

Report to Planning applications committee
Date 12 September 2013
Report of Head of planning services
Subject 13/00852/U Summer Garden & Leisure Buildings The Old
Saddlery Bluebell Road Norwich NR4 7LG

Item
5(2)

SUMMARY

Description:	Change of use from retail (Class A1) to children's nursery (Class D1) for a period of two years.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	11th July 2013
Applicant:	Mr Laurence Pollington
Agent:	Mr Joseph Long

INTRODUCTION

The Site

Location and Context

1. The site is located to the south side of Bluebell Road to the south west of the city. The site is within the river valley of the river Yare under the local plan for Norwich. The site is also adjacent to urban greenspace.
2. To the south east of the site is Eaton and the link road to the A11. To the north west of the site is the University of East Anglia.
3. The site forms part of a wider commercial site, currently occupied by Bartrum Mowers. The access to other commercial uses on site is via the same entrance as the application site.
4. The application site forms a long, single storey building of relatively modern construction. To the Bluebell Road side of the building is a large area of hard standing used for parking. The rear of the building is a grassed area with some decking, although in a poor state of repair.
5. The surrounding uses of land include the river valley to the south west, along with the commercial/agricultural use where Bartrum Mowers are located. To the north west and south east of the site there are dwellings on the southern side of Bluebell Road. To the northern side of Bluebell Road are residential dwellings along this road.
6. Bluebell Road forms a green link and strategic cycle network under the local plan. To the south side of the road there is an off-road cycle path that runs past the entrance to the site. In the immediate vicinity there is only one road accessed off

Bluebell Road, which is Norvic Drive.

Planning History

7. There are a number of planning applications relating to the use of this building. These demonstrate a restricted retail use in conjunction with the main horticultural/agricultural use on site.
 - 08/00313/F - Use of land for the standing and display of temporary garden buildings. Approved 25 June 2008.
 - o Condition 2 - restricting development to display of sheds, sectional buildings and ancillary goods only.
 - 881123/O - Erection of extension to provide office. Approved 05 October 1988.
 - 841347/A – non-illuminated name sign and logo at Norfolk Saddlery Centre. Refused 12 February 1985.
 - 820277/F – Erection of timber blacksmiths workshop excluding furnace equipment. Approved 24 May 1982. Temporary consent for 5 years.
 - 781281/CU – Garden centre incorporating in horticultural lawn mower sales, storage and service building. Approved 8 February 1979.
 - o Condition 7 – the sale, repair and maintenance of machinery shall be restricted to law mowers and garden machinery both for horticultural use only.
 - 751700/CU – Use of vacant land for garden centre, nursery and agricultural purposes. Approved 5 December 1975.

Equality and Diversity Issues

8. There are some equality or diversity issues.

The Proposal

9. The application is for the change of use for the existing retail unit to a childrens nursery. The applicant has requested a temporary consent for two years due to a lease issue, this is discussed later in the report.
10. The proposal would include use of the adjoining car park, creation of a play area and reinstatement of a decking area to the rear of the building.

Representations Received

11. Adjacent and neighbouring properties have been notified in writing. 1 letter of support has been received for the nursery in this location. 23 letters of objection have been received citing the issues as summarised in the table below.

12.

Issues Raised	Response
Precedent set for development in the river valley	Paragraph 19
Impact on river valley and wildlife	Paragraphs 15-18
Traffic	Paragraphs 27-40
Highway safety of junction, in particular with cycle lane and footpath	Paragraphs 31-33
Noise	Paragraph 41
Unauthorised parking on main road	Paragraph 34-38
Flooding	Paragraph 49
Air quality	Paragraph 27-30
Ofsted consultation	Consultation with regulatory body not a statutory requirement to the planning application. Consent to operate the nursery would need to be sought by the operator from Ofsted in due course.

Consultation Responses

13. Local Highway Authority – No objections subject to Travel Information Plan.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 6 – Access and transportation

Policy 7 – Supporting communities

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Policy 19 – The hierarchy of centres

Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE9 – Comprehensive landscaping scheme and tree planting
HBE12 – High quality of design
EP16 – Water conservation and sustainable drainage systems
AEC7 – Childcare provision
TRA3 – Modal shift measures in support of NATS
TRA5 – Approach to design for vehicle movement
TRA6 – Parking standards
TRA7 – Cycle parking provision
TRA8 – Servicing provision

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations
Written Ministerial Statement: Planning for Growth March 2011

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies

(Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.)

