

Planning Committee Report	
Planning Ref:	FUL/2020/3095
Site:	7 Nutbrook Avenue
Ward:	Woodlands
Proposal:	Change of Use from a C3 dwelling house and related outbuilding to children's day nursery incorporating new decked areas, Perspex canopy areas and new drive.
Case Officer:	Darren Henry

SUMMARY

The application seeks to change the use of the dwelling to a children's day-care nursery.

BACKGROUND

The application site is located within a suburban area of Coventry, within the ward of Woodlands. The surrounding is predominantly housing with West Coventry Academy School located at the top end of the road.

A previous application, Ref. F/2020/1414 was refused on the 16th October 2020 due to the intensity of the use and the disturbance this would cause to neighbour amenity and failing to demonstrate no harm would occur to highway safety as a result of the proposed use.

KEY FACTS

Reason for report to committee:	29 letters of objection from 24 properties were received plus two additional objections withholding their address. 1 letter of support was also received letters of objection were received
Current use of site:	Existing residential property
Proposed use of site:	Change of use to children's day-care nursery for 22 children

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- Together with the aims of the NPPF, the proposal accords with Coventry Local Plan Policies:
 - AC3: Demand Management
 - AC2: Road Network
 - AC3: Demand Management
 - AC4: Walking and Cycling
 - CO1 New or Improved Social Community and Leisure Premises
 - DE1: Ensuring High Quality Design
 - DS1: Overall Development Needs

APPLICATION PROPOSAL

The proposal is for a conversion of the bungalow to a day nursery to accommodate 22 children with up to four staff potentially being employed. The nursery would be open between the hours of 7.45 am and 6pm, Monday to Friday for 50 weeks of the year. There are 3 off road car parking spaces proposed and three Sheffield bicycle stands for the staff. The proposed alterations to the building include converting an existing outbuilding as a baby area and introducing an external play area. Perspex canopies are proposed for shelter at the side and rear (external play area) of the property.

SITE DESCRIPTION

The application site relates to a detached bungalow located on the southern side of Nutbrook Avenue. The property has a front garden area which is hard landscaped for car parking purposes and a rear soft landscaped garden. There is access to the rear along the eastern boundary of the property. In the rear garden there is an existing detached building.

The surrounding area is predominantly residential in nature with the exception of an existing high school located on the western side of Nutbrook Avenue.

PLANNING HISTORY

Application Number	Description of Development	Decision and Date
FUL/2020/1414	Change of Use from a C3 dwelling house and related outbuilding to children's day nursery incorporating new decked areas, Perspex canopy areas and new drive.	Refused on the 16 th October 2020.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policies relating to this application are:

AC3: Demand Management

AC2: Road Network

AC3: Demand Management

AC4: Walking and Cycling
CO1 New or Improved Social Community and Leisure Premises
DE1: Ensuring High Quality Design
DS1: Overall Development Needs

CONSULTATION

No objections subject to conditions received from:

- Coventry City Council Environmental Protection
- Coventry City Council Highways

One letter of support has been received and 29 letters of objection from 24 properties, plus a further two objections received withholding their address. The following material planning considerations were raised:

- Undue noise and disturbance from nursery users.
- A use out of context with the surrounding residential environment.
- An exacerbation of existing car parking issues resulting in harm to the safety and convenience of the users of the highway.
- The traffic caused by the West Coventry Academy & Our Lady of the Assumption schools, is already a problem and causes major blockages and hazards to both residents and pedestrians during normal school times.
- The Traffic Statement states that the surveys were carried out on the morning of Tuesday the 24th of November and the afternoon and evening surveys were undertaken on Thursday the 26th of November. On these, the Traffic Statements says, all school years were in attendance at West Coventry Academy. Nevertheless, to undertake a survey on one morning and one afternoon can hardly be expected to give a comprehensive evaluation of the volume of traffic and parking issues experienced in the Avenue at these times throughout the week. Furthermore, the report recognises that the current COVID-19 restrictions may be suppressing the level of existing school traffic. This, then, clearly invalidates any findings from the report. The Traffic Statement cannot be relied upon to give any form of correct assessment of the issues, as it is not evaluating the full picture.
- The Traffic Management Plan also states that 50% of parents using the nursery would walk rather than drive and that the nursery staff will tend to be employed locally and therefore may not drive to the nursery. However, these are assumptions are not guaranteed and therefore further cast doubt on the findings as they cannot be taken as fact.
- Noise will start early on due to the early opening hours.
- The cover letter states that many children's nurseries have recently closed, so is there really a need for such a use.
- A proliferation of nurseries within the area, seven within a mile radius and a further three within a two-mile radius.
- Pollution affecting the local wildlife due to traffic congestion.
- Litter and waste due to the numbers of children and staff and insufficient number of bins.
- A cramped use of the rear garden.
- The intensity of the use will harm the living conditions currently enjoyed by neighbouring properties.

