

**Application Number: 16/01592/FUL
Minor**

Part change of use of dwelling house (Use Class C3) to dwellinghouse and childminding service (Use Class C3/D1) for up to 10 children with 1 assistant (resubmission of 16/00008/FUL)

AT 9 Tatling Grove, Walnut Tree, Milton Keynes

FOR Mrs Victoria Wood

Target: 8th September 2016

Ward: Monkston

Parish: Walton Community Council

Report Author/Case Officer: Danika Hird

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

- 1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public access system www.milton-keynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.
- 1.2 This application is referred to the Development Control Panel for determination due to an objection received from Walton Community Parish Council and three objections received from third party representations.

1.1 The Site

The application site consists of a two-storey link detached property situated on Tatling Grove in Walnut Tree. The application site's dwelling is linked to neighbouring property No.7 Tatling Grove via a double garage, of which a single garage owned by No.7 and No.9 Tatling Grove each. To the east of the application site, towards the front of the property are the site's existing on-plot parking provisions, with the rear garden being situated to the west. Situated to the north of the application site is neighbouring property No.11 Tatling Grove with No.7 Tatling Grove to the south. Located to the rear of the application site,

to the west are neighbouring properties No.32 and No.33 Cloudberry.

1.2 The Proposal

The application seeks permission for part change of use of the dwelling house (Use Class C3) to dwelling house and childminding service (Use class C3/D1) for up to 10 children with 1 assistant (resubmission of 16/00008/FUL). Situated to the east of the application site, to the front of the property are four parking spaces. Two are located directly in front of the property, with one space inside the existing garage and the four parking space being situated to the front of the existing garage.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 Local Policy

Core Strategy, 2013

Policy CS 13: Ensuring High Quality, Well Designed Places”.

2.2 Milton Keynes Local Plan 2001-2011(Saved Policies)

C6: Childcare Facilities

D1: Impact of Proposals on Locality

D2: Requiring Good Design

T10: Traffic

T15: Parking Provision

2.3 Supplementary Planning Documents

Parking Standards, 2016

2.1 National Policy

National Planning Policy Framework, 2012

Section 7 – Requiring good design

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 64 – Impact on the Character and Appearance of the Area

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 - Principle of the Development
- Impact on Neighbouring Amenity
- Impact on Parking Provisions

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the conditions set out in section 6.0 at the end of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have led to the officer Recommendation)

5.1 Principle Development

Saved Policy C6 of the Adopted Milton Keynes Local Plan 2001-2011 states that:

“Planning permission will be granted for crèche, nursery and similar childcare facilities if they are consistent with the detailed policy guidance in Appendix C6”.

With this in mind, the principle for this development is acceptable subject to the proposed development complying with the requirements outlined in Appendix C6 of the Adopted Milton Keynes Local Plan 2001-2011.

- 5.2 Appendix C6: Proposals for the Provision of Childcare Facilities:

“4. Car parking will normally be required to the following standards:

- (i) On-site parking*
- (ii) A safe and convenient facility for dropping off and collecting children, on the premises or close to it. If this facility is located on the highway, it should be clear of sharp bends, junctions, residents parking reservations or areas where on-street parking is already heavy, prohibited or undesirable because of the narrow width of the highway.*

PARTIAL USE OF A RESIDENTIAL PROPERTY:

5. Planning permission will not normally be required for childcare within a residential property if all of the following circumstances apply:

- (i) No more than 6 children are accommodated (in addition to the childminder’s own children) within any 24 hour period.*
- (ii) Only person resident in the dwelling house are employed.*
- (iii) There is no external evidence of the use including advertisements*

6. Planning permission will normally be granted for the change of use of part of a dwelling house to a use by a childminder, playgroup or day nurse for up to 10 children if all the following criteria are satisfied:

- (i) *The parking standards set out in paragraph 4 above*
- (ii) *Good separation between internal areas to be used and the living areas of adjacent dwellings*
- (iii) *Provision for outdoor children's play in cases where care is offered for children of 3 years and over, in a screened area away from the living areas of adjacent dwellings.*
- (iv) *The proposal would not result in a concentration of childcare or other non-residential uses in a primarily residential area.*

5.3 Appendix C6 – Section 6 (i): Parking Provisions/ Access

In addition to this, saved policy T15 of the Milton Keynes Local Plan 2001-2011 relates to ensuring development proposals meet vehicle parking requirements as laid out in the Parking Standards Supplementary Planning Document 2016 (SPD). The policy states:

“Development proposals should meet the following vehicle parking requirements: ii) On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls.”