DM1 - Achieving and delivering sustainable development
DM3 - Delivering high quality design
DM6 - Protecting and enhancing the natural environment
DM22 - Planning for and safeguarding community facilities
DM28 - Encouraging sustainable travel
DM30 - Access and highway safety
DM31 - Car parking and servicing

Principle of Development

Policy Considerations

14. The principle of the nursery use in this location raises the following issues:- the location of the use within the river valley and in terms of accessibility, transport and highway safety, impact on residential amenity, the appearance of development,

water conservation and local finance considerations.

Location of use

Impact on River Valley

15. The site is within a defined river valley which restricts the type of development permitted. Development is only permitted in association with agriculture and forestry, outdoor sport and recreation or other uses that are appropriate to the purpose of this policy.
16. The purpose of the policy is to protect the river valley from inappropriate development that would erode the natural environment through its activities. The harm that the proposed use would lead to on the river valley needs to be considered.
17. The harm that the proposed use could lead to is an increased level of activity within the river valley from traffic movements. The actual nursery itself would only cover a small area of land and its use would not lead to any material harm to the natural environment or any biodiversity on the site. The traffic movements in and out of the site would lead to increased activity, but given the location of the car park adjacent to Bluebell Road and behind the existing single storey building, the extent of harm to the river valley would be minimal.
18. The proposed use would be located furthest away from the actual river and on a site that already has a commercial use attributed to it. It is also material that the application is for the change of use of the building and not operational development comprising the construction of new buildings. Therefore the visual and ecological harm on the river valley would be minimal. The additional harm that this nursery would lead to would therefore not be sufficient to merit refusal on this basis. The small size of the nursery would not lead to sufficient harm to merit refusal of the application on grounds of impact on the river valley or inaccessible use.

Setting a precedent

19. The issue of precedence has been raised in a letter of representation. Each development must be assessed on its own merits and any subsequent application on the site would have to be fully assessed for impact and harm. This application is only the change of use of an existing building and does not involve any significant operational development in the river valley. Therefore it is not considered that there would be other similar circumstances elsewhere on this site.

Accessibility

20. The National Planning Policy Framework seeks to promote sustainable transport in section 4 of the document. This includes the requirement for development that will generate significant traffic movements to be located in a place where the need to travel will be minimised and sustainable transport modes can be maximised.
21. Policy AEC7 of the local plan requires new childcare provision to be in a location that maximises local community access. The site on Bluebell Road is within 400m of the Eaton District Centre. Whilst this is not strictly an edge-of-centre site (300m), the site is quite close and benefits from good pedestrian and cycle links from the centre and surrounding residential area.
22. A travel plan is required under the Local Plan for any nursery that has 50 or more children attending the site. A travel plan in this instance could be used to identify

sustainable transport modes to the site from the surrounding area, and promote use of the buses and walking.

23. A Travel Plan would create a significant amount of work in implementing and monitoring the site which would be disproportionate to the size of the proposed business and use. A Travel Information Plan would therefore be more suitable to promote sustainable transport and is suggested as a condition of any approval.

Alternative sites

24. The applicant has not demonstrated any other sites that are in more accessible locations. The site is however on the edge of a residential area and on public transport routes. As identified above this is also quite close to the district centre of Eaton.

Recent Government guidance

25. The provision of childcare and educational facilities has been identified as a key issue in guidance and policy released from central Government. Paragraph 72 of the National Planning Policy Framework advises great weight should be given to the need to create and expand schools. A policy statement was also released by Communities and Local Government on Planning for Schools Development (August 2011). This statement identified that local authorities should have a positive and proactive approach to enabling schools to be provided. Whilst this did not specifically relate to nurseries, these also provide education for children and so is applicable to this case.
26. There is a current consultation by Communities and Local Government for further changes to permitted development rights. These changes will enable nurseries to open in former offices, hotels, residential institutions, leisure and assembly uses and agricultural buildings. These changes are proposed to come into force in April 2014 and demonstrate similar central government approach to nurseries as schools. The application site does form a use in conjunction with the agricultural use on site. Therefore it may be possible for this use to change under permitted development rights in future.

