
APPLICATION NO.	P08/W0956
APPLICATION TYPE	FULL
REGISTERED	27.08.2008
PARISH	WHEATLEY
WARD MEMBER(S)	Ms Janet Carr Mr Andrew Hodgson
APPLICANT	Mr and Mrs S McCarthy
SITE	112 and land at 110 London Road Wheatley
PROPOSAL	Proposed conversion and minor extension of existing dwelling house to a 30 place day care nursery.
AMENDMENTS	As clarified by noise assessment dated 29 September 2008, email from Agent dated 13 October 2008 and Nursery availability in South Oxfordshire Report accompanying email from Agent dated 19 November 2008 and by applicants letter dated 26 January 2009), and as amended by drg no 181PLO 4b, 5a, 6a, 7a and 181SL046, 5a and 112 SLO 2J acc agents letter dated 20-03-2009.
GRID REFERENCE	460440/205529
OFFICER	Mrs S Crawford

1.0 **INTRODUCTION**

- 1.1 The application is referred to the Committee at the discretion of the Planning Manager.
- 1.2 110 and 112 London Road are a semi-detached pair of houses which form part of a regular line of mature semi detached properties in crescents that front onto London Road. The properties benefit from spacious gardens to the front with the houses being set at a higher level than the road. Rear gardens are also spacious. Vehicular access to many of the properties is via the track that runs to the rear although some of the properties have provided parking within the front gardens. Due to the changes of levels between the road and the front gardens many remain as landscaped gardens with parking occurring within lay-bys within the verge. The character of the immediate area is residential although there is commercial development at regular intervals along London Road. London Road is a main route through Wheatley with a regular bus service.
- 1.3 An Ordnance Survey extract of the site location plan is **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission for the proposed conversion and extension of 110 and 112 London Road, Wheatley to provide for a 30 place day care nursery for children. 110 London Road would be retained as a dwelling for the owner/manager of the nursery with a small area of patio and garden retained at the rear for amenity space. The nursery function would operate out of 112 at ground and first floor with a porch extension on the front and a two storey extension to the side, bin and bicycle storage. The ground floor would provide a kitchenette, staffroom, staff and adult toilet and children's toilets, a room for 0-18 month children and one for 18 month to three year olds. The first floor would be largely open plan for 3-5 year olds with a toilet and small office.

- 2.3 Parking for 7 members of staff would be provided in an existing hardstanding area in the rear garden; this would be accessed off a single track lane serving the rear of London Road properties.
- 2.4 A new access would be provided onto London Road into the existing lay-by and the whole of the front garden area would be covered with a porous surface to provide for 6 car parking spaces and manoeuvring area for parents dropping off and picking up children. The existing hedge along the frontage would be retained apart from where the new access is to be created.
- 2.5 External play areas would be provided to the rear in the form of a patio finished with safety surfacing and a raised garden area of 112 square metres. The amended plans have reduced the area of external play so that it does not physically adjoin the properties either side and lowered the ground levels so that it would sit in a basin within acoustic fencing in an attempt to reduce potential noise nuisance.
- 2.6 The nursery would provide the following age group spaces:
- 4 spaces for ages 0-18 months
 - 12 spaces for ages 18 months – 3 years; and
 - 14 spaces for ages 3 – 5 years.

The proposed opening hours would be 08:00-18:00 Monday to Friday.

- 2.7 Reduced copies of the amended plans are **attached** at appendix 2. The applicant has provided detailed supporting statement and members are referred to the website for this information.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 OCC (Highways) No objection – see para 6.8 and 6.9 of this report.
- Environmental Health - Given the likely noise levels and intensity of use this development will lead to an adverse impact on amenity, given the character of the area and background noise environment. See Para 6.4 below for more detailed comments.
- Wheatley Parish Council Refuse. Highway safety, question applicant's assertion that children will be brought on foot. Concern about additional parking on London Road. Loss of parking within lay-by as a result of the new access, Single track lane at rear cannot cope with extra traffic, Out of character, loss of front garden to parking will detract from character of area, Loss of trees.

Neighbour Objectors (12)	Considerable concerns have been raised by local residents regarding traffic generation in both the narrow track to the rear for staff parking and along London Road for, the new access to the frontage and the loss of the front garden, noise and disturbance, inadequacy of car parking, highway safety, loss of privacy and the principle of establishing a day nursery in this location.
Neighbour Representations (3)	Comments on details of application.
Neighbour Supporters (3)	The facility is needed as there are insufficient nursery places in Wheatley at present.

4.0 RELEVANT PLANNING HISTORY

- 4.1 P04/W1372 – First floor side extension to dwelling (110 London Road) – APPROVED
P03/W0898 – New porch and rear extension to 110 and rear extension to 112 – APPROVED
P99/N0449/RET – Erection of a children’s wooden play castle - REFUSED

5.0 POLICY & GUIDANCE

5.1 Adopted South Oxfordshire Local Plan Policies;

- G2 – Protection and enhancement of the Environment,
D2 – Vehicle and bicycle parking,
EP2 – Noise and vibrations, and
CF2 – Provision of community facilities and services

6.0 PRINCIPAL ISSUES

6.1 The main issues in this case are;

- Principle of development and need
- Impact on neighbours
- Impact on character of the area
- Highway/ parking issues

6.2 **Principle.** Central Government has sought to encourage the setting up of more child care facilities in the community to enable parents to re enter the employment market and recognises that often both parents now need to be employed in order to sustain their family life. Policy CF2 of the Local Plan allows for additional community facilities or services within settlements providing that there are no overriding amenity, environmental or traffic objections. The applicant has set out a detailed justification of need for additional nursery facilities in the area and I accept the case of need that has been put forward. In addition, the proposed extensions to 112 are residential in scale and character and are acceptable in themselves. The principal issue in this case is whether the proposal would be an unneighbourly form of development that would result in unacceptable levels of noise and disturbance to occupiers of adjacent properties and whether provision is made for adequate car parking and that highway safety is not compromised.

