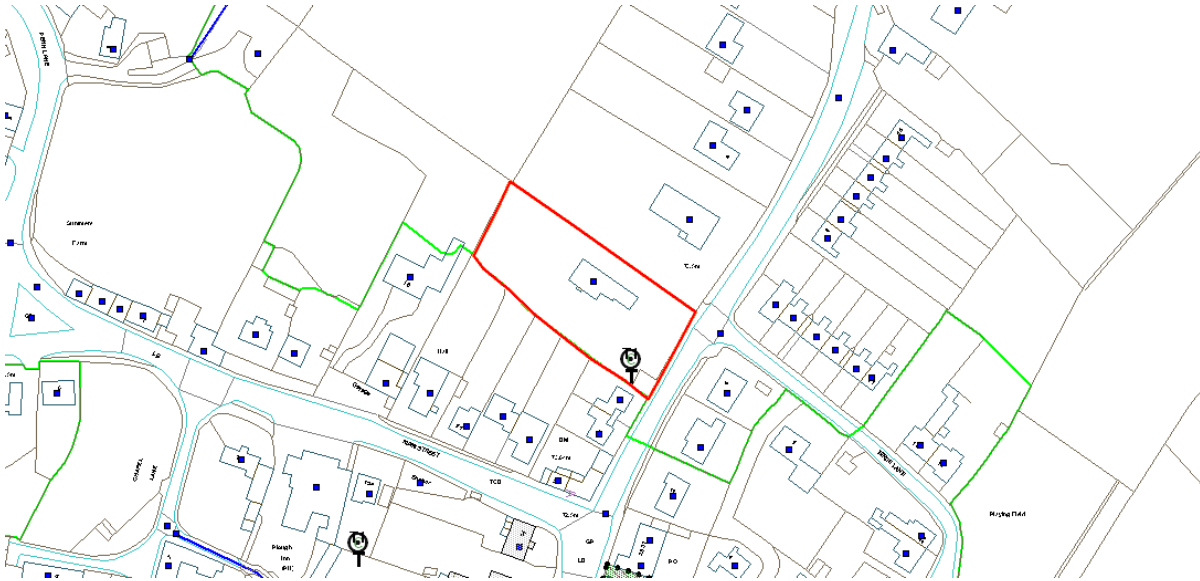


Reference: 13/00739/COU
Date submitted: 14.10.2013
Applicant: Ms R Kealy
Location: Oakleigh, 5 Blacksmith End, Stathern LE14 4EZ
Proposal: Change of use from a dwelling (C3) to a day nursery (D1)



Proposal:-

The application seeks permission for the change of use of a residential dwelling to a children's day nursery. The site is located within the village envelope for Stathern, and on the edge (but outside) of the Conservation Area. The property is a large two storey detached dwellinghouse occupying a significant sized plot with mature gardens close to the centre of the village. The site has existing access onto Blacksmith End

It is considered that the main issues relating to this proposal is:-

- **Impact upon residential amenities**
- **Impact upon highways safety**

The application is to be heard by the Development Committee due to the level of representation received.

Relevant History:-

There is no relevant history at the site.

Planning Policies:-

Adopted Melton Local Plan

Policy OS1 – planning permission will be granted in the village envelope where:

- the form, character and appearance of the settlement are not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and
- satisfactory access and parking provision can be made available.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, businesses, industrial units, infrastructure and thriving local places that the country needs
- Encourage effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Supporting a prosperous rural economy:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12).

Consultations:-

Consultation Response	Assessment of Head of Regulatory Services
Environmental Health Officer – No objections	Noted.
<p>LCC Highways - No objections</p> <p>The County Council consider that Stathern is not a sustainable location in transport terms, as it is likely that most journeys will be made by a motor car and not by foot, cycle or public transport. Therefore request that sustainability is considered as part of the assessment of the application. If the application is recommended for approval conditions are requested covering the following issues:</p> <ul style="list-style-type: none"> • Widening of access and surfacing • Removal of gates, no new gates within 5m of the highway • Drainage • Car parking should be provided • Visibility splays 	<p>Noted.</p> <p>The block plan provided with the application shows 15 car parking spaces within the site, including a disabled space. There will still also be a garage within the dwelling which will remain accessible.</p> <p>The existing access is proposed to be widened to provide 5.5m clear opening and a 25m visibility splay. This includes the removal of a tree which is not protected or within the Conservation Area. The parking is proposed to be provided in a newly cleared area behind the boundary of the dwelling onto Blacksmith End, and the applicant has stated that the planting on this boundary will be reinforced.</p> <p>Stathern is considered to be sustainable village and one suitable to accommodate limited development. It should also be acknowledged that the application is for a children’s day nursery and as such is providing a facility for the local area reducing the need to travel to other locations to access such facilities.</p> <p>It is therefore considered that the application would be able to comply with the conditions as requested by the highways authority, and therefore with regards to highways safety the application meets with the objectives of policy OS1.</p>
<p>Stathern Parish Council – Object</p> <p>The Parish Council objects to the application on the grounds of traffic congestion that will result from the movement of vehicles in and around the site as nurseries generate a lot of traffic which will have to pass through the centre of the village.</p>	<p>Noted.</p> <p>The highways officer of the County Council has reviewed the application and is satisfied that there is a sufficient level of parking provision at the site and that the visibility splays to be provided are adequate. In regards to the traffic congestion, it is considered unlikely that all parents would be arriving at the same time to collect and drop off children due to different work commitments. As an analogy, the nursery is not a school with fixed drop off and pick up times, therefore the traffic visiting the site would be distributed throughout the working day, during the times that the nursery would be open.</p> <p>It is not considered that the proposal would create congestion to a level that would be to the detriment of the surrounding area.</p>

