

LOCATION: THE MANOR, 30 SOUTHWELL PARK ROAD, CAMBERLEY,
GU15 3QQ

PROPOSAL: Variation of Condition 1 of planning permission SU/15/0494 to
allow an increase in the number of children in attendance at the
nursery school from 12 to 15.

TYPE: Relaxation/Modification

APPLICANT: Mr & Mrs Sanderson
Manor Montessori Nursery

OFFICER: Duncan Carty

This application would normally be determined under delegated powers, however, it is being reported to the Planning Applications Committee at the request of Councillor McClafferty.

1.0 SUMMARY

- 1.1 The application relates to a mixed nursery/residential property within the settlement of Camberley. The proposal seeks consent for the variation of Condition 1 of planning permission SU/15/0474 to allow for an increase in the number of children attending the pre-school nursery from 12 to 15.
- 1.2 The report concludes that it has not been demonstrated that the increase in children from 12 to 15 can be accommodated without having an adverse impact on residential amenity. This is due to a lack of a noise survey relating to the rear garden and disturbance from traffic movements at dropping off/picking up times. The application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is rectangular in shape and sits on a plot of approximately 430 square metres. The site benefits from an extended detached two-storey dwelling with roof space accommodation set back between 8 and 9 metres from the front boundary. In front of the building is a hard surfaced parking accommodating up to three vehicles. To the rear of the building is a garden area of approximately 180 square metres.
- 2.2 The application site directly adjoins another residential property to the east, London Road Recreation Ground and residential garden areas to the north. To the west the site adjoins tennis courts within the London Road Recreation Ground and to the south the site is bounded by the public highway.
- 2.3 The application site is lawfully in mixed use as a dwellinghouse (Class C3) and a nursery having been granted planning permission in January 2012 under SU/11/0794. An application to increase the number of children from 6 to 9 was implemented in May 2013 (SU/13/0200) and from 9 to 12 in July 20156 (under SU/15/0474).
- 2.4 It is noted that at the time of the site visit the nursery was underused with three children in attendance.

3.0 RELEVANT HISTORY

- 3.1 SU/06/0591 - Change of Use of property to use as a child minders for up to 12 children

Refused 29/03/2007 for the following reasons:

“The development proposed, by virtue of the intensification of the use of the site and in particular the garden area, will result in a level of noise and disturbance that will be detrimental to the residential amenities enjoyed by the occupants of the adjoining properties. Moreover the lack of on-site parking or a dropping off area for the users of the child-minders is likely to result in inconsiderate on street parking that would cause nuisance and disruption to other highway users. As such the proposal is contrary to Policy H15 of the Surrey Heath Local Plan 2000”.

- 3.2 SU/11/0794 – Application for a Change of Use to allow for the mixed use of dwelling to allow part use as a nursery for up to 6 children.

Approved 18/01/2012.

- 3.3 SU/13/0200 - Variation of Condition 2(a) of planning permission SU/11/0794 to allow for an increase in the number of children in attendance at the nursery school to increase from 6 to 9 children.

Approved 20/05/2013.

- 3.4 SU/14/0333 - Variation of Condition 2(a) of planning permission SU/11/0794 to allow for an increase in the number of children in attendance at the nursery school from 9 to 12 (pursuant to SU/13/0200 which allowed the increase of children from 6 to 9).

Approved 09/06/14 for a temporary period to allow opportunity to assess the impacts of 12 children at this site for a limited 12 month period.

- 3.5 SU/15/0474 - Variation of Condition 2(a) of planning permission SU/11/0794 to allow for an increase in the number of children in attendance at the nursery school from 9 to 12 (pursuant to SU/13/0200 which allowed the increase of children from 6 to 9).

