

COMMITTEE REPORT

Committee: East Area
Date: 7 August 2008

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 08/00760/FUL
Application at: Straylands Day Nursery Fairfield Malton Road Heworth York
For: Variation of condition 5 of planning permission 05/02281/FUL to allow 26 children to attend Straylands Day Nursery
By: Mrs Tracy Gowlett
Application Type: Full Application
Target Date: 4 July 2008

1.0 PROPOSAL

1.1 This application seeks consent to increase the number of children attending Straylands Day Nursery at any one time from 22 to 26. In December 2005, consent was granted by Planning Committee (Ref No. 05/02281/FUL), to increase the number of children attending the nursery from 10 to 22. The numbers are controlled by condition 5 of this planning permission, which states that no more than 22 children between the ages of 0 -5 years can attend the nursery.

1.2 Straylands Day Nursery operates from Fairfield which is a terraced property located on Malton Road. No residential element remains at Fairfield with the top floor acting as an office for the nursery use. To the rear of Fairfield is a garden which acts as the outdoor space for the children. Beyond the rear garden is a modest car parking area which is accessed off Laburnum Garth.

1.3 The previous application was determined by the Planning Committee, hence the referral of this application. A site visit is requested due to the number of objection letters received and to allow Committee Members to fully understand these objections.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYC7

Criteria for childrens nurseries

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections. It is not felt that the small increase in the number of children attending the nursery at any one time would materially affect the highway network.

3.2 Environmental Protection Unit - No objections. Conditions attached to the previous decision notice have been fully complied with, sound insulation has been installed and no complaints have been received by this department. There is no reason to object to a small increase in the number of children attending the nursery.

EXTERNAL

3.3 Heworth Planning Panel - No objections.

3.4 Public Consultation - 12 letters were received, 5 were in support of the application, 7 were in objection to the application.

The letters in support stated:

- the nursery provides excellent care allowing parents to go to work knowing their children are well looked after;
- the nursery provides support for parents and gives flexibility during difficult times;
- the extension in children numbers would allow greater flexibility for children and parents;
- the proposal would aid the government's initiative of encouraging parents to go back to work;
- the management and staff are highly competent and could cope with a further 4 children.

The letters in objection stated:

- there is insufficient car parking space at the nursery;
- presently parents park on and clog up Laburnum Garth, any additional children attending the nursery would add to this problem;
- additional cars in the area may increase the chances of an accident given the narrowness of Laburnum Garth and the rear access to the car park;
- the existing car park area is difficult to access and therefore it is not widely used;
- the current parking behaviour of parents is inconsiderate to local people and may restrict access for emergency vehicles;
- parking is taking place in front of local residents garages, therefore people cannot get their cars in or out of the garage;
- it is proposed to add double yellow lines to sections of Laburnum Garth, this is likely to mean that even more cars will be parked over local residents driveways or in front of their garages;
- a legal agreement was made between the nursery and the owner-occupiers of Highfield which is an adjoining house. The owners of Highfield believe the nursery has broken this contract by applying for more than 22 children at the nursery and that the sound proofing has made no difference to sound levels. The agreement

also stated that children could not play outside for more than 1 hour in the morning and 1 hour in the afternoon, this has been broken several times. Additional children would cause more disturbance for neighbours, it is not a considerate use of a terraced property.

4.0 APPRAISAL

4.1 Key Issues:

- Impact on the living conditions of neighbours;
- Car parking/highway network

4.2 Fairfields already has permission to operate as a day nursery between 8am and 6pm Monday to Friday to care for a maximum of 22 children at any one time. This application does not seek to extend the opening hours of the nursery or fundamentally change how it is run. Therefore the only consideration in determining this application is the impact of the additional 4 children.

4.3 The application site is a three storey former dwelling house. The ground and first floor would be used to care for children between the ages of 0 to 5 years. No additional floor space would be created, instead some of the rooms would accommodate more children. The number of pre-school children would increase from 12 at present to 14, the number of toddlers from 6 to 7, and the number of babies from 4 to 5. There are designated rooms for children of different ages and therefore the 4 additional children would be spread throughout the property. Therefore, any disruption in terms of noise is likely to be minimal as there would be no significant intensification of use of any section of the nursery. Sound insulation has been installed at the premises, to the satisfaction of the Environmental Protection Unit, in accordance with Condition 1 of the previous approval (05/02281/FUL). The children go out into the garden at staggered times, and thus the noise emanating from the garden at any one time is unlikely to be significantly greater than at present. The applicants also state that start and finish times are staggered in order to provide the flexibility that parents need, and as a result it is stated that it will be rare for there to be 26 children on the premises at any one time.

4.4 The Office for Standards in Education (Ofsted) inspected the property in 2005 and gave a registration certificate for the nursery to operate from Fairfield. One of the conditions of this is that the nursery may care for no more than 26 children. Therefore, it is not considered likely that the nursery would ever be able to care for more than 26 children and thus the application under consideration is likely to be the last increase in numbers of children at the nursery.

4.5 The vast majority of objections which were received from local residents related to car parking and parents dropping off their children and blocking private driveways and garages with their cars. The nursery has space for four cars to the rear, however access is difficult and it appears that lots of nursery customers use Laburnum Garth instead. The majority of Laburnum Garth has no waiting restrictions on it, and therefore there is no control over vehicles parking on the street. The Local Planning Authority has no control over inconsiderate drivers who may block in other cars or stop neighbours accessing their driveways. It is not considered that the addition of 4 extra children, who are likely to arrive at staggered times, would be

likely to significantly affect the local highway network. Plans are under consideration by the highways team to add waiting restrictions to the south side of Laburnum Garth, however a decision will not be made until September as to whether these plans will be implemented. The Highway Network Management Officer who considered this proposal raised no objections in terms of the impact on the highway network.

4.6 Draft Local Plan Policy C7, which relates to childrens nurseries, states that permission will be granted for the development of a childrens nursery provided: a) adequate internal and external play space is provided; b) the development will not adversely affect neighbouring amenity or the residential character of the area; and c) the proposed development is well served by footpaths, cycleways and public transport. In respect of part a), it is considered that the Ofsted certificate provides reassurance that the internal and external play areas are adequate for 26 children. As discussed in paragraph 4.2 it is not considered that the increase in children numbers by 4 would materially affect neighbouring amenity. Fairfield has already lost its residential element and it is not considered that the proposal would harm the residential character of the area, therefore part b) is considered to have been satisfied. Fairfield is well served by frequent bus routes which run down Malton Road. The site is also easily accessible by bicycle or on foot from the local area, and it is therefore considered that the proposal complies with part c) of Policy C7. The proposed development is considered to be in accordance with local planning policy.

5.0 CONCLUSION

5.1 It is considered that the proposed increase in children attending the nursery from 22 to 26 would not have a significant impact on the living conditions of neighbours or the local highway network. Therefore, it is recommended that this application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The nursery hereby permitted shall not operate before 08.00 hrs nor after 18.00 hrs on Mondays to Fridays and not at any time at weekends.

Reason: To safeguard the amenities of local residents

3 The existing 4 car parking spaces and turning space at the rear of the property shall be retained for users of the nursery at all times. The car parking area shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety

4 The development hereby permitted shall be carried out only in accordance with the following plans:-

Layout plans received by The CoYC on 18/04/08

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

5 No more than 26 children between the age of 0 and 5 years shall attend the nursely at any one time.

Reason: To safeguard the amenities of local residents

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the living conditions of neighbours, the residential character of the area, and the local highway network. As such the proposal complies with Policy C7 of the City of York Draft Local Plan.

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325