

Recommendation:	
20161681	236 EAST PARK ROAD
Proposal:	CONSTRUCTION OF TWO STOREY EXTENSION TO REAR; DORMER EXTENSION TO REAR OF NURSERY (CLASS D1)(AMENDED PLAN REC 21/11/16)
Applicant:	KIDDYCARE LIMITED
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20161681
Expiry Date:	19 December 2016
KER	WARD: Spinney Hills



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Summary

- Application reported to committee as more than 5 objections received
- Eleven objections received on grounds of parking, highway safety and impact on neighbouring amenity
- Main issues to consider are impact on neighbouring amenity, design, flooding and conservation
- Application recommended for approval.

Introduction

The application relates to a two storey extended semi – detached property used as a day nursery located in a residential area. The site is located close to the junction of East Park Road and Blanklyn Avenue. To the north are residential properties and the Evington Brook. East and south of the site are residential properties and a doctors' surgery.

To the west is Spinney Hill Park and the site is located in the Spinney Hill Park Conservation Area.

The site is in Flood Zones 2 and 3, a critical drainage area and within 20 metres of the top of a main riverbank (Evington Brook).

Background

In 1988 (19880385) two years limited period approval was granted for a change of use of dwellinghouse to day nursery.

Planning permission (19900628) for permanent use as nursery was granted permanent permission in 1990. The application was subject to conditions including one restricting the numbers of children to 30 and another that restricted the number of children in the garden to 7 at any one time.

Planning application 19990424 for single storey extension to rear of nursery was approved in 1999.

In 2002 and 2003 (20021505 and 20032079) permissions were given to increase the number of nursery places from 30 to 45 on a limited period basis.

In 2006 (20060261) permission was given to permanently increase the number of children to 45.

In 2014 (20141197) permission was refused to increase the number of children from 45 to 60. The application was refused on the grounds that the increase in the number of children would have an adverse impact on highway safety due to lack of satisfactory parking and the adverse impact it would have on neighbouring amenity.

In 2015 (20150543) a second application to increase the numbers to 60 was refused for the same reason.

The Proposal

The applicant proposes a two storey rear extension to replace the existing single storey rear extension. There would be a large opening for folding doors on the ground floor and on the first floor there would be three windows. The extension would measure 10 metres wide by 3.2 metres deep and 5.8 metres high.

The two storey extension would provide two new rooms for caring for the children.

There would also be a flat roof dormer extension to the rear roof which would measure 6.3 metres in width and 4 metres in depth. The roof space would be used to provide storage space and staff rest facilities.

The proposal is to provide additional facilities for the children and staff and there is no proposal to increase the number of children.

The application has been amended to cut out the corner of the extension adjacent to 238 East Park Road and set it off 1.8 metres from the boundary so that it does not intersect a 45 degree line taken from the centre of the first floor window of that neighbouring house.

Policy Considerations

As the first of its core principles and again in paragraphs 196-197 the NPPF makes it clear that the planning system should be genuinely plan led with a presumption for sustainable development.

Paragraph 17 of the NPPF describes how one of the core principles of planning is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Part 7 of the NPPF focuses on requiring good design. Paragraph 56 describes good design as a key aspect of sustainable development and paragraph 58 states that planning policies and decisions should use streetscapes and buildings to create attractive places and respond to local character and history reflecting the identity of local surroundings and materials. Planning Practice Guidance states that Local planning authorities should secure design quality through the policies adopted in their local plans.

Paragraph 32 of the NPPF states that planning decisions should take into account whether opportunities for sustainable transport modes have been taken up, whether safe and suitable access can be achieved and whether improvements can be undertaken that limit the significant impacts of the development. Paragraph 32 adds that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 64 permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

Para 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Para 134 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Guidance – Vehicle Parking Standards

Supplementary Planning Document – Residential Amenity

Consultations

Environment Agency: They do not have any objections in flooding terms, however they do note that the development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Evington Brook, designated a 'main river'.

