

<b>Application Number</b>	14/1353/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th September 2014	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	19th November 2014		
<b>Ward</b>	Castle		
<b>Site</b>	37A Castle Street Cambridge CB3 0AH		
<b>Proposal</b>	Change of use from domestic premises to childcare on domestic premises C3/D1.		
<b>Applicant</b>	Mrs Rachel Leigh 37A Castle Street Cambridge CB3 0AH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>It will not have a significantly detrimental impact on the amenity of adjoining neighbours.</p> <p>The highway authority has advised that the proposal would not cause any significant threat to highway safety.</p> <p>The introduction of Class D1 use to the site would not cause conflict with any policy in the Cambridge Local Plan 2006.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is currently situated on the west of Castle Street. There is a large annexe to the rear of the main dwelling house which is accessed from St Peter's Street and has on-site car parking available. To the south of the site is St Peter's Church and there is a large fenced off area that is designated as parking space for the church. The area is mixed use, containing offices, drinking establishments and restaurants.

1.2 The site falls within the Central Cambridge Conservation Area and is a Grade II Listed building. St Peter's Street to the rear of the property is a controlled parking zone.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks full planning permission for the change of use from domestic premises to childcare on domestic premises (C3/D1).

2.2 The lower ground floor and upper ground floor of the main dwelling house at 37A Castle Street have been proposed for childcare (D1), whilst the first floor and second floor have been proposed to be retained for domestic use (C3).

2.3 The rear two-storey residential annexe to 37A has also been retained as ancillary accommodation to the main property on the upper floors, and a Mikvah on the ground floor.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
07/0646/CL2PD	Application for a certificate of Lawfulness under Section 102 for a certificate of lawfulness for Jewish ritual bath (Mikvah) to rear.	Certificate not granted.
09/0550/FUL	Change of use of the ground floor of the annexe at 37a Castle Street from a garage/kitchen use to use as a Mikvah (Jewish Ritual Bath) and engineering operation to create a Mikvah.	Allowed on appeal.

## **4.0 PUBLICITY**

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

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 4/10 4/11 5/12 8/2 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	<u>N/A</u>
	<u>Area Guidelines</u>  Castle and Victoria Road Conservation Area Appraisal (2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some

weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan of relevance.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways)**

- 6.1 Whilst the proposal has potential to generate additional trips to the site, it is well placed for these trips to be made by sustainable modes and is situated in an area where those trips that are made by car will generate parking within controlled streets where parking is managed.

The applicant should, however, be required to produce a Travel Plan that can be distributed to customers so that they are aware of the travel and parking constraints of the site and manage their pick up and drop off accordingly so as to minimise disruption in the vicinity of the site.

### **Environmental Health Team**

- 6.2 *Original Comments*

I have no objection to this application in principle. I have no concerns with regards to Environmental Health matters for this proposed change of use and therefore have no further comments to make.

*Additional Comments (5<sup>th</sup> November 2014)*

- 6.3 Children playing in the garden/ within a house are unlikely to constitute a statutory nuisance. This is of course unless there is any kind of typical nuisance features such as musical instruments, amplified music/tv etc. The hours are confirmed by

the applicant as being 9am-4pm, which isn't unreasonable. As such, my comments remain as previously submitted.

### **Conservation Team**

6.4 It is considered that there are no material conservation issues with this proposal.

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.

### **7.0 REPRESENTATIONS**

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

- 2 Bells Court, Castle Street
- The owner/ occupier of 44 Back Road, Linton who is the owner of nos. 26, 28, 30, 32, 34A and 34B Castle Street

7.2 The representations can be summarised as follows:

- Increase in noise in a residential area.
- The conversion to commercial use in a high density residential area, with inadequate garden facilities is not suitable.
- No children's playground nearby so noise from garden in residential area will cause a disturbance.
- The extension of the opening time of the child care facility will cause noise disturbance.
- There is limited off street parking and negligible on street parking so access will be difficult for parents dropping off and picking up children.
- The approval should be conditioned to prevent any dropping off of children at the front of the site on Castle Street.

7.3 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, Impact on Listed Building and Conservation Area
3. Residential amenity
4. Highway safety
5. Car parking
6. Third party representations

### **Principle of Development**

8.2 The issue of principle that must be addressed is the inclusion of childcare on the lower, upper ground floors and courtyard area of the domestic property.

8.3 Policy 5/12 of the Cambridge Local Plan states that: 'proposals to develop new or extend existing community facilities, for which there is a local need, will be permitted...'

8.4 The lower and upper ground floors of the dwelling will be replaced by childcare space, leaving the first and second floors of the property for residential use. Outside of the operating hours of 9am-4pm, the applicant intends on using the childcare space for domestic use.

8.5 The highways officer has identified that the site is well placed for sustainable modes of transport and in an area where car parking is controlled. The applicant has also identified in their accompanying statement that the main entrance for childcare will be from St Peter's Street, which is within the controlled parking zone.

8.6 In the accompanying statement from the applicant, it is explained that six children are currently catered for and that they have six more children on a waiting list, demonstrating a demand for childcare. In the application form it is stated that there is at present one full-time employee and one part-time employee, and that they are proposing to increase employment

as a result of the proposed change of use up to four full-time employees.

