

**Application Number:** 18/00320/FUL

**Description** Variation of condition 9 (change of hours of working from 9.30am-2.15pm and 3.45pm-6pm to be open continuously from 9.30am-6.00pm attached to planning permission 09/01094/MKCOD3.

**AT** Sunshine Sure Start Centre, Merebrook Infant School, Dulverton Drive, Furzton, Milton Keynes, MK4 1EZ

**FOR** Councillor Chris Williams

**Target:** 9th April 2018

**Extension of Time:** No

**Ward:** Shenley Brook End

**Parish:** Shenley Brook End & Tattenhoe PC

**Report Author/Case Officer:** Sarah Watson  
Planning Officer

**Contact Details:**

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**Team Manager:** Sarah Hine - 01908 252283, Sarah.Hine@milton-keynes.gov.uk

## **1.0 RECOMMENDATION**

*(The decision that officers recommend to the Committee)*

1.1 It is recommended that permission is granted subject to conditions set out in this report.

## **2.0 INTRODUCTION**

*(A brief explanation of what the application is about)*

### **2.1 The Site**

The site is a Children's Centre adjacent to the grounds of Merebrook School, North Furzton. Planning permission was granted in 2009 for the construction of this centre. A condition was attached to this planning permission restricting the hours of opening.

Condition 9 states "The building hereby permitted shall only be operational in terms of being open to the public, including the children and families visiting/using the services of the Centre, between the hours of 9:30am to 2:15pm and 3:45pm to 6:00pm Monday to Friday.

Reason: To ensure that the start and finish times for sessions at the Children's Centre are staggered with those for the school to prevent an unacceptable level of congestion and to

protect the amenity of neighbouring residential properties with regards to noise and disturbance".

## 2.2 The Proposal

Permission is sought for the Variation of condition 9 (change of hours of working from 9.30am-2.15pm and 3.45pm-6pm to be open continuously from 9.30am-6.00pm) attached to planning permission 09/01094/MKCOD3.

## 2.3 Reason for referral to committee

The applicant was a Councillor at the time of submission.

## **3.0 RELEVANT POLICIES**

*(The most important policy considerations relating to this application)*

Adopted Milton Keynes Local Plan 2001-2011

D1 - Impact of Development Proposals on Locality  
T10 - Traffic

## **4.0 MAIN ISSUES**

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

- Principle of the Development
- Impact on Amenity of the Adjoining Occupiers
- Impact on Highways

## **5.0 CONSIDERATIONS**

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

### 5.1 Principle of the Development

The proposal does not change the use of the site or constitute any operational development. Therefore, only the impacts of the variation of condition will be considered.

### 5.2 Impact on Amenity of the Adjoining Occupiers

Under planning application 09/01094/MKCOD3, condition 9 was attached to "ensure that the start and finish times for sessions at the Children's Centre are staggered with those for the school to prevent an unacceptable level of congestion and to protect the amenity of neighbouring residential properties with regards to noise and disturbance". However, the Planning Officer's report notes that the scale and location of the proposed Children's Centre would "not have an unacceptable relationship with the adjacent residential properties", being 13.6m away at the closest point.

The case officer considered it necessary that the planning consent included a condition regarding the operating hours of the proposed Children's Centre in order that demand for parking spaces between users of the two facilities did not coincide. However, it is not

evident that Highways Development Control or Environmental Health requested this condition and it is likely that the planning officer imposed it as a precautionary measure.

Without evidence to suggest harm has or would take place as a result of the proposed changes to the hours, officers consider that the current condition does not meet the tests of conditions outlined in the NPPG in terms of being reasonable and necessary. Particularly bearing in mind the days and time of day the revision relates to.

It is not considered that allowing the facility to operate between 2:15pm and 3.45pm (an additional 1 1/2 hours) would have a significant impact on the amenity of the adjoining occupiers above that which is already experienced.

### 5.3 Impact on Highways

The condition was also put in place to prevent an unacceptable level of congestion in the area. The applicant has stated, that at the time of the original application, no detailed highway work was undertaken to support this case. Furthermore, there are no objections from the Council's Highways Officer to the proposed variation of condition. The case officer has no reason to disagree with this assessment. It is therefore considered that the proposal will not have a negative impact on highways.

## 6.0 CONCLUSIONS

In conclusion the application is considered to be acceptable.

