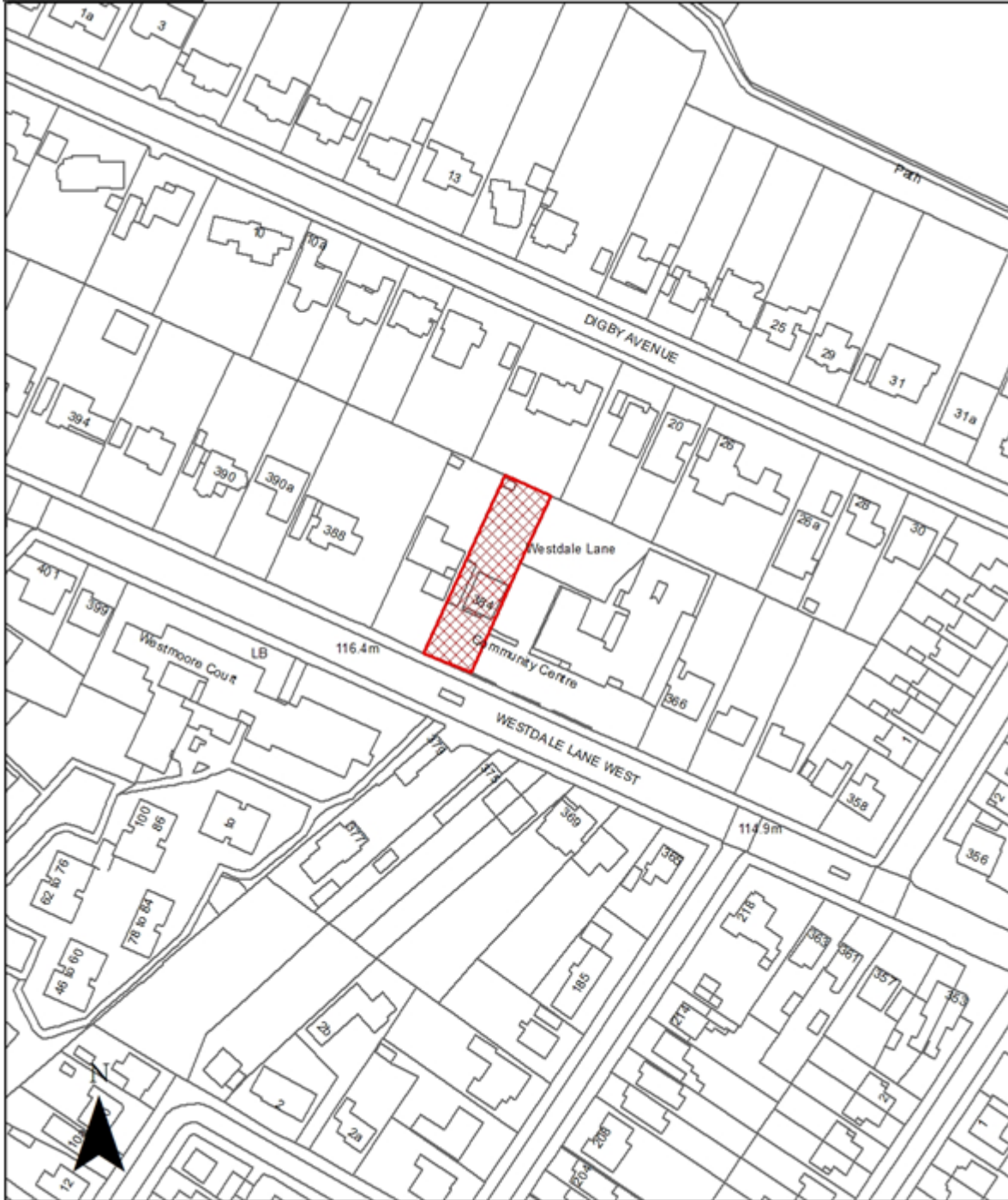


**Application Number:** 2014/0864  
**Location:** 384 Westdale Lane West Mapperley Nottinghamshire NG3 6ES



**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. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

**Application Number:** 2014/0864  
**Location:** 384 Westdale Lane West Mapperley Nottinghamshire NG3 6ES  
**Proposal:** Change of Use from residential to day nursery  
**Applicant:** Mrs Maria Fullwood  
**Agent:**

### **Site Description**

#### **Site Description**

The application site, no.384 Westdale Lane, relates to a large two-storey detached residential dwelling within the urban residential area of Mapperley. The property is set back from the adjoining highway with an area of vehicle hard standing and landscaping to the frontage. There is an attached double garage on the northwest side elevation. The property has a rear garden area that measures approximately 12m in width by 23m in depth. There is mature vegetation along the northwest and northeast boundaries of the site. To the rear of the garden area are a shed and a summerhouse. Residential properties adjoin the application site. On the southeast boundary are a Church / Community Centre on Westdale Lane and Digby Avenue.

