

<b>Application Number</b>	09/1184/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th January 2010	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	1st March 2010		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Old Manor House St Andrews Road Cambridge Cambridgeshire CB4 1DH		
<b>Proposal</b>	Change of use from offices to day nursery and the repositioning of the site access.		
<b>Applicant</b>	Mrs Hope Othieno 50 Knights End Road March PE15 9QA		

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- A1 This application was presented to North Area Committee on 29 April 2010. The application was deferred to enable all parties, including the County Highways Authority and nearby residents, to adequately consider the amended access to the site.
- A2 The access was repositioned from the north of the site, further round the bend to the west, adjacent to the boundary of the community hall. The access was moved following concerns from the County Highways Authority over inadequate sightlines.

### **Further representations received**

- A3 As set out on the 29 April Committee amendment sheet, Councillor Blair and several members of the Old Chesterton Residents Association made comments on the revised access, which I have summarised again below:

#### **Councillor Clare Blair:**

- The original application and consultation with neighbours was on the existing access.
- It is my strong view that any change of access point on this very sensitive bend requires neighbour consultation.
- The enclosed letter from the applicants, taken off the web, clearly (and at that juncture understandably) does not take

into account the current proposals to put double yellow lines on both sides (removing existing single yellow lines) from the church entrance all the way round the bend and beyond the Community Hall. It does appear though the applicant believes they can utilise parking at the Community Hall and Vie development.

- The new Riverside Bridge sees some 2000 daily trips by cyclists and pedestrians down past this property aside from vehicle movements and I am unclear whether this has been taken into account in the Highways section.

#### Old Chesterton Residents Association:

The main points are summarised below:

- OCRA were happy not to comment on the original proposal as in our view it did not fundamentally change the existing layout of the premises and used an existing access.

- A new access directly on to a corner already considered very dangerous by cyclists and other road users requires proper advertisement and consideration.

- I am also aware that proposals for the access to Riverside Bridge and other matters affecting Church Street and St Andrew's Road are under consideration by County Council officers and are due to be consulted on in the very near future.

A4 Consultation letters to neighbouring residential properties were dispatched on **19 May 2010** and the new period for consultation expires on **3 June 2010**. To date no further representations have been received, although I will update Committee of any further views and/or new information on the amendment sheet.

A5 Further comments have been received from the Highways Authority which I have set out below:

*I have consulted Brian and his team.*

*The new access does not have any significant impact on any proposal that they have in that area, and their scheme would take the new junction in to account in any subsequent design process, and so the Highway Authority do not object to the proposed development with the junction relocated.*

A6 The applicants agent has submitted a fresh letter of support for the application, which has been circulated to the Members. I have

summarised the main points:

- The lawful use of the site is, from a traffic generation point of view, reasonably intensive.
- The applicant has been in dialogue with the County Council prior to submission, and the Office of Childcare and Young People's Service (of Cambridgeshire County Council) are fully supportive of the proposals.
- The nursery will meet an established need in the City.
- The relocated access would provide a wider access (allowing 2 cars to pass) with improved sightlines.
- It is reasonable to suggest traffic generation at the existing offices to be reasonably high, and given the existing 'substandard access', may pose a risk itself to highway safety.
- Staff will be required by their contract to park their car off site, which given the traffic regulations, will be well away from the premises.
- Unlike the existing office use, the nursery will have staggered arrival times through the day.
- The catchment area is relatively local, therefore arrival on foot or bicycle is likely.
- The proposed use will not generate significant amounts of traffic and the overall number of trips that do occur are likely to be less than the existing office use.

#### Officer Position

- A7 The revised access to the site raises 2 issues; the implications for highway safety of the revised arrangements and its integration with wider cycle improvements to Riverside Bridge.
- A8 The existing lawful use of the site, although vacant at present, has the potential for extensive trip numbers. In addition, being an office use, they are likely to cluster around certain times of the day, i.e. 9 am and 5pm. The proposed nursery use, but its very nature, will have a more staggered pattern of movements through the day. In my view it is entirely reasonable to expect such a local facility to generate a relatively large proportion of trips by bicycle or on foot. Cycle parking is also provided within the site, and additional spaces can be provided if there is sufficient demand.
- A9 I recognise that some journeys may well be linked trips, for example parents dropping off children, before traveling on to work. However, the revised access serving the premises offers a

potentially safer arrangement for those that do travel to the premises by private car. This is because the sightlines are improved and the access is wider.

