



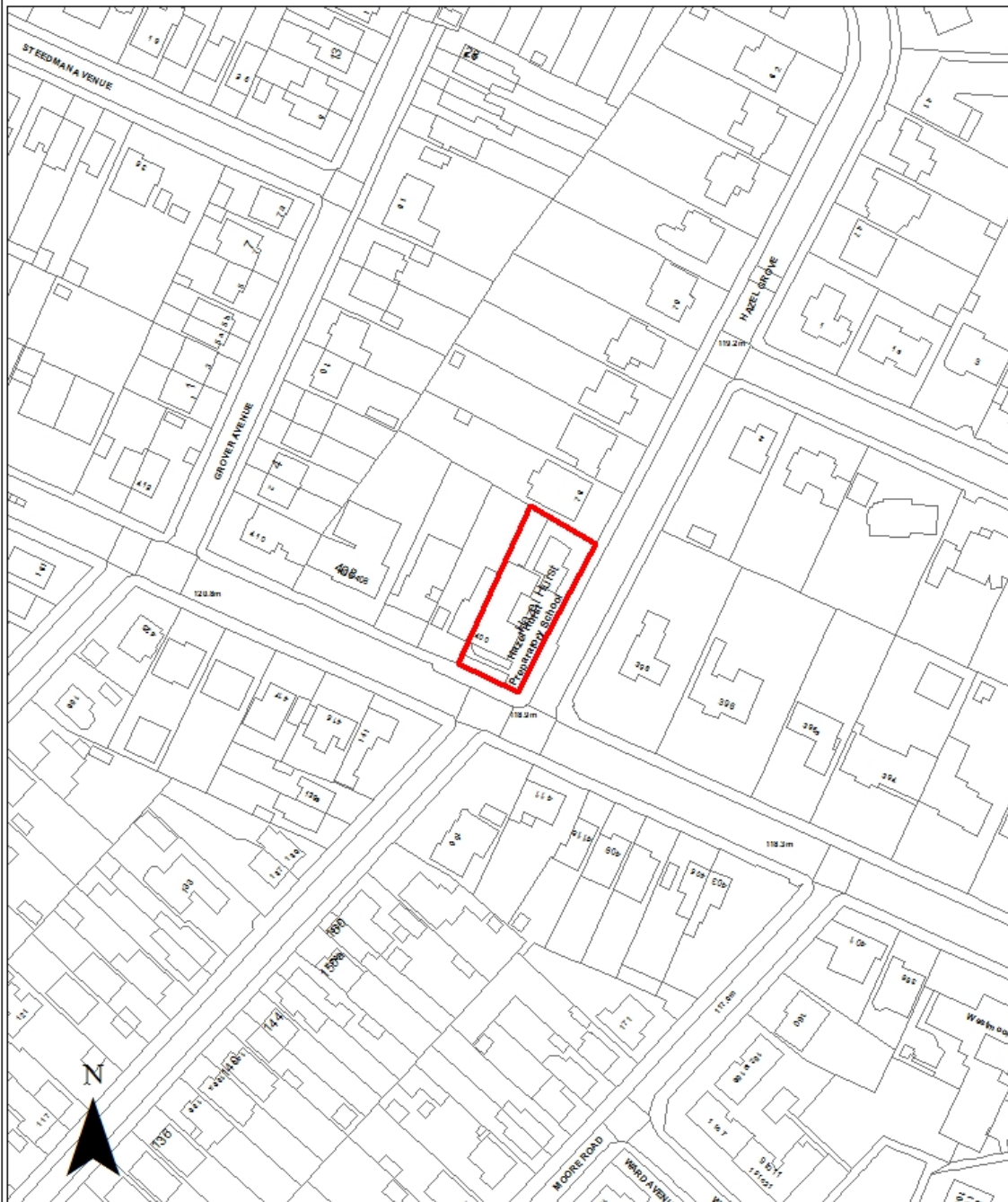
Planning Report for 2018/0296

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Planning Reference: 2018/0296

400 Westdale Lane West

Mapperley



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2018/0296

Location: 400 Westdale Lane West Mapperley Nottinghamshire
NG5 4NN

Proposal: Erection of single storey extensions to the side and rear, installation of canopies, external alterations and buggy store to front, in conjunction with use as a day nursery

Applicant: Mr Robin Batten

Agent: A+G Architects Limited

Case Officer: Graham Wraight

This application is referred to Planning Committee at the request of the Planning Delegation Panel.

1.0 Site Description

1.1

1.2 The site is located on the corner of Westdale Lane West and Hazel Grove and was, until recently, operated as the Hazel Hurst private school. The use of the site falls within the D1 (non-residential institutions) use class.