The application site is located within Zone 3 of the Appendix A: Maps of Parking Standards Zones in Milton Keynes Parking Standards, 2016 Supplementary Planning Document. For a crèche or nursery the requirement is one parking space per one full time employee staff and one space per four children. As a result of the proposed development, one parking space would be required for the assistant with three parking spaces being required for the number of children when rounded up. The actual requirement for the proposed development would be 3.5 parking spaces.

5.4 Whilst four parking spaces are shown on the submitted plans, in accordance with the Parking Standards, 2016, Supplementary Planning Document, section 4.4, the space shown within the garage does not count towards a parking space. With this in mind, the application site can accommodate three on-plot parking spaces in accordance with the Parking Standards, 2016, Supplementary Planning Document. With this in mind, the actual shortfall of 0.5 parking spaces is not considered to be significantly harmful to justify the refusal of this planning application in this instance.

5.5 The Highways Department were consulted and whilst there some concerns were raised in regard to the picking up and dropping off of children, it was considered that the pickup and drop off activities would only occur over a short period of the day. On this basis, the proposal would not, on balance an adverse impact on the safety of road users and therefore no objection has been raised. As no objections were received from the Highways Engineer it is considered that the proposed development will not result highway safety concerns or have unacceptable increase in levels of traffic.

Overall it is considered that there are no adverse impact on parking provision and the site access. The proposal is therefore in accordance with saved policy T15 and Appendix C6 of the Milton Keynes Local Plan 2001-2011 and the Parking Standards, 2016 Supplementary Planning Document.

5.6 Appendix C6 – Section 6 (ii): Neighbouring Amenity:

Saved policy D1 (iv) of the Milton Keynes Local Plan 2001 – 2011 states: *“Planning permission will be refused for development that would be harmful and result in unacceptable pollution by noise or an unacceptable visual intrusion or loss of privacy, sunlight and daylight.*

The proposed layout of the nursery has been designed to ensure that the proposal would not result in unacceptable noise pollution to the neighbouring properties. The main activities will take place in the lounge and dining room of the property which is located 2.5 metres away from the flank wall of the neighbouring property No. 11 Tatling Grove and 3.8 metres away from the flank wall of No. 7 Tatling Grove. Therefore on the balance, the proposal is not considered to result in significant noise pollution to the neighbouring properties that would warrant refusal of the application.

In addition to this Environmental Health Officers have been consulted and have raised no objection to the proposal subject to the recommendation of imposing a condition on any planning permission to control the hours of use of the childminding service.

Concerns have been raised in relation to noise and disturbance to the neighbouring residents however it is considered that the proposed layout and hours of use will not result in significant harm to the residential amenities of the neighbouring properties.

Therefore on the basis that there is a significant distance between the application site and the neighbouring and the imposition of a condition on any planning permission to control the hours of operation; the proposal is considered to be acceptable and in accordance with saved policy D1 and Appendix C6 of the Milton Keynes Local Plan 2001 – 2011.

5.7 Appendix C6 – Section 6 (iii): Outdoor Space:

The proposed development is able to provide a sufficient area for outdoor children’s play in the existing rear garden of the property. The boundary treatment serving the rear garden consists of soft landscaping which provides sufficient screening between the outdoor space (rear garden of No.9 Tatling Grove) and the living areas of adjacent neighbouring properties.

The proposed development would comply with saved policy Appendix C6 (iii) of the Milton Keynes Local Plan 2001-2011.

