

AXMINSTER TOWN
(Axminster)

09/0758/FUL

Target Date: 10.06.09

Applicant: Tick Tocks Day Nursery (Mrs L Knight)
Location: Yarty View, Lyme Close, Axminster
Proposal: Change of use of dwelling to children's day nursery

CONSULTATIONS

County Highway Authority

The site is currently a residential property located in Lyme Close. There are double yellow lines on the carriageway of Lyme Close in the vicinity of the site, which prevents vehicles parking on the carriageway. The proposed use is also in the vicinity of other schools so there is a possibility of parents doubling up with siblings using the schools and / or the proposed nursery

There is a Police Station immediately adjacent which would mean that compliance with the yellow lines by people visiting the site would possibly be more likely than usual.

In the circumstances therefore, there are no objections from a highway point of view.

South West Water

No comments received

Environmental Health

Original comment:

There is the potential for the noise from large numbers of children playing in what was formerly a residential garden to be annoying to local residents. If approval is recommended the following condition should be applied:

"Before commencement of the use approved the applicant should provide details of their arrangements for outside play and the allocated times for this throughout the day, and these details should be approved by the Environmental Health Officer.

15/05/09- Further comment following receipt of more detailed information:

I have considered the additional information submitted and am now satisfied that their proposals regarding use of the garden and play areas is in line with what one would reasonably expect for this use, and hardly more than the normal community noise which could be experienced from family gardens in any residential area. I therefore have no objections to this proposal.

TOWN/PARISH COUNCIL

Axminster Town Council supports this application subject to ways being found to overcome the associated highway problems.

WARD MEMBER(S)

The initial comments of Cllr Moulding:

"I am aware that Tick Tocks Day Nursery is seeking an alternative location and I believe that the service the nursery offers is important for the community in Axminster. However, I do not believe

this is the right site. Lyme Close is extremely busy, with double yellow lines outside "Yarty View" As the nursery grows the spaces allocated in the application will not be sufficient and I can anticipate congestion and possible reversing on to the road.

I am also concerned that the close proximity of houses to the rear will cause noise and aggravation to elderly residents living in the bungalows in Fossey Close.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against".

REPRESENTATIONS

Objections

38 letters have been received raising the following points:

- Noise
- Increased traffic levels
- Drainage
- Restricting access for emergency vehicles
- Traffic hazard
- Lack of parking

RELEVANT PLANNING HISTORY

None

PLANNING POLICIES

Devon County Structure Plan (2001-2016)

Policy CO6- Quality of New Development
Policy CO16- Noise Pollution

East Devon Local Plan (1995-2011)

Policy S4- Development within Built-Up Area Boundaries
Policy D1 – Design and Local Distinctiveness
Policy C2- Local Community Facilities
Policy TA7- Adequacy of Road Network and Site Access
Policy TA9- Parking Provision in New Development
Policy EN15- Control of Pollution

SITE LOCATION AND DESCRIPTION

The site refers to Yarty View, a modest sized, white rendered bungalow located within a residential estate on the Eastern side of the town of Axminster. The property has a parking area at the front with a detached single garage as well as a front and rear garden. Whilst the area is predominantly residential, the area is also shared with other non-residential uses such as a police station, fire station, local schools and the Local Citizens Advice Bureau.

PROPOSED DEVELOPMENT

Full planning permission is sought for the change of use of the dwelling to a children's day nursery catering for up to 25 children from the age of 3 months to 5 years. The proposal does not include any external alterations to the property. The scheme would include 5 parking spaces

within the site utilising the existing driveway at the front of the property. The application form indicates that the day nursery would operate Monday to Friday from 08:00-17:30 and would create 5 full time jobs and 2 part-time jobs.

CONSIDERATIONS AND ASSESSMENT

It is considered that the main planning issues with this proposal for a children's day nursery relates to access and parking provision together with the impact of the use on the general amenity of nearby properties.

Background

The information as submitted suggests that Tick Tocks is an established child day care facility, the only full day care provision in the Axminster area which currently cares for over 60 different families. The applicants are looking to move the existing Axminster based nursery to Yarty View to make the business more economically viable.

There is no relevant planning history for Yarty View. Its current lawful use falls under Class C3 (dwellings) of the Use Classes Order and full planning permission is sought for a change of use to a D1 use (Day Nursery).

Policy Issues

Policy C2 (Local Community Facilities) of the Adopted East Devon Local Plan states that proposals for new facilities which serve the local community will be permitted on sites within the built-up area boundary provided they meet the following criteria in full:

1. The proposal would be compatible with the character of the site and its surroundings
2. The proposal will be well related to the built form of the settlement and close to existing development
3. The site is accessible by a variety of types of transport, including walking and cycling and the amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety
4. The proposal would not be detrimental to the amenity of neighbouring residents by reason of undue noise and traffic.

Highway Issues

With regard to highways, nurseries raise two particular issues; the provision for dropping off and collecting children and the provision of parking for staff and visitors. All neighbouring letters of objection received refer to potential highways issues that may arise as a result of the intensification of the use of the premises with particular reference to parking and increased traffic movements. Whilst the intensification of the use of the property through the dropping off and collection of children attending the day nursery will obviously increase traffic movements to and from the site, the applicant has provided information which states that children arrive and leave the nursery at staggered times during the day which would help to alleviate any traffic congestion problems. Indeed in considering this application it is important to note the general nature and activities of intended nursery use. Unlike schools, parents can drop off and collect the children at various times of the day. Children do not have to be dropped off or collected at specific times of the day and as such it is considered that congestion and highways issues associated with traffic movements of parents will not be a significant issue.