- 8.7 It is my opinion that the submitted information shows there is a local need for this use, and that the premises are located in a sustainable location.
- 8.8 In my opinion, the principle of the development is acceptable and in accordance with policy 5/12 of the Cambridge Local Plan

### **Context of site, design and external spaces, Impact on Listed Building and Conservation Area**

- 8.9 No external changes are proposed to the main building and so there will be no harm to the character of the area or the wider conservation area.
- 8.10 The utility room of the lower ground floor has been divided partially to allow for the insertion of a small bathroom and baby changing facility. This is the only internal alteration to the listed building.
- 8.11 The conservation officer has raised no material conservation issues with the proposals. Therefore in light of the lack of external alterations and minor nature of the internal alterations, I am of the opinion that the proposal would not have a detrimental impact on the character of the area or the historical significance of the listed building.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/11 and 4/12

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.13 The main issues regarding residential amenity with this proposal are: the potential for noise disturbance (particularly from the use of the external courtyard space); the location of drop-off points; and the number of children and staff on site.
- 8.14 In respect of the potential for noise disturbance, the Environmental Health team has stated that the change of use is unlikely to constitute a statutory nuisance and that the hours

confirmed by the applicant as being 9am-4pm are not unreasonable.

- 8.15 Having visited the site, I am of the opinion that the use of the outdoor space as play space during the day would be acceptable. I have come to this conclusion because of the existing high levels of background noise as a result of traffic from Castle Street and also because the rear courtyard of no.37A is set down significantly lower than that of the properties along Bells Court. Whilst I am mindful that the rear garden of no.2 Bells Court partially backs onto the dividing wall of the rear yard of no.37A Castle Street and that children playing outside would introduce a different type of noise and could generate some disturbance at times, I am mindful of the advice from the Environmental Health team.
- 8.16 I note that there is also a playground nearby at Mount Pleasant which the child minders could make use of. Furthermore, I recommend a condition to limit the operating hours of the childcare business to between 9am-4pm Monday-Friday. A condition is also recommended to ensure that only the lower ground floor, upper ground floor and courtyard of the main dwelling can be used for childcare, whilst the annexe, first floor and second floor will be precluded from being used for childcare. An additional condition to limit the maximum number of children that can be cared for on-site to 12 has also been attached. These conditions are all necessary to control the impact of the use.
- 8.17 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.

Amenity for future occupiers of the site

- 8.18 The proposal will change the use of the lower ground floor and upper ground floor of the property. There is still adequate domestic amenity space available on the first floor and second floor of the house and the lower and upper ground floors will be used as domestic space outside of the operating hours of the childcare business. I consider that a high quality living environment is retained on site and the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.



## **Highway Safety and Car Parking**

- 8.19 It is explained in the proposal that the site will be primarily accessed from St Peters Street to the rear of the property as opposed to Castle Street as accessing from this busy road is discouraged by the applicant. St Peters Street is far quieter in terms of traffic than Castle Street and the highway authority has raised no concerns in regard to highway safety. I agree with this view.
- 8.20 There are at present two on-site car parking spaces at the rear of the property along St Peters Street which is a controlled parking zone.
- 8.21 The accompanying statement states that as the site is located in a city centre location most of the parents choose to walk their children to and from the childcare business as opposed to driving. It is also explained that staff are advised to use public transport or park outside the city centre and walk in to work.
- 8.22 The highways officer has requested that a travel plan be provided to ensure that customers are aware of the travel and parking constraints of the site and manage their pick up and drop off accordingly so as to minimise disruption in the vicinity of the site. This has been attached as a condition and will be submitted and approved prior to the commencement of this change of use.
- 8.23 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/10.

## **Third Party Representations**

- 8.24 The third party representations have been addressed in the main body of the report above.

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposed change of use is acceptable and approval is recommended.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. 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.

3. The operating hours of the childcare business in receiving and taking care of children are limited to and must not start before or finish after the following times:

Monday to Friday 09:00 - 16:00

The business shall not operate on Saturdays, Sundays or Bank Holidays

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 3/4 and 4/13).

4. Prior to commencement of the change of use, the applicant shall submit a Travel Plan which shall be approved in writing by the Local Planning Authority. The Travel Plan shall contain provisions so that customers are aware of the travel and parking constraints of the site and manage their pick up and drop off accordingly so as to minimise disruption in the vicinity of the site. This travel plan shall contain information on the following:
  - The discouragement of drop-off by vehicle from Castle Street
  - Details of where to pay to park in the local area;
  - Details of cycle parking available for cycle drop offs and pick-up;

- Provision of a Cambridge cycle map showing safe routes to the site;
- Location of bus stops and timetable information on the buses that serve the site;
- Details of journey planner websites

Reason: In the interests of highway safety and to encourage sustainable transport to and from the site (Cambridge Local Plan 2006 Policy 8/2).

5. In accordance with the approved drawings, only the lower ground floor, upper ground floor and courtyard of the site shall be used for the function of childcare (D1). The first floor, second floor and the annexe shall not be used at anytime for the function of childcare (D1).

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13).

6. There shall be no more than 12 children minded on the site at any time.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13).