

COMMITTEE REPORT

Committee: West/Centre Area
Date: 28 August 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01641/FUL
Application at: 2 St Aubyns Place York YO24 1EQ
For: Temporary change of use to Day Nursery (D1 Use) for a period of 2 years
By: Nancy Newman
Application Type: Full Application
Target Date: 14 September 2007

1.0 PROPOSAL

1.1 The application relates to 2 St Aubyn's Place, which is a detached dormer bungalow (2 rooms in the roof,) that faces onto The Mount. St Aubyn's Place is a residential street. The application site is neighboured by 4 St Aubyn's Place to the west and the Elmbank Hotel to the north. The existing property is owned by the Elm Bank Hotel.

1.2 The application is for planning permission for a change of use of the site from a residential property (Use Class C3) to a day nursery for children (Use Class D1). Temporary permission for a two year period is asked for. The day nursery would be a Montessori Nursery for children. The nursery is a 'children's house' which offers an informal environment for children. The nursery would potentially have 20 children and there would be 3 members of staff. The children would attend the nursery on an informal basis, arriving between 08:30 and 10:30 and leaving between 12:30 and 17:30, on weekdays only. Permission has been gained to use the parking facilities at the Elmbank Hotel.

1.3 The application is brought to committee at the request of Councillor Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Tadcaster Road 0034

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYC7

Criteria for children's nurseries

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management (HNM) - Object to the application. Consider that spaces may not be available at the hotel when it is fully occupied, especially during race meetings and similar events. Experience shows that parents will not park in the hotel car park and walk to the nursery if they can park immediately outside the nursery. This type of short term parking can be indiscriminate causing congestion and obstruction to other highway users. HNM advise that in the absence of adequate onsite car parking the proposed development would be likely to result in vehicles parking on the adjacent public highway thereby increasing congestion and creating a situation detrimental to the free flow of traffic and the safety of highway users.

External

3.2 Planning Panel - No response to date.

3.3 The application was publicised by site notice and letters of neighbour notification. The deadline for comments is 28.8.07 (21 days from date of site notice). To date 9 objections have been received. The objections are on the following grounds -

Highways / traffic problems -

Road safety issues - parking on St Aubyn's Place or Tadcaster Road, blocking residents driveways.

There are already problems with people parking in St Aubyn's Place and walking into work as it is not currently a res-park area.

There is inadequate parking at the Elmbank Hotel, customers park in St Aubyn's Place. This has occurred in the past, for example, when conferences have been held at the hotel and when coaches take up space in the car park.

The Mount and Driffield Terrace are already busy traffic routes, particularly in the morning because of children being dropped off at the Mount School and commuters using Driffield Terrace as a 'rat run' to Holgate Road, to avoid traffic on The Mount. Persons travelling to the proposed nursery would add to traffic problems.

Enhanced traffic movements on St Aubyn's Place would occur as a consequence of the development, this would harm residents amenity and may prevent emergency vehicles getting through.

People would not realistically park at the hotel and walk round when they could park outside the premises to drop children off.

Other grounds for objection -

Noise from children, for example playing in the garden would harm residents amenity.

Premises unsuitable for use - no fencing to keep the children in and inadequate space for facilities.

Unkempt appearance of garden area is harmful to visual amenity

The use would be out of character with the residential nature of the street.

Loss of property value.

4.0 APPRAISAL

4.1 Key issues

Suitability of the premises

Residential amenity

Highway safety

4.2 Policy

Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

C7 of the Draft Local Plan states planning permission will be granted for the development of, or change of use to, a nursery provided a) adequate indoor and outdoor play space is provided, b) there would be no harm to residential amenity or the residential character of an area and c) where the site is well served by footpaths, cycleways and public transport routes.

Suitability of the premises

4.3 The background text to policy C7 advises that it is intended to prevent smaller houses being taken out of the city's housing stock. This property would probably be the type of family house that this policy seeks to protect. Otherwise the proposal complies with points a) and c) of policy C7. The applicant, has similar nurseries

elsewhere in the region. The OFSTEAD officer (official body for inspecting schools) considers that the premises are appropriate for the proposed use. The site is on a bus route and is in a built up area. Point b) is covered in 4.4.

Residential amenity

4.4 The host property is detached; the residential property most likely to be affected by noise from the proposed use would be 4 St Aubyn's Place. The boundary between the two back gardens is marked by a brick wall around 1.8m high. There are also a number of trees on the boundary. Because of the way the nursery would operate, children would be free to go outside if and when they wished, there would be no set times when all children would be outside. Children outside would be supervised at all times. Given the boundary treatment and considering how the nursery would operate, officers consider that noise from children would not be unduly excessive. It may be akin to what would be expected in a normal family home. This would not cause significant harm to the amenity of nearby residents.

4.5 Because the site is at the head of the street and at a detached house, facing onto a road where there are a variety of uses (Tadcaster Road / The Mount), it is considered that the proposal alone would not significantly erode the residential nature of the street.

Highway safety

4.6 The concern with the proposed use is that parents taking children to the nursery and staff would not use the Elm Bank car park, either because the car park may be full or because they can park in St Aubyn's Place which would be more appealing either because of security or convenience. Residents are already concerned over parking in the street because it is not controlled by a res-park system, thus people use it as a place where they can park for free and walk into town. Consequently residents are concerned street and be detrimental to highway safety. Highway Network Management share the view that cars will park on the highway adjacent the site; this would cause congestion and impede the free flow of traffic and compromise the safety of highway users.

Other matters

4.7 Detrimental effect upon property value is not a material consideration.

5.0 CONCLUSION

5.1 Officers consider that the proposed use could operate within the established street without appearing unduly out of character; nor would the everyday running of the nursery be harmful to the amenity of neighbouring residents. Residents' amenity could be safeguarded by attaching relevant conditions controlling operating hours, number of pupils and possibly a personal permission, because of the type of nursery proposed. However there is concern from the Council's Highway Network Management section and a significant number of residents that the volume of traffic / parked cars associated with the proposed use would cause traffic flow problems on

St Aubyn's Place, to the detriment of highway safety. It is on such grounds that the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that in the absence of adequate onsite car parking the proposed development would be likely to result in vehicles parking on the adjacent public highway thereby increasing congestion and creating a situation detrimental to the free flow of traffic and the safety of highway users. As such the proposed development would be detrimental to highway safety, which is a material planning consideration.

7.0 INFORMATIVES:

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