

SECTION 2 – ITEM 7

Application No: 20/P/1629/FUL

Proposal: Change of use of part of the existing dwelling to enlarge the facilities within the existing day nursery.

Site address: Golden Valley House Day Nursery, 18 Oaksey Grove, Nailsea, BS48 2TP

Applicant: Mr A McCarthy

Target date: 08.09.2020

Extended date: 28.09.2020

Case officer: Anna Hayes

Parish/Ward: Nailsea/Nailsea Golden Valley

Ward Councillor: Councillor Andy Cole

REFERRED BY COUNCILLOR COLE

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site comprises an existing day nursery school with living accommodation at first floor level. The site is located within a cul de sac in a residential area of Nailsea and is bounded by residential properties. Golden Valley Primary School is located 100m from the north west boundary of the site with Golden Valley Veterinary Hospital located 30m from the north east boundary.

The Application

Full planning permission is sought for:

- Change of use of the existing first floor living accommodation to provide facilities to accommodate a baby room, baby sleep room, parent room, W/C and office.
- Change an existing planning condition to allow an increase in number of children attending from 30 to 42
- Provision of two additional off street parking spaces for staff parking

Relevant Planning History

Year: 1994

Reference: 94/0268

Proposal: Second storey extension

Decision: Approved

Year: 1993

Reference: 0389/93

Proposal: Shed for private use, greenhouse for private use, shed for storing nursery toys

Decision: Approved

Year: 1992

Reference: 1260/92

Proposal: Use of ground floor as a day nursery catering for 30 children

Decision: Approved

Year: 1989

Reference: 2884/89

Proposal: Change of use of ground floor from living accommodation to a day nursery catering for 25 children at Golden Valley House

Decision: Approved

Policy Framework

The site is affected by the following constraints:

- Coal Authority – Low risk area
- Horseshoe Bat Zone B

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

- CS2 Delivering sustainable design and construction
- CS3 Environmental impacts and flood risk management
- CS4 Nature Conservation
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS25 Children, young people and higher education
- CS26 Supporting healthy living and the provision of health care facilities

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

- DM8 Nature Conservation
- DM24 Safety, traffic and provision of infrastructure etc associated with development

- DM28 Parking standards
- DM32 High quality design and place making
- DM33 Inclusive access into non-residential buildings and spaces
- DM69 Location of sporting, cultural and community facilities

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

- SA2 Settlement boundaries and extension of residential curtilages

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well designed places
- 15 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 26 letters of objection have been received. The principal planning points made are as follows:

- Close to adjoining properties resulting in loss of privacy and noise nuisance.
- Inadequate access and parking provision involving loss of parking.
- Increased traffic
- Over development out of keeping with character of area

Nailsea Town Council:

"Recommend refusal on grounds that increasing the number of children using the nursery will generate additional traffic and exasperate existing problems with traffic and insufficient parking provision available on site. Investigation into the allegations of a breached planning condition for more children than are permitted, should be explored by the planning and enforcement officers".

Other Comments Received:

Early Years and Childcare Services, People and Communities - CYPS

Golden Valley nursery in Nailsea is a long-established nursery and been operational with the present owners since 2009. The nursery is registered for 35 children at any one time for children aged between 2 and 7 years old.

Its last Ofsted inspection was April 2017 and was awarded the judgement of Outstanding. There are two full time, all year-round nurseries in Nailsea offering children under the age of 2 places. Demand for baby places is reported to often exceed vacancies. There are 7 registered childminders within a one-mile radius of Golden Valley nursery, offering smaller number of childcare places. The Early Years team no longer visit childcare providers on a regular basis but are not aware of any issues arising over the quality of care being offered at Golden Valley nursery. The demand for under 2 years nursery places seems consistent, despite COVID 19 and therefore we would support the provision of additional baby childcare places in the area.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development in this location, (2) impact on neighbours - privacy, (3) noise and disturbance. (4) parking and highway safety, and other matters.