APPRAISAL

The main issues in determining this application are: principle of development, the impact upon neighbouring amenity, including noise and disturbance, design and visual appearance and the impact on highway safety.

Principle of development

It is recognised that the provision of childcare services is important so that parents can continue or return to work whilst taking care of their children, which in turn provides economic benefits. The site is within a built-up residential area and within walking distance of bus routes on Hawthorn Lane.

Policy CO1 states that proposals for social, community and leisure facilities will be considered through the following sequential approach:

- a) Designated centres to support the centres hierarchy;
- b) Where no suitable sites are available in a designated centre, an edge-of-centre location;
- c) Where no edge of centre sites are available, a site adjacent to other associated facilities including existing schools and educational facilities;
- d) Only where no suitable site can be identified having regard to points 1-3, will stand alone sites be supported, subject to:
 - i. The proposal addressing an unmet need within a local community;
 - ii. There being no significant adverse impact upon the role of a defined Centre; and
 - iii. There being no material impact on neighbouring amenity;

Proposals will be considered on the basis of:

- a) The appropriateness of their proposed location in relation to their scale and intended catchment;
- b) Compatibility with nearby uses;
- c) Accessibility by a choice of means of transport; and
- d) Compatibility with other Plan Policies.

Planning Policy Officers were consulted and requested that a Sequential Assessment be provided in order to comply with Policy CO1. Policy Officers stated that the relevant centres to assess are Station Avenue, Banner Lane, Jardine Crescent and Sutton Avenue, Eastern Green". The Local Centres are established by Policy R3 of the Local Plan.

The Sequential Assessment demonstrates that there are no suitable vacancies within, or on the edge of, either Station Avenue, Banner Lane, Jardine Crescent or Sutton Avenue Local Centres which could provide for the use.

Whilst the proposed children's day nursery at 7 Nutbrook Avenue would occupy an "out of centre" location, it would have only limited impact on the vitality and viability of the thriving Centres nearby. The Sequential Assessment demonstrates that there are no suitable, sequentially preferable locations and the application is, therefore, in accordance with Policy CO1 of the Coventry Local Plan and the principle is considered acceptable.

Impact on residential amenity

The building is detached and the nursery use will therefore not create any internal transfer of noise to adjacent properties. Furthermore, the property is separated from the side boundaries of No.5 and No.9 Nutbrook Avenue by driveways either side of the application site. The rear garden is over 20m long and 15m wide, giving a spacious area of over 300 sq.m, and is enclosed by high perimeter fencing and natural hedging, which will remain in place. However, the garden area will be used for external play, which will create audible noise for the neighbours. To mitigate the noise, it is proposed that the numbers of children playing in the rear garden will be limited to a total of 22 children separated into three different age groups (6 weeks to 2 years; 2-3 years and 3-4 years).

The applicant states that when the children are outside, they would be in small supervised groups of no more than 5 children in the garden at any time. Whilst outdoor play is an important part of the day, it is important to consider that it would be weather dependent and would not continue throughout the whole nursery day. It should also be noted that the outdoor play by a maximum of 5 children would not be so significantly different to outdoor play by a family.

The applicant states that a maximum of 5 children would be outdoors for between 45 minutes and 1 hour at a time during the following hours:

- 9.30am - 11.30am morning outdoor play for the three age groups;
- 11.30pm - 2.30pm lunch and rest time;
- 2.30pm - 5pm afternoon play for the three age groups.

This arrangement is in line with Ofsted ratios for children/staff and will be monitored by the applicant or the manager on a day to day basis depending on which group would need to access the outdoor area. The applicant has also stated that he would be happy to plant more natural hedging along the boundary to further compress any noise.

Environmental Protection had previously objected on the grounds of noise and disturbance. Despite their previous objection, Environmental Protection consider the submitted Management Plan to reduce the number of overall children and limit the numbers of children playing outside at any one time to be staggered during specified hours is acceptable and will mitigate excessive noise. Consequently, they now have no objection subject to conditions.