- 6.3 **Impact on neighbours.** 110 and 112 are currently in residential use and are situated in a line of similar residential properties. Due to the crescent layout the properties to either side are in close proximity to the nursery itself which would be based in 112, to the frontage parking area or the external play area.
- 6.4 The Environmental Health Officer (EHO) has visited the site to assess noise impact (full comments are **attached** at Appendix 3). The applicant has also produced a noise report which concludes that the noise impact for neighbours is within acceptable limits. However, the EHO and I do not accept that this development can proceed in this location without causing noise problems to surrounding residential units. The main concern at the site, in addition to the noise generated from vehicle movements etc, is from the outdoor play area.
- 6.5 The report proposes installing a noise barrier and limiting the numbers of children using the area, but Officers feel that this will still leave the impact at an unacceptably high level, given the proposed number of children attending the nursery in what is otherwise an exclusively residential location. Officers believe that the barrier proposed around the play area, due to the topography (elevated position) and size of the area would have little effect for most of the noise generated within it. The applicant has been keen to consider ways to overcome these concerns by suggesting conditions to limit the numbers of children using the play space at any one time or restricting the times of external play. Conditions in this respect would be very difficult to monitor and do not really address the underlying concern of whether any nursery use is acceptable in this location.
- 6.6 The applicant's noise report models the predicted noise from the development, over one hour, based on a single continuous level, however this takes no account of the large variations experienced from the type of noise in question, which is a key factor to the human response to noise i.e how other residents will perceive it. The garden area, which is very close to those 108 and 114 in particular, will be used more extensively with increased activity and this will detract from the standard of residential amenity currently enjoyed by residents living nearby. This would be particularly evident in the summer months when children are likely to spend more time outside and when local residents are likely to want to enjoy their gardens.
- 6.7 **Impact on character of the area.** Neighbours and the Parish Council object to the loss of the front gardens to create a parking and manoeuvring area. The loss of established front gardens can have a considerable impact on the character of an area and whilst this proposal would retain the mature and high front hedge which would screen the parking area from the road to some degree, the loss of the whole of the front gardens would erode the character of the area which comprises a pleasant crescent of 6 mature front gardens.
- 6.8 **Highway/ Parking issues.** Oxfordshire County Council as the Local Highway Authority has raised no objection. The proposed level of off-street parking provision is considered appropriate. Whilst there may be fears of all 30 children being driven to the nursery simultaneously, such an occurrence would be extremely unlikely. Records show that pick up and drop off times are staggered through the morning and afternoon, according to the users needs. In the case of a similar application where the LHA challenged the level of parking provision; the Planning Inspectorate determined one space per 5 children to be appropriate. Staff parking is provided to the rear and is considered appropriate.

6.9 A new access is proposed to London Road, a busy classified route. The access is intended for the pick up and drop off of children attending the nursery and provision is made for turning within the site and for vehicles to pass at the access. Having inspected the site, the LHA considers such an access can be provided and used without any significant detriment to highway safety or convenience. Appropriate visibility of the carriageway and footway can be provided and retained, enforced via condition. Also visibility is aided by the incline to the property, as drivers would be able to see over any cars that may be parked adjacent to the access.

6.10 **Other relevant issues.** Planning permission has recently been granted for a child minding business at 86 London Road (P08/W0546), which is one half of a semi detached house in the same line as the application site. The applicant has suggested that this has set a precedent and established an acceptable level of child care provision in the area. However, the circumstances of this case are different.

6.11 Individuals can operate a child care business from home without needing to apply for planning permission. It is not until the number of children being cared for exceeds 6 children that a planning permission for a change of use of a dwelling will be needed. In the case of 86 London Road, a childcare business for 6 children already operated from the premises. The planning application sought permission for an additional 3 children to take the total number of children cared for up to a maximum of 9. Whilst the EHO also had concerns about noise impact for neighbours in this case, officer's conceded that there would be no material increase in the noise generated by 9 children above that created by 6 children. In the case of the current application the starting point is that there is no child care business being operated from either 110 or 112 London Road.

7.0 CONCLUSION

7.1 The use of the premises as a nursery would provide a useful local service in a sustainable location. However, there are amenity and environmental objections in this case because the scale of the use proposed would create problems of noise disturbance for neighbours and involve the loss of mature front gardens to provide for parking in a largely residential area. The proposal would have a detrimental impact on the residential amenity of the occupants of 108 and 114 London Road by virtue of increased noise and disturbance and detract from the character of the area due to the loss of the front gardens and the measures proposed to mitigate the impact would not overcome the concerns. As such the proposal does not comply with Policy CF2 of the Local Plan.

8.0 RECOMMENDATION

8.1 **That planning permission be refused for the following reason:**

1. **That having regard to the scale of the proposal and to the loss of the front garden to provide for parking, the nursery use of the site would be out of keeping with and would detract from the largely residential character of the surrounding area contrary to Policy CF2 of the adopted South Oxfordshire Local Plan.**

2. **The proposed nursery would result in an unacceptable level of noise and disturbance for the occupants of 108 and 114 London Road to the detriment of the residential amenity currently enjoyed by those occupants. As such the proposal is contrary to Policies G2, D2, EP2 and CF2 Of the adopted South Oxfordshire Local Plan.**

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