1.3 The building on the site appears to have originally been constructed as a dwelling which has been subsequently converted to a school and extended to both the side and the rear. Two parking spaces are available on the site, accessed from Hazel Grove.

1.4 The northern and western boundaries are shared with residential properties, whilst the public highway bounds the east and south of the site. The surrounding area is predominantly residential in use, however the site is located within close proximity to the Mapperley Plains local centre.

2.0 Relevant Planning History

2.1 It would appear that the property was being used as a school prior to the current planning system coming into force in 1947. This being the case, there is no planning history relating to the initial change of use to a school and there is no evidence of there being any restrictions on the use at the point that the use was commenced (for example hours of operation or numbers of children).

- 2.2 92/0171 – CLASSROOM EXTENSION & ENTRANCE ATRIUM – APPROVED – This permission was for extensions to the building and was implemented. Condition 2 of the permission states that the maximum number of children who attend the school shall not exceed 75 at any time. This being the case, in planning terms, it is considered that the number of children that can attend the premises in conjunction with a D1 planning use is 75.

3.0 Proposed Development

- 3.1 The application proposes extensions to the side and rear of the building to provide additional floorspace within the property. The existing floorspace is approximately 245m² and the proposed additional floorspace would be approximately 96m². In addition, a small buggy store would be created to the front of the property, two canopies would be created to side elevation and alterations would be carried out including the installation of a ramped entrance and modification to an existing window.
- 3.2 The alterations proposed are to be undertaken in conjunction with the proposed use of the property as a children's day nursery. The change of use of the existing building from a private school to a children's day nursery does not required planning permission as it falls within the same D1 uses class. As a result, the existing property could be used as a children's day nursery without requiring planning permission.

4.0 Consultations

- 4.1 Gedling Borough Council Scientific Officer – no comments relating to land contamination or air quality.
- 4.2 Nottinghamshire County Council Highways – no observations.
- 4.3 Neighbouring properties were notified and a site notice was posted. 16 representations were received as a result and these are summarised as follows:
- Volume of traffic will be increased
 - Blocking of driveways
 - Verbal abuse from visitors
 - Restricted access for emergency services
 - Lack of parking
 - Impact on highway safety from parking on junctions
 - Is there a need for a nursery?
 - Where will families, staff, delivery vehicles etc. park?
 - Increase in noise and disturbance
 - Extensions are oppressive, overbearing and overshadowing
 - Limited areas would be available for children
 - Materials are not suitable for the area
 - Impact upon amenity as there will not be school holiday breaks and hours of use will increase
 - Is there an upper limit on the number of children?
 - Two large trees have been removed
 - Cars blocking pavements
 - Impact upon property value
 - No permission has been sought from local residents

- Increase in the number of children at the property
 - Area is an accident hotspot
 - The site has already been developed to capacity
 - Hearse and cars have nowhere to park when visiting Hazel Grove for a funeral
 - The difference in traffic since the closure of the school has been dramatic
 - Changes are out of character
 - Will not promote healthy lifestyles for children
 - Money appears to be more important than residents
 - Sufficient off-street parking should be provided
 - Contrary to national and local planning policies
 - Facility will be used by commuters and not local families
 - A nursery should not be in the same use class as a school
 - Increase in the number of staff
 - A highways survey should be undertaken
 - This is a residential area
 - A hedge on the boundary belongs to 78 Hazel Grove
 - Access should be taken from the front only and other streets other than Hazel Grove should be used for parking
 - Site is already over-developed
 - A figure of 75 children has been quoted however Department of Education reports and Ofsted Reports show a range of between 35 to 45 children attended the former school
 - Will create poor air quality which will affect children
 - The site is not fit for purpose as a school or nursery, when judged against modern standards
 - A new planning application should be submitted and include the change of use of the building
 - Increased parking will have an impact upon the patients of the dental surgery
 - No benefit to the community
 - Could encourage further commercial developments
 - The application should be referred back to the Highway Authority
 - Inadequate consultation has been undertaken
- 4.4 On 15th June amended plans were provided which reduced the size of the rear extension. A further 7 day re-consultation period was undertaken and 5 representations were received. The following matters were raised in addition to those already listed above:
- Contrary to the Human Rights Act
 - Potential for existing internal areas to be used to accommodate more children
 - Will be unsafe for children to walk to
 - A resident's parking permit scheme is likely to be needed
 - 7 day re-consultation period is not long enough
 - Other nurseries have had to provide car parking

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2012 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework – sets out the national objectives for delivering sustainable development. Sections 4 (Promoting Sustainable Transport) and 7 (Requiring Good Design) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

- Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
- Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.
- Policy 10 –Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design consideration.
- Policy 12 – Local Services and Healthy Lifestyles – extended community facilities will be supported where they meet a local need and the development meets with the relevant criteria.

