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| APPLICATION NO. | P10/W0631 |
| APPLICATION TYPE | FULL |
| REGISTERED | 04.06.2010 |
| PARISH | WHEATLEY |
| WARD MEMBER(S) | Janet Carr Andrew Hodgson |
| APPLICANT | Mr & Mrs McCarthy |
| SITE | 112 London Road Wheatley |
| PROPOSAL | Proposed conversion and extension of existing dwelling house to allow the business of childminding for up to nine children. Construction of new vehicular access from the London Road. |
| AMENDMENTS | As amended by revised plan and as clarified by applicant's email dated 16 July 2010. |
| GRID REFERENCE | 460449/205546 |
| OFFICER | Mrs S Crawford |

1.0 INTRODUCTION

- 1.1 The application is referred to the Committee because the recommendation conflicts with the views of the Parish Council.
- 1.2 112 London Road is one half of 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 in 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 to allow the business of childminding for up to nine children from the dwelling. The application includes the modification and extension of the existing single storey wing at the side to create an enlarged kitchen at ground floor and a dressing room and W/C for bedroom 4 at first floor. A play area for children would be provided in the front garden. The application also includes the construction of new vehicular access from the London Road and the provision of 3 parking spaces in the front garden area.
- 2.2 Reduced copies of the plans accompanying the application area **attached** at Appendix 2.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Wheatley Parish Council Refuse original and amended plans– Noise nuisance to neighbours, traffic generation and movements across the footpath, the parking area gives the impression of a business in a residential area, overdevelopment out of character with the surrounding area.
- OCC (Highways) No objection, subject to conditions
- Environmental Health - No objection to the amended details.
- Neighbour Objectors (8) The new access will involve the loss of a much needed space in the lay-by, a childcare facility has operated from the premises for a few months already, there is a question about what will happen in the future as the applicant owns both 110 and 112 London Road, concern about use of track to rear, inappropriate business use in this residential area. Concern about water runoff from extension and onto highway.
- Neighbour Supporters (9) The facility is needed as there are insufficient nursery places in Wheatley at present. The current childcare from the property is excellent, the concerns are unwarranted and neighbours misunderstand how this will operate.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P08/W0956 – proposed extension and conversion to provide a 30 place day care nursery – Refused – Appeal dismissed (appeal decision **attached** at Appendix 3)

86 London Road, Wheatley

P08/W0546 - Change of use allowing business use for childminding – approved.

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
- H13 – Extensions to dwellings
- T1 – Transport and parking

South Oxfordshire Design Guide

6.0 **PRINCIPAL ISSUES**

- 6.1 The main issues in this case are;

- Principle of development and need

- Impact of use on neighbours
- Impact on character of the area
- Highway/ parking issues
- Design details of extension and neighbour impact
- Other material considerations

- 6.2 **Principle.** 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. 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 principal issues in this case are 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, whether provision is made for adequate car parking and whether highway safety is compromised.
- 6.3 **Impact of use on neighbours.** 112 is currently in residential use and is situated in a line of similar residential properties. The applicant owns and occupies both 110 and 112 London Road. Due to the crescent layout the front garden, which would accommodate the parking area and external play area, is spacious. The Environmental Health Officer (EHO) has expressed concerns in relation to the generation of noise on the site on the previous application for a day nursery with 30 places for children. However, given the reduced scale of the current proposal for 9 children and the re-location of the play area to the front garden there is now no objection in relation to potential noise problems. Conditions to limit the number of children and to control the location of the play area are, however, necessary in your officer's view.
- 6.4 **Impact on character of the area.** Neighbours and the Parish Council object to the loss of the front garden to create an area for parking. The loss of established front gardens can have a considerable impact on the character of an area and the loss of the whole of the front gardens to 110 and 112 was referred to in one of the refusal reasons on the previous application. However, the inspector did not agree with this refusal reason, concluding that "there would be no significant detrimental effect on the character and appearance of London Road". In the case of the current application the area for parking has been reduced substantially, covering less than 50% of the front garden area of 112. Given the inspector's comments on the previous scheme the parking area, a refusal on these grounds can not be justified as the parking area would not detract from the character of the area.
- 6.5 **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 9 children being driven to the child care facility 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 and parking for 3 cars on site is considered adequate. In any event parking is also available in the lay by on the London Road frontage.
- 6.6 A new access is proposed to London Road, a busy classified route. 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.

6.7 **Design details of extension and neighbour impact.** The application also seeks planning permission for an extension to the dwelling to provide an enlarged kitchen on the ground floor and a dressing room and W/C to bedroom 4 at first floor. The design of the extension is in keeping with the character of the dwelling and is a subservient addition at the side in accordance with the advice in the South Oxfordshire Design Guide. There are also other examples of similar extensions on London Road. In terms of neighbour impact it is only the neighbour at 114 that would be affected. 112 is set forward of and offset from the frontage of 114 and would not have an unneighbourly impact on 114.

6.8 **Other relevant issues.** Planning permission has 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. This application seeks permission for the same use currently operating from 86 London Road.

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 some concerns about noise impact for neighbours, officers considered that there would be no material increase in the noise generated by 9 children above that created by 6 children.

7.0 **CONCLUSION**

7.1 The use of the premises as a childminding facility would provide a useful local service in a sustainable location. At the scale now proposed for 9 children with a play area in the front garden the proposal would not create undue problems of noise disturbance for neighbours, there is also a similar facility nearby which benefits from planning permission and the circumstances in this case are similar. As such the proposal accords with the relevant Development Plan policies.

8.0 **RECOMMENDATION**

8.1 **Planning permission is granted subject to the following conditions:**

1. **Commencement 3 years**
2. **Compliance with approved drawings**
3. **The development hereby permitted relates to the business use of the premises for childminding up to a maximum number of 9 children at any one time.**
4. **That no part of the rear garden or rear patio areas shall be used for external play by children in connection with the childminding business.**
5. **Matching materials walls and roof.**
6. **Parking and manoeuvring areas to be retained**
7. **Provide cycle parking facilities.**

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