

Report to Planning applications committee

Item

26 February 2015

Report of Head of planning services

Subject

Application no 14/01850/F - 49 Hunter Road
Norwich NR3 3PY

4(E)

Applicant Mrs Jenny Harper

Reason for referral Objection

Ward:	Catton Grove
Case officer	John Dougan - johndougan@norwich.gov.uk

Development proposal		
Rear extension and part change of use of ground floor to children's day nursery (Non-Residential Institution, Class D1).		
Representations		
Object	Comment	Support
6	0	1

Main issues	Key considerations
1 Principle of a child care facility in this location	Provision of a community use, supporting small businesses and safeguarding housing stock
2 Transportation	Vehicular movements and parking
3 Residential amenity	Internal and external noise nuisance
Expiry date	11 February 2015
Recommendation	Approval

The site and surroundings

1. The character of the area is residential comprising blocks of two-storey terraced properties with gardens / driveways to the front and long gardens to the area. Catton primary School / Sure Start facility, including the associated external play facilities are located to the west of the residential area.
2. Hunter Road has a relatively wide carriageway with a footpath either side of the road. There are no parking restrictions on the main stretch of this public highway, except for the numerous accesses to residential properties. However the turning head at the end of the road is designated as being no parking and directly adjacent to the access / egress for the Sure Start facility. During the site visit it was evident that there was spare parking capacity on Hunter Road, but incidences of unauthorised parking on the turning head by either parents or residents of Hunter Road.
3. It is noted that this entrance is primarily the access to the Sure Start car park. However some parents may use this entrance to walk through to the primary school.
4. The application site is located adjacent to the turning head / access to the Sure Start car park, comprising a two-storey 3 bed terraced dwelling with a shared alley way. A child minding service is currently operated from the premises, for approximately 6 children aged under aged under 8. This child minding facility currently operates in a manner which is ancillary to the residential use of the site and does not require planning permission.
5. The frontage of the site is undefined, accommodating 2-3 cars. The rear of the site comprises a long garden having a 1.8 metre high close boarded fence to the east and west. The adjoining property to the north has a small single storey lean-to extension a series of mature shrubs and small trees in close proximity to the boundary fence with the application site.

Constraints

6. Critical drainage area (DM5)

Relevant planning history

- 7.

Ref	Proposal	Decision	Date
14/01069/PDE	Erection of single storey rear extension. The extension extends six metres beyond the rear wall of the original dwelling. The height at the eaves is 2600mm. The height at the highest point of the extension is 3100mm.	Prior approval application granted.	01/09/2014

The proposal

8. The proposed comprises a rear extension which is the same footprint of what has been recently approved as part of the prior approval consent (6.7 metres wide and 6 metres depth).
9. The building will continue to be used as a dwelling (C3). However during the day, the existing and extending ground floor area will be used as a child care facility (D1) for a maximum of 16 children, mainly catering for 2 year olds to a maximum age of 4. The children would be cared for by up to 4 adult members of staff. The application has been submitted as the nature of the child minding facility now proposed is considered to be of such a scale that it can no longer be considered as an activity which is ancillary to the residential use of the premises. As such the proposed use would therefore require planning permission.
10. Hours of operation will be from 7:45am until 3:45pm. Drop off and pick up times would be staggered at 8.00 / 8.15am and 2.30 / 2.45pm respectively in order to manage vehicle movements and parking demand in the area.
11. Play time in the rear garden would be managed to only have 8 children in the garden at any one time.
12. The site would have parking for 1 car, cycle stands to the frontage for parents and children arriving by bike and secure / covered cycle storage for staff to the rear.
13. The applicant also proposes that staff would greet parents and children at the front of the property guiding parents on matters relating to considerate parking, together with a regular newsletter to promote considerate parking.
14. The applicant has gained funding for an expanded child care facility from the Norfolk community foundation, a fund to expand early learning provision for two year olds in identified priority areas within the city. This is to help meet the government commitment to expand provision of free childcare to two year olds who meet certain eligibility criteria, based around receipt of benefits such as job seekers allowance or working families' tax credit.