5.8 Appendix C6 – Section 6 (iv): Concentration:

The local area is predominately residential; the Council's systems do not appear to show that there are any other childcare or other non-residential uses within close proximity to the application site. The proposed development would have an acceptable impact in regard to concentration.

The proposed development would comply with saved policy Appendix C6 (iv) of the Milton Keynes Local Plan 2001-2011.

5.9 Other Matters

Concerns have been raised in relation to the size of the property being insufficient to accommodate the children and staff. However property benefits from an existing garden which is not significantly overlooked by the neighbouring properties and in addition to this the proposed floor space complies with the statutory framework for Early Years Childcare. Therefore the application site is considered to be of an acceptable size to accommodate the childminding activities.

Each application is assessed in accordance with the development proposed and the merits of the submitted scheme, in addition to taking into account any representations received.

The arrangements of the property and its set-up are not a material consideration and are a personal matter.

5.10 **Conclusion**

The proposed development is considered to adhere to the provision of the local and national planning policies. It is recommended that planning permission be granted subject to the conditions set out in Section 6.0 of this report.

6.0 **CONDITIONS**

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. The childminding activities hereby approved is permitted to operate between the hours of 07:30 to 18:00 Mondays to Fridays only. It shall not

operate at any time on Saturdays, Sundays or public holidays.

Reason: In the interests of the residential amenities of the neighbouring properties in accordance with Saved Policy D1 (iv) of the Milton Keynes Local Plan 2001-2011.

3. The use hereby permitted shall accommodate no more than 10 children (in addition to the childminder's own children) within any 24 hour period.


Reason: To protect the amenity of the neighbouring properties from noise and disturbance in accordance with "Saved" policies D1 (iv) and C6 (and appendix) of the Milton Keynes Local Plan 2001 - 2011.

4. No more than one member of staff not living at the premises shall be present at the site at any one time.

Reason: To protect the amenity of the neighbouring properties and ensure there is an adequate level of parking serving the use in accordance with "Saved" policies D1 and C6 (and appendix) of the Milton Keynes Local Plan 2001 - 2011

5. The premises shall be used only as a childcare facility and for no other purpose including any other purpose in class D1 of the Schedule of 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 ensure adequate parking is available for the use and the scale of the use is appropriate to the location with regards to the impact on the neighbours and to accord with saved policy D1(iv and vi) and T15 of the Milton Keynes Local Plan 2001-2011.

H.M. LAND REGISTRY		TITLE NUMBER BM 161750		
ORDNANCE SURVLY PLAN REFERENCE	SP893G	SECTION	K	
COUNTY	BUCKINGHAMSHIRE	DISTRICT	MILTON KEYNES	© Crown Copyright 1991

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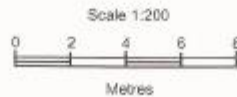


