

**4/01097/16/FUL - CHANGE OF USE TO A NURSERY.  
ISBISTER CENTRE, CHAULDEN HOUSE GARDENS, HEMEL HEMPSTEAD, HP1  
2BW.**

**APPLICANT: Mr Nwachuku.**

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[Case Officer - Rachel Marber]

### **Summary**

The principle of change of use from Office (B1) to Nursery (D1) is considered acceptable. No internal or external alterations are proposed and as a result no detrimental impact to the visual amenity of the Grade II Listed feature, appearance of parent building or immediate street scene would result. The proposed external amenity for the children and car parking arrangements are considered sufficient. As such, the proposal is therefore considered acceptable in accordance with saved appendices 3 and 5 and policies 58, 69, 119 and 120 of the Dacorum Local Plan (1991), policies CS4, CS8, CS10, CS11, CS12 and CS27 of the Core Strategy (2013), and the NPPF (2012).

### **Site Description**

The application site is located on Chaulden House Gardens, Hemel Hempstead. The site comprises of a vacant Council owned property with a Grade II Listed tower. The property is accessible from both Chaulden House Gardens and Northridge Way.

Chaulden House Gardens is a cul-de-sac characterised by 1960s flats and terraced houses; Northridge Way is characterised by similar development. All dwellinghouses are relatively regimented in regards to architectural detailing, period, separation gap, height and build line; the overall character of the area is evident.

### **Proposal**

The application seeks permission for change of use from B1, office use to D1, Nursery with associated outdoor amenity provision. The nursey would accommodate up to 40 children (up to 5 years of age) with 9 members of staff. The proposed hours of opening are 8am to 6pm Mondays to Fridays.

### **Referral to Committee**

The application is referred to the Development Control Committee due to being council owned land.

### **Relevant Planning History**

4/00832/01/RE CHANGE OF USE TO OFFICE (B1)

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Granted

28/06/2001

4/00349/93/4 INTERNAL & EXTERNAL ALTERATIONS  
Granted  
19/04/1993

4/00350/93/4 PARTIAL DEMOLITION,EXTERNAL AND INTERNAL  
ALTERATIONS  
Granted  
19/04/1993

4/01577/92/4 CHANGE OF USE RECREATION HALL TO USE WITHIN CLASS  
D1 (DAY CENTRE)  
Granted  
28/01/1993

## **Policies**

### National Policy Guidance (2012)

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Adopted Core Strategy (2013)

CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment

### Saved Policies of the Dacorum Borough Local Plan (1991)

Policy 58 - Private Parking Provision  
Policy 69 - Education  
Policy 119 - Development affecting Listed Buildings  
Policy 120 - Development in Conservation Areas  
Appendix 3 - Gardens and Amenity Space  
Appendix 5 - Parking Provision

## **Constraints**

No specific policy designations established residential area of Hemel Hempstead  
– Grade II Listed Tower in former stableyard of Chaulden House

## **Summary of Representations**

### **Comments received from Consultees:**

#### DBC Contaminated Land

*“Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Therefore I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council’s website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)). The developer will need to complete and submit to the Council the ‘Sensitive End Use Land Contamination Questionnaire’, which can be downloaded from the website.”*

#### Strategic Planning

*"The application seeks a change of use from B1 office to D1 Nursery. The site comprises a vacant Council owned building of which the tower appears to be a Grade II Listed property. The site is accessible from both Chaulden House Gardens and Northridge Way. Although the applicant states that they will encourage their clients to use a one way system along Chaulden Lane, Chaulden House Gardens and back to Northridge Way.*

*It is noted that pre-application advice was sought (application number 4/00444/16/PRE). Strategic Planning confirmed their support for the coverage of the advice provided by the case officer.*

*It appears that the applicants have decided not to provide amenity space alongside the nursery (which was being considered during pre-application discussions). We are unclear whether such a lack of provision is a realistic prospect for a nursery.*

*The applicant has confirmed that four rooms within the Isbister Centre will make provision for the following four child groups: baby room, 1 year olds, 2 year olds and 3 to 5 year olds. On space standards the applicant states that the building could cater for 41 children, although the application states provision for 40 children.*

*The key issues for this application relate to the impact of the proposed change of use upon the character and appearance on the Listed Building and surrounding area, residential amenity of neighbouring properties and highway safety and parking.*

### **Principle of Change of Use**

*The application site is located within a residential area, wherein accordance to Policy CS4 of the Core Strategy (2013) and saved Policy 69 of the Local Plan (2004) the principle of reusing a vacant building to small-scale social/community uses is acceptable subject to local impact and compliance with the relevant national and local policies. Furthermore, Policy 23 encourages new social infrastructure.*

*It is acknowledged that the property functioned as a Day Centre for people with disabilities from 1993 to 2001 (legally). In this regard change of use to a nursery could be seen as reinstating a previous use.*

