

**ABG/14214/1 – Mr Wasantha Basnayake / Gateway Educational Services Ltd  
Proposed conversion of existing dwelling into day care nursery.  
122 Oxford Road, Abingdon, OX14 2AG.**

**1.0 The Proposal**

- 1.1 This application seeks full planning permission to convert the existing dwelling for use as a children's day care nursery for the Abingdon Kindergarten.
- 1.2 The applicants are the parent company of Abingdon Kindergarten which currently operates a 26 place nursery in Northcourt Road. It is proposed to relocate that business to 122 Oxford Road (as the existing lease expires in early 2009) and increase the number of places up to 49 children.
- 1.3 The existing dwelling is a 2 storey detached dwelling located on the west side of Oxford Road, which is accessed off a service road. To the north and south lie other similar sized detached dwellings in large plots. No physical alterations to the building are proposed. The only changes proposed are to the front garden in order to provide parking for 4 vehicles.
- 1.4 Following discrepancies with the application forms, the applicant has confirmed that the proposed opening hours are 0730 – 1800 Monday to Friday only, not on Saturday morning as stated. The proposed number of staff has also been confirmed to be 13, not 14 as stated.
- 1.5 Copies of the plans showing the location of the proposal, together the applicant's supporting statement are attached at **Appendix 1**.
- 1.6 The application comes to Committee because a number of objection letters have been received and Abingdon Town Council has objected to the application.

**2.0 Planning History**

- 2.1 Planning permission was granted in 1996 for a first floor extension to the existing dwelling.

**3.0 Planning Policies**

- 3.1 *Vale of White Horse Local Plan 2011*  
Policy GS10 (minimising the need to travel by car and reducing the impact of traffic) states that new development will only be permitted in locations where the need to travel, particularly by car, can be minimised. Development which would generate significant levels of traffic will not be permitted where travel by modes other than the private car are not available or cannot be provided for effectively.
- 3.2 Policy CF2 (new community services and facilities) enables new development in connection with the provision of new services and facilities for the social well being of local communities, providing the proposal conforms to the general policies for development in the Local Plan, and maximises as far as possible access for all; is within a built-up area; and any extension will not have an adverse effect on the character or setting of the existing building or its surroundings, or significantly alter the character and scale of the existing activity so as to cause harm to the local environment.

3.3 Policies DC1, DC5, and DC9 (quality of new development) are also relevant and seek to ensure that all new development is of a high standard of design; does not cause harm to the amenity of neighbours; and the development is acceptable in terms of highway safety.

#### 4.0 **Consultations**

4.1 Abingdon Town Council objects to the proposal and recommends refusal “as it would be detrimental to the neighbourhood. There appears to be a lack of adequate parking for staff and for the dropping off and collecting of children which may lead to traffic problems on the narrow road immediately in front of the house and which may back up onto the main Oxford Road. Councillors were also concerned that the neighbours would suffer noise nuisance from the children”.

4.2 County Engineer – no objections, subject to conditions, - full comments are attached at **Appendix 2**.

4.3 Environmental Health – no objections.

4.4 12 letters of objection have been received from local residents, which are summarised as follows:

- This is a prime residential area. The proposed change of use is inappropriate and out of keeping.
- The proposal will lead to a loss of privacy for adjoining neighbours.
- The quoted vehicle movements are unrealistic and the use would result in a much greater use of a narrow service road to the detriment of highway safety and convenience of other road users.
- On site parking is wholly inadequate for the use proposed.
- Parental drop-off and pick-up will occur at the ends of the day which will cause considerable nuisance to neighbours.
- 49 children and 13 members of staff are too many for this neighbourhood. The impact to neighbouring property from noise and general disturbance will be immense leading to a loss of amenity.

4.5 10 letters of support have been received from local residents, which are summarised as follows:

- The traffic should not be a problem as quite often parents drop their children off at different times.
- The use will benefit the local area. The existing nursery use serves local residents who often walk / cycle with the children to the Northcourt Road premises. The proposed use will continue to serve local people and objectors are being over cautious with regard to traffic generation.
- Noise generation will be minimal. The children are toddlers not school children, and the noise from Oxford Road will outweigh any noise generated by this use.

#### 5.0 **Officer Comments**

5.1 The main issues in this case are considered to be 1) the principle of a child day care nursery in this locality, 2) the impact of the proposal on the character and appearance

of the area, 3) the impact of the proposal on neighbouring properties and 4) the adequacy and safety of the access and parking arrangements.

*The principle of a child day care nursery in this locality*

- 5.2 Whilst there is no specific policy relating to childcare provision, paragraphs 9.14 – 9.18 of the Local Plan sets out the Council’s position in assessing any application for such uses.
- 5.3 Paragraph 9.14 states that “In recent years the provision of childcare facilities has become an issue of heightened significance as more women seek employment. This trend has been reflected in an increasing number of planning applications being submitted for day nurseries and kindergartens. The District Council is anxious that the provision of childcare facilities in the Vale should be enhanced, recognising that a network of such facilities can be a considerable benefit to the local economy and to the district’s residents. Nevertheless, it must be acknowledged that such provision, particularly in quiet residential areas, can give rise to problems caused by, for example noise, traffic and parking.”
- 5.4 Paragraph 9.16 confirms that where proposals for childcare facilities require planning permission, applications will be considered against the general policies for development.
- 5.5 Paragraph 9.18 states “Many proposals for childcare facilities involve the change of use of existing buildings, in particular dwellings. As with proposals for new buildings, the Council would want to ensure that existing residents are not adversely affected by such schemes.”
- 5.6 Paragraph 9.19 states “The Council applies the following general guidelines to help determine applications involving the change of use of an existing building to a childcare facility: in the case of detached premises set in large grounds, permission may be granted for a childcare facility catering generally for up to a maximum of 24 children”.
- 5.7 Local Plan Policy CF2 is also relevant and sets out the Council’s general support for proposals to provide community services and facilities, subject to a number of criteria.
- 5.8 When assessing this particular application against the above policy criteria, it is clear that the site is within a built up area housing a variety of residential and commercial uses. Policy GS10 indicates that new development can be permitted in locations where the need to travel, particularly by car is minimised. The area is well served by public transport, and in this context Oxford Road is clearly a sustainable and accessible location. A child day care use is also considered, in principle, to be one that can be carried on without detriment to neighbouring dwellings during the working week.

