

**5. Alterations and the change of use of building from office (Use Class B1) to childrens nursery (Use Class D1) (GR 353405/116235) Former South Somerset District Council Careline Services Houndstone Close Yeovil**

<b>Proposal:</b>	Alterations and the change of use of building from office (Use Class B1) to childrens nursery (Use Class D1)(GR 353405/116235)
<b>Site Address:</b>	Former South Somerset District Council Careline Services Houndstone Close Yeovil
<b>Parish:</b>	Yeovil
<b>Yeovil (South) Ward (SSDC Member):</b>	Mr M J H Fysh (Cllr) Mr N J Gage (Cllr) Mr D A Greene (Cllr)
<b>Recommending Case Officer:</b>	Andy Cato Tel: (01935) 462015 Email: andy.cato@southsomerset.gov.uk
<b>Target date:</b>	16th August 2011
<b>Applicant:</b>	South Somerset District Council
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Non PS1 and PS2 return applications

**Reason for Referral to Regulation Committee**

The District Council are both the applicant and landowner in this case and at their meeting of 7th September 2011 the Members of the Area South Committee resolved to refer the decision on the application to the Regulation Committee with a recommendation of approval as per the officers report. The officer's report was as follows

**Site Description and Proposal**



This application concerns a building situated at the rear of the workplace nursery premises in the former Preston Primary School off Preston Road. The building currently stands vacant and was previously in use for offices by Careline and the Councils Building Control Officers.

Vehicular and pedestrian access to the site off Long Close leads to a dedicated car parking area to the rear; the car park serves both the workplace nursery and the application building.

The application proposes a change of use to a children`s nursery and entails:

- The internal re-organisation of the building, and
- Modest external changes to provide patio doors in place of windows to allow access to a children`s playground area to be formed to the rear of the building.

## **HISTORY**

The application site as a whole has a lengthy planning history relating to its use as a Primary School. In June 2000 permission was obtained for the former use of the application building as offices (00/01205/R3D)

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

### **Regional Spatial Strategy (RSS)**

Whilst the Localism Bill has indicated that it is intended to abolish the RSS, it remains a material consideration until the Bill is agreed and therefore regard should be had to the draft policies. The RSS vision is to deliver sustainable communities and a more sustainable future for the region. The spatial strategy focuses most new development in a limited number of Strategic Significant Cities and Towns (SSCT - Development Policy A). Below these places, locally significant development will be appropriate in settlements with a range of existing services and facilities and the potential for sustainable development (Development Policy B). The RSS identified that these SSCTs should take the bulk of new development. Yeovil is included in the Strategically Significant Cities and Towns.

The development plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in Towns

Policy 11 - Areas of High Archaeological Potential

Policy 39 - Transport and Development

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development  
ST6 - The Quality of Development  
EP2 - Noise Generating Uses  
EP3 - Lighting  
TP6 - Car Parking

National Guidance

Statements on Government planning policy and associated guidance can provide material considerations in the determination of a development proposal. This can be particularly relevant where the adopted development plan document pre-dates the most up to date Government policy. In this case the following policy documents are relevant:

PPS1 - Delivering Sustainable Communities (2005) and the accompanying policy document "The Planning System - General Principles".  
PPG24 - Planning and Noise.  
Town & Country Planning General Regulations 1992.  
Circular 19/92.

South Somerset Sustainable Community Strategy  
Goal 7 - Distinctiveness  
Goal 8 - Quality Development

## **CONSULTATIONS**

Yeovil Town Council: Support subject to favourable comments from Environmental Protection.

SSSDC Environmental Protection: No history of complaints in respect of existing Nursery use. No reason why the proposal should cause any more noise than is currently present and no objections are raised to the proposed extension of the Nursery use or the proposed hours of operation. A condition should be imposed to control any means of external lighting.

SCC Highways: No objections to the principle of the proposed development. Parking provision accords with the adopted parking strategy. Sufficient on-site parking should be provided for the existing nursery use.

Neighbours: A Site Notice has been posted on the site inviting comments on the application and five individual households and the neighbouring St James Resource Centre have been notified of the application. This has resulted in the receipt of one letter from the immediate householder who informs:

There is no objection to the change of use from B1 to DI (as proposed). However extremely concerned about the noise aspect, which will impact on a lovely, tranquil and quiet garden unless measures are taken to contain the noise within the building. Feels very strongly that if this goes ahead as proposed it will have an adverse affect on the neighbour`s life. Existing outside lighting is causing great concern and on one occasion lights were left on all night. A further issue is a potential increase of a pedestrian path, which borders the neighbour`s home.

## **CONSIDERATIONS**

The proposed change of use will entail minimal external alterations to the existing building; the main external change is the use of an existing small tarmac area as a playground. The Highway Authority has no concerns over the proposed access and

parking arrangements and it has been confirmed that the existing Nursery use will also be served by sufficient on-site parking. The concerns raised by the neighbour have been referred to both the applicant and the Environmental Protection Officer (EPU). In this connection the applicant has advised that Property Services will investigate the issue of problems caused by existing external lighting. EPU above comments (no objections) have been supplied in light of the neighbour`s comments.

Subject to a condition to ensure that the car-parking arrangements remain available and a condition controlling any future proposed external lighting, there are no planning objections to this proposal.

**RECOMMENDATION:**

Grant permission for the following reason:

01. The proposal by reason of its scale, nature, layout and access and parking arrangements respects the character of the area, and causes no demonstrable harm to visual or residential amenity or to highway safety whilst representing the most efficient use of land within the defined development boundary and is therefore in accordance with the aims and objectives of policy ST5,ST6,EP2,EP3 and TP6 of the South Somerset Local Plan

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
  02. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing numbers 58C, 1176-11A,1196-01,1196-03,1196-02.  
Reason: For the avoidance of doubt and in the interests of proper planning.
  03. The parking area shall not be sited otherwise than in the position shown on the approved plan and following its provision such car park and the access to it shall be kept free of obstruction and shall not be used otherwise than for access or for the parking of vehicles in connection with the development hereby approved.  
Reason: To ensure the proper and adequate provision of on-site parking facilities in the interests of highway safety and efficiency in accordance with policy TP6 of the South Somerset Local Plan.
  04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no means of external illumination shall be installed or provided in connection with the development hereby permitted without the prior express grant of planning permission.  
Reason: In the interests of residential amenity further to policy ST5 of the South Somerset Local Plan
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