6.4 Replacement Local Plan 2005

- Saved Policy ENV1 – Development Criteria - sets out the criteria that all new development must meet with respect to design, amenity, access, crime prevention and the management of water resources
- Saved Policy T10 – Highway Design and Parking Guidelines – sets out the highway design and parking guidelines that new development should seek to meet.
- Saved Policy C3 – Nursery Facilities – states that planning permission will be granted for change of use to a day nursery provided that criteria relating to residential amenity, parking and play space are met.

6.5 Local Planning Document (Part 2 Local Plan)

Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF. The Inspector’s report has now been received by the Borough Council and the Inspector has recommended

the LPD is sound and provides an appropriate basis for the planning of the Borough. The policies with the LPD can now be afforded 'significant weight'.

- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 57: Parking Standards – sets out the requirements for parking.
- LPD 61 – Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

7.0 Planning Considerations

Principle of the development

- 7.1 Given the previous planning history of the site and the fact that the use of the premises falls within the D1 planning use class, planning permission is not required to operate a day nursery from this site. It is therefore not considered necessary to assess whether the principle of a D1 use on this site is acceptable.
- 7.2 It is noted that Aligned Core Strategy Policy 12 – Local Services and Healthy Lifestyles states that extended community facilities will be supported where they meet a local need. Reference has been made in representations received from members of the public to there being no need for a day nursery on this site, due to the presence of existing day nurseries in the surrounding area. There is no evidence available to demonstrate whether there is a deficit or surplus of day nursery places available in this area, however a proposal for a new day nursery could not be resisted on business competition grounds, as this is not a material planning consideration. On consideration of this and the existing planning use of the site, it is not considered that the proposal compromises the objectives of Policy 12.

Impact upon residential amenity

- 7.3 The assessment of the impact upon residential amenity must be made against the background of the approved use and the number of children that are permitted to be present. As the number of children would not increase beyond the maximum already permitted at the site, it is not considered that there would be a material impact on residential amenity in terms of noise and disturbance, or from the general operation of a day nursery from this site.
- 7.4 Following concerns raised regarding the proposed rear extension, this has been amended to reduce both its length and its height. The extension would now project approximately 4.5m from the existing rear elevation and be approximately 3 metres in height. The extension would also be set approximately 0.9m from the common boundary with 402 Westdale Lane West, on which a mature hedge is located. Whilst it is noted that the proposed rear extension would be attached to a previous rear extension, it is considered that following the amendments made, it would not have an undue impact on the occupiers of the adjacent dwelling through its massing or through overshadowing. There are no overlooking concerns arising from this element of the proposal. Following the amendments made, the proposed rear extension would be located a significant distance from the dwelling at 78

Hazel Grove and it is not considered that there would be any detrimental impact upon the residential amenity of the occupiers of that property.

- 7.5 The proposed side extension, canopies, buggy store, ramp and window alteration would not, due to their scale and positioning, have an undue impact upon residential amenity.
- 7.6 Concern has been raised by neighbouring residents that the day nursery would operate full time and there would no break in its operation during school holidays. Concern is also raised that the day nursery would operate for longer hours than the school did. Whilst both of these concerns are noted, the day nursey could operate from the existing building without any restrictions on the days it could be used or the hours it could be used. Due to the relatively small floorspace increase that is proposed and that the number of children permitted would not be increased, it is not considered that the operation of the day nursey from the proposed building as opposed to the existing building would have a greater impact upon residential amenity.
- 7.7 It is therefore considered that the proposal accords with the objectives of Saved Policies ENV1 and C3 of the Replacement Local Plan and Policy LPD 32 of the Local Planning Document.

Design and appearance

- 7.8 The proposed extensions have been designed in a contemporary style to include the use of render panelling, flat roofs and aluminium windows. All of the development proposed is single storey in height.
- 7.9 The rear extension is set back into the site and would not have a significant impact upon the existing streetscene. The side extension and canopies would be more prominent however from most vantage points they would be viewed against the existing two storey building. Whilst they would have a visual impact upon the streetscene, it is not considered that their design, scale or positioning would mean that this would be in a manner that would cause visual harm. It is also noted that the site is surrounding by a mature hedge which provides a degree of screening.
- 7.10 It is noted that there are dwellings of contemporary design located in close proximity to the site on the opposite side of Westdale Lane West, however the majority of buildings are of a more traditional design. However, given that the design of the proposal is considered to be acceptable in visual terms and in terms of its relationship to the existing buildings on the site, it is considered that the contemporary approach is appropriate. The use of render is noted on existing properties in the vicinity of the site.
- 7.11 The proposed buggy store would be very small in its scale and would be well screened by the existing boundary hedge. The proposed ramp and window alterations would have no significant visual impact.
- 7.12 It is therefore considered that the proposal accords with the objectives of Section 7 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Saved Policy ENV1 of the Replacement Local Plan and Policy LPD 32 of the Local Planning Document.

Highways matters

- 7.13 The application site has two existing off-street car parking spaces which are proposed to be made available for use in conjunction with the day nursery. Parking on the nearest roads, Hazel Grove and Kent Road, is for the most part unrestricted (although the section of Hazel Grove closest to the site has 'school keep clear' markings) and it is noted that a pedestrian crossing is located on Westdale Lane West immediately opposite the site. Due to the

presence of the pedestrian crossing, parking on Westdale Lane West is not possible in the area closest to the site.

- 7.14 The proposal has been considered by the Nottinghamshire County Council (the Highway Authority) who have advised that they do not wish to make any observations on the proposal.
- 7.15 Representations have been made by members of the public that the application should be referred back to the Highway Authority due to there being Department of Education reports and Ofsted reports that suggest that fewer children were actually taught at Hazel Hurst School than the 75 that were permitted under the 1992 planning permission. However, the plans that the Highway Authority considered clearly denote how many children are proposed to be present at the property (the original plans show 70 children but this has been since be revised down to 61, due to the proposed rear extension being reduced in size).
- 7.16 Department of Education and Ofsted requirements fall under separate, non-planning legislation, and are not relevant to the assessment of this proposal in planning terms. Whilst fewer children may have been taught at the property in the past, from a planning point of view up to 75 children are permitted. It is considered that adequate information was available to the Highway Authority in order for them to make a considered judgement of the impact that the proposal would have upon highway safety and the surrounding highway network. The Highway Authority will also have been aware that this application is not for a change of use of the existing building as it falls within the same use class. Having assessed the proposal the Highway Officer has advised that the Highway Authority does not wish to make any observations on the proposal and therefore no objection has been raised.
- 7.17 It is noted that the proposal would increase the floorspace available on the site and concern has been raised by local residents that this would lead to an intensification in the use of the site and to a greater number of movements to and from the site. Concern has been raised by residents that this would worsen parking issues on Hazel Grove and adjacent roads. Whilst this concern is noted, the plans submitted show that the day nursery would provide space for up to 61 children, whereas the approved use of the site is for up to 75 children. As a result there would not, in planning terms, be an intensification in use of the site. However given that the current proposal would increase the floorspace available and in light of the concerns that the use could intensify above that which is already permitted, it is considered reasonable and necessary to impose a planning condition on any new permission granted to restrict the number of children that can be present on the premises at any one time.
- 7.18 In light of the above matters it is considered that the highways impact of the proposal has been fully considered and that the impact upon highway safety and the surrounding highway network would not justify the refusal of planning permission for this proposal. It is therefore considered that the proposal accords with the objectives of the Section 4 of the National Planning Policy Framework, Replacement Local Plan Saved Policies T10 and C3 and Local Planning Document policies LPD 57 and LPD 61.

Other matters

- 7.19 Representations have been received from the occupiers of adjacent properties that the site does not meet the modern requirements for a day nursery, in particular with regard to its relationship to existing residential properties and in terms of the amount of off-street car parking that is

available. These points are accepted as being valid considerations and in the event that the site did not already have a D1 planning use class they may indeed be sufficient to resist any planning application that proposed the change of the use of the building to this use. However, the current planning application does not seek to change the use of the building as no change of use is required to operate the day nursery. Furthermore, there would not be an increase in children beyond the number which planning permission has already be granted for. In light of these considerations, the principle of the suitability of this site for operation within the D1 use class does not fall to be considered.