### ***Effect on Appearance of Listed Building and Surrounding Area***

*The site lies adjacent to existing housing and therefore the impact of the proposed use on these properties needs to be assessed (Policy CS 12c).*

*Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.*

*Policies CS27 of the Core Strategy and saved policy 120 of the Dacorum Local Plan reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a Conservation Area. The Conservation and Design team should be consulted on this application with regards to the impacts on the listed building.*

*Furthermore, saved Policy 119 of the Dacorum Local Plan states that consent to alter a Listed Building will only be granted where it can be satisfactorily demonstrated that the proposed works would be carried out in a manner appropriate to the scale, proportion and external and internal appearance of the building. It is for the case officer to assess whether there is likely to be any significant or detrimental effects on the listed building and surrounding area as a result of this proposal.*

### ***Parking***

*Policies CS8(h)/CS12b) seek to ensure sufficient parking and servicing is secured with each development. Council's Parking Standards within saved Policy 58 and Appendix 5 of the Dacorum Local Plan requires 1 space per 4 pupils. So the provision of 40 pupils would require 10 parking spaces.*

*It is noted that all the suggested car parking spaces are outside of the red line area for this application. As such, it is unclear if the suggested parking spaces are within the control of the applicant.*

*It is noted that the applicant suggests that there is the following parking spaces available:*

- 5 parking spaces south of the Isbister Centre (adjacent to the main entrance)*
- 2 parking spaces north/to the side of the Isbister Centre (available as quick pick up and drop off point)*
- 4 garage spaces south of the Isbister Centre (south of/adjacent to the main car park)*

*The applicant states that there is likely to be 6 full-time employees and 5 part-time employees (equivalent of 2 full-time employees), totally equivalent of 8 full-time employees. It is unclear how many of the designated car parking spaces may be occupied by staff and whether this will limit availability for clients of the nursery.*

*In terms of the 4 garage spaces, we would be concerned whether the clients of the nursery would make full use of these. If they do not or it is not clear that these spaces are available for nursery usage, this proposal could result in the increase of ad hoc parking along the narrow service road which links Chaulden House Gardens and back to Northridge Way. The applicant acknowledges that the suggested car parking provision could aid to alleviate the high number of vehicles parking on the street (suggesting an acceptance that this already occurs and negatively impacts the surrounding area).*

*With regards to the 2 parking spaces north/to the side of the Isbister Centre (suggested to be available as quick pick up and drop off points by the applicant), it is unclear how this would be 'policed'. Due to its proximity to the Isbister Centre it is likely to be a location which will be favoured for general car parking rather than just for use as a pick up/drop off point.*

*We have concerns that this proposal will exacerbate existing parking problems in the area, especially at 'peak' pick up and drop off times as the parking arrangements will have a major impact on the quality of the development. For this reason, the Local Highways Authority should be provided the opportunity to comment on the proposed parking arrangements and impacts on highway safety.*

## **Conclusion**

*We support the general principle of the change of use, subject to the specialised views of the Conservation and Design team and Local Highways Authority being sought."*

## DBC Conservation

### **No Objection**

*"The Isbister Centre occupies the former L-shaped stable building to Chaulden House (the 19<sup>th</sup> century house has been long demolished and houses were built on the site).*

*The Isbister Centre building has been much altered and repaired in the 20<sup>th</sup> century but adjoins and includes a mid 19<sup>th</sup> century Tower which sits facing the courtyard and projects out from the inner angle between the two wings of the building. The tower is grade II listed (it was added to the statutory list in 1977), the list description reads:*

*Mid C19 octagonal tower. Flint rubble, red brick quoins and semi-cylindrical angle mouldings. Pyramidal Welsh slated roof with eaves cornice on console angle brackets. Octagonal wooden lantern with colonnettes, weather vane. Pointed arches to doorway, slit windows and dummy windows. Conch shells set in flint rubble above arches, Pointed arched pigeon holes above windows on 3 sides in 3 rows, lowest 3 light, central 2 light, upper 1 light under conch shell. Continuous band of shells below brick frieze. Included as a curiosity.*

*The list description is unusual in that it does not refer to the building the Tower forms a part of however the Isbister Centre should be considered as a listed building. The Isbister Centre building has been altered externally and looks to have been altered*

*internally however it contains a significant amount of attractive flint and brick detailing to the courtyard elevations in particular. The current windows, although modern, are all timber.*

*In principle there is no objection to the change of use however please ensure the applicants are aware the building is Grade II listed and that listed building consent will likely be required for any internal or external alterations or additions to the property."*

HCC Highways

## **No Objection**

### **“Decision**

*Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:*

*Hertfordshire County Council has no objection to the principle of the proposed change of use application to form a day nursery for up to 40, subject to the following condition and informatives.*

#### *Travel Plan*

*SHC 37A: Prior to the commencement of the nursery hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance' .*

*Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.*

#### *Informatives*

*The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.*

*AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or*

by telephoning 0300 1234047.

