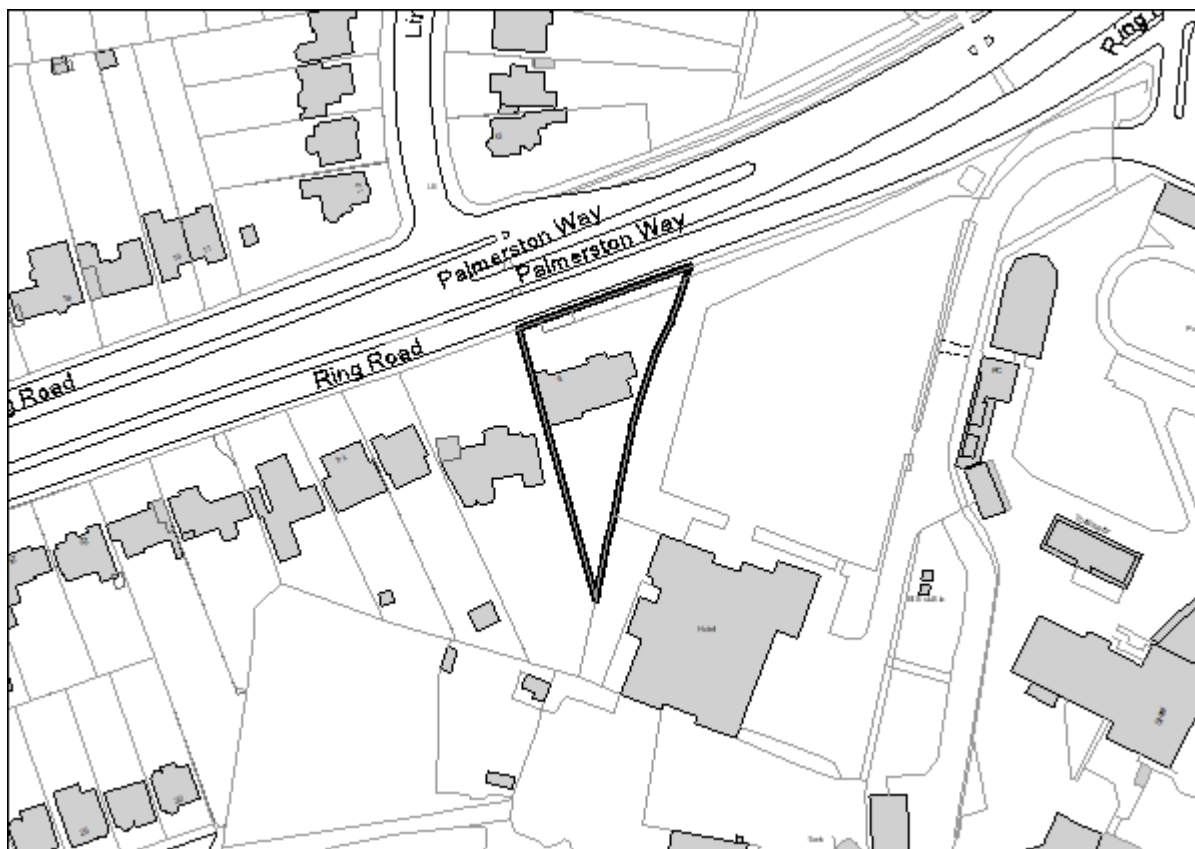


COMMITTEE REPORT

20231197	8 Ring Road	
Proposal:	Change of use from dwellinghouse (Class C3) to day nursery (Class E); installation of two 1m high gates to existing access at front; alterations (amended plans received 21/09/2023)	
Applicant:	Nursery Rhymes Learning Ltd	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	26 October 2023	
RB	TEAM: PD	WARD: Knighton



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Summary

- The application is brought to committee on the request of the Head of Planning, due to the amount of public interest in the proposal.
- 6 objections have been received from 3 different addresses within the city on grounds of the principle of the use in a residential area, loss of neighbouring amenity, design, impact on the character and appearance of the area, inadequate parking, and highway safety.