Impact on visual amenity

Section 12 of the National Planning Policy Framework 2019 (NPPF) outlines the Government's commitment to good design and attaches great importance to the design of the built environment, highlighting it as a key aspect of sustainable development. Consequently, decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF further states that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development". However, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the

character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents” (130).

Furthermore, Policy DE1: Ensuring High Quality Design, states: “All development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area”.

The proposed physical external alterations to the dwelling for the purpose of the proposed nursery are limited to the two proposed canopies. These in themselves do not cause any significant harm and are suitable proposals in isolation according with the relevant design policy.

Impact on Highway Safety and Parking

The nursery will have provision for 22 children aged up to four years, which could cause highway safety concerns if they were all to arrive and depart at the same time. Furthermore, there has been considerable neighbour objection on the grounds of insufficient parking and highways safety issues due to congestion, particularly during peak hours.

It is proposed to create 3 tandem car parking spaces to the left of the property to be used by staff. The existing hardstanding in front of the dwelling will be resurfaced and can be used with the existing in and out for a drop-off and pick-up facility for parents. The existing exit will require a new dropped kerb, subject to agreement with the highway authority.

With regards to dropping-off and picking-up, the applicant does not propose a fixed time. Consequently, parents will generally drop-off or pick-up over an extended period at times that suit them during the morning, lunch or evening periods. Furthermore, the nursery afternoon session typically ends around 5:30-6pm, rather than around 3pm when school finishes. This means that there is no significant peak of arrivals during pick-up or drop-off, and typically no pick-up during the afternoon school peak pick-up period.

To ensure pick-ups and drop-offs run smoothly and avoid congestion, A Management Plan will be in place, allocating parents a set 15-minute arrival and pick-up slot, based around each parents' requirements. The Agent states that this staggered approach adds formality and has been proven to work successfully at Hedgerow Nursery, along Cromwell Road.

Prior to preparing the Transport Statement (TS), the Transport Consultant liaised with Highways and together agreed an appropriate methodology. In preparing the TS, parking surveys have been undertaken to assess the existing on-street parking in the vicinity of 7 Nutbrook Avenue. These surveys were scoped with Coventry City Council to ensure that they met requirements and to ensure that it was acceptable to undertake surveys during the current COVID-19 travel restrictions.

As part of the process of assessing the application Coventry City Council Highways were consulted and raised no objections against the TS, other than stating that the proposed Butterfly bicycle stands are not acceptable and that they would welcome a slightly increased amount of cycle storage capacity in order to encourage parents to adopt a more sustainable method of travel and to future proof the development. Furthermore, the

proposed nursery car park exit, will require a new footway crossing and the applicant will be required to enter into a section 278 agreement with the Highway Authority in order to comply with the requirements.

In light of Highways' response, the applicant has amended the Management Plan and amended the Plans to include 3 new Sheffield bicycle stands for staff.

In response to the amendments Highways were re-consulted and are now satisfied with the proposal and have no objections, subject to conditions relating to cycle storage.

Other issues

Issues have been raised by local residents with regards to pollution affecting the local wildlife and litter and waste from the proposed nursery. Given the use proposed, it is not anticipated that either of these issues would occur at a level that would warrant refusal of the application on these points. Management of the nursery and those using the facility should be sufficient to prevent these issues occurring.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, character and visual appearance of the area or highway safety. Together with the aims of the NPPF, the reason for Coventry City Council granting planning permission is because the development is in accordance with the following Coventry Local Plan 2016 Policies: AC1, AC2, AC3, AC4, CO1, DE1 and DS1.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Ground Floor Plans and Elevations 26/05/20-01; Proposed Layout Plan 26/05/20-02 Rev C; Existing and Proposed Part Floor Plans and Site Location Plan 26/05/20-03; Site Management Plan and Covering Letter 1st March 2021; Transport Statement November 2020.

Reason: *For the avoidance of doubt and in the interests of proper planning*

3. The use hereby permitted shall not take place other than between 7:45 hours and 18:00 hours Mondays to Fridays and no use is permitted on weekends and Bank/Public Holidays.

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016*

4. The capacity of the nursery shall be limited to 22 children.

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016*

5. The outdoor areas shall only be used for play between 09:30 and 11:30 hours and 14:30 and 17:00 hours and there shall be no more than 5 children in the garden at the same time.

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016*

6. Details of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking details shall include the siting, design, appearance and type of stands/shelter and should accord with Cycle Parking Standards within Appendix 5 Coventry Local Plan 2016. Then prior to occupation the approved cycle storage shall be implemented, retained there in after and kept available for this use at all times.

Reason: *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.*