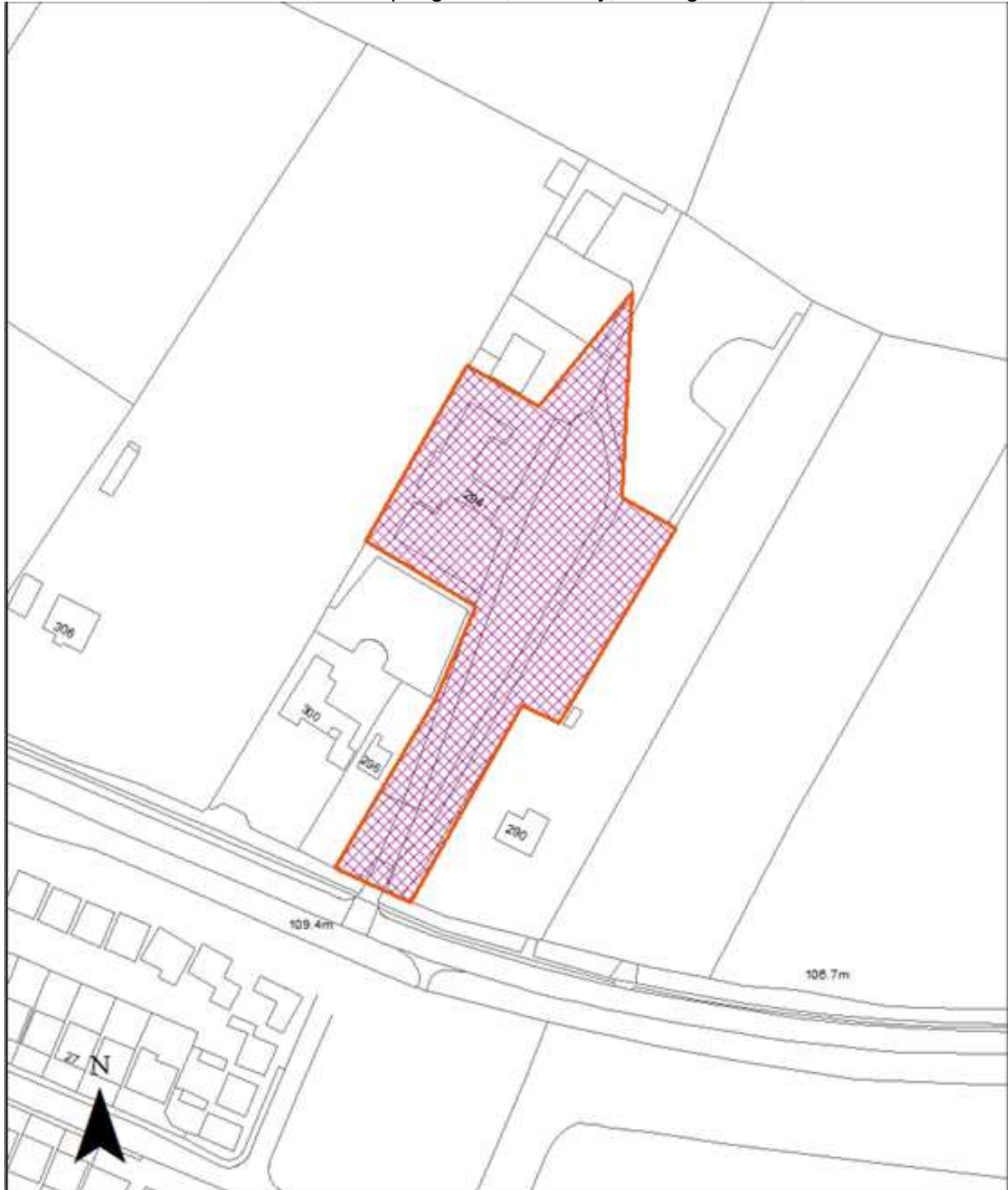




**Application Number:** 2014/0579

**Location:** 294 Spring Lane, Lambley, Nottinghamshire, NG4 4PE.



**NOTE:**

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## **Report to Planning Committee**

<b>Application Number:</b>	2014/0579
<b>Location:</b>	294 Spring Lane, Lambley, Nottinghamshire, NG4 4PE.
<b>Proposal:</b>	Change of Use at Aspect Court from B1 office unit to D1 nursery/daycare unit.
<b>Applicant:</b>	Mr & Mrs Roland Spencer
<b>Agent:</b>	Mr John Chrich

The application is being reported to the Planning Committee as the applicant is an elected member.

