

<b>APPLICATION NO:</b> 13/00562/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 11th April 2013		<b>DATE OF EXPIRY:</b> 6th June 2013	
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings	
<b>APPLICANT:</b>	Miss G Willmott		
<b>AGENT:</b>	No agent used		
<b>LOCATION:</b>	3 Sandhurst Villas, Sandhurst Road, Cheltenham		
<b>PROPOSAL:</b>	To increase the number of children from 12 to 17, in existing childcare business granted under reference 10/01290/FUL		

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.2. The key issues are considered to be the impact the additional 5 child spaces will have on the amenity of occupiers of adjoining residential properties and highway safety issues.

#### 1.3. Impact on neighbouring property

1.4. Concerns have been raised from neighbours and the Parish Council that the additional 5 children places would have a harmful impact on existing amenity.

1.5. Policy CP4 of the Local Plan seeks to ensure development will not cause unacceptable harm to the amenity of adjoining land users including noise and disturbance.

1.6. The Boroughs Environmental Health Officer (EHO) has considered the application, specifically with regard to noise and disturbance, and has concluded that an increase of 5 children does not give them reason to object to the application, subject to the conditions that have been attached to the 2010 permission being repeated. Although the rear garden adjoins the private gardens of neighbouring properties it is considered that given the EHO comment and subject to recommended condition 3 being attached, which would control the hours the garden can be used to between 0930hrs and 1730hrs with any children in the garden being supervised by an adult and all times, that the proposal would not give rise to unacceptable harm by way of noise and general disturbance or cause unacceptable harm to amenity and is in accordance with objectives of Policy CP4 of the local plan.

#### 1.7. Access and highway issues

1.8. Neighbours and the Parish Council are also concerned about parking issues and congestion as a result of the increase of the addition 5 child spaces. Objectors make reference to parents parking to the front of properties and general disruption and inconvenience from drop off and pick ups which currently exist, which would be exasperated.

1.9. Policy TP1 seeks to ensure that development does not endanger highway safety, directly or indirectly.

1.10. The applicant has set out that the nursery does not operate in a timetabled structure and allows parents to drop off and collect the children as suits the parents needs, this avoids

more intense periods of drop off and pick up associated with 8am to 1pm and 1pm to 5pm slots.

- 1.11. GCC Highways Planning Liaison has considered the application recommending that no highway objection is raised for the following reason.

*The site is situated in a fairly accessible location with adequate walking, cycling and public transport links. The site is accessed from a private road (Sandhurst Road) which co-exists with a public footpath (ZCK/28/1); although this road is in a very poor state of repair, given the small scaled nature of the development I would not raise a highway objection. There is also sufficient capacity on the surrounding roads for children to be safely dropped off close to the site without having a detrimental impact upon highway safety. The National Planning Policy Framework (NPPF) says that although safe and suitable access should be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe', given the extant planning permission and the highway conditions, the Highway Authority do not believe the impact of the additional development can be considered severe or significant.*

- 1.12. As set out by GCC Highways Planning Liaison the site is fairly accessible with adequate walking, cycling and public transport links. Inevitably some parents will use the car to bring children to and from the property which may cause some inconvenience, however the impact must be considered to be limited as this would be on a pick up and drop off arrangement. There is no allocated parking on the road nor are there any restrictions on parking along the road and therefore there is no reason to conclude that an individual has a right to park outside the front of a specific property. Given GCC Highways comments and the above the application is considered to comply with policy TP1 of the Local Plan and the NPPF.

1.13. **Other considerations**

- 1.14. Comments have been made on the suitability of a business use being located in a residential area. The demand for a child nursery is normally in response to local community needs for such facilities and therefore a residential location is not unusual for this use, subject to suitable conditions to control the activity and impact of the child nursery.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1. It is clear from the comments that have been received for this application there are contrasting views against and in support. Members will be aware that each application must be considered on its own merits. In this instance and considering the main issues of impact on amenity and highway matters neither the Borough Environmental Health Officer nor GCC Highways Planning Liaison have objected. For the reasons set out above the application is considered to accord with Policies CP4, TR1 and the objective of the NPPF and is therefore recommended for permission, subject to the recommended conditions.

## 3. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This permission shall be exercised only by Miss Gaynor Willmott.

Reason: The Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted in order to preserve the amenities of neighbouring properties in accordance with Policy CP4 of the Cheltenham Borough Local Plan (Adopted 2006).

- 3 Notwithstanding the details submitted, the garden shall be used for commercial purposes between the hours of 0930-1730 Monday to Friday only. All children using the garden between these hours shall be under adult supervision at all times.

Reason: To protect the amenity of neighbouring properties in accordance with policy CP4 of the Cheltenham Borough Local Plan (Adopted 2006).

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

- a) The proposed development will not cause and unacceptable harm to the amenity of adjoining landusers - Policy CP4 (Safe and sustainable living)
- b) The proposed development will not be detrimental to Highway Safety - Policy TP1 (Development and Highway Safety)