- A petition in objection to the proposal has been received, which has 55 signatures.
- A letter of support for the proposal has been received for the application with 23 signatures.
- Main issues are the principle of the use, the impact on the character of the area, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval.

The Site

The site relates to a single storey detached bungalow located on the southern side of Ring Road, which is a residential road, which runs parallel to the north and south of the classified road, Palmerston Way. The area is primarily residential.

There is a large in & out driveway to the front of the property with both entrances accessed from Ring Road. The land directly to the east of the site is within Oadby and Wigston Borough Council.

There is a large amount of vegetation to the front of the site.

Background

Application 20061869 for the construction of single storey extensions at side and rear of bungalow (Class C3) was approved on 04/12/2006. This permission has been implemented.

The Proposal

The proposal is for a change of use of the dwellinghouse on site to a day nursey which falls within Class E(f) of the Use Classes Order as amended in September 2020.

Alterations to the property include:

- the conversion of the existing attached garage at the side of the property to a habitable room and the bricking up of the garage door and installation of a window;
- The installation of two inward opening gates to the existing access of the property;
- The provision of four car parking spaces and four cycle parking spaces to the front of the property

The nursery would consist of three main rooms for children, a baby room, a toddler room and a pre-school room. There would also be a kitchen, laundry room, staff room, office and cloak room. There would be three sets of toilets, one of which would be for staff.

The applicant is proposing to operate the day nursery between the hours of 8am and 6pm on Monday to Friday only. The nursery will cater for 60 children between the ages of 3 months and 5 years; however, the applicant has stated that the nursery will unlikely reach that capacity initially.

A supporting statement, including and travel plan, and a management plan have been submitted in support of the application.

Amended plans have been received to show elevations of the gated access and to provide car and cycle parking to the front of the site. Both car and cycle parking spaces would be made available only to staff.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110, 111 and 112 (Highways)

Paragraphs 120 (Use of land)

Paragraphs 130 and 134 (Amenity and Good Design)

Paragraph 185 (Pollution)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity

City of Leicester Local Plan (2006) Saved policies - Appendix 1: Parking Standards

Consultations

Environmental Health (Noise Pollution) – No objection

Traffic and Travel Planning (Highways) – No objections providing staff parking and cycle parking are provided.

Oadby and Wigston Borough Council – No objection subject to consideration of the NPPF and local planning policy.

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Representations

Six letters of objection have been received from three different addresses within the city. One of the letters is a petition, signed by 55 residents. The letters raise the following concerns:

- The proposal would result in traffic congestion, parking issues and poor pedestrian and residents' safety;
- Poor public transport and road links to the site;
- Ring Road is used as a 'rat run', and traffic queues are common between 8 and 9am;
- Drivers will need to U turn in Ring Road, resulting in safety issues and damage to the highway;
- The app proposed to be used by the nursery may not work and the projected drop off time of 30 seconds to 3 minutes appears unrealistic;
- Impact of the noise from the children playing outside;
- The cumulative noise sources, such as the racecourse and the Kube should be assessed. Noise surveys have not been completed;

- It has not been demonstrated that the area is appropriate for the proposed use;
- Other similar applications have been refused in the past with reference to the concerns raised;
- The traffic congestion is an issue in the wider area; and
- On street parking will increase as a result of the change of use and will block residents' driveways

A letter of support has been received by the applicant, which contains 23 signatures.

Consideration

The main issues are the principle of development, impact on character and appearance; impact on residential amenity and parking.

Principle of development

Saved Policy H05 of the Local Plan (2006) commits the Council to refuse applications involving the loss of existing housing. The policy is predicated on the shortfall in housing supply, which is ongoing, meaning that the loss of any housing is resisted. However, the policy does also recognise that, in exceptional circumstances, the loss of housing can be justified by the provision of other community benefits. I consider that the provision of a children's day nursery would offer such a community benefit. The proposed use would represent a relatively minor scale of day nursery compatible with residential locations such as the application site. Furthermore, some commercial uses can be considered appropriate within residential areas such as dental surgeries, medical centres and nurseries as they offer a local community benefit which would outweigh the harm from the loss of one residential unit.

