

COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Haxby And Wigginton
Team: Major and Commercial Team **Parish:** Wigginton Parish Council

Reference: 12/02459/FUL
Application at: Creepy Crawlies, The Arena, Clifton Gate Business Park, Wigginton Road, Wigginton.
For: Change of use of part of reception building to childcare facility including outdoor space
By: Mrs Janice Dunphy
Application Type: Full Application
Target Date: 5 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Use of part (approximately 63sqm) of a single-storey reception building to a pre-school day nursery for up to 24 children aged 3-5 years. The building is currently used as a reception/café/briefing room for the 'High Ropes' adventure course. Part of the grounds of the adventure course would be fenced off to provide a secure outdoor play area (approximately 55sqm) for the children. The nursery would be operated by Creepy Crawlies, an indoor children's play centre adjacent to the application site. High Ropes is also operated by Creepy Crawlies. The nursery would be independent of both Creepy Crawlies and High Ropes although the children would use these facilities as excursions from the nursery. The building would not be extended and no additional car parking spaces would be provided.

1.2 The application has been called in by Cllr Firth due to concerns about traffic, absence of a section 106 contribution and the piecemeal way in which the business park is being developed. The Assistant Director is putting the application before the Planning and Transport Committee (instead of the East Area Planning Sub-Committee) to enable a timely decision to be made.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1-Design

CYGB3-Reuse of buildings

CYC7-Criteria for children's nurseries

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections. The traffic that could be associated with a day nursery for 24 children would not be significant or have a material impact on the operation or safety of the adjacent highway. The site has large areas of car parking and circulatory space which would allow parents/cares to drop off/pick up and wait for children clear of the public highway. Based upon the car parking surveys submitted as part of the High Ropes planning application - and giving consideration to the likely peak periods of operation of the nursery - adequate car parking is available for the proposals.

3.2 Childcare Strategy - No objections. The planning application makes reference to the fact that the new childcare provision would meet an unmet demand for childcare, particularly from the Acomb area, as identified in the Childcare Sufficiency Assessment. Whilst the Sufficiency Assessment does state that the Acomb ward has a low number of childcare places per child of population, feedback from parents shows a higher than average percentage do not use childcare as they choose not to and use family and friends. Hence, the Sufficiency Assessment does not highlight that are as somewhere in need of additional under 5 provision. There is no indication to suggest that parents in areas of the city where there may be unmet demand would travel to the North of the city to access childcare. Furthermore, there are already several other childcare providers in the area which may be adversely affected by the opening of a new childcare facility.

3.3 Environmental Protection Unit - No objections. Add contamination and construction informatives [case officer response - These informatives are not necessary because the building works involved in the development would be negligible].

EXTERNAL

3.4 Wigginton Parish Council - Objection. The nursery would increase traffic. Access to the business park is inadequate. The varied activities are not compatible.

There is no s.106 contribution towards increased safety. The site is industrial and unsuitable for child care facilities.

3.5 Public Consultation - The consultation period expired on 9 August 2012. No response.

4.0 APPRAISAL

4.1 KEY ISSUES

Impact on the Green Belt
Highway Safety.

THE APPLICATION SITE

4.2 Part of the High Ropes adventure course located within Clifton Gate Business Park. Access is from Wigginton Road. The building to be used as a nursery measures 23m x 7m x 3.8m to the ridge. The nursery would occupy 63sqm (40%). The remaining 60% would continue to be used as a reception, café and briefing room for the High Ropes adventure course. The business park includes a range of uses that fall into two main groups: commercial (eg car sales, storage, distribution, light industry) and leisure (Creepy Crawlies, High Ropes, York Riding School).

POLICY CONTEXT

4.3 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.4 National Planning Policy Framework (Green Belts) - The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of greenbelts are their openness and permanence. The NPPF lists the types of development that are acceptable in the green belt. Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development should not be approved except in very special circumstances that outweigh any harm to the green belt. The re-use of buildings is not inappropriate provided they are of permanent and substantial construction and their re-use preserves the openness of the green belt and does not conflict with the purposes of including land within it. The alteration of such buildings is not inappropriate provided it does not result in disproportionate additions over and above the size of the original building.