- A10 I have had further discussions with the County Highways Authority and the repositioned access is unlikely in their view to conflict with future plans for cycle improvements to Riverside Bridge. There are no detailed design proposals for these improvements at present. The County Council do however recognise that the revised access arrangements would have to be taken into account in the design of any future cycle improvement scheme. The repositioned access would not in their view prejudice the delivery of these improvements.

### **Summary**

- A11 I recognise that the premises is located in a sensitive location on the bend of St Andrews Road. However, the proposed nursery use would result in more staggered comings and goings to the premises through the day, with a variety of transport modes. The repositioned access will also offer an improvement in highway safety terms for those who decide to arrive by car.
- A12 There are also wider benefits to this proposal in terms of the Listed Building being occupied and maintained. The County Council Young People's Service is also very supportive of the proposals which will improve childcare facilities locally, in accordance with an identified need.
- A13 The further information which I have received to date, does not alter my recommendation that this application should be approved.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is a detached Grade 2 Listed Building known as the Manor House, situated on the western side of St Andrews Road. This is a corner plot, where the road bends 90 degrees north towards Chesterton. To the west of the site is St Andrews Church, beyond which is Chesterton Recreation Ground. To the south west is a detached building used as a community hall. On the other side of the street is the VIE residential development, with commercial development (Simoco) south west of that.

- 1.2 The property is bounded by reasonably thick conifer hedging and is currently accessed from the north east of the site off St Andrews road.
- 1.3 The premises is currently vacant, although it was previously used as offices.
- 1.4 The site falls within the Chesterton Conservation Area. There are double yellow lines along St Andrews road.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks consent for the change of use of offices to a day nursery. The physical development consists of internal alterations to the building, the erection of a new boundary fence, and a reconfigured access to the south of the plot.
- 2.2 The nursery will cater for approximately 40 to 45 children at any one time and will be open from 07.00 to 19.00.
- 2.3 An application for Listed Building consent was submitted concurrently and has been approved under delegated authority; that application relates to the internal works to the Listed Building only.
- 2.4 The application is accompanied by the following supporting information:

- 1. Design and Access Statement

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/82/0002	Change of use from residential to offices and refurbishment	Approved

## **4.0 PUBLICITY**

- 4.1 Advertisement: No
- Adjoining Owners: Yes
- Site Notice Displayed: No

## 5.0 POLICY

### 5.1 Central Government Advice

**5.2 Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

**5.3 Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.4 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

#### 5.6 **East of England Plan 2008**

ENV6 The historic environment

ENV7 Quality in the built environment

#### 5.7 **Cambridge Local Plan 2006**

3/4 Responding to context

3/7 Creating successful places

3/11 The design of external spaces

4/10 Listed Buildings

4/11 Conservation areas

4/13 Pollution and Amenity

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

### 6.0 **CONSULTATIONS**

#### Cambridgeshire County Council (Transport)

6.1 Initially objected to the change of use on the basis that there would likely to be demand for short term parking on the street which may endanger other road users.

6.2 Following negotiation with the applicants agent, the repositioned access would improve visibility splays which is to the County Highways satisfaction.

### Historic Environment Manager:

- 6.3 Provided that the additional information required is acceptable, the proposed works will not be detrimental to the character and appearance of the Listed Building or the character and appearance of the conservation area. However that information should be received before approving the applications. (*The information has now been received.*)

### Head of Environmental Services:

- 6.4 No objections. A contaminated land condition is considered necessary because of the proximity to the PYE (now Simoco) site.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

### Disability Panel of 3 February 2010

- 6.6 Panel Comments: Toilet doors all open inwards – should open outwards, there is no disabled toilet. Baby rooms are on upper floor – disabled parent would be unable to access them. Entrance door too narrow at 750mm. No drop-off point.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Blair has commented on this application, which I have set out below:

- The original application and consultation with neighbours was on the existing access.
- It is my strong view that any change of access point on this very sensitive bend requires neighbour consultation.
- The enclosed letter from the applicants, taken off the web, clearly (and at that juncture understandably) does not take into account the current proposals to put double yellow lines on both sides (removing existing single yellow lines) from the church entrance all the way round the bend and beyond the Community Hall. It does appear though the applicant believes they can utilise parking at the Community Hall and Vie development. The new Riverside Bridge sees some 2000 daily trips by cyclists and pedestrians down past this property aside from vehicle movements and I am unclear whether this has been taken into



account in the Highways section.