I consider it necessary to attach a condition to remove permitted development rights for any further changes of use within Class E, because of the potential impacts of other commercial uses within that Use Class on the surrounding residential area.

Therefore, the proposed development is considered acceptable in principle subject to the impact on character and appearance, residential amenity and parking.

Character and Appearance

The application site is located in a primarily residential area whereby detached properties are set within spacious plots to the west of the site. To the east of the site there is a car park and events centre. There are no changes proposed to the application property itself apart from the conversion of the existing garage to a habitable room, which would require the existing entrance to the garage to be bricked up and a window installed. I consider it necessary to attach a condition to ensure that the materials match the existing brickwork.

Gates are proposed to the two existing vehicular accesses from Ring Road, which are of a suitable height, material and design. I consider it necessary to attach a condition to ensure that the gates are powder coated black. Therefore, I consider that the proposal would not result in any harm to the appearance of the street scene.

Although the intensity of the use of the site will increase, I consider that, due to its location adjacent to other commercial uses and only adjacent to one residential property, it would be a suitable location for the use that would not result in a significantly adverse impact on the character and appearance of the area.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local plan (2006) and is acceptable in terms of design and the character and appearance of the area.

Residential amenity (neighbouring properties)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

The nearest residential property is the neighbouring property at 6 Ring Road. There are no other residential properties within the vicinity with the Leicester Racecourse car park and events centre the closest uses to the east.

The nature of the proposed use as a day nursery for children between the ages of 3 months and 5 years is considered to give some rise in the levels of noise experienced by neighbours and local residents. In addition to this, the arrival and departure of children could give rise to some level of disturbance in the morning and evening times. However, the statement and management plan submitted by the applicant states that no more than 60 children would be registered at any one time, which is managed via the submitted management plan. Moreover, an 'app' would be introduced to arrange for pre-arranged drop of and pick up times to ensure that there is a manageable number of vehicles entering the site at the same time. Therefore, the restriction on the total number of children is considered appropriate to mitigate the rise of any potential harm in this instance.

Whilst the applicant has indicated the hours of use would be 0800 to 1800, I consider that use of the property at 0730 would not result in detriment to the neighbouring occupiers. The hours of use from 0730 to 1800 would be appropriate and it would be reasonable to condition these hours.

The Management Plan outlines that the children will not be outside all day. When outside, the sessions can be staggered between a room/age group at any one time. This would minimise the potential of noise and disturbance to neighbours whilst the nursery is in operation. A condition to secure the Management Plan is considered necessary to minimise any noise and disturbance to local residents would be minimised significantly.

Other uses in Class E include a variety of other commercial uses. I consider that other uses could potentially give rise to harmful amenity impacts including additional demand for parking and noise pollution. As with the reasons above relating to the principle of the change of use, I recommend that a condition limit the permission to

use applied for, meaning that any future alternative uses within Class E can be considered on their own merits.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of amenity.

Highways and Parking

The existing dwelling has 2 points of vehicular access from Ring Road, both with existing dropped kerbs, and it is proposed to provide gates across these accesses to provide a safe and secure site for the children.

The proposal would introduce an 'in and out' system to improve traffic and manoeuvring, which I consider necessary to condition.

Given that the service road is an unclassified road, where the volume of peak hour traffic is not high, the provision of gates to the existing vehicular accesses would not lead to any significant unacceptable level of harm to highway safety.

Four staff car parking spaces are proposed within the site, three to the western side and one in front of the property. It is likely that staff cars would arrive before the children and then leave after the children leave and therefore staff vehicles manoeuvring into and out of the site should not cause any safety issues for children.

Parents who arrive by car, will be required to use an App to arrange their dropping off/picking up time for their children.

