

COMMITTEE REPORT

Date: 12 August 2021 **Ward:** Rawcliffe And Clifton Without

Team: West Area **Parish:** Clifton Without Parish Council

Reference: 21/00066/FUL

Application at: Bright Beginnings Day Nursery 47 Rawcliffe Drive York YO30 6PD

For: Single storey rear extension to form kitchen extension - resubmission

By: Mrs Christine Henderson

Application Type: Full Application

Target Date: 13 April 2021

Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for the demolition of a small existing rear extension and its replacement with a single storey rear extension to form a small kitchen extension.

1.2 The application originally included a single storey rear extension to provide an additional baby area for a maximum of 6 babies. This element of the scheme has now been removed from the proposal and no additional spaces are proposed at the nursery.

Sub-committee call-in

1.3 The application has been called in by Councillor Smalley on the grounds of overdevelopment of the site and impact on local residential amenity.

2.0 POLICY CONTEXT

2.1 Emerging Local Plan (Publication draft 2018)

D11 – Extensions and alterations to existing buildings

HW4 – Childcare provision

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2.2 Development Control Local Plan (incorporating 4th set of changes) 2005

GP1 – Design

3.0 CONSULTATIONS

INTERNAL

Early Years And Childcare Service

3.1 The applicant has demonstrated an unmet need for nursery places with a current waiting list of 5 families wanting baby places. The application is supported. (Officer note – comments received in relation to original proposal for extension to nursery accommodation.)

Public Protection

3.2 The development is within a residential area. The addition of the extension will create more internal space and will reduce the amount of external play area. The applicant has not provided any details on how noise from the use of the baby room will be minimised so as to not cause any disturbance to surrounding residents. Other details relating to construction disturbance and odours from the kitchen could be controlled via condition.

Highway Network Management

3.3 Original proposal - The proposal is not supported. There are currently 2 off-street parking space with an extra one proposed as part of the application. The proposal for 6 new baby spaces would generate 2 new full-time positions and give a maximum total of 39 children and 12 staff. This equates to a need for a total of 12 parking spaces of which 9 would be accommodated on the highway. The site is close to a junction with Oriel Grove and already has an impact on highway safety with parking on footways, within 10m of a junction and parking inconsiderately such that busses cannot negotiate the roads. There is clear and compelling evidence that the nursery causes existing problems with highway safety and the additional parking generated as a result of this application would only exacerbate this causing an

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unacceptable impact on highway safety and severely affecting the free flow of highway users including frequent service busses.

3.4 Revised proposal - No highways implications are envisaged as a result of this application.

4.0 REPRESENTATIONS

4.1 Six letters of representation have been received from neighbouring residents. The issues raised are:

- Insufficient off-street parking
- Existing on-street parking and anti-social parking problems
- Highways safety concerns
- Buses struggle to get down the road
- Impact on residential amenity from size of extension
- Impact of increased intensity of use
- Extension not subservient to host building and poor design
- Impact of noise on neighbours
- No cycle parking on site
- Precedent for further development on the site
- Inadequate outdoor space
- Not possible to provide the additional off-street parking as suggested
- Inappropriate development for a residential area
- Inaccurate picture of actual parking situation given the recent lockdowns
- Access too tight for emergency service along Oriel Grove and Rawcliffe Drive
- Impact on residential amenity

5.0 APPRAISAL

5.1 Main issues

- Principle of the development
- Design and character
- Amenity issues
- Highways considerations

Planning policy and legislative context

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5.2 The National Planning Policy Framework (July 2021) (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3 Paragraph 38 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to say that they should seek to approve applications for sustainable development where possible.

Emerging Draft Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

Draft Development Control Local Plan (Approved April 2005) (DCLP)

5.5 This plan is not adopted policy but was approved for development management purposes. Policies in the DCLP carry very little weight but are capable of being

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material considerations in the determination of planning applications where these are consistent with those in the NPPF.

Principle of the development

5.6 The proposal is for extensions to the existing lawful use on site. Permission for a change of use with alterations from retail shop to day nursery/playschool was approved (ref: 00/02711/FUL) in December 2000 and the business currently in operation is broadly in line with that consent. Policy HW4 of the Submission Draft Local Plan states that the Council will support development that helps meet the city's need for childcare provision.

Design and character

5.7 The proposal is for a small flat roof single storey rear extension. The extension has a rear projection of 2.3m and is 3.4m wide and is 1.9m from the boundary with the neighbouring property, No.4 Oriel Grove. It is to be constructed from bricks to match the existing property.

5.8 Relevant to this proposal, policy D11 of the draft Local Plan requires that proposals should respond positively to its context in terms of the use of materials and detailing, scale, proportion, landscape design and space between buildings.

5.9 The proposal is small in scale and set well back from the highway. It remains subordinate to the host building and, while visible from the highway, will not be a prominent feature in the streetscene as it will be read in conjunction with the existing extension to the rear of No.4 Oriel Grove. For these reasons it is considered that the proposal meets the requirements of policy D11.

Amenity issues

5.10 The proposal provides enhanced washroom and kitchen facilities for the nursery. Currently the small kitchen sits within the middle of the building with a small washroom to the rear. The washroom and kitchen areas will be swapped and the kitchen extended to provide enhanced facilities for the nursery.

5.11 The scale and siting of the proposed extension will ensure that there is no detrimental impact from overshadowing, over-dominance or overlooking from the proposed extension.

5.12 Policy D11 of the draft Local Plan also requires that the design protects residential amenity and contributes to the function of the area. Objections have been made about an intensification of use of the site and the impact on neighbouring amenity from additional noise and disturbance as a result of this. The current proposal allows for no increase in child spaces but will provide enhanced facilities and sufficient outside space will be retained for play areas. For these reasons it is considered that there will be no significant impact on residential amenity as a result of the proposal which complies with policy D11 in this regard.

Highways considerations

5.13 The car parking area and associated crossover is to remain as existing and there are now no changes proposed which would result in harm to highway safety. While there is an acknowledged existing on-street parking issue, this proposal will have a neutral impact on parking and requiring the provision of additional off-street spaces would be unreasonable.

6.0 CONCLUSION

6.1 The scale, siting and design of the proposed extension ensures that it addresses the requirements of policy D11 in terms of visual and residential amenity. No additional child spaces are proposed and the scheme would therefore have no highways implications.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan and block plan YO30-1899-PLN-C-003
Proposed plans and elevations YO30-1899-PLN-B-002

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Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The proposed extension shall be used as kitchen facilities only as indicated on approved plan YO30-1899-PLN-B-002.

Reason: In the interests of clarity and to ensure no intensity of use of the site, as this would require further consideration of the highways implications.

4 The walling materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Advised that a proposal for the increase in child spaces on site is unlikely to be acceptable given the existing highway safety issues.

Contact details:

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