Issue 1: The principle of development in this location

The nursery currently opens from 8am to 6pm Monday to Thursday and on Fridays to 5.30pm and is attended by 30 children aged from 3 months to 5 years. It is registered with Ofsted on the Early Years Foundation Stage for 35 children from birth until they start school although, for planning purposes, a condition attached to the previous planning permission (ref 1260/92) restricted the number of children attending to 30.

A complaint was received by Planning Enforcement team regarding the number of children attending the nursery and it transpired that the operators were in breach of the condition as 35 children were then attending the nursery. This was brought to the owner's attention and they reduced the number of children attending to 30.

Planning permission is therefore now sought to change the use of part of the existing dwelling to facilitate the extension of the existing nursery to accommodate additional children. It is proposed to increase the limit on the number of children attending from 30 to 42. The additional facilities would provide facilities to care from children aged from 3 months to 5 years.

Policy DM69 permits community facilities such as school and playground extensions within settlement boundaries provided the scale, character or potential impact of the facility would be appropriate and that the site is well related to the community it is intended to serve, in a sustainable location, genuinely accessible to a choice of transport modes and to disabled people, that the layout and design facilitate other community needs and the proposal will not prejudice the living conditions of neighbours.

It is considered that proposal meets these tests and that the scale, character and potential impact of the proposal is acceptable for the site. The nursery serves the community and is in a sustainable location.

The proposal is therefore considered to be acceptable in principle and in accordance with policy DM69. The impact on the living conditions of neighbours and other relevant matters are considered below.

Issue 2: Impact on neighbours - privacy

The application site is located at the end of a cul de sac and is surrounded by residential dwellings. As a guide, the Residential Design Guide SPD advises that to protect privacy from overlooking habitable room windows, the minimum distance between directly opposite habitable room windows should not be less than 21m. These guidelines were adopted in 2013 and were not used when the estate was originally constructed. As such two of the first floor windows which it proposed to use for the nursery use will be within 21 metres of the existing bedrooms windows of the houses at no.16 and no.14 Oaksey Grove. It is considered this has the potential to result in an unacceptable loss of privacy from the change use of the first floor.

The applicant has therefore agreed that the two windows that serve the baby room and parent room on the 1st floor west elevation will be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room. On this basis, the risk of an unacceptable loss of privacy to the neighbouring properties by way of overlooking is minimised.

The proposed development would therefore not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policy DM32 of the Sites and Policies Plan (Part 1).

Issue 3: Noise and Disturbance

The applicant is proposing to increase the number of nursery places by 12 of which some are intended for babies. There are no proposals to extend the hours or days of the nursery operation from the current arrangements so there would be no noise outside the hours that currently apply.

The nursery has been operating since the 1990s and so there is a reasonable expectation of some noise in the area from use of the garden for outdoor play. It is considered that the increase in the number of children for the existing nursery will not result in an unacceptable increase in the impact on the living conditions of the neighbouring residents from noise. As such the proposal is in accordance with policy CS3 of the North Somerset Core Strategy.

Issue 4: Highway Safety and Parking

It is proposed to reduce the existing 3 bed dwelling to a 2 bed roomed dwelling. The submitted plans show 2 no. parking spaces to be accommodated within the garage which

is sufficient for a 2no. bedroomed dwelling and therefore complies with policy DM28 of the Sites and Policies Plan (Part 1).

North Somerset Parking Standards SPD outlines the minimum required number of car parking spaces for non-residential development. The standards require 1 car parking space per 2 staff and 1 space per 6 clients (visitor parking). These guidelines were adopted in 2013 and were not used when the change of use application was originally approved.

The SPD advises that “*Where an increase in floor area or change of use would result in a higher parking standard, additional spaces need only be provided to serve the additional requirement and not make up for deficiencies in the existing provision.*” On this basis, the development would require an additional 3 off street parking spaces on the application site.

