



Planning Report for 2021/0238

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Planning Reference: 2021/0238
19 Thackareys Lane
Woodthorpe



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Report to Planning Committee

Application Number: 2021/0238

Location: 19 Thackerays Lane Woodthorpe

Proposal: Extension to existing Coteswood House Pre-School and Day Nursery, to provide extended ground floor class room, office, kitchen & covered play area, incorporating extension to first floor class room

Applicant: Mr O Wastell

Agent: Mr A Allison Ryeland Design

Case Officer: Cristina Dinescu

This application has been referred to the Planning Committee by the Planning Delegation Panel to consider the impact on highway safety and the residential amenity of neighbouring occupiers.

1.0 Site Description

- 1.1 The application site, no.19 Thackerays Lane, is a two-storey detached building, in use as a day nursery with 40 child places, located within the built up area of Woodthorpe. The property is adjoined to by two-storey detached dwellings at no's 17 (west) and 21 (east) Thackerays Lane. To the rear (north), the property is adjoined by the rear garden of no.2 Park Avenue.

2.0 Relevant Planning History

- 2.1 94/1789 – Planning permission was granted for change of use of first floor rooms from storage to computer room. Condition 2 restricts the number of pupils to no more than 40 to be accommodated at the school at any one time.

3.0 Proposed Development

- 3.1 Planning permission is sought to erect a two storey rear extension. The extension would increase the class room capacity which in turn would increase the number of children on site at any one time to 48.
- 3.2 The extension would have dual pitched roof, a single storey element to the west with flat roof and an enclosed courtyard to the rear. The extension would measure 6.0m in depth, 8.45m in width, 2.48m at eaves height and 7.5m at ridge height from ground level. The single storey element would measure 2.1m in depth, 2.8m in height and 1.5m in width. External materials would be

off-white render, small areas of timber cladding and dark grey engineering bricks.

- 3.3 An Operator Statement has been submitted in support of the proposal outlining the following:
- The planned extension would allow to increase provision from 32 full-time places to 48;
 - The nursery is a term-time only setting at the moment with 70-75 children on the register as many parents only access the free 15/30 hours per week;
 - The intention is to open full time which will attract more children whose parents work full time thereby increasing the average hours attended per child per week;
 - The increase in number of places will be off-set by a drop in the number of children on the register and by extending the openings hours to 7:00 am and 6:00 pm, therefore the increase in traffic to and from the site would not be significant;
 - Additional 2-3 staff would be required which would take the staff requirement from 8 to a maximum of 11;
 - The majority of the staff live local and either walk or get the bus to get to the nursery; and those that do drive park outside the nursery or use one of the nearby streets to park;
 - The nursery has a 'Drop off and Collection Policy' which could be updated to advise parents where to park when dropping off and collecting;
 - The government funded childcare is offered between the hours of 9:00 am to 4:00 pm;
 - It is expected that when transitioning to a full-time setting there would be more children starting before 9:00 am and more finishing after 4:00 pm given that the average person works 9-5 and they need time to get to and from work after drop-off and collection;
 - 20-30% of the places, when transitioning to a full-time setting, would be kept available for 8am to 6pm sessions.

4.0 Consultations

- 4.1 The Highways Authority – Raises no objection and has provided a comprehensive response below:

It is understood that the nursery is proposing to expand its facilities and full time spaces for children are to increase from 32 to 48.

At present there are 70 to 75 children on the register, of which a large number are part time with parents accessing their free child care of 15/30 hours per week, which has the potential to generate large numbers of dropping off and picking up between the hours of 9am and 4pm each week day when the nursery is currently open. There is no parking on site and never has been to serve the nursery which has been a business for many years and there have been no highway safety problems that we are aware of during this time. Information that has been supplied by the Nursery suggests that at present the majority of children are 'dropped off 'around 9am in morning Peak Hour Traffic and 'picked up' at 4pm start of Peak traffic in pm

The proposal to increase full time places and increase the time that the Nursery is open should not have a detrimental effect on the highway as there should be less traffic wishing to access the Nursery at traffic peak times of the day. Drop off and pick up times will be extended as the nursery is proposed to open at 07:30 and close at 18:00 giving more flexibility to parents which will possibly stagger their timings when accessing and egressing the nursery as they will not all be arriving and leaving at the same time.

