

48/13/0077

MRS N BALASUBRAMANIAM

CHANGE OF USE FROM PRIVATE DWELLING TO CHILDRENS NURSERY AT 156 BRIDGWATER ROAD AND CHANGE OF USE OF PART OF 154 FOR PARKING AND TURNING, BRIDGWATER ROAD, TAUNTON (RESUBMISSION OF 48/13/0026)

Location: LITTLE BRINS, 156 BRIDGWATER ROAD, BATHPOOL, TAUNTON, TA2 8BP

Grid Reference: 326046.126879

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Location Plan
(A3) DrNo 2582.01E Proposed Parking Layout
(A3) Landscape Plan
(A4) Location Plan, Proposed Planting
(A3) DrNo 100.001 Rev A Existing Ground / First Floor Layouts
(A3) DrNo 100.002 Existing Roof Layouts
(A3) DrNo 100.011Rev B Proposed Ground / First Floor Layouts
(A4) DrNo 100.021 Rev A Proposed Usable Designation
(A3) DrNo 300.001 Existing Elevations: Main Building
(A3) DrNo 300.011 Proposed Building: Main Building
(A3) DrNo 300.012 Rev A Proposed Elevations: Annexe and Garage

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The premises shall be used for a Children's Day Nursery and for no other purpose (including any other purpose in Class D1 (D1B and D1C) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in

any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority consider the creation of a Day Nursery to be acceptable in this location by virtue of the planned expansion of Monkton Heathfield and the associated need for childcare provision. However alternative potential uses within use class D1 may not likely to be viewed favourably on the site, therefore the Local Planning Authority wish to retain control over the use of the site in the interests of highway safety, amenity and the provision of sustainable development in accordance with Policies SS1, DM1, CP6 and CP8 of the Taunton Deane Core Strategy.

4. The use hereby permitted shall not be open to customers outside the following times 0800 hrs – 1800 hrs Monday to Friday (inclusive).

Reason: To minimise the impact of the development in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

5. The number of children to be taught and/or cared for at the premises shall not exceed 35 at any one time.

Reason: To ensure that the proposal does not have a significant increase in traffic to/from the site or have an adverse effect upon the amenities of the adjoining properties by reason of the size of premises and/or an excessive amount of extra activity.

6. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) Unless the use (hereby permitted) ceases to operate the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. There shall be no more than 10 children looked after/taught/playing in the outside areas at any one time.

Reason; In the interests of the amenities of the adjoining occupiers in accordance with Policy DM1 of Taunton Deane Local Plan.

8. The areas allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences and shall not be used other than for the parking and turning of

vehicles as defined in the approved plan, in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M3 of the Taunton Deane Local Plan and to minimise impact on the adjoining properties in accordance with Policy DM1 of Taunton Deane Core Strategy.

9. Prior to commencement of the use, hereby permitted, details of the surface water drainage, including areas to be used for car parking, shall be submitted and approved in writing by the Local Planning Authority and the works completed in accordance with the approved details.

Reason: To prevent an increase in off site water discharge in accordance with Policies CP1 and DM1 of Taunton Deane Core Strategy.

10. Prior to commencement of the use, hereby approved, the accesses to the highway shall be constructed in accordance with details which shall have been previously submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy DM1 of Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

Planning permission is sought for a change of use from a dwellinghouse to a children's nursery. The nursery will provide for up to 35 spaces for children aged under 5. There will be up to 8 members of staff working on site. The nursery will be open from Monday to Friday between the hours of 8 am and 6 pm. The proposal is for the whole of the premises to be used as a nursery including one of the outbuildings to be used as a pre-school room. There will be minor alterations to the side and rear elevations, altering windows and doorways. The adjoining semi is under the same ownership and part of the external areas of this property are to be utilised by the proposed development for car parking. The application is accompanied by a landscaping scheme, a childcare sufficiency assessment, a transport appraisal and statement and a planning statement.

Following negotiations with the agent an amended car parking layout has been submitted. The revised layout shows 6 drop-off spaces to the North of No.156, 5

staff parking bays to the rear of No.154 and 2 residential parking spaces to the front of No.154.