## 7.0 CONDITIONS

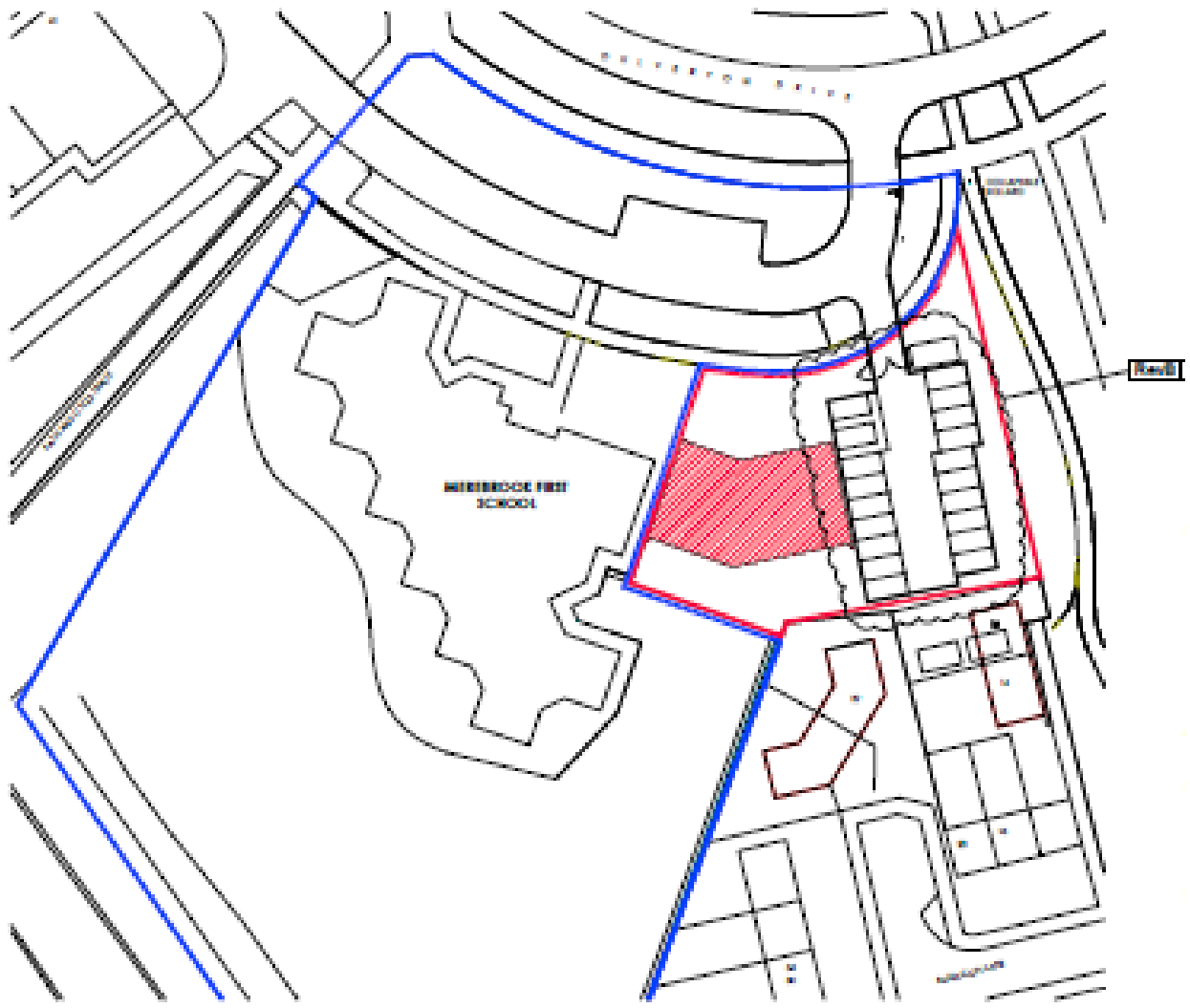
*(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)*

1. The centre shall only be operational in terms of being open to the public, including the children and families visiting/using the services of the Centre, between the hours of 9:30am to 6:00pm Monday to Friday.

Reason: To prevent an unacceptable level of congestion and to protect the amenity of neighbouring residential properties with regards to noise and disturbance.

2. The scheme for parking and manoeuvring shown on the approved drawing (Drawing No. 1465 - 210 B received 17 July 2009 and discharged under 09/01725/DISCON) shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.



## **Appendix to 18/00320/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)*

### **A2.0 ADDITIONAL MATTERS**

*(Matters which were also considered in producing the Recommendation)*

### **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)*

#### **A3.1**

Parish - Shenley Brook End & Tattenhoe - no comment  
Ward - Shenley Brook End - Cllr Ganatra - no response  
Ward - Shenley Brook End - Cllr Reilly - no response  
Ward - Shenley Brook End - Cllr Cannon - no response  
Highways Development Control - no objection