Summary information

Proposal	Key facts
Scale	
Total floorspace	The child care will primarily operate from the new ground floor area comprising 50sqm. The extension projects 6 metres in depth and is 3 metres at its highest
Appearance	
Materials	To match existing
Construction	Flat roof

Energy and resource efficiency measures	No details submitted or are required.
Transport matters	
Vehicular access	As existing
No of car parking spaces	1 no.
No of cycle parking spaces	4 to the front 4 to the rear
Servicing arrangements	Bin storage to the rear

Representations

15. Neighbouring properties have been notified in writing. 6 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
There are already highway safety / parking problems on this street linked with the school. The day nursery would make things even worse.	See main issue 2
People often park outside our gate meaning that we can't leave our property. Being disabled, having to access or car on the street. Being disabled, I can't walk very far, meaning I would struggle to get to the car if I had to park on the road.	See main issue 2
I work night shifts, so the increased noise levels would adversely impact on my sleep patterns	See main issue 3
It is noted that the submission states that nursery provision is not great. However, the newly opened little explorers attached to Catton Grove has not yet filled its places, indicating a low need for another facility.	See main issue 1
The phasing would mean that there would be an AM and PM intake, potentially leading to 32 children being dropped off or picked up plus 4 staff cars. This in conjunction with	See main issue 2

Catton Grove nursery and explorers finishing at 11.30 would far outweigh parking facilities and lead to aggressive parking or accidents.	
The existing school playground to the north is already quite noisy. A childcare facility with 16 children will just make things worse.	See main issue 3
The extension will sever the roots of my laurel tree which is in place for my privacy	See other relevant issues section
The development would result in the sewerage system leading to overflow into my back garden	See other relevant issues section
The builders and their lorries are going to cause problems for residents	See main issue 3

16. A letter of support from the Sure Start facility on Hunter Road stating that the Catton Grove, Fiddlewood and Mile Cross area is an area of significant deprivation and approved early years settings in the catchment are currently handling substantial waiting lists for this provision. Data made available to the Children's Centre by Norfolk County Council estimates that by September 2014 there will be over 97 eligible two year olds who will not be able to access early education due to the lack of available places in our Children's Centre reach area. For this reason, and given the relevant quality assurance, we believe that Mrs Harpers proposal represents a sustainable business investment.
17. Revised plans and further supporting information was received and subject to an additional period of consultation expiring on 13th February.

Consultation responses

18. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Highways (local)

19. The proposed use would be a more intensive use in terms of traffic generation compared to its extant residential use. If approved there could be approximately 40 additional trips a day if you include staff and clients; this would be a mix of modes by car or on foot. This is significantly more activity than a residential use, but relatively low for a business. Yet these types of uses can have an acceptable traffic impact on residential areas.
20. It is considered in this case that the street could accommodate the additional traffic, although it is accepted that disturbance during drop of and pick up times would be controversial with local residents. However impact would be limited to only certain times of day and mitigated by some journeys being made by walking and cycling due to the numbers of children and staff living locally.

21. If approved it is recommended that the front garden is landscaped to make it pedestrian only as it is imperative that there is safe access for children to the premises. It would also be preferable for cycle parking to be provided prominently at the front. In addition as the adjacent turning head does not have waiting restrictions, a Traffic Regulation Order to install double yellow lines in the turning head would help to reduce congestion caused by parked vehicles and enable vehicles to turn safely. Although in practice it is noted that yellow lines are often ignored near schools, and so nuisance could persist.
22. Staggered start times would smooth out traffic and parking in the locality sufficient to be accommodated with this cul-de-sac. The provision of cycle parking and single car parking space is appropriate for this small business activity. The location of community facilities in local neighbourhoods is vital if working parents are to have the child care services they need locally.

Tree protection officer

23. The protection of the trees and mature shrubs in the neighbour's property is achievable subject to the submission of an arboricultural method statement and protection plan.