### *Description of the Proposal*

*Change of use to a children's nursery at the Isbister centre, Chaulden House Gardens, Hemel Hempstead. However, the applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. Highways Currently, the vehicle access is situated to the front of the building. HCC road hierarchy states that this service road does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of service road which serves the local authority maintained garage blocks. The service road connects onto Chaulden House Gardens and Northridge Way respectively and vehicles can drive in either direction through a garage block.*

*Chaulden House Gardens This is an unclassified road 2U552/10, L2 local access and is maintained by HCC as the highway authority. It is 339m long and connects onto Chaulden lane and via an un-adopted road Northridge Way. The speed limit is 30mph and there is on street parking during the day and evening. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.*

*Northridge Way this is an unclassified road 2U876/10, L2 local access and is maintained by HCC as the highway authority. It is 1452m long ad connects Long Chaulden to St. Johns Road. The speed limit is 30mph and the road is part time night lit.*

*Accident History The rolling 5 year RTC data held by HCC for personal injury accidents (PIA) there are no recorded incidents for either of these roads in the vicinity of the site.*

### *Analysis*

*As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Local Plan, Appendix 5 Parking Provision*

### *Trip generation and distribution*

*As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is likely to generate significantly higher levels of movements which could lead to demonstrable harm to the highway network in terms of free flow and capacity if this is not managed. This conclusion is based on the likely traffic volume data (two way am and pm peak trips), speed of traffic and known RTC*

information.

### *Impact on Highway Network*

*The change of use will only impact on the highway if the development fails to provide sufficient off street parking space (mainly for staff and at set down/ pick up times) and manage directional flow of arriving and departing parents/ carers etc in their motor vehicles during these busy times.*

### *Highway Layout*

*There are no planned changes to the highway as part of this planning application.*

*The National Planning Policy Framework (NPPF), states that "developments should be located and designed where practical to: • Accommodate the efficient delivery of goods and supplies (can all vehicles be accommodated as required – has the applicant provided vehicle tracking? If not, are we satisfied that large vehicles can turn within the site and exit in forward gear?) • Give priority to pedestrian and cycle movements, and have access to high-quality public transport facilities; • Create safe and secure layouts which minimise conflicts between traffic & cyclists or pedestrians, avoiding street clutter and where appropriate • Establishing home zones (can the necessary visibility splay be achieved on exiting the site?) • Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and • Consider the needs of people with disabilities by all modes of transport."*

### *Parking*

*Although parking is a matter for the Local Planning Authority (LPA), the applicant should provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant has stated in the application form 11 off street parking spaces but it is unclear if cycle provision is also being provided or if any will be DDA compliant. There is no plan attached to this application showing this allocation of off street parking. Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.*

### *Accessibility*

*Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>).*

*Public Rights of Way (PRoW) there appears to be no Public Rights of Way affected by this proposal. If this is incorrect then feedback from Right of Way Officer should be requested. Note that the granting of planning permission does not entitle the developer*



*to obstruct the Public Right of Way and permission would need to be granted to temporarily close the route if required. The applicant must ensure all necessary legal procedures for any diversions are implemented. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.*

### *Servicing Arrangements*

*Refuse and recycling receptacle storage will need to be provided. However, no information is provided regarding servicing of the property and a servicing arrangement is required.*

### *Travel Plans*

*The applicant has not submitted a travel plan as part of this application. The development would benefit from having a Travel Plan Statement (TS) in place and prior to opening. The TS should look at measures to minimise the use of the private motor car with the promotion of more sustainable modes of transport being set in place. The TS should also look to provide a safe means of accessing the site at 'drop off and pick' up times by parents /guardians or carers. The TS should look at the flow of traffic into the site and manage directional modes as mentioned above as the restrictive layout of the garage forecourt could cause a bottle neck effect on the service road that could overspill onto the public highway.*

### *Conclusion*

*Whilst the assessment does not indicate any major issues with the proposal to change the use of the building to a nursery that would necessarily impact upon the adjacent highway network, the management of parking, flow through the site and timings of collection and drop off needs careful planning and consideration, hence the need for a TP or at least a TS The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.”*

### **Comments received from local residents:**

15 neighbours directly notified, **no objections received**

### **Key Considerations**

#### Principle of Change of Use

The application site is located within a residential area, wherein accordance with policy CS4 of the Core Strategy (2013) and saved policy 69 of the Local Plan the principle of reusing a vacant building to small-scale educational use is acceptable subject to compliance with the relevant national and local policies outlined below. Further to this,

the property functioned as a Day Centre for people with disabilities from 1993 to 2001 (in accordance with planning records). In this regard change of use to a nursery would be reinstating a previous use.

