring properties. Suggestions were put forward by the EHO as to measures which could minimise the impact; however the overall response was one of concern and caution.
- 6.4.5.** Having now had the benefit of a site visit, the EHO has provided a strong objection to the proposal.
- 6.4.6.** The consultation response considers that the proposal will have a significant detrimental impact on the amenity of nearby properties. This would primarily result from noise created using the outdoor areas of the property, which are within close proximity to neighbouring properties. The proposal does not incorporate any specific measures to mitigate noise, nor does the EHO consider such measures would be effective.
- 6.4.7.** In addition to concerns regarding the noise generated from the use of the outdoor area, the EHO is also concerned with the arrival and departure of children at the premises. The applicant proposes staggered arrivals and departures, but there would still be changeover periods with a high level of activity, which is considered unacceptable given the close proximity of neighbouring dwellings.
- 6.4.8.** In light of the comments received from the EHO, the proposed change of use is considered unacceptable due to the potential for noise and disturbance to surrounding residential properties. It is considered any measures to mitigate noise would be ineffective and therefore the proposal is contrary to Local Plan Policy CP4 which seeks to protect the amenity of neighbouring land users.

6.5. Access and highway issues

- 6.5.1.** As stated earlier in the report, a number of the objections received relate to the impact of the proposal on the local highway network.
- 6.5.2.** Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety. In order to fully consider the impact of the proposal on highway safety, Gloucestershire County Council Highways have been consulted.
- 6.5.3.** In summary, whilst the proposal would result in an intensification of the use at the site, GCC Highways consider that the applicant has made the necessary provision to ensure the staggered arrival and collection of children.
- 6.5.4.** In addition, Woodlands Road forms part of the local public transport network, with a local bus linking the area to the town.
- 6.5.5.** Finally, the applicant has suggested the area to the rear of the property could be used for parking. The Highways Officer considers this would not be sufficient to accommodate turning. Notwithstanding this, it is considered that there is adequate on street provision within the locality.
- 6.5.6.** Given the proposal is likely to rely wholly on land outside of the application site to allow the dropping off and collection of children by car, officers advised that the applicant submit a parking survey to demonstrate the parking provision within the locality but this has not been carried out. In the absence of an objection from Highways on this aspect of the proposal, officers would have no basis on which to insist on this information.
- 6.5.7.** Notwithstanding the lack of objection from the County Council, the parking arrangements are another indication that the proposed use is inappropriate for this site.

6.6. Other considerations

6.6.1. A detailed response has been received by the Parish Council raising an objection to the proposal and requesting the application is considered by the planning committee. The main concerns relate to the level of local objection, the majority of supporters not living within the immediate area, the impact on the character of the locality, neighbouring amenity and highway safety.

6.6.2. A request has been made as part of this objection for officers to visit the neighbouring property at No. 3 Woodlands Road. Officers have visited the site and also examined the concerns raised by neighbouring residents. Given the proposal relates to a change of use, the impact of this use on the immediate neighbouring properties can be sufficiently assessed within the site.

7. CONCLUSION AND RECOMMENDATION

7.1. Having considered all of the above, the proposed use of this property as a nursery/pre-school is considered unacceptable in this location. Whilst this type of use can be suitably accommodated within a residential area, the proposed site is not considered suitable due to its layout, prominent corner position and proximity to neighbouring dwellings.

7.2. The proposed change of use would result in a contrived form of development, which highlights the constraints of the site for this particular use and would not be in keeping with the residential character of the area. The measures to enclose the site further highlight its unsuitability for the proposed use.

7.3. In addition, the change of use would have a significant adverse impact on the amenity of neighbouring occupiers. This is both in terms of the potential noise disturbance from the use of outdoor areas and also the drop off and collection of children.

7.4. Whilst no highway objection has been raised, the site relies wholly on the local highway network for drop off and collection and does not make adequate off street provision.

7.5. In light of all of the above, officers consider the site is unsuitable for a use of this nature and the recommendation is to refuse planning permission for the reason set out below.

8. REFUSAL REASONS

- 1 The proposed change of use represents an inappropriate and unacceptable form of development for this site. The use will cause unacceptable harm to the amenity of neighbouring properties, by virtue of an increase in noise and disturbance within such close proximity of neighbouring dwellings. Furthermore, the proposal would result in a contrived form of development which would not be in keeping with the spacious character of the area.

As such, the proposal is contrary to Local Plan Policies CP4 (Safe and Sustainable living) and CP7 (Design) of Cheltenham Borough Local Plan.