Assessment of planning considerations

Relevant development plan policies

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities
25. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM7 Trees and development
 - DM11 Environmental hazards
 - DM15 Safeguarding the city's housing stock
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM22 Planning for and safeguarding community facilities
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

26. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

27. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

28. Key policies and NPPF paragraphs – DM15, DM22, NPPF paragraphs 7, 19 and 69.
29. The principle of providing an extended child care or early years educational facility on this site, in a residential area with an identified shortfall of home based care facilities for 2 year olds in an area of deprivation is acceptable and would be supported by policy DM22. Specifically it would not undermine the objectives for sustainable development in DM1 in particular by increasing the need to travel by private car.
30. It is noted that there is a facility at Catton grove primary school providing child care facilities for 2 years. However, as the facility only opened in January 2015 and there is no additional evidence that the shortfall in facilities in the area has been resolved, it is still appropriate to consider that there is still a shortfall in the area.
31. Part of the existing house will be lost during the day to accommodate the expanded child minding facility. However, as the facility will revert back to a residential use in the evenings and such an activity is not untypical in a residential area no significant harm on the city housing stock will result, in accordance with policy DM15.

Main issue 2: Transport

32. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
33. The site would in effect comprise a mixed use as a dwelling (C3) and a nursery (D1).
34. The local highway authority state that the road can physically accommodate traffic associated with the business although it would be a more intensive use in terms of traffic generation compared to its extant residential use.

35. If approved there could be an approximately 40 additional trips a day by staff and clients; this would be a mix of modes by car or on foot. This is significantly more activity than a residential use, but relatively low for a business.
36. The local highway authority also considers that the street could accommodate the additional traffic, although this concern has been raised by local residents. However community uses such the one proposed can also be perceived as having an acceptable impact on residential areas due to the nature of the use.
37. Officers raised concerns at the outset that use of the site as a day nursery for up to 16 children would result in significantly increased vehicular movements and potential parking demand. The original submission provided 3 parking spaces to the frontage which left very little space for access to the side alley way and front door of the dwelling.
38. The applicant was advised to reduce the car parking to a single space, delivering a more usable space for push chairs or wheel chair users and providing prominent space for cycle stands and hopefully encouraging parents to use sustainable alternatives to the car. It is acknowledged that such parking provision is a concern to residents, especially in light of the incidences of unauthorised parking on the turning head and vehicular movements associated with nearby entrance to the Sure Start car park.
39. However there are a number of factors which would mitigate impacts upon parking. The nature of the use and associated vehicular movements cannot be considered untypical in residential context and only occurring at certain times of the day. Indeed, there are many examples in the city of schools being located in residential areas. In this case the existing Sure Start Centre entrance and secondary access to a primary school are located in close proximity to the site, and generate vehicle and pedestrian movements.
40. The applicant has proposed to phase the drop off and pick up times to spread out any such movements and ensure that they occur outside the drop off / pick up times for the nearby Sure Start facility and primary school. Such a measure could reduce the incidences of unauthorised parking and the number of vehicular movements around the turning head. The local highway authority is of the view that the staggered start and finishing times would have the effect of smoothing out traffic and parking in the locality. It is recommended that the hours of operation and drop of times be conditioned.
41. Furthermore, the remainder of Hunter Road has no parking restrictions so users could choose to park there on a temporary basis whilst dropping off or picking up their child.
42. The applicant proposes that staff would greet parents as they arrive and advise parents to park their cars in a considerate manner. Newsletters would also encourage consideration to surrounding residents. The applicant is also required by condition to prepare a Travel Information Plan which they could use to manage the impacts of the car and also highlight the other sustainable options open to parents such as walking, cycling using the nearby bus network. In addition given the sites location in a residential area, nearby users may travel to site on foot or by cycle, instead of by car.

43. Taking all of the above factors into consideration, the proposals are likely to result in a noticeable change in the amount of traffic movements and demand for parking towards the end of Hunter Road. However this is not considered to result in undue impact upon the local highway network, or excessive disruption to nearby residential occupiers.