Approved 24/07/15

4.0 THE PROPOSAL

- 4.1 The application seeks consent for the variation of Condition 1 of planning permission SU/15/0474 to allow for an increase in the number of children in attendance at the nursery school from 12 to 15.
- 4.2 The proposed increase in children will require an additional member of nursery staff, giving a total of five members of staff, one of whom is the householder. The application proposes the retention of the residential accommodation on the first floor and roof area. There are no changes proposed to the hours of attendance which are currently between 07:30 and 18:30 Monday to Friday with no attendance on Saturdays or Sundays, or Public Holidays.
- 4.3 The applicant has indicated in their planning statement that part of the rationale for the proposal is *“because of the continuing high (unmet) demand for nursery and childcare places in the locality, a situation that is verified by the Surrey County Council's Early Years Childcare Officer.”* The County Council *“wish the Manor Nursery to allocate more places to meet a particularly social need from low income families...In short, the Council has a statutory duty to ensure sufficiency of places for two year olds from families who meet the*

criteria for funding...The predicted numbers from Camberley Town and local wards are high and existing early years' providers are being approached in order to develop additional places for two year olds."

- 4.4 There have been noise surveys previously provided (with SU/14/0333) which assessed the noise levels that 12 children on the site would generate. The acoustic assessment was based on the sounds generated from the garden area, the activity within the building and the associated vehicle movements. Whilst a statement from an acoustic consultants has been provided with this application, a noise survey has not been provided for the new proposal.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objection |
| 5.2 | Environmental Officer | Raises concerns about increased noise levels from increased activity at the site. |
| 5.3 | Surrey County Council Early Years Childcare Service | No objection – the proposal will provide places to accommodate the significant need that has been identified by the Department for Education. (DfE) |

6.0 REPRESENTATION

At the time of the preparation of this report one representation of objection and one letter of support (making no specific comments) have been received. There have been 24 letters of support received, none making any specific comments. The representation of objection raises the following concerns:

- 6.1 Significant increase in noise and disturbance in the garden area [*See Paragraph 7.4*]
- 6.2 An increase in the level of traffic [*See Paragraph 7.5*]
- 6.3 Insufficient parking provision and highway safety concerns [*See Paragraph 7.5*]
- 6.4 Erosion of the residential character of the area [*See Paragraph 7.3*]
- 6.5 Impact on human rights [*Officer comment: See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act*]
- 6.6 Impact on environmental protection and statutory nuisance [*Officer comment: This would be a matter for separate Environmental Health legislation*]

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located within the settlement area of Camberley as identified by the Surrey Heath Core Strategy and Development Management Policies 2012 and would be assessed under Policy DM9: Design Principles, DM11: Traffic Management and Highway Safety, DM13 Employment Development Outside Core Employment Areas and Camberley Town Centre and DM14: Community and Cultural Facilities of the Surrey Heath Core Strategy and Development Management Policies 2012 along with the principles contained

within the National Planning Policy Framework 2012. The National Planning Policy Framework (NPPF) is also a material consideration as is the associated Planning Practice Guidance (PPG).

7.2 Having regard to the above it is considered that the main issues to be addressed are:

- The principle of development;
- Impact of the development on the character area;
- Impact of the development on residential amenity;
- Impact of the development on parking and highway safety.

7.3 The principle of development

7.3.1 Although the principle of development was established under SU/11/0794, the proposed increase in children from 12 to 15 is also assessed in respect of its impact on the employment development, as well as the provision of community and cultural facilities in the Borough. Policy DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012 supports employment development on existing employment sites and this proposal would support economic development through the creation of employment.

7.3.2 Policy DM14 of the Surrey Heath Core Strategy and Development Management Policies 2012 advises that improvements and enhancements to existing community and cultural facilities would be supported. The need for further childcare places in the local area has been set out by the applicant in their planning statement (see Paragraph 4.3 above). In addition the Surrey County Council Early Years Childcare Service support the proposal in helping address this local need by providing additional childcare places at the nursery.

7.3.3 It is considered that the proposal would enhance the community facility through the expansion of the nursery, and would support a local need for more childcare places, and this complies with Policies DM13 and DM14 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.4 The impact of the development on the character area

7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires development proposals to respect and enhance the local environment. Policy DM9 underpins the specific character measures set out within the Western Urban Area Character SPD 2012. The site falls within an "Edwardian Mosaic" character area as defined within the Western Urban Area Character SPD 2012, within which it is described as a residential area with community uses mixed throughout.

7.4.2 As set out in the Western Urban Area Character SPD 2012, properties in the Edwardian Mosaic Character Area offer a mixed character with some community uses in this vicinity. As Southwell Park Road is in close proximity to Camberley Town Centre, there are some properties also under a mixed use including a dentist (No.5), an accountant's office, a guest house (No. 17), a Child-minding business, a Solicitor's office, the recreation ground and a Church. The authorised use of the application property also includes the nursery use. However, the character of this road remains predominantly residential.

7.4.3 On the basis of the above considerations, it is considered that the proposal would comply, in this respect, with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the guidance contained within the Western Urban Area Character SPD 2012.

7.5 The impact of the development on residential amenity

7.5.1 Policy DM9 of the Core Strategy advises that development will be acceptable where it provides sufficient private and public amenity space and respects the amenities of occupiers of neighbouring property and uses.

7.5.2 The application site is bounded to the eastern flank by the residential curtilage of No.28 Southwell Park Road and there are also residential curtilages beyond to the rear of the site fronting Grand Avenue and ancillary areas associated with the recreation ground. The nearest residential dwelling, 28 Southwell Park Road adjoins the application site to the east side and part of the rear. The properties to Grand Avenue are sited to the north located 37 metres at their closest points.

7.5.3 The supporting statement indicates that the rear garden is used for up to one hour in the mornings and one hour in the afternoons and, with some of the younger children requiring a sleep during the day, it is unlikely that 15 children would be using the garden area at the same time, and with a ratio of three children per member of staff, a maximum of 12 children could use the rear garden. Noise levels would be controlled to ensure that any sleeping children are not disturbed.

7.5.4 The supporting statement indicates that the children arrive in a staggered manner between 07:30 and 08:30 hours and collected up to 18:30 hours. Given that the site is within a sustainable area, with easy access to bus and train services, the statement indicates that in a recent survey, 60% (i.e. seven children) arrive by car. The applicant has indicated the availability of on-street parking in the area and public car parks (e.g. the town centre). However, it is inevitable that the proposal would lead to an increase in the level of activity from this activity.

7.5.5 The acoustic consultant has indicated that the level of disturbance resulting from the proposal would be so low as to not be perceivable by adjoining residents. However, the activity within the rear garden (including the number of children using the area and the timing for that use) and the extra transport movements (generated by the proposal) would not be controllable by condition.

7.5.6 In addition, a noise survey report (to reflect the current proposal) has not been provided to support this application and therefore the actual impact cannot be fully assessed. The Environmental Health Officer has raised concerns about the increased noise levels from increased activity at the site. The statement indicates that for the activity in the rear garden, an increase of no more than 1 decibel would occur but the Environmental Health Officer suggests it could be much higher. He has also requested that a noise survey report would be required to properly assess the likely impact.

7.5.7 It is therefore considered that it has not been demonstrated that there would not be a significantly harmful impact to the amenity enjoyed by the occupiers of adjoining residential properties. The proposal is therefore considered to fail to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

7.6 The impact on parking and highway safety

7.6.1 Policy DM11 of the Core Strategy advises that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.

7.6.2 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

7.6.3 The County Highway Authority has again reviewed this current proposal and again raises no objection to the proposal. The proposed development therefore complies with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8.0 CONCLUSION

7.7.1 The need for child places for childcare for the local area and that the proposal would assist in meeting this unmet demand is acknowledged. In addition, there are no objections to the proposal on character and highway safety grounds. However, the proposal will intensify the use of the premises and it has not been demonstrated that this increase in activity can be accommodated without detriment to residential amenity. As such, the application is recommended for refusal on this ground.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

9.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

RECOMMENDATION

REFUSE for the following reason(s):-

1. It has not been demonstrated that the intensification of the use of the site, in particular the noise generated within the garden area, that would result from this proposal could be accommodated without detriment to the residential amenities of the occupiers of adjoining residential properties. Moreover, the proposal would result in an intensification of the movement of traffic which would cause disturbance, be unneighbourly and harmful to the residential amenities of the adjoining residential properties. As such, the proposal would fail to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