Representations

I have received eleven objections which includes a petition containing 7 signatures on the following grounds:

- Out of character with area
- Overdevelopment of the site
- Overlooking
- Loss of privacy
- Loss of light
- Inadequate fire escapes and amount of space
- Should be a passageway to the side to allow for access
- No parking and neighbouring properties often inconvenienced
- Exacerbate existing parking situation
- Increase in noise and disturbance
- Number of children in garden often exceeds 7 children
- detached properties would be more appropriate for a nursery
- Extension should be reduced in size
- Concern number of children will increase
- Photos of parking problems – restricting access, on double yellow lines

Leicester Civic Society object on the grounds that the development fails to enhance or preserve the Spinney Hill Park Conservation Area. Extension is too large and does not relate to its context. Would overpower attached neighbouring property.

In response to the objections received the applicant's agent comments:

- Will not increase number of children but provide improved accommodation
- Cars parking illegally cannot be linked to application site
- Fire compliance not a planning matter
- Application would not have impact on conservation area as to rear

- Many examples of non-conforming extensions in area.

Officers have investigated alleged breaches of the number in the garden condition but have not been able to evidence a breach. Fire and other safety concerns are dealt with under other legislation.

Consideration

Principle of development

The application relates to a day nursery located in a residential area. To extend the building is acceptable in principle subject to design, amenity, parking and flooding requirements.

The applicant has stated that the proposal will not result in an increase in the numbers and the use is still subject to the conditions restricting this to 45 children and the number in the garden at any one time to 7.

Impact on neighbouring amenity

The proposed extension has been amended on the boundary with 238 East Park Road. It was previously proposed to be built right up to the boundary with 238 East Park Road and I had concerns regarding the impact this would have upon 238 as they have a principal bedroom window on the boundary which would have resulted in loss of light and outlook.

The removal of the part of the extension at first floor closest to 238 East Park Road means that the proposed extension does not intersect a 45 degree line taken from the centre of the bedroom window. The application site already has a single storey rear extension and therefore I consider this element of the proposal would have a similar impact albeit the materials will have changed. In addition 238 East Park Road also has a single storey rear extension and would not be significantly affected in terms of loss of light and outlook.

The neighbouring property at 234 East Park Road is a larger property and is set on the other side of the Evington Brook. It is 6 metres deeper than the application site and is set 9 metres away from the application site. Given the depth of the neighbouring property I do not consider the proposed extension would have an adverse impact in terms of loss of outlook, light or privacy.

Conservation

The site is located in the Spinney Hill Park Conservation Area. The proposed extensions are to the rear of the property, however, given the location of the site on the corner of Blanklyn Avenue the extensions including the dormer would be visible. Whilst the extensions would be visible from Blanklyn Avenue they would not affect important views of the conservation area which are within and from Spinney Hill Park opposite. The fronts of the houses surrounding the Park form the context and setting for the conservation area.

I do not consider there would be views of the extensions which would significantly detract from the conservation area. The proposals would therefore preserve the character and appearance.

Highways and Parking

The proposed extensions are seeking to provide additional accommodation for existing children and staff and are not looking to increase numbers. I therefore consider that the proposal is unlikely to have a significant highway impact.

I note that there are concerns raised by local residents in terms of parking associated with the application site. The day nursery does not have any off street parking and given the nature of a day nursery parents will be arriving at peak times to drop off and pick up children. This is a long standing permission from the 1980's with the increase in numbers being approved in 2006. Given that there is no increase in children it is unlikely to have a severe highway impact.

Flooding

The Environment Agency have been consulted on the application and do not have an objection to the proposal.

Conclusion

I consider that the proposed two storey rear extension as amended and rear dormer are not contrary to policies and guidelines contained in both National and Local policy.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No more than 45 children shall be accommodated on the premises at any one time. (In the interests of the amenity of nearby occupiers and traffic safety in accordance with policies PS10, AM11 and H13 of the City of Leicester Local Plan.)
3. No more than 7 children shall be in the rear garden at any one time. (In the interests of the amenity of nearby occupiers in accordance with policies PS10 and H13 of the City of Leicester Local Plan.)
4. This consent shall relate solely to the amended plans ref. no. D02 16009 (RevA) received by the City Council as local planning authority on 24/11/16, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)
5. The applicant is advised that you may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Evington Brook, designated a 'main river'. This was formerly called a Flood Defence Consent. Some

activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

NOTES FOR APPLICANT

1. The applicant is advised that this consent does not permit the increase in the number of children allowed at the nursery (45) or in the garden at any one time (7).

Policies relating to this recommendation

- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.