

COMMITTEE REPORT

Date: 6 March 2014 **Ward:** Dringhouses And
Woodthorpe
Team: Major and **Parish:** Dringhouses/Woodthorpe
Commercial Team Planning Panel

Reference: 14/00285/FUL
Application at: 312 Tadcaster Road York YO24 1HF
For: Change of use from office to private day nursery (use class
D1) (resubmission)
By: Mrs Vanessa Warn
Application Type: Full Application
Target Date: 4 April 2014
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks permission for the change of use of existing office accommodation (Class A2 Financial and Professional Services) to a children's day care nursery (Class D1 Non Residential Institutions) at 312 Tadcaster Road.

1.2 A previous application was submitted in November 2013 but was subsequently withdrawn in order for additional supporting information to be submitted.

1.3 The application has been called in by Cllr Reid in order for Members to assess the merits of the scheme.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area Tadcaster Road

2.2 Policies:

CYGP1 Design
CYC7 Criteria for children's nurseries

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 There would be no noise disturbance as a result of internal noise generated from the building. However, concerns are raised in connection with the potential noise disturbance which could be generated as a result of children playing outside.

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Of particular concern is the amenity of the residents of 314 Tadcaster Road and St Helens Rehabilitation Unit which is located to the rear off Nelsons Court. As a result it is suggested that a condition is attached to any approval limiting the number of children outside to a maximum of 30. If the applicant is not willing to accept this condition the application should be refused.

Sustainable Transport Services

3.2 The travel plan submitted is inadequate, detailing the current travel options to and from the premises, including the current trends by way of modal split. It should contain measures encouraging more sustainable travel which would include for example options for walking cycling and public transport. There are no targets to indicate intentions to reduce car use and increase active travel modes. There are no suggested initiatives as to how sustainable travel is to be encouraged. The current proposal could not be endorsed as a comprehensive travel plan for the purpose of securing a planning consent.

Highway Network Management

3.3 Object on the grounds that the proposal has inadequate staff parking facilities on site which will lead to pressure for on street parking within the vicinity. A maximum of 23 staff spaces should be provided where as only one is proposed. The car park layout provides space for 2 visitors however; the layout is inadequate with a number of spaces not meeting Council requirements in terms of space to the rear. This will lead to drivers being forced to reverse out of the site onto Tadcaster Road or the neighbouring properties driveway at a point where there is high pedestrian and cycle activity. These vehicles will also conflict with pedestrians/cyclists accessing the nursery to drop children off.

Family Information Services

3.4 The immediate and surrounding areas to this development have been identified as a pressure point for current and future childcare demand. Some additional capacity would be beneficial and give greater choice to families.

EXTERNAL

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3.5 No objections

Publicity and Neighbour Notification

3.6 At the time of writing the report one letter of objection on behalf of the residents of 310 Tadcaster Road has been received raising the following points:

- 312 Tadcaster Road has a single driveway entrance wide enough for only one
- Will result in significant congestion at the road side and entrance when multiple vehicles arrive to drop off children or to collect them
- Parents may park in the private car park of 310 Tadcaster Road

- The turning circle does not provide any benefit to the parents and will result in cars that enter the site having to reverse onto Tadcaster Road or into the drive of 310 Tadcaster road to allow it to pass
- Cars will have to stop on Tadcaster Road right where the bus stop is
- Safety risk to children attending the site by foot or cycle due to the high number of vehicle movements

4.0 APPRAISAL

4.1 Key Issues

- Principle of development
- Noise
- Highway Safety

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.4 Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 34 states plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

4.5 The relevant City of York Council Draft Deposit Local Plan Policies are GP1 and C7. 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.

4.6 Policy C7 'Children's Nurseries' states that planning permission will be granted for the development of, or change of use to, a children's nursery provided: adequate internal and external play space is provided; and where development will not adversely affect the amenity of neighbouring properties or the residential character of the area; and the proposed development is well served by footpaths, cycleways and public transport routes. It goes on to state that the number of children can be conditioned where this is considered acceptable. Although the Local Plan has never been formally adopted, it is considered that this policy reflects sound planning principles.