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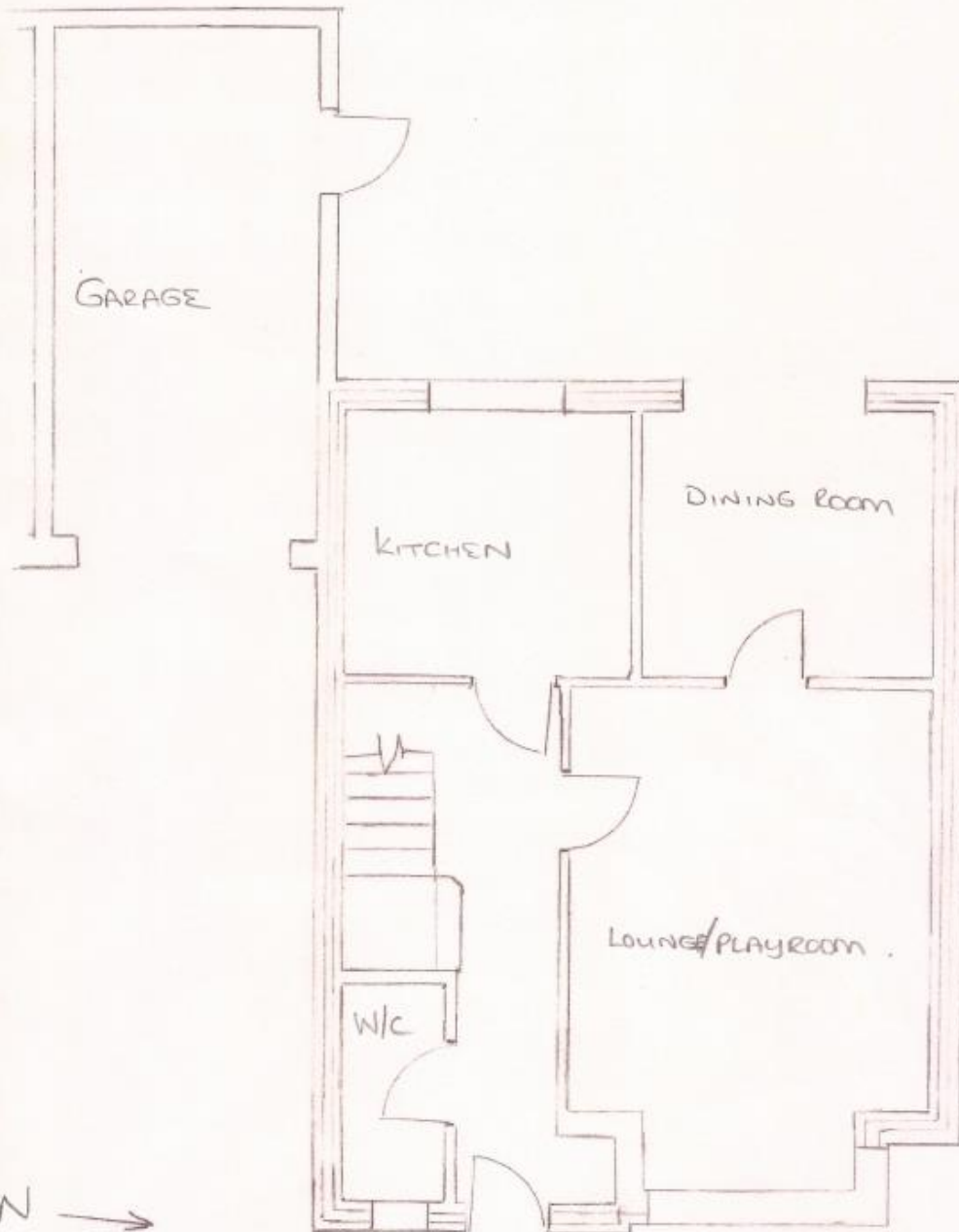
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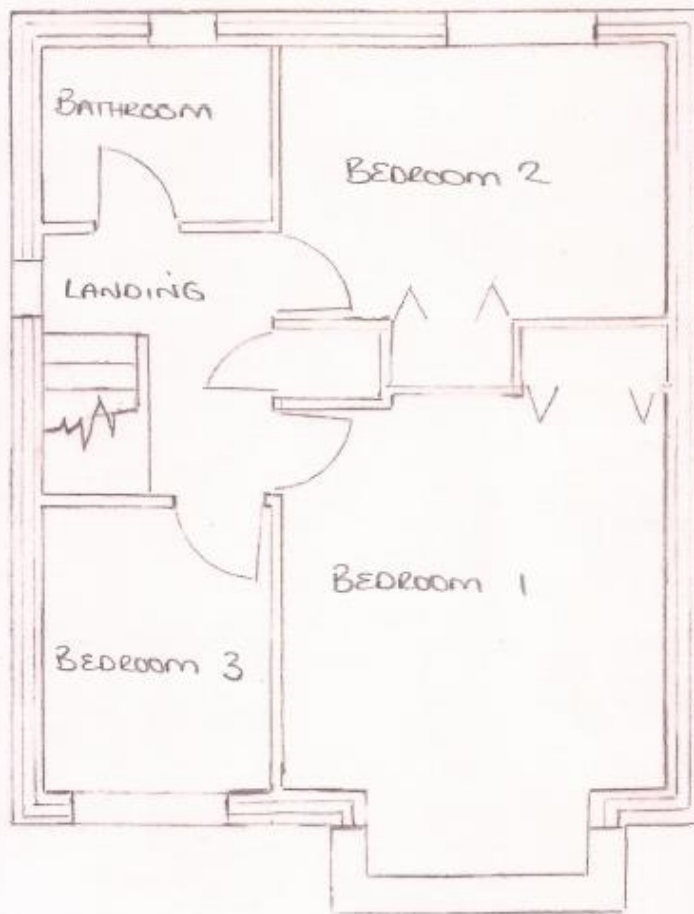