In addition the proposed town centre location of the day nursery, with its good transport links and local car parking will have an impact on the travel patterns of the patrons of the premises. The information submitted suggests that some children attending the nursery arrive on foot and that two employees of the nursery live in Axminster and therefore also walk to work. Indeed whilst limited parking is available, the site is in close proximity to various modes of transport thereby allowing staff and parents to access the site by means other than private car. In addition the site

is in close proximity to a large residential area which staff could be recruited from within it thereby allowing the opportunity to walk.

The plans submitted show a proposed parking area utilising the existing driveway where some on-site parking and turning space is available which will accommodate some of the traffic to the site. In the interests of highway safety it is considered necessary to condition the parking space as indicated on the plans to be laid out and used solely for the purposes of car parking.

It is important to note that the County Highway Authority has raised no objections to the proposal and their comments are as follows:

The site is currently a residential property located in Lyme Close. There are double yellow lines on the carriageway of Lyme Close in the vicinity of the site, which prevents vehicles parking on the carriageway. The proposed use is also in the vicinity of other schools so there is a possibility of parents doubling up with siblings using the schools and / or the proposed nursery. There is a Police Station immediately adjacent which would mean that compliance with the yellow lines by people visiting the site would possibly be more likely than usual.

In the circumstances put forward above and in the absence of any highway objections it is considered that the proposed use of Yarty View will not create any significant highway issues.

Impact on Residential Amenity

There is the possibility with a day nursery use of increased noise from children and vehicles. The activities within the building themselves are unlikely to cause disturbance for nearby residents. The main source of noise would come from outdoor play and the dropping off and collection of children. The plans submitted indicate that the garden area to the south and west of the property will be allocated for children's play space. Yarty View is surrounded on its west side by residential properties with at least 5 residential gardens backing onto the site. The bungalow itself is modest in size and sits within a relatively small garden area. Whilst the garden area is restricted in size and is in close proximity to the boundaries of the surrounding neighbouring properties in assessing the impact on the amenity of neighbouring properties it is important to note the daily activities associated with the nursery.

Nurseries have to be registered by OFSTED who consider the various Health and Safety issues as well as the care and education of the children. The information submitted suggests that the applicants can only register for 25 children at Yarty View which is governed by the available floor space of the premises. Concerns regarding expansion of the nursery can therefore be mitigated by a condition should the application be approved which can control the maximum numbers of children using the nursery. In addition it is quite clear that daily activities for the children involve a lot of structured indoor as well as outdoor activities. It would appear that children using the outdoor play area have to be supervised at all times which should help to limit any potential noise disturbance to neighbouring properties. It is however acknowledged that the use of the outdoor play area will create some noise disturbance which will have an effect on the amenity of nearby neighbouring residents. However given the fact that the outdoor activities are not planned for all hours of the day it is considered both necessary and reasonable to impose a condition which restricts the hours of use of the outdoor play area to two hours in the morning and two hours in the afternoon. It is not however considered reasonable to specify exact times of the day the outdoor play area can be used as its usage is obviously affected by the weather during the day.

The information submitted suggests hours of use between 8:00am and 17:30pm Monday to Friday. The nursery will not be in use on Saturdays or Sundays or bank holidays. A condition can be imposed to restrict hours of use to these times which are considered to be reasonable in terms of the impact on neighbouring amenity.

It is important to note that no objections have been raised from the Environmental Health Officer whose comments are as follows:

I have considered the additional information submitted and am now satisfied that their proposals regarding use of the garden and play areas is in line with what one would reasonably expect for this use, and hardly more than the normal community noise which could be experienced from family gardens in any residential area. I therefore have no objections to this proposal.

CONCLUSIONS

To conclude, whilst the concerns of noise and disturbance to adjoining properties are noted, the supervised and structured activities of the children's day nursery as previously discussed will provide a degree of control which will limit any significant noise impact on the amenity of the neighbouring properties. It is considered that the conditions imposed restricting the hours of use of the outdoor play areas will further mitigate any unacceptable levels of noise disturbance to neighbouring properties. Furthermore it is considered that in the absence of any Highway and Environmental Health objections, a recommendation of refusal on parking and congestion or noise and disturbance grounds cannot be upheld. Therefore the proposal is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The nursery shall accommodate not more than 25 children at any one time and the use hereby permitted shall only operate between the hours of 8:00am and 17:30pm Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays.
(Reason - To protect adjoining occupiers from noise and disturbance.)
3. The premises shall be used as a Day Nursery only and for no other purpose (including any other purpose in Class D1 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 - To protect adjoining occupiers from noise and disturbance.)
4. The land indicated on plan no 1 received on the 9th April 2009 for the parking of vehicles shall not be used for any other purpose and shall be kept available for car parking purposes at all times.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety.)
5. The site shall not be used for outdoor play except for the area identified on plan no 3 received on the 15th April 2009.
(Reason - In the interests of the amenity of neighbouring properties.)
6. The outdoor play area as indicated on plan no 3 shall only be used for a maximum of 2 hours in the morning and 2 hours in the afternoon of any one day.
(Reason - In the interests of the amenity of neighbouring properties.)

Reasons for approval

1. CO6, CO16
2. S4, D1, C2, TA7, TA9
- 3, 4, 17, 22

Approved plans

Location Plan, Drawing No's 1 and 3

List of Background Papers

Application file, consultations and policy documents referred to in the report.