SCHEME

4.7 The application site comprises of a large detached property set back off Tadcaster Road. It was previously occupied by the Yorkshire Tourist Board but has been vacant since April 2013. Conversion works in connection with the proposed use would be minimal including minor internal alterations, two new patio doors, the provision of a new access from the kitchen and the provision of a timber framed canopy to the rear. At present the site provides parking to the front and rear with the whole site being hard surfaced. The scheme seeks permission to landscape the rear area to provide a garden, planting, vegetable patches and shelters for use by the children.

4.8 The maximum capacity would be 110 children creating 25 full time staff and 20 part time staff. The supporting statement states that it is estimated that the site would run at 50% capacity by the end of the initial 12 months. One staff and twelve visitor car parking spaces are proposed which would be served off an access shared with the adjoining flats at 310 Tadcaster Road. Secure cycle parking would be provided for staff and visitor cycle spaces would be provided to the front of the property.

PRINCIPLE OF DEVELOPMENT

4.9 Policy C7 specifically deals with the provision of children's nurseries. The criteria state that the loss of residential accommodation from the housing stock is a cause for concern. The building was previously used as office accommodation and not residential and would continue to provide employment for up to 45 members of staff. The internal and external amenity space to be provided for the children is considered to be acceptable and would provide a secure and pleasant setting for the children. However, the condition specifically relates to the potential for a loss of amenity to neighbouring properties. It is considered that the main cause of loss of amenity is the potential for noise disturbance.

NOISE IMPLICATIONS

4.10 As part of the planning application the applicant supplied a Noise Report. It indicated that the noise level at a neighbours facade would be 40dB resulting from sounds from within the building. According to guidance this figure would fall within the 'Good' criteria and as such no mitigation would be necessary to protect neighbours from noise from within the nursery.

4.11 However, concerns are raised in connection with noise generated from children playing within the garden. Noise levels from an existing nursery at Boston Spa were taken whilst 30 children were playing outside in order to assess the potential noise disturbance. The noise report assumed that the noise being generated would emanate from the middle of the garden area. It is believed that the noise would be significantly worse if the children were closer to the neighbouring properties. The report identified that the noise level, when measured at a distance of 12m from the facade of the residential property at 314 Tadcaster Road, would fall outside the guide on acceptable internal noise levels and above the World Health Organisation level of 35dB. In addition the outdoor amenity space of number 314 Tadcaster Road may be adversely affected with a potential noise level being generated of 60dB. The WHO recommends that noise in excess of 55dB could cause serious annoyance.

4.12 Likewise the noise level when measured at a distance of 8.5m from the rehabilitation unit building to the rear of the site would result in an expected noise level within the hospital which is above the level identified for noise intrusion to hospitals. Therefore the noise may affect the hospital patient's ability to rest and recover. However, it is considered that limiting the number of children allowed to be outside at any time to a maximum of 30 would not result in an unacceptable level of noise. The applicant has stated that they would be willing to accept such a condition were the application to be approved.

HIGHWAY IMPLICATIONS

4.13 The main cause of concern in connection with the application relates to highway implications. The plan indicates the provision of 12 visitor car parking spaces and 1 staff car parking space. Based on the proposed number of staff (25 full time and 20 part time) and children (110) which could be accommodated on site the CYC Annex E maximum car parking standards identify that a maximum number of 23 staff spaces and 12 visitor spaces should be provided.

Visitor Parking

4.14 The submitted plans indicate 12 visitor car parking spaces and 16 cycle parking spaces. The car park is served via a shared access with 310 Tadcaster Road. A bus stop is located to the front of the site and parking restrictions are present.