Transport and Access

Traffic

27. The proposed use should preferably be located within or near defined centres or closely associated and well linked to its residential catchment, to enable people to travel by sustainable methods. The proposed use would result in a large number of people visiting the site throughout the course of the day, to drop off and collect children. Given the age ranges of children at the nursery it is highly unlikely that children would access the site by themselves. The location on the edge of a residential catchment would also lead to more potential car journeys, compared to if the site was within a residential area.
28. This could result in a number of traffic movements per day. Given that there are 30 full time equivalent children attending the nursery and 50 registered at any one time the movements would be around 60 to 100 per day. These are likely to be concentrated when sessions start and end rather than spread out through the whole day. Concerns have been raised in letters of representation over the existing traffic in the area leading to congestion on the roads and air quality.

29. The former use of the site must be considered when looking at the additional harm the future use would cause. The previous use of restricted retail would have led to a certain number of vehicles accessing the site. Whilst the proposed use would lead to a more concentrated number of vehicle movements when sessions start and end, these would not be sufficient to lead to significant traffic congestion or air pollution when compared with the previous potential traffic levels. The size of the site is only 138sq.m. and with the recommended Travel Information Plan the level of car trips can be reduced to some degree and to an acceptable level.
30. It is recognised that there are high levels of traffic in the area at present with the junction of the A11 being close by. However, the change of use of this site would not lead to a significant enough additional impact on the road network or air quality to merit refusal of the application on this ground. The guidance promoting the provision of educational uses is also a material consideration when balancing these issues. This is considered further in the conclusion.

Highway safety

31. The entrance to the site is of concern, as this does not have good visibility for cyclists and pedestrians entering the site. There could also be increased conflict for cyclists passing the site on the cycle lane if an increased number of cars were using this junction at peak hours.
32. This would be a deterrent to people accessing the site through more sustainable methods of transport. Measures could be taken however to improve the entrance to the site to remind vehicles of the nursery use and the potential for cyclists and pedestrians.
33. A condition is recommended for signage to be agreed and installed for the duration of the use of the nursery.

Car Parking

34. A large area of land is identified for car parking, which from scaled plans appears to potentially accommodate 40 cars. The maximum parking standard for the proposed use of this size is 4 spaces. The proposed car parking spaces are therefore significantly over-provided.
35. This could be controlled through condition however to ensure that a more appropriate number of car parking spaces are provided. In conjunction with the Travel Information Plan it is recommended that parking spaces are reduced to an acceptable level, with a suitable drop-off area for parents/guardians temporarily visiting the site to drop off children. A condition is recommended to request the layout of the parking area be agreed.
36. It is also suggested that a one way system is introduced entering and exiting the car park, with a drop off-bay for older children near the entrance to the site. A condition is recommended for car parking to be agreed.
37. The issue of parking on the main road has also been raised. The provision of a good sized car park and dropping off area would prevent the need to drop off on the road. This would also be recommended to be part of the Travel Information Plan, advising visitors to not stop on the main road. However, in the absence of parking controls on the main road it would be difficult to stop this from happening.

38. To introduce parking controls on the main road a Traffic Regulation Order would be required. However, the proposed change of use does not entail a significant enough amount of floorspace to justify this requirement. As the applicant can also provide parking within the site it would be unreasonable to request this order is put in place.

Cycle Parking

39. Cycle storage is proposed on the site along with a buggy store. There is sufficient space near the entrance to the site for this structure. A condition is recommended for these details to be agreed, ensuring the storage space is covered and secure. A minimum of 3 spaces for staff and 3 spaces for visitors are required.

Vehicular Access and Servicing

40. The site has sufficient space for refuse storage and servicing to take place within the car park. There is space for an 11m rigid base delivery vehicle as required by the local plan. This detail is recommended to be shown in the condition relating to car parking on the site. A condition is also recommended for the appearance of the refuse store to be submitted and agreed.

Impact on Living Conditions

Noise and Disturbance

41. The proposed nursery would be on the edge of a residential area. There may be noise associated with the nursery, but the nearest residential dwellings would be at a sufficient distance for this not to be significant enough to merit refusal of the application on this ground. Schools and nurseries are normally located within residential areas.