#### **Proposed Development**

Planning permission is sought for the change of use of the residential dwelling into a children's day nursery to accommodate 30 children. There would be equivalent to 8 full time staff employed at the premises. It is proposed that the nursery's hours of operation would be: 7:30hrs to 18:30hrs Mondays to Fridays and it would not be operated on Saturdays, Sundays, or on Bank Holidays

A total of 6 car parking spaces would be provided; 5 spaces would be provided to the front of the property adjacent to the boundary of the Community Centre and another space would be provided in the existing garage which measures 2.9m in width and 9m in depth (internal measurements).

Additional information was received on the 4<sup>th</sup> September to indicate that an acoustic fence would be erected to the boundary with no.386 Westdale Lane.

A designated play area has been proposed which would adjoin the boundary with the neighbouring community centre. The play area would be set back from the rear

boundary of the site by approximately 7.0 metres and from the side boundary with 386 Westdale Lane by a minimum of 3.4 metres.

## **Consultations**

Public Protection – The existing vegetation along the boundary with 386 Westdale Lane would not offer sufficient attenuation of noise. It is therefore recommended that an acoustic fence is incorporated on the side boundary with 386 Westdale Lane.

Nottinghamshire County Council (Highway Authority) – The proposal is to change the use to a day nursery. The access to the site would require widening slightly to the right, so that the access width would be 5.25 metres, which would allow 2 cars to pass side by side.

The site is acceptable from a highway perspective for the following reasons: -

- The proposal would provide 5 off street car parking spaces for parents to drop off and pick up, which is sufficient car parking as the Highway Authority require the provision of 1 space per 6 children to cater for parent drop off. The Highway Authority acknowledges that staff working for day nurseries would normally be lower paid younger staff where car ownership is low. It is noted that the site has a bus stop adjacent to the site for staff to use if required.
- The site has a crossing point to the right of the entrance which slows down cars on Westdale Lane and would assist in providing staff and parents with a safe crossing point.
- There are white lines fronting the site which would prevent indiscriminate parking.

In view of the above the Highway Authority raises no objections to the proposal subject to conditions relating to the widening of the access and the surfacing and hard surfacing of the parking area.

Neighbouring Properties were notified and a Site Notice posted. 6 letters of representation were received as a result and a petition representing 12 people. The comments can be outlined as follows: -

- Highway Safety
- There is inadequate car parking to serve the development;
- The location of bus stops and a traffic island would restrict access to the site and at busy times cause obstructions to other road users;
- Parents dropping off children would obstruct other road users;
- Parking at the site would involve movements that would obstruct the pavement.
- Residential Amenity
- The noise and disturbance of potentially 30 children outside would be a nuisance to neighbouring residential dwellings 5 days a week between 07.30 and 18.30.

- Other Considerations

- The noise and activity would detract wildlife from using the neighbouring gardens;
- Changing the use of a residential dwelling to a business would reduce number residential properties;
- Concerns raised with regards to the waste that would be produced, i.e. waste nappies;
- The house is not big enough to accommodate 30 children and 10 staff;
- The contributor states that they have been advised that there would be a Planning Committee Meeting at which individual concerns could be raised.
- Only two residents have been notified of the application;
- A number of health and safety issues have been raised with regards to the suitability of the premises to accommodate the number of service users and staff.

**Planning Considerations**

In my opinion the main planning considerations in the determination of this application are the potential adverse impacts on highway safety, the impact on the residential amenity of adjoining residential properties and any undue impact on the character of the area.

The relevant national planning policy guidance used in the determination of this application would come from the National Planning Policy Framework (March 2012) in particular:

- NPPF paragraphs 18 – 22 (Building a strong, competitive economy)
- NPPF paragraphs 69 – 78 (Promoting healthy communities)

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plans. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

- Policy ENV1 (Development Criteria)
- Policy C3 (Nursery Facilities)

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.

#### Suitability and sustainability of the proposal

The site is located on Westdale Lane and there is a bus stop which is close to the site which is served by a frequent bus service. The site is also close to the Local Shopping Centre of Mapperley Plains. I therefore consider that the site is reasonably accessible by bus and that the Nursery would be within walking/cycling distance of the catchment area that its users would be drawn from. In principle the location is suitable for the proposed nursery.

#### Impact on Highway Safety

I note the comments from neighbouring residents with regards to the potential highway safety implications and increased traffic that would result from the development. However, the Highway Authority have not objected to the proposal as the car parking provision provided is adequate to serve the proposed nursery. I would also concur with the comments of the Highway Authority in relation to existing measures within the highway outside the premises, which would also restrict service users from stopping outside of the premises obstructing other car users on Westdale Lane. I am also mindful that the nursery would be in a sustainable location close to established public transport links and Mapperley Plains Local Centre. In light of the above I am satisfied that there would be no undue highway safety implications as a result of the development.