SITE DESCRIPTION AND HISTORY

The site comprises a two-storey semi-detached dwellinghouse, with a parking area to the side, outbuildings and a garden to the rear. The property shares an access onto the highway with a commercial business sited to the rear of 156. The adjoining semi, No.154, shares an access with a dwellinghouse sited to the rear of the proposed staff parking area (No.154A).

48/13/0026 CHANGE OF USE FROM PRIVATE DWELLING TO CHILDREN'S NURSERY AT 156 BRIDGWATER ROAD, TAUNTON - Application Withdrawn

48/09/0003 CHANGE OF USE OF SITE TO PRIVATE HIRE MINIBUS BUSINESS (AMENDED PLANS TO 48/07/0070) AT 154 BRIDGWATER ROAD, BATHPOOL, TAUNTON - Refused 26/03/09; - Dismissed at Appeal.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL -

The Parish Council cannot support this application. The issue of overlooking the outside activities of children and their comings and goings by the occupants of 154 has not been addressed, nor any vetting of those residents (CRB checks). The Highways traffic has been addressed and the 5m wide route maintained free of parking is good. However, if half day bookings are accepted, the number of car movements could potentially be doubled and this has not been accounted for. The Parish Council notes the proposal to use gravel as a surface and suggests that this will cause a nuisance of noise to the residents of 154A: the nursery would be a noisy neighbour in any event and the shared access of 154A with 30 or more cars may be unreasonable and impede the access to 154A. Two plans that were submitted in support of this application were inconsistent: drawings 2582.01D and 100.011 are inconsistent with each other and they do not properly indicate where the 6 parking spaces for staff will be. This is a significant omission, as lack of staff parking calls into question all the other traffic movements on the site. One drawing of the entire site with everything included would have been helpful.

Following submission of amended plans;

The Parish Council continues to have grave reservations about this application. The house no 154 is a house of multiple occupancy and the problems associated with overlooking the children engaged in outdoor activities and their comings and goings has not been addressed, neither has any CRB vetting of the occupants been addressed. In view of the developers' proposals for the A38 in the Monkton Heathfield Urban Extension, the Parish Council believes that traffic movements will have no negative impact, and likely parking on the A38 at drop off and collect times will not cause a problem as the Parish Council has been assured that traffic calming

of the A38 will be in place by December 2015. (Time line RPS). The Parish Council believes that the amended parking layout should be further amended to have no drop off bays in the grounds of 154 to ameliorate the disturbance to the residents of 154A. The Parish Council is given to understand that plans show there is a nursery/childrens' centre attached to the new Primary School in the Monkton Heathfield Urban Extension and therefore questions the need for this application at all.

DRAINAGE ENGINEER –

I note that on the application form surface water is to be discharged by soakaways. However on the proposed parking layout drawing no details of drainage are shown. Details of how the parking areas are to be drained should be forwarded for approval before any planning permission is given.

ECONOMIC DEVELOPMENT –

I am fully supportive of the proposal to change the use of 156 Bridgwater Road, Taunton from its current residential use to a children's nursery. The business would contribute towards the Borough Council's aims for economic growth in two direct ways; firstly, by creating up to 8 jobs in the business (full and part time), and secondly by providing a service within the community for parents in Taunton and the new Monkton Heathfield development who wish to return to economic activity. The Health and Business Services sectors are recognised by the Council as one of the Borough's key growth sectors, across public and private sectors."

SCC - TRANSPORT DEVELOPMENT GROUP -

History/Proposal – 156 Bridgwater Road, Taunton

The Highway Authority has had commented previously on the application site, under planning application 48/13/0026, which was withdrawn on the 6th June 2013 by the applicant. The proposal, a resubmission, again seeks the conversion of an existing residential property to provide a Children's Nursery. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the *Transport Statement – Final Draft* produced by *Peter Evans Partnership* and Drawing No. 2582.01D.