*The impact of the proposal on the character and appearance of the area*

- 5.9 Officers consider no harm is caused to the street scene or wider locality as a result of the proposed change of use. The front garden is already partially used for the parking of vehicles and the reconfiguration of this area will not be detrimental to the locality. Other dwellings nearby also have driveways and parking areas to the front and it must be borne in mind that such works could be carried out at any time under permitted

development rights applicable to the property. The existing boundary landscaping is proposed to be retained.

- 5.10 The key issue therefore, is one of scale, and whether a nursery of up to 49 children and 13 staff members is acceptable, having regard to residential amenity and the parking / access arrangements.

*The impact of the proposal on neighbouring properties*

- 5.11 Whilst the proposed number of children is double the guideline set out in paragraph 9.19 of the Local Plan, your Officers consider that the scale of the proposal would not be harmful to residential amenity in terms of noise and disturbance for the following reasons.

- 5.12 Firstly, Oxford Road is one of the main roads into Abingdon, and as such it cannot be considered to be a quiet residential area due to the associated noise and general activity that occurs along this arterial route. This point was successfully argued in an appeal for a hair salon at 63 Oxford Road in 1992, where an Inspector placed significant weight on existing background noise levels in the area. If anything, traffic levels along this busy route have increased since that appeal decision. As such, Officers consider that, in this location, any increase in noise and disturbance from the proposed day care use over that normally expected from a house solely in residential use would not cause significant harm to warrant refusal.

- 5.13 The proposed day care nursery would operate only between the hours of 0730 – 1800 Monday to Friday. Such business hours confined to the 'working week', in your Officers' view, would also not be unduly harmful given existing background noise levels. Furthermore, a condition would be imposed on any permission granted to restrict the hours of use to ensure residential amenity is protected during weekends and evenings, when neighbouring residents are more likely to expect quiet time at home.

- 5.14 Furthermore, the proposed number of children is not considered to be so detrimental to residential amenity to warrant refusal in terms of noise and disturbance. Whilst the Local Plan advises that up to 24 children would be generally acceptable, it must be borne in mind that this is only guidance, i.e. it is not a specific policy threshold and each case must be assessed on its merits. Your Officers consider that the particular circumstances of this case (i.e. background noise levels from traffic on Oxford Road and the existence of the service road for dropping off and collecting children) make the proposal for 49 children acceptable. In the light of these factors, Officers consider that no undue harm would arise from up to 49 children being on site at any one time. The dwelling and site are large enough to accommodate such a number without detriment, and Environmental Health has raised no objection to the proposal.

*The adequacy and safety of the access and parking arrangements.*

- 5.15 The applicant proposes 4 on site parking spaces, to be used exclusively for staff parking. The applicant has confirmed that a large proportion of existing staff walk or cycle to work (see supporting statement). Given the sustainable location of the site, and the fact that the site is accessed off a service road, this level of staff parking is considered acceptable.

- 5.16 In respect of dropping off and picking up children, the service road is approximately 170m long, with exits at both ends, where one could drive in at one end and out of the other. This avoids the need to turn a vehicle. Taking into account individual dwellings' accesses, your Officers estimate that at least 10 cars can be parked on street without obstruction. In your Officer's opinion this is a unique and exceptional situation that enables more children to be accommodated at the site than is suggested in the Local Plan guidelines. In addition to this, Officers have borne in mind that the current nursery at Northcourt Road operates on a basis whereby children do not arrive at the same time during peak hours. Furthermore, the applicant's supporting statement estimates that no more than 6 cars at peak times would arrive at any one time. Whilst this clearly cannot be guaranteed, it is not an unreasonable assumption. The County Engineer has assessed the application carefully, and subject to conditions, raises no objections to the proposal (see Appendix 2). As a result, Officers do not consider permission can reasonably be withheld on highway grounds.
- 5.17 However, it is fully acknowledged that such a scale of development could adversely impact upon the convenience and safety of road users, especially if travel habits change. To this end, a condition requiring the submission of a Green Travel Plan is recommended to ensure staff members and customers alike are encouraged to use modes of transport other than the private car in the interests of sustainability. This can also ensure that traffic is 'managed' so that the dropping off and picking up of children is staggered through the peak periods to protect residential amenity and highway safety, and that staff are discouraged from parking on the service road.

## 6.0 **Recommendation**

6.1 *Planning permission be granted, subject to the following conditions:*

1. *TL1 – Time limit.*
2. *The nursery shall have no more than 49 children enrolled at any one time, without the prior grant of planning permission.*
3. *The use hereby permitted shall not take place before 0730 nor after 1800 on Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank or Public Holidays.*
4. *Green Travel Plan to be submitted.*
5. *HY25 – Car parking layout in accordance with specified plan.*
6. *Cycle parking details to be submitted and provided on site prior to first occupation.*