Should planning permission be forthcoming I would suggest attaching the conditions recommended by the Highway Authority regarding the surfacing and marking out of the car parking areas and to ensure that the access is widened to 5.25 metres.

#### Impact on Residential Amenity

I have carefully considered the potential impact on the residential amenity of neighbouring properties. I note that the property is bounded to the southeast by Westdale Lane Baptist Church and Community Centre, and as such I am satisfied that there would be no undue impact on the amenity of this property. There are residential properties sited to the northwest side boundary and northeast rear boundary of the site and therefore there is potential for an undue impact on the residential amenity of these properties.

During the processing of the application Public Protection requested the provision of an acoustic fence along the boundary with 386 Westdale Lane. A plan showing the location of this has been submitted by the applicant. The provision of such a fence would reduce any adverse impacts on no.386. I also consider that impact on the amenity of adjoining occupants would be further reduced because the play area would be sited a minimum of 3.4m from the boundary with 386 Westdale Lane and

7m from the boundary with 16 Digby Avenue (located to the rear). The proposed hours of operation between 7:30hrs and 18:30hrs Mondays to Fridays and not on Saturdays, Sundays or on Bank Holidays, would also assist in safeguarding the amenity of neighbouring properties.

To assist safeguarding residential amenity I would suggest attaching the following conditions to any approval to:

- Require the precise details and location of the proposed acoustic fence to be submitted and approved along with a method statement on how the fence would be installed;
- Limit the extent of the proposed play area;
- Limit the number of children to no more than 30 at any time;
- Limit the hours of operation.

### Other Considerations

Comments have been received with regards to the suitability of the premises to serve the number of children and the number of staff, in relation to drainage and escape-routes. These latter issues are health and safety matters that come under the jurisdiction of other legislation, and as such would not carry enough material planning weight to warrant a refusal of a planning application in this instance.

I note the comments with regards to the development resulting in a loss of a residential dwelling. However a nursery is classed as a community use which is ideally situated in the residential area it serves to reduce the need for car journeys. I do not consider that the loss of the residential dwelling for use as a nursery would significantly impact on the housing numbers in the Borough and would not carry enough weight to warrant a refusal of this application.

Comments were also received with regards to the potential noise and disturbance to wildlife in neighbouring gardens. I am satisfied that the potential noise from the proposed use would not have a significant impact on the wildlife in the area.

In relation to publicity, I can advise that a notification letter was sent to all properties who share a boundary with the application site. A site notice was also displayed. The level of publicity undertaken does accord with the Council's Statement of Community Involvement.

### Conclusion

Given the above considerations I am satisfied that the proposed use would accord with the relevant planning policies and therefore recommend that planning permission be granted.

**Recommendation: GRANT CONDITIONAL PLANNING PERMISSION 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 hereby permitted shall be operated in accordance with the Planning Application Forms and Plans received on 6th July 2014.
3. The day nursery shall have no more than 30 children in their care at any one time.
4. The day nursery shall only operate between the hours of 7:30 am and 6.30 pm Monday to Friday and shall not operate on a Saturday, Sunday or on a Bank Holiday.
5. No part of the development hereby permitted shall be brought into use until the dropped vehicle footway crossing and access has been widened to 5.25 metres in width and is made available for use and constructed to the Local Highway Authority specifications to the satisfaction of the Local Planning Authority.
6. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with parking bays clearly delineated in accordance with the plans received on the 6th July 2014. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and service areas.
7. Before the nursery is first brought into use a layout plan showing the precise area to be used as the children's play area, together with details of how the play area will be clearly defined on site and details of the proposed surfacing of the rear play area shall be submitted to and approved in writing by the Local Planning Authority. The rear play area shall be sited, defined and surfaced in accordance with the approved details prior to the development being brought into use. Children attending the nursery shall only play in the area defined on the approved plan.
8. Before the nursery is first brought into use precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted and approved shall set out the type, height and location of the proposed acoustic fence and provide a method statement outlining how the acoustic fence shall be installed. The

acoustic fence shall be installed in accordance with the approved details prior to the nursery first being brought into use and retained thereafter for the lifetime of the development.

9. The existing garage shown on the plan received on the 6th July 2014 shall remain in use for the purposes of parking for staff at the nursery. It shall be kept available for the accommodation of staff parking at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as the Local Planning Authority.

### **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 2014).
4. To safeguard the residential amenity of neighbouring properties and in order to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy for Gedling Borough.
5. In the interests of Highway Safety.
6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
7. To safeguard the amenity of neighbouring residents in order to comply with the Aligned Core Strategy for Gedling Borough (September 2014) Policy 10.
8. To ensure that the details of the development are acceptable, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In the interests of road safety, in accordance with the aims of policies ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).

### **Reasons for Decision**

The proposed use is an acceptable use in this location, results in no undue impact on neighbouring properties or the area in general. The proposal is also acceptable from a highway safety viewpoint. The proposal therefore accords with Policies ENV1 and C3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).



## **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.

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.