

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **22ND FEBRUARY 2017**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – ERECTION OF SINGLE STOREY EXTENSION TO PROVIDE CHILDREN’S NURSERY FACILITIES AT 10 AUGHTON WAY, BROUGHTON**

APPLICATION NUMBER: **056279**

APPLICANT: **MRS J FRASER**

SITE: **10 AUGHTON WAY, BROUGHTON**

APPLICATION VALID DATE: **24.11.16**

LOCAL MEMBERS: **COUNCILLOR W MULLIN**

TOWN/COMMUNITY COUNCIL: **BROUGHTON**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application for the extension and alteration of the existing garage to provide accommodation to run a children’s day nursery at 10 Aughton Way, Broughton. It is considered that the proposed use as a children’s day nursery for 8 children is acceptable in this location subject to conditions controlling the scale of the development and making it personal to the applicant.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Time commencement 5 years
 2. Plans
 3. Personal permission with the building reverting to ancillary residential use on cessation of the use or on sale of the property
 4. Maximum of 8 children
 5. Materials
 6. Surface, water, foul water land drainage
 7. Landscaping scheme
 8. Hours of use 8.00 am– 5.00 pm Monday to Friday

3.00 CONSULTATIONS

- 3.01 Local Member
Councillor W Mullin
Requests committee determination and site visit due to parking concerns and potential congestion.

Broughton Community Council
Object as the application is in a residential area and due to increased traffic and parking issues.

Public Protection Manager
No adverse comments to make.

Highways Development Control Manager
On the basis that any consent granted is limited to a personal permission tied to the existing dwelling, there is no objection to the proposal.

Welsh Water/Dwr Cymru
No objection subject to standard drainage conditions.

4.00 PUBLICITY

- 4.01 Site Notice and Neighbour Notification
13 objections on the grounds of;
- It is a quiet residential area and this is an inappropriate use
 - It would create parking issues in the close and conflict with other road users such as refuse lorries
 - Trees have been removed from the boundary opening up views into site
 - Noise disturbance from children in the garden
 - Concerns over boundaries on plan

- Lack of information on the nature of the nursery business such as ages and numbers of children
- Not an extension but a new building
- Insufficient parking for the proposed use
- Poor visibility on the close especially with parked cars
- Vehicles dropping off children will block drives
- Impact on amenity from increased traffic
- Business in a residential area is unacceptable
- Loss of privacy and overlooking
- Increased run off could cause drainage issues
- The extension would affect the character of the area and the pattern of development in this 1950's close
- Will effect peaceful enjoyment of homes
- No provision for increased waste from the proposed use in particular nappies
- Hedge has been removed with no consultation with neighbours. Windows of the dwelling now overlook my property. The removal of this screening will increase the impact of the proposed use.
- Impact on people working from home with noise form the proposed use

5.00 SITE HISTORY

5.01 None

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
 STR1 – New Development
 GEN1 – General Requirements for Development
 D1 – Design Quality, Location and Layout
 D2 – Design
 D3 – Landscaping
 TWH1 – Development Affecting Trees and Woodlands
 HSG12 – House Extensions and Alterations
 HSG13 – Annex Accommodation
 EM4 – Location of Other Employment Development
 EWP12 – Pollution
 EWP13 – Nuisance
 AC13 – Access
 AC18 – Parking Provision

The proposal is in accordance with the above policies.

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the extension and alteration of the existing garage to provide accommodation to run a children's day nursery at 10 Aughton Way, Broughton.

7.02 Site Description

10 Aughton Way is a two storey residential property situated within the residential cul-de-sac of Aughton Way, which is accessed off Simonstone Road. The site is in a corner of the cul-de-sac and has a rear and side garden.

7.03 The application site is an existing single storey garage and workshop situated within the curtilage of 10 Aughton Way. The existing garage and workshop are brick with flat roof and are accessed from the driveway through a garage door and a door in the wall which runs along the driveway frontage. The garage is adjacent to the garage of the adjacent property. The dwelling is located to the west of the proposed site and the front elevation faces east onto the driveway. The property has a driveway to the front of the property and garage. There is an existing 2.5 metre high brick wall which currently runs from the dwelling to the existing garage enclosing the side garden.

7.04 Proposed Development

It is proposed to extend and remodel the existing detached garage. The garage is currently 5 metres by 6 metres and 3 metres in height. The existing garage is both a garage and a workshop and is two separate areas which are linked internally but are hidden from the road frontage by the wall. The current garage is built up to the boundary with the garage of the adjacent property.

7.05 It is proposed to extend the existing buildings to create a building which is 7 metres by 10.5 metres and 2.7 metres in height. The footprint of the new building is 1 metre from the boundary with the adjacent property. From the road frontage the only physical change is the removal of the garage door and the insertion of a window and door. The existing door into the garden would remain in the existing wall. The building would have a side door and patio doors opening into the garden. There is a side window in the eastern elevation which faces the neighbouring garage. The building would be brick with a flat roof.