Car Parking is available within walking distance (Thackerays Lane Recreation Ground) and there is safe accessible parking on the highway on roads in the vicinity of the proposal to allow dropping off and picking up of children who are transported by vehicle to the Nursery.

Bus companies provide regular services along Thackerays Lane which allow more sustainable modes of transport, and there is also a pedestrian crossing facility near the nursery to aid pedestrians to cross Thackerays Lane in a safe manner.

It has been raised that there have been some issues with the blocking of neighbouring accesses at times, this is not a highway safety concern but it is an offence to park on footways and/ or block vehicular accesses and is a Police matter.

There is available parking in the vicinity within walking distance and it is suggested that the applicant deters all parking outside the Nursery.

It is suggested that owners of vehicles could be deterred from parking in front of vehicular accesses by introducing lining and this would need to be provided for, by the applicant, in conjunction with the County Council to deter any errant parking. (A note to applicant is attached in relation to the above matter).

4.2 Environmental Health – We have not received any noise complaints regarding the premises so it seems unlikely to cause any problems but if we received complaints we could investigate it as a statutory nuisance.

4.3 Adjoining Neighbours have been notified by letter and a Site Notice posted. 5 letters of representation have been received as a result raising the following concerns:

- *The proposal would result in increasing the number of children and therefore increased parking issues and increased risk of accidents;*
- *Parents block access to neighbouring properties;*
- *There are no barriers outside the nursery to stop the children running into the road, no zig zag lines and no signage advising drivers to slow down;*
- *Increased CO2 pollution in the area;*
- *Overdevelopment;*
- *Impact on residential amenity by level of noise, activity on site and generation of traffic.*

- 4.4 Following submission of the Operator Statement, adjoining neighbours have been re-consulted. 2 further letters of representation were received as a result raising the following concerns:
- On-pavement parking is not allowed and there should be signs restricting this;
 - The 'Drop-off and Collection Policy' should be clearer in advising parents not to block neighbouring driveways and not to park their vehicles straddling the pavements;
 - Operating on a full time basis would add to the frequency of disturbance for residents;
 - Number of places should be controlled by the Local Planning Authority.
 - The increase in number of children would lead to over-intensification of use and consequent unacceptable impacts on neighbours' residential amenity.
- 4.5 Further to submission of revised proposed elevations, adjoining neighbours have been re-consulted and 2 letters of representation were received as a result, raising the following concerns:
- Increasing the number of places would increase on-street parking;
 - Increased highway safety issues;
 - Increased pollution and noise by increased traffic;
 - Increased playground activity;
 - Overlooking;
 - Building activity and mess during construction works.

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 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 development plan unless material considerations indicate otherwise".

6.0 Relevant Planning Policy

- 6.1 The following policies/documents are relevant to this proposal:

6.2 National Planning Policy Framework (2021) (NPPF)

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. Section 2 Achieving sustainable development, Section 6 Building a strong and competitive economy, Section 8 Promoting healthy and safe communities, Section 9 Promoting sustainable transport, Section 12 Achieving well-designed places.

6.3 Gedling Borough Aligned Core Strategy

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

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 are located in sustainable locations

6.4 Local Planning Document (LPD)

LPD 32 Amenity – Planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents.

LPD 46 Expansion of Existing Employment Use Not in the Green Belt – planning permission will be granted for development proposals that would not cause a significant adverse impact on the amenity of nearby residents or occupiers and the proposal does not have a detrimental effect on highway safety.

LPD 57 Parking Standards – sets out the requirement for parking. In this instance day nurseries are required to provide one car space per member of staff plus one additional space to allow for shift changes or as otherwise agreed by the local planning authority.

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

Impact on character and appearance of the area

- 7.1 The proposed extension would be located to the rear of the existing building, it would have a dual pitched roof with similar eaves height and lower ridge height and would be constructed of similar external materials. Other properties on the same side of Thackerays Lane are characterised by being detached and designed individually, some having extensions that are subservient in appearance and of a limited scale. It is considered, given the location proposed, scale and design, the proposed extension would be visually acceptable and in keeping with the character of the host property and the wider area. The proposal would therefore be in accordance with the NPPF Section 12, Policy 10 of the Aligned Core Strategy and Policy LPD 46 of the Local Planning Document.

Impact upon residential amenity – Extension

- 7.2 The proposed development comprises a two storey rear extension with a single storey element to the west (towards the boundary with no.17 Thackerays Lane). The single storey extension would have a flat roof and would measure 2.8m in height and 2.1m in depth. The two storey extension

would measure 6.0m in depth, 2.4m at eaves height and 7.5m at ridge height (lower than existing).

- 7.3 The extension would include an open courtyard area at first floor level beneath the roof with an opening in the western roof slope that would be approximately 1.8m in height from first floor level. There would be additional roof lights on both roof slopes (east and west facing) but these area again high level.
- 7.4 The distance from the side elevation of the two storey extension to the boundary with no.17 Thackerays Lane, which is comprised of a hedge, would be approximately 1.9m.
- 7.5 No.17 has a flat roof extension set on the common boundary with the application site and an outbuilding adjacent to the proposed two storey extension.
- 7.6 The distance to the boundary with no.21 Thackerays Lane to the east would be a minimum of 2.5m. There is a combination of hedge and close boarded fence along the common boundary.
- 7.7 The boundary hedge on the western, eastern and northern boundaries is proposed to be retained.
- 7.8 It is considered, given the nature and size of the proposed extension together with its location, location of proposed openings, separation distances and relationship with adjoining properties, the proposed extension would not result in a significant undue overlooking, overbearing and overshadowing impact on the residential amenities of the occupiers of any adjacent properties.

Impact upon residential amenity – Increase in number of places

- 7.9 The proposal would also involve increasing the number of children on site at any one time to 48. The nursery is currently limited to 40 at any one time by Condition 2 of planning permission 94/1789. However, the size/available floor area of the property currently further limits the number to 32.
- 7.10 Given the comments received from the Environmental Health Officer, it is considered the increase to 48 children, compared to the current capacity, would represent a relatively small increase which is unlikely to result in any significant increase in harm to the amenity of neighbouring occupiers.
- 7.11 It is considered, given the relatively small increase in number of places proposed and relationship with adjoining residential properties, the proposal to increase the number of places is acceptable from a residential amenity perspective. Nonetheless a condition would be attached to any planning permission limiting the number of children at the day nursery at any one time to no more than 48.
- 7.12 Taking the above matters into consideration the proposal would be in accordance with policy LPD 32 and LPD 46 of the Local Planning Document.

Highway safety and parking provision

- 7.13 The proposed development would involve increasing the number of children on site at any one time to 48 and also expanding the opening times to 7:00am and 18:00pm.
- 7.14 The property has a driveway and vehicular access however the driveway is not used to park cars off-street and, as advised by the applicant, the staff employed at the nursery either live locally and walk to work or park on the roads nearby.
- 7.15 The nursery is located in a sustainable location, close to the Council operated public car park at Thackerays Lane Recreation Ground approximately a 2 minute walk away, and a bus stop opposite the site.
- 7.16 Currently the nursery has a capacity of 32 places. But due to it being a term-time only setting and having a significant proportion of the places occupied by children that only use the free funding available from the government, the nursery has 70-75 children on the register and the majority of comings and goings to and from the site take place around 9 am and 4 pm.
- 7.17 The proposed extension would increase the net capacity of the nursery to 48 places which the applicant is envisaging would attract children whose parents would need full time childcare cover and by extending the openings hours to 7 am and 6 pm. This would promote more staggered drop-off and collection times, with an increase in movements outside traffic peak times.
- 7.18 It is noted that the nursery could currently operate during school vacations but the applicant chooses not to due to the current size constraints of the building. It is however likely that care during the school vacations will be offered in the future should this application be successful.
- 7.19 Children being dropped off at the site this would operate on a drop-off basis in that parents vehicles would not enter the site and would remain on the highway.
- 7.20 Notwithstanding the parking requirements set out in LPD 57, it should be noted that there are no parking spaces on site and this has been the case for the existing nursery that has operated for a significant period of time. Whilst Policy LPD 57 sets out parking requirements it is caveated in that alternative levels of provision as agreed by the local planning authority may be acceptable. It should also be noted that there is no requirement for visitor parking spaces by this Policy.
- 7.21 The applicant has stated that the staff live local and adopt sustainable travel patterns.
- 7.22 The Highway Authority has confirmed that they are not aware of any instances of highway safety matters relating to the operation of the site. This coupled with the modest increase in children on site it is considered to be a scenario when the discretion element of LPD 57 is triggered and in this instance no on-site parking provision is an acceptable on-going arrangement.

- 7.23 Children's nursery uses by definition result in a number of comings and goings to the site for drop off purposes. This cannot be avoided. The main consideration is whether or not this causes any significant harm to highway safety.
- 7.24 The National Planning Policy Framework is quite specific in relation to highway matters and states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 7.25 Given the comments received from the Highways Authority, the fact that the site has operated for a significant period of time, albeit with a lower number of children's places, and the sustainable location of the nursery, it is considered the proposed development would be acceptable from a highway safety/capacity perspective.
- 7.26 Taking the above matters into account in that vehicle drops would be of limited duration and would be spread between 7am and 6pm it is considered that the proposed development would accord with LPD 57- Parking Standards, LPD 61 Highway Safety, Policy 12 of the Gedling Borough Aligned Core Strategy and the relevant section of the NPPF and would be acceptable from a highway safety perspective.

Other matters

- 7.27 With regards to air pollution, the comments received from neighbours in this regard are noted, however, whilst it is accepted that the increase in number of places is likely to generate more car movements, the level of air pollution would not increase significantly so as to warrant a refusal.
- 7.28 Whilst the proposal comprises a two storey rear extension and the increase of number of places to 48, given the size of the application site and the scale and size of the proposed extension, it is considered the proposed development would not result in overdevelopment of the site.
- 7.29 The neighbours' concerns regarding parents blocking accesses to neighbouring properties at drop off and collection times are noted. But this is not a planning matter. The planning authority has no control over indiscriminate parking. It is recommended that a note to applicant is attached to any grant of planning permission explaining the process by which occupiers can have "H" bar markings placed over drive ways to inform drivers that they should be left clear.

8.0 Conclusion

- 8.1 Taking the above into account, it is considered the proposal would be visually acceptable and in keeping with the character of the host property and the wider area, it would not result in a significant undue impact on residential amenity and it would be acceptable from a highway safety perspective; in accordance with the NPPF Section 2, 6, 8 and 12, Policy A, Policy 10 and Policy 12 of the Gedling Borough Aligned Core Strategy and policies LPD 32,

LPD 46, LPD 57 and LPD 61 of the Local Planning Document and planning permission should be granted.

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 application form and deposited plans, drawing no's RDS11563/07(a), RDS11563/05(c) and RDS11563/01(_), received on 9th March 2021, and drawing no. RDS11563/06(d) received on 2nd August 2021. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 The day nursery shall have no more than 48 children in their care on-site at any one time.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development in accordance with the aims of policy LPD 32 of the Local Planning Document.

Reasons for Decision

It is considered the proposal would be visually acceptable and in keeping with the character of the host property and the wider area, it would not result in a significant undue impact on residential amenity and it would be acceptable from a highway safety perspective; in accordance with the NPPF Section 12, Policy 10 of the Aligned Core Strategy and policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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.

An appropriate measure to help alleviate residents' difficulties with vehicle access / egress to properties can be the provision of advisory 'H bar markings' and these can be provided in line with the County Council's charging policy on request from the applicant/owner/occupier of Coteswood Nursery. Requests can be made through Nottinghamshire County Council's customer service teams on 0115 500 80 80 or via <https://www.nottinghamshire.gov.uk/contact-and-complaints/contact-us/contact-us>. Please note that the applicant will need to liaise with the owner/occupier of no's 17 and 21 to agree that the application can be made, and all costs are to be borne by the applicant/owner/occupier of Coteswood Nursery.

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.