Overlooking and privacy

42. Given that the site is an existing commercial building and the distance to the nearest residential dwellings there would not be a significant loss of privacy or residential amenity from the proposed use.

Amenity of future occupiers

43. In emerging policy 2 of the Development Management Policies, the amenity of future occupiers of the site must also be considered. The proposed use would be sensitive to noise and pollution to some degree. However, considering the distance of the use to the nearest buildings on site there is not considered to be significant issue for future occupiers. The land is not designated employment land, and only has a horticultural use on site which has a less intense nature to its use.

Design and landscaping

Appearance of development

44. The building would require minor amendments to enable the change of use. These would be sufficiently minor alterations to windows, doors, the decking area and access ramps into the building, which would not lead to a significant impact on the overall appearance of the building.

Landscaping

45. The change of use would require more fences to be installed around the site to ensure the safety of children attending the nursery. The site is relatively screened

from the main road by existing mature vegetation and the existing building which would not make these fences highly visible to the surrounding area.

46. As the site is within the river valley however a condition is recommended to agree the materials, colour and precise design of the fences to be installed to ensure that they are of appropriate appearance in the river valley.

Environmental Issues

Water Conservation

47. Under policy 3 of the Joint Core Strategy, all development must maximise water efficiency. This would only be reasonable if development was being built from new or if new fixtures and fittings were being installed. From the plans it appears that new toilets are being installed only.
48. As the policy only requires water efficiency to be maximised for new development it is not considered reasonable in this instance to condition water efficiency.

Flooding

49. Flooding has been raised as an issue in a letter of representation. The site is in flood zone 1, the lowest risk flood zone. The proposed use would not increase the chance of flooding as it proposes no operational development. Therefore the development, although in the river valley, is not considered to lead to an increased risk of flooding.

Temporary Permission

50. The applicants have specifically requested a two year permission. This is due to the terms of their lease only allowing use of the site if occupied on the basis of a temporary permission.
51. Temporary permissions must be justified under the provision set out in Planning Circular 11/95. Under paragraph 110 of this circular a temporary use may be justified if a short term use of the building is requested by the applicants, as is the case here. However there is no other planning justification for such a temporary consent and it is arguable that the condition is not justified or necessary. After two years the applicants would need to re-apply for a permanent use or cease the use on the site.

Local Finance Considerations

52. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of income through business rates. The operation of a business from premises would generate income for the council. This is a material consideration but in the instance of this application the other material planning considerations detailed above must be fully considered.

Equality and Diversity Issues

53. There are no significant equality or diversity issues. The site is located in a fairly accessible location, but the age range of children who would use the nursery would be accompanied by an adult for drop off and collection. Therefore the location would not disadvantage people who did not have access to a private car.

54. Given the use of the building it is likely that level access would be provided for younger children in push chairs. A condition is recommended for level access to be provided into the building.

Conclusions

55. The site of the proposed nursery is outside of any defined centres but is in an accessible location near a district centre, on public transport routes and on the edge of a large residential area. There is current Government guidance to promote the provision of school and educational facilities, with new permitted development rights for nurseries without the need to apply for planning permission.
56. The site is however within a defined river valley and so any harm resulting from the proposal must be carefully considered. The main source of harm resulting from the proposals would be the additional activity and car movements within the river valley. The site is however quite far away from the river and the harm the proposed use would have on the environmental quality of the river valley would be relatively minor.
57. The harm of additional traffic will also be mitigated through the use of a Travel Information Plan to promote public transport and shared transport where possible.
58. The harm resulting from the proposed development given the previous use on the site is therefore not considered sufficient to merit refusal of the application. The impacts must also be balanced against the presumption in favour of development of new educational establishments. In this instance the proposed use is considered to be acceptable given its small size, distance from the river and traffic mitigation measures. Subject to recommended conditions, the application is recommended for approval.