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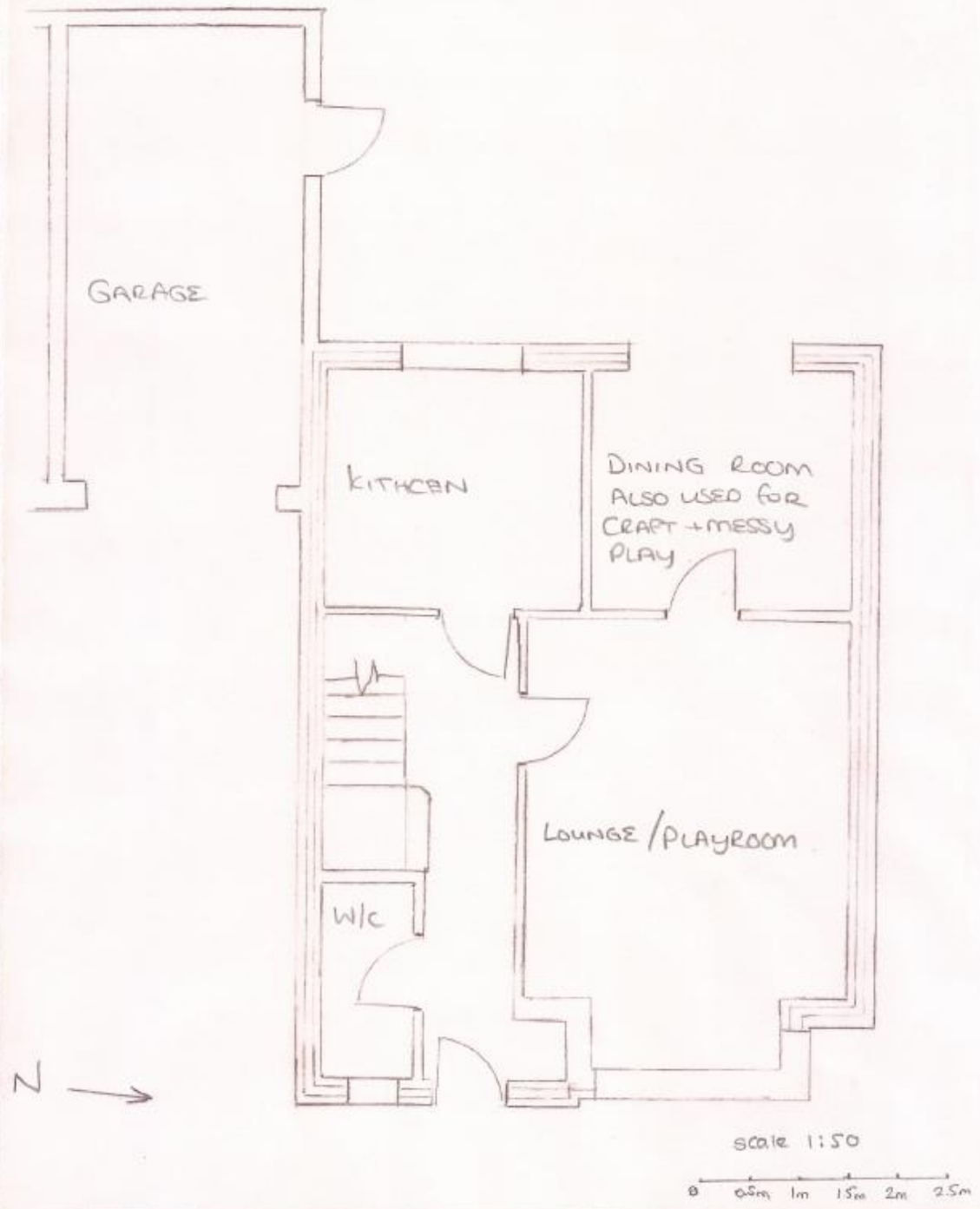
FIRST FLOOR - EXISTING PLANS