Site Location – 156 Bridgwater Road, Taunton

The site is situated along the A38 also known as Bridgwater Road a designated Class 1 highway to which a 40mph speed limit applies past the site frontage. From onsite observations it was noted that Bridgwater Road is a busy, well utilised route, connecting traffic from Taunton to Bridgwater and the wider highway network. Onsite observations indicate that there is no pedestrian footway to the North of the site, though there is provision to the South leading to Bathpool/Taunton.

Vehicular access to this site is gained via Bridgwater Road, to which the access provides sufficient visibility in either direction and is of adequate width to

accommodate two-way vehicle flows, which is essential in this location obtaining access off a Class 1 highway. This has been detailed on drawing 2582.01D and *Appendix 6.2 – Swept Path Analysis*.

Vehicle Parking and Turning – 156 Bridgwater Road, Taunton

As covered within my response to the Local Planning Authority dated 24th May 2013, vehicle parking Bathpool/West Monkton has been identified as a zone B for vehicle parking provision. However, the Somerset County Council – Parking Strategy (Amended September 2013) does not provide optimum standards for the proposed end users of this site (Children’s Nursery). Therefore, taking a pragmatic approach to vehicle parking I would recommend that staff are allocated a vehicle parking space each and that a parking area is provided to accommodate vehicles during the drop off and collection of children during these times. This would also need to provide a segregated area for the turning of vehicles. The Highway Authority would not wish to see vehicle parking/dropping off/collecting on the A38 as this is considered detrimental to highway safety. Drawing No. 2582.01D indicates that seven vehicle parking spaces will be made available as drop off/parking facilities for the operation of the proposed children’s nursery. It is also indicated that six spaces will be made available for the parking of staff within the redline of the application site. Additionally two vehicle parking spaces will be retained for the property known as No. 154 Bridgwater Road.

However, it is noted from the red line the use of the access for the property known as No.156 Bridgwater Road has not been included within the red line drawing as it does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway, this will need to be amended. As a result, it is considered that the proposed parking layout and allocation as shown on Drawing No. 2582.01D is acceptable.

Vehicle Movements – 156 Bridgwater Road, Taunton

It is evident that the proposal will result in an increase in vehicle movements. However, it is considered that the access can accommodate the likely levels of traffic from the proposal.

It is considered that the supporting TRICS (Trip Rate Information Computer Systems information within *Appendix 5 – TRICS Children’s Nursery Trip Generation* is acceptable.

In the event of permission being granted, I would recommend that the following condition is imposed:-

To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway, the car parking area shown on the submitted plan, drawing number 2582.01D, shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car park being brought into use. The parking area and access thereto shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the development hereby permitted or for the purpose of access.

Representations

The occupants of the adjoining property to the rear of 156 Bridgwater road OBJECT to the application;

- The proposed pickup and drop-off area with turning and parking spaces is most strongly opposed.
- We will most certainly hear constant vehicle movements, noise and headlights.
- The existing occupants of 154 cannot access the area in a forward gear and instead they reverse into our access and premises to carry out their manoeuvres.
- There would be impact on the A38 with vehicles accessing and exiting the properties. We are entitled to a full 5 m wide right of way, the full length of the driveway.
- How can we be granted a full right of way at all times when we undoubtedly we have to stop and wait for vehicles to manoeuvre, drop off, pickup, manoeuvre again etc.
- The boundary fence is not erected in its rightful position.
- If we are exiting our driveway in a vehicle or bicycle whilst another vehicle is reversing we will not see each other.
- The actual width of the driveway is 4.8 m and it is not possible for 2 cars to pass each other.
- Visibility of the proposed parking area is non-existent from the A38, therefore anybody turning in would not know if there is space available.
- If there's 7 spaces available but a possible 30 drop-offs where to the other 23 vehicles parked?
- We have a right to draw water from the well situated in the conservatory to the rear of 154.
- Previously an application to run a minibus hire company from the premises was refused permission.
- Concerned about flooding the access way of the A38 which regularly floods even after moderate downfalls and there is no soak away in situ.
- The existing bio digester sewage dispenser at 154 creates an unpleasant smell.
- Noise disturbance will have a huge impact with children playing in the garden.
- We already have school playing field identifies on the land adjoining us to the South of as part of the Monkton Heathfield and redevelopment which will inevitably generate noise and disruption and infringe on our previous current enjoyment.
- To have a nursery school to the front of our property is unfair and unacceptable.
- During the summer months a huge amount of dust generated from the adjoining works yard with vehicles exiting and turning the premises and we question if this is acceptable the siting of a nursery in such close proximity.
- We can see into the garden of 156 from the upstairs of property as can the property at 154.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP8 - CP 8 ENVIRONMENT,
CP2 - TD CORE STRATEGY - ECONOMY,
SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,
M1 - TDBCLP - Non-residential Developments,
M3 - TDBCLP - Non-residential Development & Transport Provision,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