7.06 The building is proposed to be used as a children's nursery with a play room, toilets, dining room, kitchen and storage. The occupier of the dwelling would run the nursery with her daughter who would be employed as a member of staff and would not live at the property. They would look after a maximum of 8 pre-school children. This is an existing business which is relocating from another location in the local area. At present the applicant and her daughter pick up and return

the children to their homes at the end of the day or they are brought on foot. These arrangements are proposed to continue at this location. There would therefore not be any pick-ups and drops off from individual parents by car or any school runs as the children are all of pre-school age. The proposed hours of use are 8.00 am– 5.00 pm Monday to Friday.

7.07 Issues

The main issues are the impacts arising from the extension and from the proposed use as a children's nursery in a residential area. The potential impacts of the use are on residential amenity from increased noise and disturbance and any on the immediate highway network and parking provision.

7.08 Proposed use

It is proposed to use the extended building as a children's nursery for a maximum of 8 pre-school children with two members of staff, one of which is the occupier of the dwelling on the site. This use requires a change of use as the applicant is employing a member of staff and due to the number of children. However it needs to be noted that a child minding business run from a residential property does not need planning permission for up to 6 children under the age of 8 if no staff are employed. Such a business usually takes place in specific rooms of a residential property and would obviously generate a number of vehicle movements and extra disturbance through noise of children playing etc.

7.09 The differences here are the number of children which is 8; the additional of a member of staff and that the use is within a separate purpose built building adjacent to the dwelling. The applicant has stated that the current arrangements are that the children are picked up and taken home each day by the members of staff or collected on foot. This would limit vehicle movements to two cars bringing children in the morning and two cars taking them home in the evening. A condition can restrict the number of children to 8, however it is not possible to impose a condition to prevent pickups from the property as it would not be enforceable. This matter is dealt with below.

7.10 It is considered that the permission should be made personal to the applicant as the proposed use is acceptable subject to the current circumstances with one member of staff living at the property. This has a significant effect on car parking requirements which are set out below. If the use ceased or the applicant sold the property then the building would revert to ancillary residential use.

7.11 Highways

An issue was raised with the boundary shown on the initially submitted block plan and site plan as the line of the driveway encroached into the neighbour's property ownership. This was rectified following an assessment of the land registry documents and

the correct plan was re-consulted upon.

- 7.12 The proposed block plan shows parking provision for 5 cars. The ground floor area of the proposed nursery is 65 metres². The Council's Parking Standards set out in LPGN:11 Parking Standards and Policy AC18 require 2.6 spaces for a proposed D1 use of this size plus staff parking. Two spaces are also required for the existing dwelling.
- 7.13 Notwithstanding the statement that pick up arrangements are proposed as this is not enforceable these parking requirements are required to be met. As the occupier of the dwelling would be on site the requirements for staff parking do not need to be added to those for the existing residential use as one of these spaces can be shared. The use therefore requires 2.6 spaces for the proposed nursery use, 2 spaces for staff associated with the nursery and 1 residential space. This equates to 5.6 spaces based on the maximum parking standards. The submitted block plan shows 5 parking spaces. The highways development control manager therefore considers that the 5 parking spaces proposed is sufficient. Highways are satisfied subject to a personal permission tying the use to the dwelling that the proposed parking provision is acceptable regardless of the pick-up and drop off arrangements.
- 7.14 Impact on residential amenity
Residents have raised concerns stating that the proposed building and use would lead to overlooking and loss of privacy to neighbouring properties. The proposed building has a kitchen window and door on the front elevation facing Aughton Way. This would not directly overlook any properties. The principle windows in the proposed building are into the private garden area of 10 Aughton Way. The development is all single storey. There is therefore no potential for overlooking. There is a window on the eastern elevation of the building but this would face the blank elevation of the adjacent garage. The proposal is in accordance with the Council's Space Around Dwellings LPGN2.
- 7.15 There would be more activity at the property in terms of the number of children there during the day however the majority of this would be within the building. While children would use the garden area it is not considered that the level of noise generated by 8 children would be unacceptable in a residential area. Given that a person could operate as a child-minder with 6 children without planning permission it is not considered that this additional number would cause material harm in terms of the noise generated.
- 7.16 Objectors have raised concerns about the scale of the building in a residential area. The existing garage and workshop are 5 metres by 6 metres and 3 metres. The proposed building is 7 metres by 10.5 metres and 2.7 metres in height and within the curtilage of the

property and is single storey. The only elements visible from Aughton Way will be the change in the front elevation. The property has a large rear and side garden and the extension to the outbuildings would still leave sufficient private amenity space for the residential use. The proposal is therefore in accordance with the Council's Space Around Dwellings LPGN2. It is not considered that the scale of the building is out of character with the residential area. If the use ceased the building could be used as a residential annex or other ancillary accommodation.

- 7.17 Concerns have also been raised about mature vegetation which has been removed and opened up views into the garden. While there are no issues with overlooking in terms of separation distances of the building due to the increased use of the garden additional soft landscaping which is necessary to provide additional privacy to both the proposed use of the outside space and the existing residents.

8.00 CONCLUSION

It is considered that the proposed use as a children's day nursery for 8 children is acceptable in this location subject to conditions controlling the scale of the development and making it personal to the applicant.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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