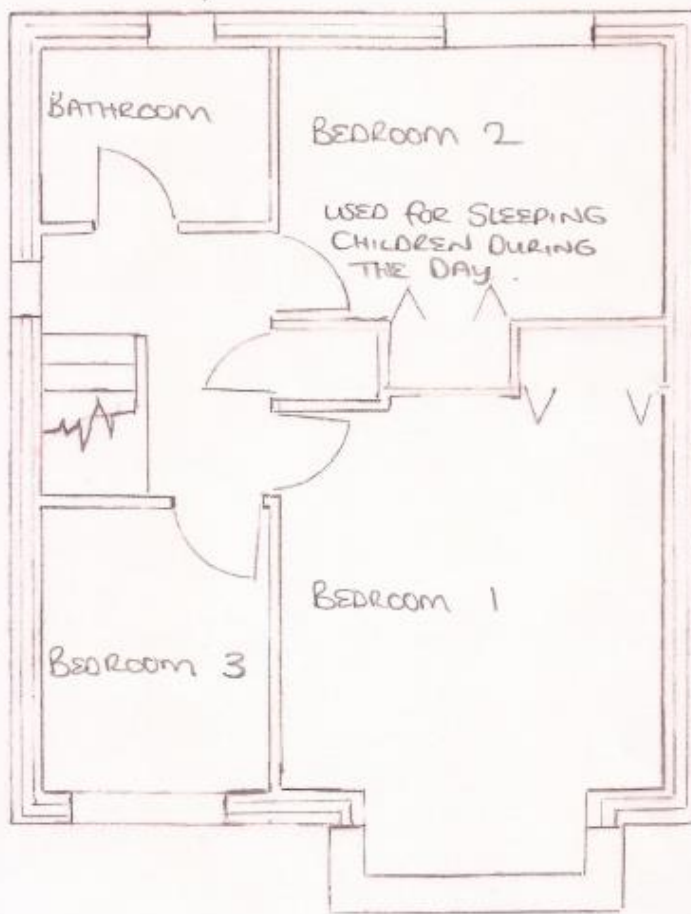
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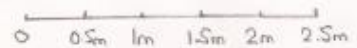
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FIRST FLOOR PROPOSED PLANS



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Appendix to 16/01592/FUL

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 16/00008/FUL

Change of use of part of a dwelling house (Use Class C3) to use by a childminder (Use Class D1) for up to 12 children with 1 assistant
WITHDRAWN 10.03.2016

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Cranfield Airport

Noted

No comments received.

A3.2 Parish - Walton

Noted and discussed in paragraph 5.3 to 5.5

The Council considered this application on 7th September. The Council objected to the previous application and felt that the changes to the application from the previous one do not change the Council's position.

The council therefore object on the following grounds:

1. The proposed business would lead to both traffic and noise issues within the cul-de-sac, with a potential for a large number of cars parking on pavements / verges during particular times of the day.

A3.3 2. This is an inappropriate business for the area. The building is too small to house a business accommodating up to 10 children and 1 assistant and as a result local residents would suffer the loss of amenity in that a quiet cul-de-sac could be converted into a noisy, congested area which could have significant impact on their wellbeing.