4.15 Based upon data taken from the nationally recognised TRICS database a nursery of this size can be anticipated to generate in the region of 120 vehicle movements during the AM/PM peak periods (60 vehicles in/60 vehicles out). The applicant has undertaken a survey of parents who have expressed an interest in sending their children to the nursery. The survey identified that 39% would travel to the site by car. This equates to a maximum of 43 vehicle movements in and out if all the children were dropped off individually or approximately 36 vehicle movements in and out if the cars were dropping off siblings. However, this was a relatively small survey and the numbers could be more in line with those outlined in the TRICS figures.

4.16 Whilst the number of spaces to be provided for visitors meets the Council's maximum standards concerns are raised in connection with the car park layout. A number of the spaces to the front of the property do not provide an adequate distance to the rear to allow for cars to manoeuvre in and out of the spaces. As such it is considered that, even though a turning area has been provided, a number of vehicles may be forced to reverse out of the site either onto Tadcaster Road or into the neighbouring drive of 310 Tadcaster Road. These reversing manoeuvres would result in a conflict with pedestrians and cyclists accessing the site to their detriment of their safety.

4.17 Due to the on site congestion which may result from the inadequate parking layout concerns are raised that illegal parking may arise as a result, either on the highway or grass verge to the front of the site. Parts of the adjacent highway are covered by double yellow lines. The enforcement of illegal parking within these areas would be very difficult to achieve. Limited waiting restrictions, such as double yellow lines, may only be enforced when no activity has been observed at a vehicle for 10 minutes. This would give adequate time for parents to park, drop children off at the nursery and leave before any enforcement action could be taken. Parking to the front would result in a safety hazard to highway users, such as pedestrians and cyclists, and would result in the detriment of the free flow of traffic along Tadcaster Road.

4.18 Parking to the private parking area at 310 Tadcaster Road may also arise if the car park is full or conflicts between vehicles entering and leaving the site arise. This site is privately owned and concerns have been expressed by the occupiers of the property.

Staff Parking

4.19 There is a significant shortfall in the provision of on site parking for staff with only a single space being provided. The applicant has submitted a Travel Plan with the application. This states that staff will be encouraged to travel to the site by means other than the private car. The site is well served by bus routes and cycle routes.

The applicant states that the contract of employment for all staff will clearly state that there is no staff parking on site and that they will not be allowed to park on local residential streets. In addition they suggest parking at the Askham Bryan Park and Ride site and the nursery minibus would collect and drop off the staff.

4.20 Whilst the applicant has confirmed how the lack of staff parking would be managed internally officers still have concerns in connection with the lack of on site staff parking and the inadequate Travel Plan. Based on census journey to work data and the implementation of a very strong travel plan a reasonable target to achieve is 50% of staff travelling to work by car. As there are no available public car parks within the vicinity it is considered that these are likely to be displaced onto the adjacent highway. The nearest residential streets available for legitimate parking are 150m away from the site on Nelsons Lane and Ainsty Grove. Both of these streets have a history of parking issues which have been reported to the Traffic team. It is appreciated that the owner is prepared to manage this internally but this could not be conditioned or enforced by the Council were permission to be granted and as such the implication of additional on street parking in an area where the streets have reached saturation point need to be considered.

5.0 CONCLUSION

5.1 It is considered that whilst there appears to be a shortfall of nursery places within the vicinity the lack of staff parking within the site and the poorly designed car parking layout would result in the displacement of cars onto the adjacent highway to the detriment of the free flow of traffic, impact upon residential street and represent a hazard to highway users. Officers recommend refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

The proposed development would provide very limited parking on site and combined with the lack of on-street parking in the vicinity will lead to the uncontrolled parking of vehicles on the public highway. Such parking will be to the detriment of the free flow of traffic, will impact upon the service reliability of public transport, including Park & Ride services and will represent a safety hazard to highway users, particularly vulnerable highway users such as cyclists. The application therefore fails to accord with advice contained within NPPF section 32 which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

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