<p>Other concerns surround the disturbance created by children and cars.</p> <p>The oak tree at the site entrance has been felled which was an apparently healthy tree.</p>	<p>Whilst this issue is noted, similar concerns were raised whilst dealing with similar applications in other areas of the Borough, notably the nurseries at St John's Drive and Welby Lane, Melton Mowbray. These nurseries have similar opening times to this proposed nursery, and similar levels of children visiting the properties daily. The Council has not yet received any complaints of noise for either of these nurseries which are both situated in residential housing areas, and have been operational for a number of years.</p> <p>It is not considered that the development would generate noise or disturbance so as to create a noise nuisance, and would meet the objectives of policy OS1 of the Melton Local Plan.</p> <p>The oak tree which has been felled at the entrance to the site was not within the Conservation Area, and was also not protected by a Tree Preservation Order. Therefore the tree was not afforded any protection and could be felled at any time.</p>
<p>Building Control - No objections Access for the fire service would appear to be satisfactory.</p>	<p>Noted.</p>

Representations:

A site notice was posted in line with consultation procedures and 11 neighbours were notified of the application. In response 24 objection letters and 2 letters of support have been received.

The objections are summarised below:

Representation Objection/Concerns	Assessment of Head of Regulatory Services
<p>Highways Issues</p> <ul style="list-style-type: none"> • Extra traffic problems • 200 more car movements every day • Issues with satnavs already have increased traffic • Cats have been run over • Accidents at junction of Blacksmith End / Main St • On-street parking is already a problem in village • Danger for walkers, horse riders, cyclists • Children will have to arrive by car 	<p>Noted. Please see the commentary above in relation to Highways Officer comments.</p> <p>It is highly unlikely that the proposal would amount to an additional 200 car movements per day. If the nursery was full with 50 children, this would involve a maximum of 50 visits to drop off children, and 50 visits to pick children up – therefore 100 vehicles per day. In all likelihood, the nursery would not be full to capacity every day, not all children would travel by car, and some might be siblings and travel in the same car.</p> <p>It is noted that on street parking is usually an issue in villages, due to the historic design of the buildings and streets. This proposal seeks to provide 14 parking spaces, plus one disabled space which should be sufficient for the nurseries needs. Parents dropping off and picking up children will only be using the car park for a limited period of</p>

<ul style="list-style-type: none"> • Lack of privacy, upstairs of dwelling looks into living area of house inc 2 beds (23 Main St) • Loss of privacy in back gardens (Main St) • Security issues from premises being left empty overnight <p>Viability</p> <ul style="list-style-type: none"> • No need or demand for another nursery in Vale • Saturation of child care providers in Vale (no nurseries are full), unviable • Other nurseries cannot get staff – local people don't want to work in this industry <p>Support</p> <p>Would help to provide much needed consistent child care facilities in the school catchment area. Other establishments are a considerable distance to drive to</p> <p>Would provide a feeder pre-school for the primary school, provide more consistent transition foundation stage curriculum.</p> <p>Would encourage more people to visit the village, walk around and potentially use the shop and other facilities.</p>	<p>the Conservation Area.</p> <p>With regards to a lack of privacy, the dwellings on Main Street are situated approximately 39m from this building. This separation distance is well in excess of the recommended 23m distance to ensure residential privacy and amenity, therefore this is considered to be satisfactory. The use of the building as a nursery would not have a negative impact upon the residential privacy of the occupiers of the dwellings on Main Street.</p> <p>It is therefore considered, subject to conditions that the proposal would not have a negative impact upon the residential privacy or amenity of the neighbouring dwellings, and the proposal complies with policy OS1 of the Melton Local Plan.</p> <p>Viability of businesses is not a material planning consideration.</p> <p>Noted.</p>
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Conclusion

The proposal related to the conversion of a dwelling to a day nursery on a site which lies within the village envelope of Stathern. Saved policy OS1 of the Melton Local Plan allows for such development subject to the criteria including adequate access and parking arrangements being available, there being no adverse impact upon the amenities of neighbouring properties, and the design and appearance of the proposal are in keeping with the locality. The change in use of the property is considered to accord with these requirements, and those of the NPPF which seeks to support the rural economy. As such the application is recommended for approval.

RECOMMENDATION: Permit, subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.

2. This decision relates to the approved plans numbered 1314/P1, 13/14/P2, 1314/P3, 1314/P5 and 1314/P6 received at these offices on 14th October 2013.
3. Before the change of use occurs, and notwithstanding the details submitted, the existing access shall have been widened as shown generally on the submitted plan, so that it has a minimum width of 5 metres with 0.5 metre clear margins on each side for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive once widened shall thereafter be permanently so maintained.
4. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
6. The car parking and any turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before the change of use occurs and shall thereafter be permanently so maintained.
7. Before first use of the development hereby permitted the widened access drive and parking area shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.
8. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
9. Before the development hereby permitted commences, minimum visibility splays of 2.4 metres by 25 metres or the maximum that can be provided within the site frontage, shall be provided in each direction out of the proposed site access on to Blacksmiths End. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays
10. The day nursery hereby approved shall only be operational between the hours of 0700-1830 Monday to Friday.
11. There shall be no more than 50 children on site at any time.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

4. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
7. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
8. In the interests of pedestrian safety.
9. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
10. In the interests of residential amenity.
11. In the interests of residential amenity.

Officer: Mrs Sarah Legge

Date: 6th December 2013