The opening hours for the nursery are 8am to 6pm Monday to Thursday and 8am to 530pm on a Friday. The arrival time for children is staggered with booked drop offs between 8am and 9am. Pick up times start at 4pm. The nursery currently employs 10 members of staff of whom 6 drive to work. The existing block plan shows two parking spaces for nursery staff and it is proposed to provide 2 additional parking spaces for staff. As the nursery and parking has previously been approved and is existing, this is considered acceptable given the availability of on-street parking in the vicinity.

In terms of on-street parking availability, a parking survey of Oaksey Grove was carried out on behalf of the applicant in September 2020 and two additional parking surveys were carried out by Highway Officers in October. During the parking surveys carried out by Highway Officers, there was only a 5 minute period when there was no on-street parking available within 200 metres of the nursery. Overall therefore, given its relatively central location and proximity to other facilities, it is considered that a sufficient level of on-street parking on Oaksey Grove is available to overcome the shortage of parking on the application site.

The site is located 100m from Golden Valley Primary School which is attended by approximately 420 pupils. There is an existing footpath that leads from Oaksey Grove to the rear entrance of the school. Whilst a number of objection comments have mentioned parking and traffic problems in the cul de sac it would however appear that some of traffic and parking concerns results from parents collecting children from Golden Valley School and not from the Nursery.

In order to encourage travel by means other than private car, a condition could be attached to any permission granted requiring a storage room for buggies, scooters and bicycles.

Although on-site parking provision will fall below the standards set out in the North Somerset Parking Standards SPD, the highway conditions in the area are such that there will be no adverse impact on highway safety as a result of approving this proposal. The proposal therefore complies with policy DM28 of the Sites and Policies Plan (Part 1).

Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

The scale, character and potential impact of the proposal is appropriate for the site, the nursery serves the community and is in a sustainable location. The proposal is therefore considered to be acceptable in principle and in accordance with policy DM69.

The proposed development would not result in a significant adverse impact upon the living conditions of neighbouring residents from overlooking or result in a significant unacceptable increase in noise. In this respect, the proposal complies with policy CS3 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan (Part 1).

It is accepted that the existing on-site parking provision falls below the current standards. However, the site has existing planning permission to operate as a day nursery and the applicant has demonstrated that this additional parking can be either accommodated on site or on the public highway. Overall, it is concluded that the increase in numbers of children attending the nursery is unlikely to have a sufficiently harmful impact on highway safety that would warrant refusal of the application. Therefore, it is considered that the proposal complies with policy DM28 of the Sites and Policies Plan (Part 1).

Other relevant planning issues have been reviewed in terms of noise, protected species and setting of a listed building and are all considered to be acceptable.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. The use hereby permitted shall be restricted to no more than 42 children.

Reason: To prevent undue disturbance to nearby residents and in order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS3, CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

4. The use hereby permitted shall not take place on Saturdays, Sundays or Bank or Public Holidays).

Reason: To prevent undue disturbance to nearby residents and in accordance policy CS3 of the North Somerset Core Strategy.

5. The use hereby permitted shall not be occupied until the parking area for 4.no vehicles has been constructed in accordance with the approved plans and specifications. The approved parking area shall properly consolidated and surfaced and the parking spaces marked before the use commences and thereafter it shall not be used except for the parking of vehicles in connection with the development hereby permitted.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. The proposed extension to the nursery use hereby permitted shall not be brought into use until the two windows that serve the baby room and parent room on the 1st floor west elevation have been fitted with obscure glazing. The obscure glazing used shall provide a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Textured Glass Range" (published January 2010). This window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), neither the obscure glazing nor the method of opening shall be subsequently altered without the prior written permission of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policy DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the west

or south elevation of the nursery hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policy DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

8. The use hereby permitted shall not be commenced until secure storage facilities for pushchairs, bicycles and scooters have been provided in accordance with plans and specifications that have first been submitted to and approved, in writing, by the Local Planning Authority. The approved facilities shall thereafter be permanently retained and kept available for the storage of pushchairs, bicycles and scooters at all times.

Reason: To ensure that secure storage facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM 28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.