

# VARIATION REPORT

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<u>Application No.</u>	<u>Location</u>	<u>Proposal</u>
2. 6970R/98/2449	ST LAWRENCE CHURCH HALL HIGH STREET COWLEY	VARIATION OF CONDITION 2 (TO INCREASE THE NUMBER OF CHILDREN FROM 20 TO 30) OF PLANNING PERMISSION REF: 6970N/76/1698 DATED 3.3.77; USE OF CHURCH HALL FOR A PLAYGROUP Unnumbered location plan and unnumbered site plan received 21.12.98

(Date of receipt: 21.12.98)

Adopted Unitary Development Plan: Developed Area

## (1) SUMMARY

Planning permission is sought to vary a condition limiting the number of children currently allowed in a play group at St Lawrence Church Hall from 20 to 30 children. Planning permission is not required to use the premises as a nursery and it is considered that the proposed increase in the number of children is acceptable in terms of highway safety and residential amenity grounds.

## (2) RECOMMENDATION - APPROVAL, subject to the following conditions:-

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| 1. (B1) Time Limit (full)  | 1. (B1) Standard.  |
| 2. The maximum number of children to be accommodated in the premises shall not exceed 30.  | 2. To ensure that the proposal does not have an adverse effect on the amenities of the area by reason of an excessive amount of activity and at the applicant's request. |
| 3. The premises shall not be used for the accommodation of children in connection with the nursery use between the hours of 18.30 hours and 07.30 hours. | 3. To ensure that the amenities of the occupiers of adjoining and nearby properties is not adversely affected.   |

## INFORMATIVES

1. (3) Property Rights of Light
2. (25) Legislation administered by Building Control.
3. (10) Disabled Persons

### (3) INFORMATION

CAR PARKING: Lost: None                      Provided: 35                      Required: 5

TOTAL FLOOR AREA OF DEVELOPMENT: 228m<sup>2</sup>

#### CONSULTATIONS:

NEIGHBOURS:      No. consulted: 10      No. of replies: 1

#### Comments:

Difference between a play group for 30 children and a nursery.

#### OTHER CONSULTATIONS:

#### COMMENTS:

Social Services  
Nursery Inspection Unit

No objections subject to the building  
being adopted to adequate  
standards for registration.

Cowley Tenants and Residents Association

No response.

*Area Engineer*  
(4) REPORT

*No objections*

#### The Site

St Lawrence Church Hall is situated on the west side of High Street, Cowley, close to the junction with Iver Lane. Access is via Sheppards Close, a private way also serving a terrace block. The church hall enjoys the benefit of a large private car park which can accommodate up to 35 vehicles.

#### The Proposal

Planning permission is sought to vary the condition of the 1976 permission for use of the church hall as a playgroup from 20 to 30 children.

#### Relevant Planning History

A number of temporary planning consents were granted between 1968 and 1973 for use of the original church hall as a playgroup. In 1974 planning permission was granted for a new church hall (LPA Ref: 6970H/74/459). In 1976 planning permission was granted for use of the new church hall as a playgroup. A condition was imposed limiting the number of children to 20.

### Relevant Standards and UDP Policies

Policy R11C seeks to site child care facilities in appropriate locations.

Policy OE1 seeks to protect the character and amenities of surrounding properties or area generally from inappropriate uses.

Policy AM6 seeks to ensure that traffic generated by proposed developments is acceptable in terms of free flow of traffic and highway safety.

AM13A seeks to ensure that adequate off-street parking is provided.  
The Council's adopted car parking standards.

### Main Planning Issues

No conditions were imposed on the original planning consent limiting the use of the Church Hall. Planning permission is therefore not required for use of the premises as a nursery, since both church halls and day nurseries fall within the same Use Class D1 of the Town & Country Planning (Use Classes) Order 1987. The condition limiting the number of children to 20 is however valid. The main planning issues are therefore considered to be whether the increase in the number of children from 20 to 30 would be prejudicial to highway safety and free flow of traffic, the effect on the amenities of nearby residential properties and whether adequate parking has been provided.

Access to the site is via a short private road, off the busy Cowley High Street. Historically the childcare facilities have been operating from the site for 20 children, between 9.30 - 12.00 without any complaints. These days, most nurseries operate staggered hours, with children being dropped off and collected by parents at times that suit them, rather than being required to arrive at the same time. A worst case scenario would be likely to see 30 vehicles delivering children between 7.30 and 9.30 and the same number collecting them between say 16.30 and 18.30.

Although there is a traffic congestion in the High Street during peak hours, it is considered that the access, drop off/pick up area and turning facilities in the large car park are adequate, and any increase in traffic movements would not be prejudicial to the free flow of traffic or highway safety. The Area Engineer has no objections to the proposal.

The number of staff required for children would depend upon the age group mix. The maximum requirement would be for the 0-2 years age group, at a staff ratio of 1:3, requiring 10 employees, assuming a 100% take up rate. The current car parking standards require a minimum of 5 parking spaces, while the car park can easily accommodate 35 vehicles. It is therefore considered that there is adequate provision for staff and visitor parking and for the dropping off and collecting of children.

There is no provision for an outdoor play area. However, Social Services have no objection to the use of the premises as a day nursery, subject to the necessary standards for registration being achieved. It is, however, recommended that a condition be imposed limiting the number of children to 30 and time of operation from 07.30 to 18.30, in order to safeguard the residential amenities of neighbouring occupiers.

### Public Consultation

One letter was received highlighting the distinction between a playgroup and nursery. As stated in the report, planning permission is not required for use of the premises as a nursery.

### Conclusion

It is not considered that the use of the premises as a day nursery for 30 children from 7.30 - 18.30 would adversely effect the residential amenities of adjoining occupiers or prejudice the free flow of traffic on the adjoining highway or highway safety. Adequate car parking has been provided. I recommend accordingly.

### Background Documents

The background documents used in the preparation of this report are those numbered below from the comprehensive list included at the end of the agenda:-

22, 23, 36, 37, 47.

In addition the following document was also used:-

One letter from an interested party making representations.