

Recommendation: Conditional approval	
20202070	335 London Road
Proposal:	Change of use from house (Class C3) to nursery (Class E); alterations
Applicant:	Kiddycare Nursery LTD
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202070
Expiry Date:	12 January 2021
RB	WARD: Knighton



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Summary

- Brought to the Committee due to the number of applications
- 6 objections - numbers of nurseries in the area, traffic/parking congestion, highway safety, noise, character of the property/ area, loss of landscaping/ecology,
- 3 representations supporting the proposal saying there is a need for the facility
- Main issues are principle of the use, residential amenity, parking, highway safety and conservation area character.

- Recommended for approval

The Site

The site relates to a detached house located on the western side of London Road, located on the junction with Knighton Drive. The area is predominantly residential.

The site comprises a detached house with detached garage located to the south side of the dwelling.

The property lies within Stoneygate Conservation Area, covered by an article 4 direction, restricting permitted development and the rear of the site is within a Critical Drainage Area.

Background

Application 19980403 was approved in March 1998 for a single storey extension to front and side of the house. This permission has been implemented.

Application 19810245 was approved in April 1981 for the construction of a detached garage. 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 2020.

The applicant is proposing to operate the day nursery between the hours of 07:30 and 18.00 Monday to Friday only. The nursery will cater for 48 children between the ages of 6 months to 8 years old

Policy Considerations

National Planning Policy Framework (2019)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development.

Paragraph 94 highlights the importance of a sufficient choice of school places is available to meet the needs of existing and new communities. Part a of the policy requires local planning authorities to give great weight to the need to create, expand or alter schools.

Paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

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

Noise – No objection providing but suggest a restriction on the number of children playing in rear garden at any one time

Highways – No objections providing information is provided detailing the volume of trips the site would generate.

Representations

Six letters of objection have been received. The letters raise the following concerns:

- Over concentration of nurseries in the area;
- Increased traffic congestion on Knighton Drive;
- Impact of the noise from the children playing outside;
- The character of the residential area is becoming commercialised by an increase of similar changes of use;
- Accidents take place at the junction of London Road and Knighton Drive;
- The traffic congestion is an issue in the wider area;
- On street parking will increase as a result of the change of use and will block residents driveways;
- The proposal would cause congestion exiting the car park onto London Road;
- Concerns over the amount of staff parking;
- The amount of noise made by children playing outside;
- There will be noise disturbance from the amount of vehicles visiting the site;

- There is also a concern that the re-landscaping necessary for the re-purposing of the rear garden will remove and/or damage the old, established trees which border the garden along Knighton Drive;
- Concerns that the change of use would endanger habitats by further urbanisation;
- Concerns on vehicle manoeuvring within the site;
- Seven car spaces would not be adequate even with staggered start and finish times for different groups of children;
- Increased impact on pedestrian safety;
- The proximity of the entrances from the junction of London Road and Knighton Drive would result in poor visibility.

3 people have made representations supporting the proposal saying there is a need for the facility

Consideration

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

Principle of development

Saved Policy H05 of the Local Plan (2006) aims to retain existing housing. 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 could offer such a community benefit. The proposed use is a use that can be accepted and are typically found within residential locations such as the application site.

I consider the proposal 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 predominantly residential area with detached properties are set within relatively spacious plots on both the east and west of London Road. There are no changes proposed to the front elevation of the application site and therefore the proposal is considered not to result in any harm to the appearance of the street scene.

The proposal will result in the removal of the sliding patio doors and the installation of a smaller UPVC window, and infill brickwork to the rear elevation. Whilst UPVC windows are generally discouraged in Conservation Areas, the proposed UPVC window is located to the rear of the building and is not visible from the wider Conservation Area; it is smaller than the existing sliding doors; and the existing windows installed at the property are UPVC. Alterations have previously been made to the property that are not in keeping with the original design, such as UPVC windows and non-matching brickwork.

I conclude that the proposed extension would comply with policies CS03 and CS18 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local plan (2006), and is acceptable in terms of 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 nature of the proposed use as a day nursery could give rise to some noise during the day including associated with arrivals and departures. It is unlikely that all of the children would be collected and dropped off at the same time every day and I do not consider that the level of disturbance would be unreasonable.

I consider the hours of use proposed are appropriate and it would be reasonable to condition the proposed hours.

I do not think it is appropriate or reasonable to restrict the numbers of children; however the size of the property would constrain the numbers accommodated and a management plan condition could be used to mitigate disturbance.

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. I therefore 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

Seven parking spaces are proposed as part of the change of use. Five parking spaces would be provided at the front of the property and one or two spaces would be provided within the existing garage at the side of the property. The garage space would be for staff.

The site currently benefits from two access points and dropped kerbs, one from London Road and the other from Knighton Drive. The proposal would introduce an 'in and out' system to improve traffic and manoeuvring. I consider that this is reasonable, providing that the traffic enters the site from Knighton Drive and exits onto London Road.

It is considered that subject to conditions relating to the provision of a travel plan, provision of cycle parking and highways safety measures the proposed development would not have an adverse impact on highways and pedestrian safety. Furthermore, in this instance, due to the limited restrictions along Knighton Drive and nature of the proposed use it is considered that there would not be severe harm to highway safety or function.

The proposal is considered not to result in a severe impact on highways and parking in accordance with the NPPF 2019, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

Flood Risk

The rear of the site is located within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous as there would not be an increase in the footprint of the property as a result of the change of use.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

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 highway safety or function.

The proposal is in accordance with the aims of the NPPF and development plan policies

I recommend APPROVAL subject to the following conditions

CONDITIONS

1. START WITHIN THREE YEARS
2. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with details to be approved by City Council as local planning authority. (In the interests of the

satisfactory development of the site and in accordance with policies AM02 of the City of Leicester Local Plan. This is a PRE-COMMENCEMENT condition).

4. Before the use has commenced, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. The submitted details shall include proposed surfacing, marking and signing at accesses to indicate entrance and exit and one-way operation of the car parking area. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03. This is a PRE-COMMENCEMENT condition)

5. Before the use has commenced, a Travel Plan shall be submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) 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. This is a PRE-COMMENCEMENT condition).

6. 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).

7. Before the use has commenced, a nursery management plan aimed at minimising disturbance to nearby residents and maintaining highway safety shall be submitted to and approved by the City Council as local planning authority. The plan should include the numbers of children to be on-site at any one time, the times that they will be in the outside play areas and arrangements to drop off and collect children. This plan to 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). This is a PRE-COMMENCEMENT condition).

8. 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 D1 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).)

9. This consent shall relate to the submitted plans received by the City Council as local planning authority on 17/11/2020 unless otherwise submitted to and approved by the City Council as local planning authority. (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 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).

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_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
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_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.
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.