Although not currently situated in a housing area the site is in the middle of the area allocated for the Monkton Heathfield urban extension, which envisages 5000 new homes to be built in the area. As part of the Monkton Heathfield development there will be new primary schools in the area. One of the areas allocated for a primary school adjoins the southern boundary of 154 Bridgwater road. There is proposed to be a new relief road to go around the Monkton Heathfield development resulting in the section of the A 38 running alongside the site being transformed into an urban street. The Childcare Sufficiency Assessment, undertaken by Somerset County Council, reports that there are insufficient childcare places in Bathpool, and large amounts of new house building in the local area ongoing and planned will result in a need for additional provision in the area.

Amenities of adjoining properties

The change of use is likely to result in an increase in noise and disturbance to the adjoining properties, 154 and 154A. To minimise this disturbance the applicant has agreed to a condition limiting the numbers of children which would be playing outside at any one time to no more than 10. In addition to this landscaping is proposed between the boundary of 154 and 154A with a tannalised timber board fence to act as a noise buffer to the development. There is considered to be no increased in loss of privacy to the adjoining properties.

The occupants of 154A are very concerned about noise and disturbance from traffic using the parking area to the rear of 154. Following negotiations the scheme has been amended so that the drop-off area is at 156 and staff parking is provided at 154. It is envisaged that there will be far less disturbance from staff vehicles than what there would be from parents/carer's dropping off and collecting children throughout the day. The previously refused application for a minibus hire business to be operated at the site was refused because of adverse impact in terms of noise and disturbance on the adjoining property. This application is significantly different to that proposal in that it has far less predicted vehicle movements and that the business would only be operating Monday to Friday between the hours of 8 am and 6 pm.

In the event of planning permission being granted it would not waver the existing right of way for the occupants of 154A over the driveway. This right of way would have to be maintained regardless and would be dealt with as a civil matter outside of the planning system. The proposal does not involve building on or parking on the right of way. There is nothing to stop the existing owner of the land parking vehicles to the rear of the property in connection with the domestic use of the property. Taking this into consideration the proposed staff parking spaces are not considered to significantly affect the amenities of the adjoining property.

Visual impact

The proposal involves only minor alterations to the existing property and there is considered to be no adverse visual impact from the proposal.

Highway safety

The Highway Authority is satisfied that the submitted TRICS (trip rate information computer systems) is acceptable. The TRICS report indicates that 6 drop-off parking bays and 6 staff parking bays is sufficient for the proposal. No comments have been received from the Highway Authority following consultation of the amended car parking layout. The accesses are considered to provide sufficient visibility in both directions and are of adequate width to accommodate two-way vehicle flows. Subject to conditions ensuring the provision of adequate car parking there is considered to be no adverse impact upon highway safety.

Safety of children

Planning restrictions cannot be placed on the occupiers of adjoining properties in respect to CRB checks. As a children's nursery the business will be controlled by Ofsted who assess the health and safety of the children.

Summary

In light of the forthcoming development at Monkton Heathfield the site is considered to be a sustainable location which will have a large number of dwellings within a reasonable walking distance to make use facilities provided. In the interim period, until the Monkton Heathfield development is completed, the submitted parking layout providing a total of 14 parking spaces is considered to be sufficient for the proposed development. Potential noise and disturbance to the adjoining occupiers can be minimised by the effective use of conditions restricting numbers of children to nursery, numbers of children playing outside, restrictions on hours of operating and restricted use of the parking areas. The application is therefore recommended for conditional approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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