SPG Vehicle Parking Standards requires one car parking space for every 22sqm of floorspace within a proposal within the former Class D1 use class (nurseries now fall within the Class E use class). According to the vehicle parking standards, the proposal would require 11 car parking spaces, due to the approximate floor space of the resultant use of 245sqm. However, due to the nature of use of nurseries most journeys would not require all day parking, due to children being dropped off and so the requirement is for staff.

The applicant has also submitted a Travel Plan, that seeks to encourage sustainable travel choices and reduce the number of single drivers parked/waiting at the site or on Ring Road. As such, I consider that the under provision of car parking spaces is acceptable in this instance, as a workable alternative solution has been provided by the applicant.

The provision of cycle parking for former D1 educational uses within the Vehicle Parking Standards SPG is 1 space for every five persons. Four cycle parking spaces are proposed to the side of the main building and there is an existing garage, which can be provided as storage space if additional cycle parking is required. The number of spaces proposed would meet the requirement for 15 permanent members of staff so is acceptable.

Furthermore, in this instance, due to the limited restrictions along Ring Road and the nature of the proposed use, I consider that there would not be demonstrable severe

harm in terms of highway impacts associated with additional parking. I therefore conclude that the proposed development would not conflict with Appendix 1 of the Local Plan.

I consider it necessary for conditions to be attached to ensure that the Travel Plan is adhered to, and the car and cycle parking is retained.

Several conditions are recommended to secure the details submitted in support of the application, subject to which the proposal is considered not to result in a severe impact on highways and parking in accordance with the NPPF 2023, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

Conclusion

The proposed development represents an acceptable size, scale and form of development in a residential area. The resulting use of the site would be compatible with the residential area and the proposed alterations unlikely to have any significant detrimental impact on the character of the street scene or the property itself. I consider that the proposal will have minimal impact on the residential amenity in respect of noise and disturbance subject to conditions. The proposal would not have a severe impact on highways safety and would provide six car parking space within the site. The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines - Supplementary Planning Document "Residential Amenity".

I recommend that this application is APPROVED 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. The external wall of converted garage shall be constructed using facing bricks to match those existing and retained as such. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The approved metal gates shall be powder coated in black colour and installed in accordance with the approved plans and retained as such (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. Traffic flow within the site shall be managed by a one-way system with vehicular access to the site from a different entrance to the vehicular egress from the site and shall be operated as such for the lifetime of the development. (In the interests of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM11 of the City of Leicester Local Plan).
5. No part of the development shall be occupied until four secure and covered cycle parking spaces have been provided in accordance with the approved plans and

retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan).

6. No part of the development shall be occupied until all parking areas are surfaced and marked out in accordance with details shown on the approved plans and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03)

7. The development be carried out in accordance with the Travel Plan received on 10/08/2023. The Travel Plan shall be carried out in accordance with the timetable contained within the Travel Plan. The monitoring of travel modes (including travel surveys) shall be carried out of all users and patterns at regular intervals for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

8. The use hereby approved shall not be carried on outside the hours of 07:30 to 18:00 Monday to Friday and at no other time. (In the interests of the amenity of neighbouring occupiers, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006)).

9. The approved use shall be operated in accordance with the nursery management plan received on 21/09/2023, aimed at minimising disturbance to nearby residents and maintaining highway safety, and shall be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006)).

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than day nursery within Class E of the Order. (To enable consideration of the amenity, parking and and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)

11. Development shall be carried out in accordance with the following approved plans:

Proposed Site plan, N04-015 Rev A, received 21/09/2023

Proposed Ground Floor Plan and North Elevation, N04-030 Rev A, received 26/06/2023

Proposed elevations, N04-050, received 21/09/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel. The applicant should seek advice from Leicester City Council's Travel Plan Officer

2. The effect of condition 9 of this planning permission is that future changes of use of the property will require planning permission from the City Council as local planning authority. (Permitted development rights for this property have been restricted).

3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_H05	Planning applications involving the loss of housing will be refused unless they meet criteria.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
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_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
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_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.