Main issue 3: Amenity

44. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
45. The ground floor area is considered to be of an adequate size to accommodate 16 small children and 4 members of staff. Together with access to the large garden to the rear, the site will provide adequate amenity provision to accommodate the existing residential use and new nursery use.
46. It is acknowledged that 16 children and 4 members of staff is a large number of people for a property of this size, potentially increasing the levels of noise currently emitted from the property.
47. The new extension will be constructed using modern methods of construction with insulated cavity walls which will help reduce sound penetration to the adjoining properties. However the original property is relatively old and noise transmission may be greater, potentially having an adverse impact on the occupants of the neighbouring properties. A condition is therefore proposed requiring supplementary details of how noise transmission between the properties is to be reduced to the north and south.
48. It is acknowledged that some residents may work nights and therefore sleep during the day and could be disturbed by noise from children or increased pedestrian and vehicular movements to the frontage of the application and wider street scene.
49. However a higher background noise level during the day, in comparison to the night is unavoidable. The site is also in proximity to a primary school and Sure Start Centre, and a child minding facility currently operates from the dwelling, with children using the garden for outdoor play. In comparison to this existing situation the proposed additional children would not generate such an increase noise levels, that this would detract from residential amenity to a significant degree.
50. In addition conditions are proposed restricting the hours of operation and arrival / departure times of children and limiting a maximum of 8 children in the rear garden at any one time. Furthermore children are likely to be taken for trips to local parks as part of the learning and development, meaning that the property will occasionally be unoccupied or occupied less intensively.
51. The scale of the construction works are typical of the impacts associated with a small householder extension. It is therefore unlikely that any construction activities will cause significant sustained impacts on the amenity of neighbouring properties.
52. As such it considered that the proposals would not result in excessive harm to residential amenity, in accordance with policy DM2.

Compliance with other relevant development plan policies

53. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation, see table below:

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	No, but see paragraphs 32 - 43
Refuse Storage/servicing	DM31	Yes
Tree issues	DM7	Yes. Concerns with regard to impact on trees within neighbouring gardens are noted. However protection of these trees is feasible subject to conditions
Impact of extension on daylight / sunlight / outlook to adjoining residential properties	DM2	Yes. The proposals would not result in undue loss of daylight / sunlight or outlook to adjoining properties.
Impact on the appearance of the surrounding area.	DM3	Yes. Proposals would not be visible from the public realm and would not harm the appearance of the parent building or surrounding area.
Sustainable urban drainage	DM3/5	Yes. The submission indicates that water butts are to be used with water from the paved area being directed to either an existing soak away or mains sewer. Further details are required to clarify exactly how this will be achieved and that water can be disposed of efficiently.
Sewerage issues		The development is small scale. It would not therefore cause harm to local sewerage infrastructure.

Equalities and diversity issues

54. It is not considered that the proposals would raise any significant equality or diversity issues.

Local finance considerations

55. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance

considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

56. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
57. In this case local finance considerations are not considered to be material to the case.

Conclusion

58. The acceptability of the proposal is finely balanced. There is a shortfall of home based care facilities in an area which experiences high levels of deprivation. The proposal will contribute to reducing that shortfall, providing a service to the community. It will also assist the applicant's development their small business, therefore contributing to the local economy.
59. However it is acknowledged that the vehicular movements associated with the use may result in parking pressures around the turning head and entrance to the Sure Start facility, resulting in some inconvenience for the residents. Activity as a result of visits to and from the site, and from children's play in the rear garden, would also increase noise levels in the surrounding area. These impacts could be partly mitigated by use of the proposed conditions.
60. Taking all of the above factors into consideration, on balance it is considered that the benefits of the proposals in terms of expanded childcare and education opportunities would outweigh the impacts of the proposals upon the amenity of the surrounding area and potential increased parking pressure. As such the proposals are considered to accord with the aforementioned development plan policies.

Recommendation

To approve application no. 14/01850/F - 49 Hunter Road Norwich NR3 3PY and grant planning permission subject to the following conditions:

1. In accordance with plans
2. Hours of operation
3. Number of children and staff
4. Phasing of child play in the rear garden
5. Submission of a travel information and parking management plan
6. Details of noise suppression measures
7. Submission of an arboricultural method statement and tree protection plan
8. Details of SUDs to be submitted for approval
9. Four Sheffield cycle stands to the frontage to be installed prior to commencement
10. Cycle storage to the rear to be made available prior to commencement

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, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined above.