### **Site Description**

The application site relates to 294, Spring Lane, which is also known as Aspect Court. The building is a barn conversion which was undertaken in 2006. The building was previously occupied as a B1 (a) office. The access to the site is via Spring Lane, there is an in and an out access arrangement to the site. There is an existing car parking area serving the building. The building sits some distance to the rear of 300, Spring Lane, a residential property. There are other residential properties adjacent to the site along Spring Lane. The site is situated within the Green Belt for Nottingham.

### **Proposed Development**

Full planning permission is sought for the change of use of 294, Spring Lane from an office use falling within Class B1 (a) (Business Use) to a children's day nursery falling within a Class D1 (Non Residential Institution) use.

No extensions or external alterations are required to the premises.

The existing access arrangements and the parking area serving the building will be utilised. There are in total 21 car parking spaces which includes 2 disabled car parking spaces.

No external play area is proposed to be provided to serve the nursery.

### **Consultations**

Lambley Parish Council – no objections.

NCC Highway Authority – no objections.

Following the receipt of comments from neighbouring residents in respect to the traffic issues arising from the proposal the following comments were received;

The nursery would require 1 car parking space per 6 children which would amount to 6 spaces based on 32 children at the nursery. The number of staff proposed are 10 which are full and part time, therefore all staff will not be there at the same time, however if 10 staff were at the site at the same time and required a car parking space, 10 spaces would be used by staff which would leave 3 remaining spaces and therefore there is more car parking being provided at the site than actually required.

Neighbouring residents have been notified by letter and a site notice has been posted – I have received two letters of representation as a result. The contents of these letters are summarised below:

There is no required need for another day nursery in the area.

The proposal may jeopardise other businesses within the area as there would be competition.

The data stating traffic movements is misleading and unrealistic as it makes the assumption that children at the nursery will stay all day.

There is no outdoor play area being provided. This is a requirement by Ofsted. If a play area is provided, this could restrict traffic flows and parking. No details have been put forward which specify the age groups of the children that the nursery will cater for and it is this which will determine the number of staff on duty at any one time.

No information has been put forward in respect to the traffic movements to and from the site.

There will be a lack of parking to serve the facility and traffic movements are likely to be much higher than the previous use of the site.

Buses to the site are infrequent and given the operating times of the premises it is possible that all staff will need a car parking space.

If the access roadway is blocked by one visitor, this could lead to traffic backing up onto Spring Lane.

The proposal could result in accidents along Spring Lane.

There is a lack of information in which to determine the application.

### **Planning Considerations**

The main considerations in the determination of this planning application are whether the proposal is appropriate development within the Green Belt, the impact of the proposal on the open character of the Green Belt, the suitability of the proposed use in this location, the sustainability of the use, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising from the proposal.

As such the following policies are relevant in the determination of the application:

National Planning Policy Framework 2012:

NPPF Paragraphs 18 - 22 (Building a strong, competitive economy)

## NPPF Paragraphs 79 to 92 (Protecting Green Belt Land)

Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008)

### Policy C3 (Nursery Facilities)

#### Gedling Borough Aligned Core Strategy

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD) which it considered to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

It is considered therefore that the following policies are relevant:

- ACS Policy A (Presumption in Favour of Sustainable Development);
- ACS Policy 3 (The Green Belt);
- ACS Policy 12 (Local Services and healthy Lifestyles)

#### Appropriateness of the proposal in the Green Belt

I am satisfied that the proposed change of use of the building, given that the proposal relates to the re-use of a building and the building is of a permanent and substantial construction, constitutes appropriate development within the Green Belt and therefore very special circumstances are not required to be demonstrated in an attempt to justify the proposal.

I am also mindful that as the roadway and the car parking area into the site are existing, the proposal does not relate to a change of use of the surrounding land and therefore these areas do not need to be assessed as part of this planning application as being inappropriate development, for which special circumstances would need to be demonstrated.

#### Impact on the open character of the Green Belt

In my opinion given that the proposal relates to the use of the existing building, the proposed use of the building will result in no greater impact on the open character of the Green Belt than the existing use of the premises.

I note that the site is served by an in and out access road to the premises and a car parking area also serves the building. In my opinion as these elements are existing, the use of these areas will result in no greater impact on the open character of the Green Belt than the existing use of these areas for access and car parking purposes.

#### Suitability and sustainability of the proposal

The NPPF places emphasis on supporting sustainable economic growth and both the NPPF and ACS Policy 1A refer to a presumption in favour of sustainable development.