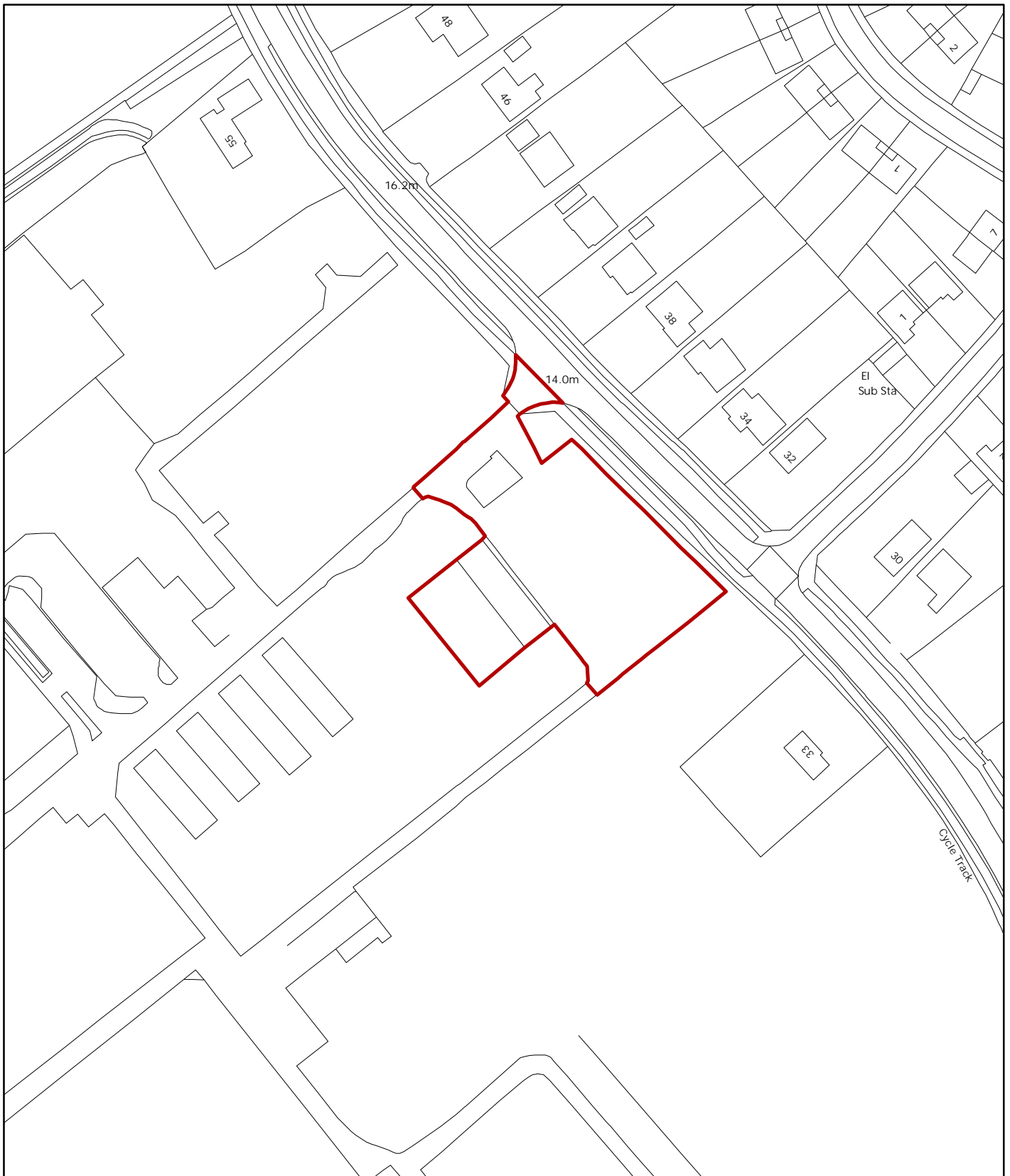
RECOMMENDATIONS

To approve Application No 13/00852/U at Summer Garden & Leisure Buildings, The Old Saddlery, Bluebell Road, and grant planning permission, subject to the following conditions:-

1. Use to cease after two years
2. In accordance with plans
3. Landscaping details – all new boundary treatments
4. Travel Information Plan
5. Signage at entrance to nursery and in car park
6. Car park layout, including drop-off bay and direction of car and servicing vehicle movements through the site to be agreed
7. Cycle parking and refuse storage provision to be agreed
8. Level access provided

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.



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Planning Application No 13/00852/U

Site Address Summer Garden and Leisure Buildings
The Old Saddlery Bluebell Road

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES

