REF. NO. F/12/70661

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Change of use from domestic dwelling (C3) to a childrens day nursery (D1). 93 Bournemouth Road, Chandler's Ford, Eastleigh, SO53 3AQ.

SITE VISIT DATE – 02/05/2012

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above to convert the current dwelling into a children's day nursery for up to 25 children. The applicant currently runs a smaller nursery in nearby Shaftesbury Avenue, with the intension of moving to the application site to allow expansion and better facilities.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	Flat and level.
TREES	There are no trees on or adjacent to the site which would be affected by the proposal.
BOUNDARY TREATMENT	Low walls to the front boundaries and 1.8 – 2.0 metre fences and hedging to the rear garden boundaries.
SITE CHARACTERISTICS	Detached two storey dwelling on a decent size plot with hardstanding and parking to the front with a good size garden to the rear, half of which is taken up by a swimming pool.
CHARACTER OF LOCALITY	The surrounding area is quite mixed in nature and made up of commercial and residential properties. To the north of the application site is an electrical appliance shop, with storage buildings/structures and a car park behind, and to the south are the workshops to a sizable car dealership.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/11/69898	Change of use from domestic dwelling (C3) to a children's day nursery (D1).	Refused Jan 2012
Z/26184/002/00	Change of use to office.	Refused Dec 1989
Z/26184/001/00	Two storey side extension and ground floor rear extension.	Approved May 1983
Z/26184/000/00	Construction of new access.	Approved Aug 1982

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
2 Brook Close	Object. Concerns of noise and disturbance to neighbouring gardens and number of children attending the nursery. Further concerns regarding parking and traffic impact on Bournemouth Road. Would result in two nurseries in very close proximity to each other. Also would result in the loss of a residential property and the building would be left empty at night and could result in security issues for neighbouring properties.
2 Shaftesbury Avenue	Concerns over the potential number of children and the resulting parking/traffic problems.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation & Engineering	Following on from the previous application, additional details and plans have been provided. These demonstrate that due to the allocated time slots for arrivals / pick-ups, and staff numbers on site at any one time, the proposed 7 on-site vehicle parking spaces should be sufficient. In regard to developer contributions, none will be required as it is likely there will be a high percentage of combined trips. Some concerns that if the car park is full there may be parking on the highway verge. Recommend the provision of a number of bollards along the frontage to prevent this.
Head of Environmental Health	“Having reviewed the information attached to the application, I have concerns regarding the residential amenity of nearby properties with regards to noise. There are no details regarding the use of the rear garden in terms of a play area, this is something I presume it is to be used for. Therefore, I would like to see details of the garden in terms of the intended use, the times and duration of use and the area that is to be used.”
Chandler’s Ford Parish Council	“No objection to change of use. Members still concerned about the provision for entry and exit on to Bournemouth Road from the site at peak times and the resulting impact on traffic queuing on Bournemouth Road. Members request that this be considered when the delegated decision is made.”

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Mixed Use Area Within Special Policy Area

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) : 59.BE, 101.T, 182.LB & 186.IN Supplementary Planning Document : Quality Places Supplementary Planning Document : Chandler’s Ford and Hiltingbury Character Areas

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NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to the principle of that proposed, its layout and design, impact upon the amenity of neighbouring uses and the surrounding area, parking and highway issues, as well as impact upon the street scene and character of the Special Policy Area.

COMMENT ON CONSULTATION RESPONSES

See below.

COMMENT ON REPRESENTATIONS RECEIVED

A response to the main issues raised is given below. With regards to any approval of this planning application resulting in two nurseries being within close proximity to each other and resulting in further amenity issues, it is acknowledged that if approved this would result in two sites having the right to run a nursery, the application site and one around the corner in Shaftesbury Avenue. In this instance the applicant runs the current nursery in Shaftesbury Avenue and is intending to move to the application site in Bournemouth Road to provide more space and better facilities. This of course does not mean that someone else could not take on the current nursery site to run as a nursery or any other use which falls within the same planning use class. However, this cannot really be used as a reason for refusal, particularly in this instance as the impact of two modest nurseries is unlikely to have any significant adverse impact upon the amenity of the area. It is also the case that the current site in Shaftesbury Avenue is very small and has limited access. This will to some extent help to limit the scale of any future use.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the requirements of Circular 05/05 and the guidance contained within saved Policy 101.T of the Eastleigh Borough Local Plan Review (2001-2011) and Supplementary Planning Document 'Planning Obligations', this application is subject to developer's contributions towards the provision of sustainable transport measures in the local area.

However, it is acknowledged that a significant proportion of trips to the nursery would be by parents on their way to or from work. Following more specific information on the number of children the contribution required would be broadly comparable to that for the existing 4+ bedroom dwelling and as such no transport contribution is requested. However, should the number of children or size of the nursery increase then contributions may be required.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

The proposal is considered to comply with relevant Development Plan policies.

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In this case policy issues for consideration include:

Principle – The application site lies within the urban edge where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design and impact of that proposed being considered appropriate.

While the application site lies within the urban edge, it also lies within the Bournemouth Road Special Policy Area and is covered by saved Policy 182.LB of the Local Plan. This policy states that development will not be permitted if: i) it would result in the net loss of residential units; ii) detract from the primarily residential character of the area; iii) does not have satisfactory vehicular access or on site parking; or iv) results in the loss of residential amenity.

Also of relevance to this application is saved Policy 186.IN which states that the provision of new community uses within the urban edge will be considered acceptable provided they would not result in adversely affecting the amenity of neighbouring uses. This is also backed up by saved Policy 59.BE which requires all new development to be of a good quality design and take appropriate account of its surrounding context and neighbouring uses.

Therefore, while the principle of providing a new community use, which the nursery could be considered, albeit a private commercial business, is acceptable in basic terms, the restrictions of the Special Policy Area state that as the proposal includes the loss of a residential dwelling that the application should not be permitted.

Layout & Design – The application does not propose to make any significant physical alterations to the building or its curtilage other than tidying up its appearance and the internal alterations necessary for use as a nursery. To the front the existing parking area will be retained for use by parents, although one of the current accesses will be closed off and to the rear the garden will become the external play area for the children. There is an outdoor swimming pool within the rear which it is intended to fence off, although this does raise some safety concerns. However, this is more of an issue for Ofsted to consider when considering granting approval for the nursery licence.

Amenity – Concerns have been raised by an objector and the Head of Environmental Health that the use of the rear garden as an external play area will result in noise and disturbance and impact the enjoyment of neighbouring gardens. This concern is noted but past experience of dealing with other nurseries has shown that with suitable management and appropriate conditions to control the hours of opening or use of the external play area, any potential disturbance would be minimised. It should also be taken into consideration that the site and its immediate neighbours are very close to a busy main road, the workshops of the car dealers and the car park of the other neighbouring commercial property. It would therefore be difficult to substantiate a refusal of the application on the grounds of unacceptable disturbance to neighbouring properties, particularly if the use of the outside space is confined to usual office hours.

A further amenity concern of the previously refused application was that the surrounding uses and the busy road were not felt to be particularly compatible with the sensitive end use as a children's nursery. As part of this application supporting information has been submitted to try and address this concern. This information, together with discussions with the agent provides more detail on the nature of surrounding uses which does demonstrate that while there is a car dealership to the south of the site, its workshops are only used for minor repairs and preparation, nothing that would result in adverse fumes or issues for children using the external space to the rear of the present dwelling. This view is also backed up by the lack of concern on this issue being raised by the Head of Environmental Health.

With regards to the site fronting onto the busy Bournemouth Road and concerns of noise and

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pollution, as well as the proximity of the Leigh Road AQMA (Air Quality Management Area), again the supporting information tries to address this. It is acknowledged that while the application site is close to the AQMA it is not within it. It is also accepted that the external play area is behind the building and would therefore be shielded from the majority of noise and fumes associated with the traffic along Bournemouth Road. Therefore, while there are still some reservations as to whether this is the most appropriate site for the proposed use, it is acknowledged that in planning terms, now that additional information has been provided, there is not really sufficient justification to refuse the application on amenity grounds.

Parking and Highway Issues – One of the main reasons for refusing the previous planning application was that insufficient information was submitted to demonstrate that the vehicles movements associated with the proposed use, as well as proposed unworkable parking layout was likely to result in highway issues for Bournemouth Road and the neighbouring residential streets. Much more detailed information has now been submitted with this latest application giving details of a workable parking layout, which the Head of Transportation and Engineering is now happy with, as well as details of the pick up and drop off arrangements for parents currently used at the applicant's present nursery in Shaftesbury Avenue. These arrangements are intended to control the times when parents can pick up and drop off their children so as to limit the number of cars at any one time. This not only helps to control and limit vehicle movements but also assists the nursery in ensuring that they have the correct number of staff for the number of children attending at that time. While some concern has been raised that parents may park on the highway verge and cause an obstruction to traffic on Bournemouth Road, this should not be a problem if the current pick up and drop off arrangements are continued. It is also unlikely that parents would want to stop on the main road given the level of traffic using it, particularly in the mornings and afternoons.

Given that these further details have been submitted to demonstrate that there is sufficient on-site parking and a workable pick up and drop off arrangement, this is considered to have overcome the concerns and reason for refusal of the previous planning application. A condition requiring the unused vehicular access to be blocked up is recommended.

Street Scene & Area Character – The intended improvements to the exterior of the building are welcomed, as it is currently looking quite tired, although the loss of what little planting is already present is a shame as it will leave a fairly substantial area of unrelieved hardstanding. A condition requiring details of how the unused access is to be closed off is recommended to ensure that it will have a satisfactory appearance.

The main issue however, is the impact of the proposed change of use upon the character of the area. The Bournemouth Road Special Policy Area (SPA) was set up in order to ensure that there was not any further disintegration of its predominantly residential character, which was under threat from continued change of use of residential dwellings to commercial premises of varying descriptions. This erosion of the street's residential character was considered to be harmful as it was resulting in the loss of much needed housing stock which is generally at the lower end of the market, the lower property prices being attractive to smaller businesses.

The application site lies within the SPA and is currently a residential property. As set out above, this means that the conversion of the dwelling to a commercial use is not allowed by saved Policy 182.LB of the current local plan. However, the argument has been put forward that this policy was adopted at a time when there was a need for such a policy. Since which time there has in fact been a significant net increase in residential dwellings within the SPA. It is also the case that there is no equivalent to Policy 182.LB within the new draft local plan which is now fairly advanced, although not due for adoption until at least next year. It is also acknowledged that the site is surrounded by commercial properties and that the application dwelling is a detached five bedroom house, therefore not really the low cost housing that Policy 182.LB was

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intended to protect.

The above being the case, while it can be argued that the proposed change of use is contrary to Policy 182.LB in that it would result in the loss of a residential dwelling, in recent years the number of dwellings within the SPA has increased. In this case, the character of the immediate area surrounding the application site is no longer residential and the proposal can provide sufficient access and parking and should not have any adverse impact upon the amenity of surrounding uses, provided proper controls are included. It is therefore felt, now that further information has been provided, that the proposal broadly follows the requirements of 182.LB as well as the other relevant policies of the local plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

For the reasons given above, the application is recommended for approval subject to conditions.