Policy C3 of the Replacement Local Plan permits change of use to a day nursery provided residential amenity is not unduly affected; there is adequate parking/access and adequate enclosed garden space. ACS Policy 12 seeks to locate community facilities within centres where appropriate or in locations accessible by a range of sustainable transport modes. Similarly, paragraph 6.17 of the Replacement Local Plan which supports policy C3 of the Replacement Local Plan stresses the importance of nursery facilities being accessible by public transport but notes that sites removed from local centres may be acceptable subject to other requirements set out in Policy C3.

The site is located on Spring Lane which is served by a frequent bus service and a bus stop is within walking distance of the site. The site is also close to the urban area of Arnold and to a significant amount of new housing development which has taken place on the Ashwater Drive/Spring Lane which is almost opposite on the other side of Spring Lane.

I would therefore consider that the site is reasonably accessible by bus and that the site being in close proximity to a sizable residential area is within walking/cycling distance of its likely catchment area.

Given the above therefore I am satisfied that the site is suitable for the proposed use as a nursery and the site is located within a sustainable location.

#### Impact on neighbouring properties

I am satisfied given the location of the building in question and the fact that the proposal relates to the internal use of the building only and its proximity to neighbouring properties, there will be no undue impact on neighbouring properties.

I am satisfied that the use of the access roadway and the parking area to serve the nursery will result in no undue impact on the amenity of neighbouring properties, given that these areas served a previous commercial use and the distance of these areas to neighbouring properties.

#### Impact on Highway Safety

I note that the Highway Authority has raised no objections to the proposal. I also note following the referral of the comments to the Highway Authority by neighbouring residents in respect to highway issues affecting the site, the Highway Authority

remain of the opinion that there will be no highway safety issues arising from the proposal and there is an adequate amount of car parking to serve the nursery.

I note the comments of the neighbouring resident in respect to the lack of information supplied in respect to the age groups of the children that the nursery will cater for. I consider given that the application specifies that there will be a maximum of 10 staff and 32 children, the actual ratio of the amount of children to staff could be accommodated within these specified numbers and there would remain an adequate amount of car parking and drop off points within the site to accommodate the level of staff and children proposed to be at the site at any one time.

I am therefore satisfied, given the above, that there would be no highway safety issues arising from the proposal.,

### **Other considerations**

I note that policy C3 states under criterion (c) that an adequate amount of play space should be provided to serve a nursery and the proposal under consideration does not include the provision of any outdoor play areas to serve the nursery.

I appreciate that the proposal does not include the provision of an outdoor play area and therefore the proposal would not accord with criterion (c) of policy C3. I do not however consider that it would be reasonable in this instance to refuse permission on the grounds of the lack of an outdoor play area to serve the nursery facility given that the building is of an adequate size to accommodate a play area within the building and I consider therefore that this would partially fulfil the aims of criterion (c) of policy C3.

Should Members be minded to grant planning permission for the proposed conversion of the existing building to a nursery it is likely that a subsequent application would be required to be submitted for an outdoor play area to serve the nursery facility. Should in the future a proposal be put forward for an outdoor play area to be provided to serve the nursery facility this would need to be assessed on its own merits in terms of the appropriateness of such a proposal and its potential impact on the open character of the Green Belt and indeed on neighbouring properties.

I also note that a neighbouring resident has alleged that Ofsted require an outdoor play area to be provided to serve the nursery. I would advise that this would be controlled under separate legislation and should this be the case, planning permission would not override any legal matters affecting the application site and the proposal put forward.

The issues regarding potential competition with existing nursery accommodation within the area is not a material consideration in the determination of the application.

Accordingly for the reasons outlined above I recommend that planning permission be granted.

## **Recommendation:**

**GRANT PLANNING PERMISISON:** subject to the following conditions:

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be undertaken in accordance with the details as set out within the application forms received on the 15th April 2014, the plans received on the 15th April 2014, the plan received on the 30th May 2014, the Planning Statement received on the 15th April 2014 and the e-mail received from the applicant's agent confirming that paragraph 5.6 of the Planning Statement should specify that there would be a maximum of 10 full time and part time staff employed at the nursery.
3. There shall only be a maximum of 32 children accommodated at the premises at any one time.
4. The premises shall only be used as a children's nursery falling within a Class D1 (Non-Residential Institutions) use under The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and for no other use.

### **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 ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons for Decision**

The proposal is appropriate development within the Green Belt, results in no undue impact on the open character of the Green Belt or neighbouring properties and the proposal is acceptable from a highway safety viewpoint. The proposal therefore accords with policies contained within the Aligned Core Strategy, the National Planning Policy Framework and largely accords with policy C3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

## **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.