Noted and discussed in paragraph 5.6 to 5.8

A3.4	Ward - Monkston - Cllr Buckley	Noted
	No comments received.	
A3.5	Ward - Monkston - Cllr McPake	Noted
	No comments received.	
A3.6	Ward - Monkston - Cllr Ferrans	Noted
	No comments received.	
A3.7	Environmental Health Manager	Noted. Recommended Condition 2 outlined in section 6.0 of this report is imposed if planning permission were to be granted.
	I don't think this changes my original view. In order to protect the amenity of neighbours, I would recommend a condition be applied, confirming the hours of operation to 07:30 - 18:00 Monday to Friday only.	
A3.8	Highways Development Control	Noted and discussed in paragraph 5.3 to 5.5
	The proposals are for 10 children to be looked after by an employed assistant as well as the owner.	
	The proposals now include a third parking space which the assistant can use in addition to the 2 existing on-plot parking spaces for the owner. The applicant mentions a 4 th space in the garage but under the council's parking standards garages are not counted as parking spaces. However, the provision of a space for the assistant is acceptable and is compliant with the parking standards in terms of 1 space per full time equivalent member of staff.	

The parking standards also state that drop off parking requirement is 1 space per 4 children (i.e a total of 3 spaces when rounded up).

A3.9 Regarding 4 (ii) – pick up / drop off area. This is more difficult to assess the likely areas of parking activity as a range of parking options exist due to the road layout: Noted and discussed in paragraph 5.3 to 5.5

- The closest drop off point is in the short section of road that directly serves the site. The applicant has provided an on-site space for the assistant which reduces the likelihood of the turning area being occupied. Were the turning area occupied when a parent arrives then this would generate a long reverse movement which includes across a Redway crossing point.
- On the bend on the main part of Tatling Grove – leads to restricted forward visibility through the bend, restricts free flow of traffic and creates conflicts with private accesses and the junction.
- The safest areas are on the main part of Tatling Grove to the north of number 15. Parents can access the site via the Redway and a footpath on the north end of the street. This is more remote than the other locations and involves a verge crossing.
- A small section of carriageway on the main part of Tatling Grove just to the south of the access into the approach to the site.

A3.10 Conclusion

Noted and discussed in paragraph 5.3 to 5.5

I have some concerns regarding the pick / up drop off area for the reasons stated above. However, pick up / set down activities occur over short periods of time for each instance although multiple arrivals and departures have a higher and cumulative impact. Furthermore, the applicant has provided an on-site parking space and the number of children has been reduced to 10. Reducing to 10 complies with policy C6 (if other conditions met). Taking into account the above, on balance I raise no objections to the part change of use.

A3.11 **Local Residents**

The occupiers of the following properties were notified of the application:

14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40 Tatling Grove Walnut Tree Milton Keynes

32, 33 Cloudberry Walnut Tree Milton Keynes

1, 3, 5, 7, 9, 11, 13, 15 Tatling Grove Walnut Tree Milton Keynes

33 Lowland Road, Tattenhoe, Milton Keynes
70 Silver Street, Newport Pagnell, MK16 0EG
69 Colindale Street, Monkston Park, Milton Keynes
20 Bourton Low, Walnut Tree, Milton Keynes
23 Gatewick Lane, Caldecotte, Milton Keynes

Seven **Third Party** representations were received. Four representations were received in support with three objections received from an unknown address, No.1 and

No.15 Tatling Grove, Woburn Sands. The objections were as follows:

A3.12	- Arrangements (set-up) of property	Noted and discussed in paragraph 5.9
A3.13	- Scale of property	Noted and discussed in paragraph 5.9
A3.14	- Highway safety	Noted and discussed in paragraph 5.5
A3.15	- Parking	Noted and discussed in paragraph 5.3 to 5.5
A3.16	- Inappropriate use	Noted and discussed in section 5.0
A3.17	- Increase in traffic	Noted and discussed in paragraph 5.5
A3.18	- Noise	Noted and discussed in paragraph 5.6 to 5.8
A3.19	- Not to take account of representations submitted by applicant in support of application	Noted and discussed in paragraph 5.9