The Spatial Planning Department were consulted on the principle of change of use and provided the following conclusive representation: *"We support the general principle of the change of use, subject to the specialised views of the Conservation and Design team and Local Highways Authority being sought."*

The main issues to the consideration of this application relate to the impact of the proposed change of use upon the character and appearance on the Listed Building, surrounding area, residential amenity of neighbouring properties and highway safety and parking.

#### Effect on Appearance of Listed Building and Surrounding Area

Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Paragraph 64 of the NPPF states that permission should be refused for developments of poor design which fail to improve the character and quality of an area. Policies CS27 of the Core Strategy (2013) and saved policy 120 of the Dacorum Local Plan (1991) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a Conservation Area.

Furthermore, saved policy 119 of the Dacorum Local Plan (1991) states that consent to alter a Listed Building will only be granted where it can be satisfactorily demonstrated that the proposed works would be carried out in a manner appropriate to the scale, proportion and external and internal appearance of the building.

No external or internal alterations to the property would result from the proposed change of use. As a result no harm to the visual appearance of the property would result. This is supported by the Conservation department who provided the following conclusive representation:

*"In principle there is no objection to the change of use however please ensure the applicants are aware the building is Grade II listed and that listed building consent will likely be required for any internal or external alterations or additions to the property."*

#### Impact upon Residential Amenity

The NPPF (2012) outlines the importance of planning in securing good standards of

amenity for existing and future occupiers of land and buildings. Saved appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

#### *Loss of Outlook and Privacy*

Due to no external alterations to the property proposed it is not considered that further loss of outlook or privacy would occur to neighbouring residents as a result of the proposed change of use.

#### *Amenity Space*

The applicant has informed the LPA that outdoor amenity space to serve the nursery would be provided between the front area of the centre and rear of the adjacent garages. This area is considered sufficiently screen from neighbouring residents and large enough (160m<sup>2</sup>) to host small number of children at a time (max 19). In addition, to the details provided the proposed nursery would also need to adhere to Ofsted requirements in regards to indoor and outdoor amenity provision.

#### *Noise and Nuisance*

The applicant has further outlined that the children's outdoor times would be staggered to mitigate amount of noise and resultant disturbance to neighbouring properties. Further to this the centre will not be open on weekends, with opening hours which would reflect the working day- 8am to 6 pm. Should significant noise issue arise this would be governed by Environmental Health.

#### Impact on Car Parking Provision

Parking arrangements have a major impact on the quality and consequence of the development. Policies CS8 and CS12 seek to ensure sufficient parking and servicing are secured for each development. The Council's Parking Standards within saved policy 58 and appendix 5 of the Local Plan (1991) requires a maximum provision of 1 space per 4 pupil. The maximum provision of 40 pupils would require 10 parking spaces.

A transport statement has been submitted alongside the planning application outlining the drop off route for parents which would be encouraged to prevent traffic build up. This also outlines use of the 4 garage spaces adjacent to the main entrance as quick drop-off points.

In addition, the applicant has agreed with the Camelot RUFC centre to provide for 15 staff parking spaces, which could also be utilised by parent during drop-off and pick-up.

This provision would meet the required 10 space standard.

Further to this Herts County Highways were consulted on the proposal and provided the following conclusive comments:

*"Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:*

*Hertfordshire County Council has no objection to the principle of the proposed change of use application to form a day nursery for up to 40, subject to the following condition and informatives."*

Overall, the proposed staff and parent parking arrangements are considered acceptable and would not impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policies CS8 and CS12 of the Core Strategy (2013) and saved policy 58 and appendix 5 of the Local Plan (1991).

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The use, hereby permitted, shall not commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected around the play area, details of any landscaping works to the proposed play area and details of bin storage facilities. The boundary treatment, landscaping and bin storage facilities shall be completed before the use hereby permitted is commenced and shall be implemented fully in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in order to safeguard the visual character of the immediate area and childrens' safety; in accordance with policy CS12 of the Core Strategy (2013.)

- 3 The number of children using the nursery hereby approved shall be limited to 40 in total.**

Reason: In order to protect the amenities of adjoining occupiers, and to ensure adequate parking provision; in accordance with policies CS8 and CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan

(1991).

- 4 **Prior to the commencement of the nursery hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment; in accordance with policies CS8 and CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

- 5 **The premises shall only be operational as a nursery between 8am and 6pm on Mondays to Fridays and for no other use thereafter.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings, in accordance with policy CS12 of the Core Strategy (2013).

- 6 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Floor Plan**  
**Travel Plan**  
**Site Location Plan**

Reason: For the avoidance of doubt and in the interests of proper planning.

#### Informative 1 - Highways

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Informative 2 - Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.