4.5 National Planning Policy Framework (Social, Recreational and Cultural Facilities) - Planning policies and decisions should: plan positively for the provision of community facilities; guard against their unnecessary loss; ensure that established facilities are able to develop and modernise in a way that is sustainable and for the benefit of the community; and ensure that their location is considered in an integrated way. Planning policies for access to open spaces and opportunities for sport and recreation should be based on robust and up-to-date assessments of need.

4.6 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.7 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.8 GB3 - Outside defined settlement limits the reuse of buildings in the green belt will be granted provided: it does not have a materially greater impact than the present use on the openness of the green belt; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; the reuse will not require extensive alteration, rebuilding or extension; the form, bulk and design are in keeping with their surroundings; the buildings are not close to intensive livestock units or other uses that may result in a poor level of amenity for the occupiers; and there is a clearly defined curtilage.

4.9 C7 - Planning permission will be granted for the development of, or the change of use to, a children's nursery provided: (a) adequate internal and external play space is provided; and (b) where development will not adversely affect the amenity of neighbouring properties or the residential character of the area; and (c) the proposed development is well served by footpaths, cycleways and public transport routes.

APPRAISAL

4.10 The proposal complies with green belt policy in the NPPF and policy GB3 of the local plan. The principle of the re-use is acceptable. The proposal raises no significant issues relating to drainage, contamination, visual appearance, sustainability, landscape or bio-diversity. The parish council appears to be mainly concerned about the adequacy of the access from Wigginton Road. Their secondary concerns relate to parking and traffic generation.

4.11 Clifton Gate Business Park has developed in a piecemeal fashion over a number of years. Consequently, in Autumn 2010, when the High Ropes course was first proposed, the council required the applicant to carry out a traffic survey at the access to the business park during peak periods of operation. The findings of that work provided up-to-date base data for assessing the High Ropes application and any subsequent applications (such as the current proposal) at the business park. The survey results and analysis of the access onto Wigginton Road found that the junction operates with spare capacity and would continue to do so after the High Ropes course was in operation. Nevertheless, in order to help access to and from the site, highways officers recommended that the applicant be required to pay for Keep Clear markings to be painted onto the road at the site access. This has since been carried out. The current proposal is relatively minor and the traffic generated by it would not have a material impact on the operation or safety of the adjacent highway. There is no history of accidents having occurred as a result of traffic entering or leaving the site. Given the limited increase in traffic using the junction as a result of the proposal, highway officers do not object. Adequate car parking and circulation space is available within the business park to accommodate traffic generated by the nursery.

4.12 The adequacy of the nursery facilities is regulated by other legislation and administered by other departments of the council. Whilst officers accept that most trips to the nursery would be by private car the site is served by public transport. The site is not sufficiently remote to justify refusal on grounds of sustainability. Whilst the site is in a business park it has a long history of catering for children. The nursery use would not be incompatible with the character of the surrounding area.

4.13 The applicant argues that the council is supportive of the proposal and that the nursery would help address a shortage of nursery places in York, specifically in Acomb. Whilst the council's Child Care Sufficiency Statement identifies shortfalls in provision across the city Childcare officers do not agree that parents in areas where there may be unmet demand would travel to the north of the city to access childcare. Irrespective of such concerns, the location of private sector childcare facilities is a commercial judgment and is not a factor in determining this planning application.

5.0 CONCLUSION

5.1 The application accords with national and local green belt policy. Traffic generated by the proposal would not materially affect the safety or operation of the junction with Wigginton Road. The application raises no other material planning issues.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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 impact on the green belt, highway safety and provision of nursery facilities. As such the proposal complies with the National Planning Policy Framework and policies GP1, GB3 and C7 of the City of York Draft Local Plan.

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830