- 7.20 The blocking of private driveways or pavements by people who choose to park in such locations is not a planning matter, nor is any potential verbal abuse that may arise between parties as a result. It is not considered likely that parking arising from this use would compromise the ability of the emergency services to attend to other properties in the vicinity. External space is available for children to play outside and this appears reasonable, however the amount and suitability of this to meet the needs of the number of children proposed would be subject to control under non-planning legislation and standards.
- 7.21 It is noted that two trees have recently been removed from the site but this not relevant to the consideration of the merits of the current planning proposal. Loss of property value is not a material planning consideration and therefore can be considered as part of the determination process. There is no requirement for an applicant to seek permission from local residents before they submit a planning application. On the basis of the considerations outlined above it is considered that the proposed development can be accommodated on the site and that the site would not be overdeveloped as a result. Reference has been made to an occasion where parking on Hazel Grove blocked access to a hearse, however this instance could not justify the refusal of planning permission for the current proposal.
- 7.22 It has been observed by local residents that the amount of traffic has reduced since the school closed, however operations within the D1 use class could be resumed at any point. It is unclear as to why there is concern that the development may not promote healthy lifestyles for children however the specifics of this would not be a planning matter. The planning application must be considered upon its own merits and the financial interests of any parties involved are not a material planning consideration. Whether the day nursery is ultimately used by commuters or local residents is not a material planning consideration, nor is the opinion that has been offered by local residents that a day nursery should not fall within the same planning use class as a school. There is no basis for asking the applicant to withdraw the application and submit a new application for a change of use of the building when a change of use is not required.
- 7.23 The ownership of boundary hedging is a private legal matter between the parties involved. The impact of the proposal upon the patients of the nearby dental practice who may also park on Hazel Grove is not a material planning consideration. The Council's Scientific Officer has advised that there are no concerns relating to air quality that arise from this proposal. It is not necessary for the applicant to demonstrate whether there would be a benefit for the local community in order for a planning application to be considered favourably. Any proposals for commercial developments on other sites would be considered upon their own merits. The public consultation that has been

undertaken meets with the requirements of the Development Management Procedure Order 2015 and has included neighbour letters and the display of a site notice. The 7 day re-consultation period is considered to be proportionate to the scale of the amendments that were made to the plans.

- 7.24 It is not considered that the approval of this planning application would be contrary to the Human Rights Act. As the number of children would be limited to 75, the future conversion of internal areas to be used for childcare would not allow for an increase in numbers of children at the property. It is not considered that the site is unsafe for children to walk to. There is no permit parking scheme in place immediately adjacent to the site and the potential for there to be one in the future cannot be considered as part of the planning determination process. Planning applications for other nursery sites will be considered upon their own merits, however for the reasons set out above it is considered that the matter relating to parking has been addressed in relation to this planning application.

8.0 Conclusion

- 8.1 The site has an existing unrestricted use within planning use class D1 and planning permission is not required to change the use of the building to operate a day nursery. Subject to a condition restricting the number of children that can attend the premises, it is not considered that the impact of the proposed development would be materially different than that which would arise from the use of the existing building, in terms of the impact upon residential amenity and highway safety. The proposal is considered to be acceptable in design terms and would not cause harm to visual amenity of the surrounding streetscene.
- 8.2 For the reasons set out above, the proposal would accord with the objectives of the National Planning Policy Framework, Policies A, 1, 10 and 12 of the Aligned Core Strategy, Saved Policies ENV1, T10 and C3 of the Replacement Local Plan and Policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document (Part 2 Local Plan).

9.0 Recommendation

Grant planning permission subject to conditions;

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the following plans submitted to the Local Planning Authority; 001 RevC, 100 Rev B, 101 Rev C, 125 Rev B, 126 Rev C, 150 Rev C and 151 Rev C received on 15th June 2018 and the buggy store details received on 3rd April 2018.
3. The maximum number of children on site at any time shall not exceed 75.
4. The extensions shall be rendered in accordance with the approved plans prior to being brought into first use.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.
3. To ensure that the number of children permitted at the property is not increased, in the interests of the residential amenities of adjacent occupiers and to ensure that there is not a material change in the amount of vehicular activity.
4. In the interests of visual amenity.

Reasons for Decision

The site has an existing unrestricted use within planning use class D1 and planning permission is not required to change the use of the building to operate a day nursery. Subject to a condition restricting the number of children that can attend the premises, it is not considered that the impact of the proposed development would be materially different than that which would arise from the use of the existing building, in terms of the impact upon residential amenity and highway safety. The proposal is considered to be acceptable in design terms and would not cause harm to visual amenity of the surrounding streetscene. For these reasons, the proposal would accord with the objectives of the National Planning Policy Framework, Policies A, 1, 10 and 12 of the Aligned Core Strategy, Saved Policies ENV1, T10 and C3 of the Replacement Local Plan and Policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document (Part 2 Local Plan).

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Following concerns raised about the impact of the rear extension, amended plans have been received which have successfully overcome this concern.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.