7.2 The owners/occupiers of the following addresses have made representations:

Snap 4 Kids Ltd, 6A Chapel Street, 27A Elizabeth Way.

The representations can be summarised as follows:

Objections to the principle of the change of use

- Other nurseries have been forced to close due to a lack of viability.
- There is no need for the nursery with others close by.
- Children of nursery age in the area is static rather than rising.
- There is already 4 day nurseries in East Chesterton

Access Concerns

- There are double yellow lines on all roads surrounding the property and people would have to stop to drop off children.
- There is no parking on the site.
- There are poor sight lines.

The Old Chesterton Residents Association have also made comments, see introduction paragraph A3.

The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety

6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

- 8.2 Local Plan policy 5/12 supports the development of new, or extension to existing community facilities for which there is a local need. While opinions differ as to the level of 'need' for another nursery business in the East Chesterton area, an absence of need does not, in policy terms, justify refusal of the application. The policy position is generally supportive of all new community facilities and competition between existing nursery providers is not in my view a material consideration in this case.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/12.

### **Context of site, design and external spaces**

- 8.4 The application does not propose any external alterations to the Listed Building. The key issue therefore turns on whether the internal changes alter the character, appearance or historic interest of the building.
- 8.5 The Council's Conservation Officer has considered this scheme and does not object to the principle of the alterations. However, elevations are required to illustrate the proposed double doors on the ground floor. In addition the new door to the 'Toddlers 1' is not supported. Subject to further plans and clarification as to how these works will be executed, which have now been received, the proposed internal works are acceptable. In addition, comments received from the Council's disability panel regarding the internal fixtures have been brought to the applicants attention.
- 8.6 Externally, the timber fencing will be removed and replaced with a 1.8 close boarded fence. This is unlikely to affect the tall conifers surrounding the curtilage of the site and will not detract from the character and appearance of the Listed Building. Details of the fixing to the Listed Building does however need clarification.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

## **Residential Amenity**

- 8.8 The property is detached and adjacent to a community hall building which means that immediate noise and disturbance from the nursery is unlikely to be a particular problem. The use will however have a wider impact on amenity of residential properties in the locality by reason of the comings and goings of vehicles during pick up and drop off periods. However, I do not feel this is likely to cause significant harm, and will only occur during relatively short periods. In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## **Refuse Arrangements**

- 8.9 The site is large enough to accommodate an external area for refuse storage. There will be a collection area adjacent to the highway, which is similar arrangement to the previous office use. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.10 The County Highways Authority have considered this scheme and after extensive negotiation, do not object to the proposals. The key issue relates to the dropping off of children on the highway outside the premises, which sit on a bend with poor visibility. However, with the accessed moved to the south of the site, visibility splays will be improved, whereby the use would no longer, in the view of the County, present an undue risk to highway safety.
- 8.11 Notwithstanding the above, drop off and pick up times are likely to be staggered through the morning. In addition many users of the facility will be from the local area and are likely to walk or cycle to the nursery. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.12 The site accommodates car parking for 4 vehicles. This is in accordance with the adopted car parking standards. It is likely that these spaces will be used for staff. As rehearsed above, the site is well connected and it is likely that a range of trip modes will be

used by parents.

- 8.13 The adopted cycle parking standards suggests 6 spaces should be provided for a nursery use. The applicant proposes provision for 4 spaces, although the external spaces of the site can easily provide further provision which can be ensured through the imposition of a suitable planning condition, (condition 3).
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.15 Generally, strong objections have been received from other nursery providers in the locality. I recognise that a further nursery will increase competition, but this is not within the remit of Local Plan policies for community facilities. Notwithstanding the above, the County Council's Education team does anticipate a future need for further childcare provision in the locality, and supports this proposal.
- 8.16 I have considered the concerns raised regarding the repositioned access within the revised introduction section of this report.

Other issues that have been raised are adequately considered in the above report.

## **9.0 CONCLUSION**

- 9.1 The proposed change of use is acceptable in principle and will not in my view detract from the amenities enjoyed by residential properties in the locality, or present an undue risk to highway safety. APPROVAL is recommended.

## 10.0 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.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. 1. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In the interests of providing adequate mitigation for any contamination on the site, Cambridge Local Plan 2006 policy 4/13.

3. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

#### 4. **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: ENV7

Cambridge Local Plan (2006): 3/4, 3/7, 3/11, 4/10, 4/11, 4/13, 8/2, 8/6, 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

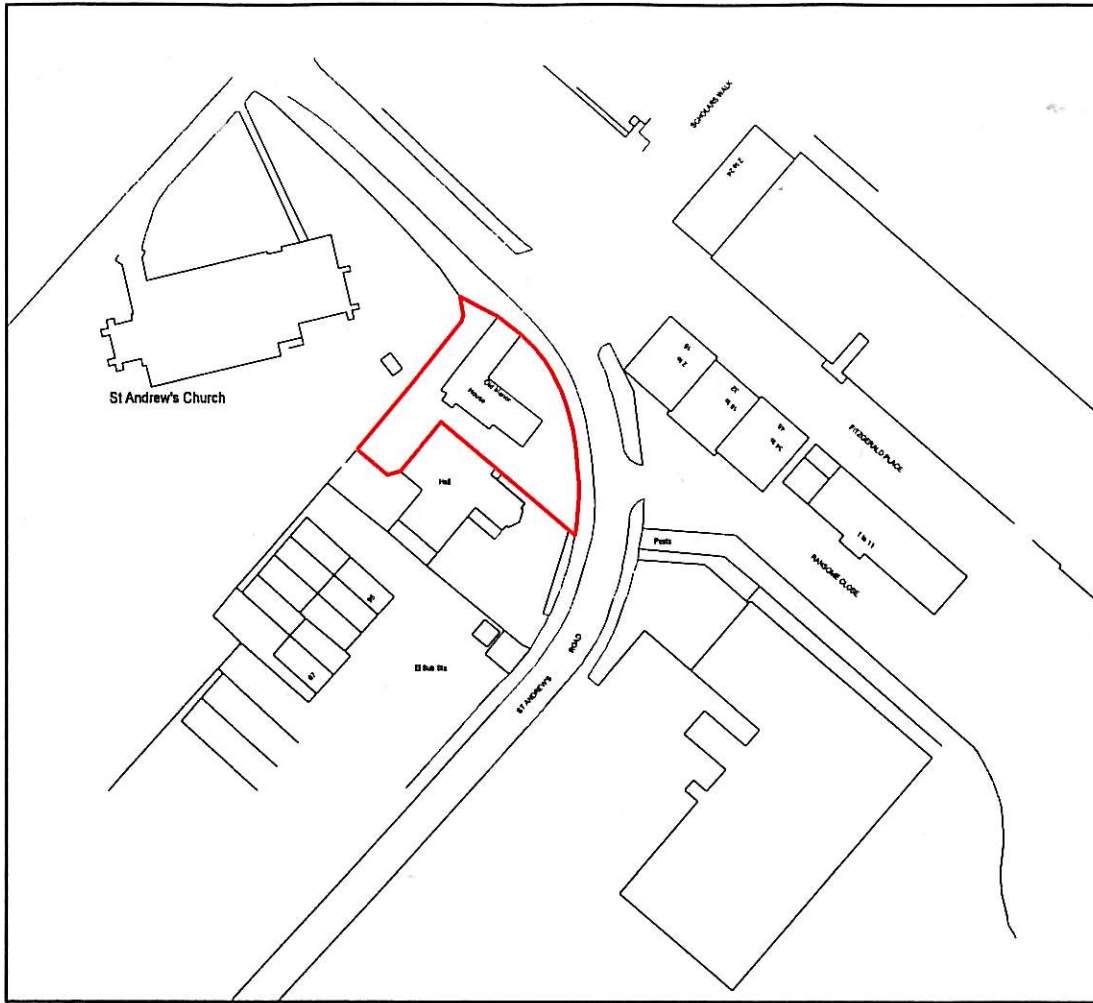
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

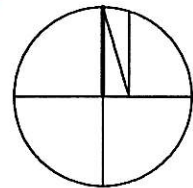
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.

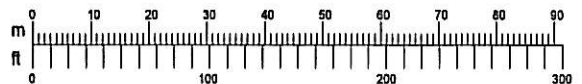


09 / 1184 / FUL

CAMBRIDGE  
CITY COUNCIL  
18 DEC 2009  
DEVELOPMENT  
CONTROL



Scale 1:1250 - A4



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ALTERATIONS TO  
OLD MANOR HOUSE  
ST ANDREWS ROAD  
CAMBRIDGE, CB4 1DH  
BUTTERCUP DAY NURSERY

**LOCATION PLAN**

1:200 : SH : 15.10.09

BUT.09.2 : L :