

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1st July 2016

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APPLICATION REF. NO:	16/00382/FUL
STATUTORY DECISION DATE:	29 May 2016
WARD/PARISH:	PARK WEST
LOCATION:	Flora House, 180 Coniscliffe Road
DESCRIPTION:	Variation of condition 2 (Use of first floor) and 3 (maximum number of children) of planning permission 96/00406/DM allowed on appeal T/APP/T1350/A/97/278482/P8 dated 8 August 1997 - to permit the use of first floor as nursery accommodation and second floor for storage and up to 60 children to be accommodated at any one time (additional information received 23 May 2016 and 13 June 2016)
APPLICANT:	Flora House Day Nursery

APPLICATION AND SITE DESCRIPTION

Flora House is a detached building with four floors on the corner of Flora Avenue and Coniscliffe Road. The building is used as a day nursery operating from the ground floor and basement. The first floor and second floor comprise living accommodation (four bedrooms, lounge, dining room, kitchen, an office and bathrooms). The living accommodation has been occupied by a person or persons connected to the nursery. The nursery currently accommodates 45 children. The property has a small car park accessed off Flora Avenue which could accommodate four small cars and there is a double garage along with space for two cars to park on its forecourt accessed off Flora Avenue.

The nursery is open Monday to Friday 0800 to 1730 but there are occasions where children are dropped off at 0730 and picked up at 1800. The nursery provides care and education for children aged from 6 weeks old to approximately 8 years old (7 years 11 months).

The property is located within a predominantly residential area and also within the West End Conservation Area.

This planning application is seeking to vary conditions 2 and 3 attached to the planning appeal decision for planning application reference number 8/96/406/DM (see Planning History).

Condition 2 states:

“None of the first floor rooms shall be used in connection with the children's nursery”

Condition 3 states:

“The day nursery in the premises shall accommodate a maximum of 45 children at any one time”

The Planning Inspector imposed the planning conditions in the interest of residential amenity.

Varying the conditions would allow the use of the first floor accommodation for nursery purposes and the second floor for storage and to allow a maximum of 60 children to be accommodated at any one time.

The living accommodation on the upper floors does not have its own dedicated access and therefore it is impractical for these floors to be occupied by a person not connected with the nursery, indeed Ofsted would not allow such occupation. The living accommodation has been vacant since the applicants went into semi-retirement in 2015 and moved to a property elsewhere in Darlington.

The variation to condition 2 would allow for the upper floors to be brought back into use. The first floor would be used for two activity rooms, a sleep room, drying room, staff room and toilets whilst the second floor would be storage space and a further bathroom.

The planning appeal restricts the number of children on the premises to 45. The nursery is registered with Ofsted, who imposed the restriction that a maximum of 44 children can be accommodated at any one time.

In September 2017, the Government is increasing the offer of 15 hours per week of free early years education and childcare in England to 30 hours per week. The nursery presently has 96 children on their register and it is not proposed to increase the number of children on the register but to accommodate an increased number of children on the premises at any one time in light of changes being brought in by the Government relating to nursery education.

At the moment the nursery has thirty eight 3 to 4 year old children taking the 15 hours of childcare per week over various patterns (mornings, afternoons, full day, 2 days or 2.5 days). Some of the 38 children only take the 15 hours at nursery; the remainder take them as part of their nursery requirement needs. A survey of the parents revealed that all would take up the offer of 30 hours. By increasing the nursery accommodation into the upper floors would allow the increased demand to take place. The number of children could be increased to 60 per day and the changes would assist the nursery to achieve the Ofsted “outstanding” grade and to fulfil the guidelines set out by the Government in advance of September 2017.

The nursery currently employs 19 members of staff (8 full time staff with the remainder working part time). It is intended that two of the part time members of staff will be employed full time and then hours of other childcare workers would be extended. An additional full time member of staff would be required.

There would be no external alterations to the building. The proposed changes of usage to the rooms would not result in any alterations to the internal fabric of the building.

PLANNING HISTORY

The relevant entries are:

8/89/396/DM - Planning permission was GRANTED in October 1989 to change the use of the building from a dwelling to a children's day nursery subject to a condition that only 30 children could be accommodated on the premises at any one time.

8/94/810/DM - Planning permission was GRANTED in March 1995 to allow for an increase in the number of children to be on the premises from 30 to a maximum of 45.

8/96/406/DM - Planning permission was REFUSED in December 1996 to enable the basement to be used as day care accommodation instead of the first floor. An appeal against the decision was ALLOWED in August 1997.

8/97/054/DM - Planning permission for a two storey extension was REFUSED in May 1997. A planning appeal against the decision was ALLOWED in November 1997.

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are as follows:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 - Development Limits

E43 - Vacant Upper Floors

Darlington Core Strategy Development Plan Document 2011

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS16 - Protecting Environmental Resources and Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

The Local Planning Authority issued 95 consultation letters and a Site Notice was erected outside of the application site. Six letters of objection has been received from four households and the comments can be summarised as follows:

- *The car park at the back of the building for six cars is used as a play area and has been for a number of years. There is only room for two cars in front of the garage and they stay there all day. The garage is used for storage and not for cars. They have breached planning laws by using the car parks as a play area. Traffic flow is getting worse on Flora Avenue and this is the wrong place for more children and the noise will be double it is now. There have been some narrow escapes with cars. It is bad enough with traffic now and some go some into the school for a few minutes but during that time there is chaos outside with the traffic and this will be 50% more if it is passed. It will not enhance the area.*
- *The development will have an unacceptable overbearing impact on the neighbouring dwellings*
- *Will there be anyone living at the premises? I think this nursery is in the wrong place*
- *My concern is that increasing the number of children will cause an even greater problem at pick up and drop off times at the nursery. Flora House is on the corner of Flora Avenue and Coniscliffe Road; I currently experience problems at pick up and drop off*

times where parents park so close to the end of the road it makes it impossible to turn into Flora Avenue by car. Additionally parents don't always have control of their children and I have experienced children in the road when driving. I don't have an objection to the expansion plan, I am concerned about safety. Schools have traffic management in place for the reasons I have stated above, I feel that additional measures should be put in place (signage, yellow lines etc.) without impacting on residents. I realise my comments are directed at the parents who should have better sense (not all parents) but the issue is a consequence of the nursery been located where it is and my comments should be considered alongside the application

- *To allow accommodation for up to 60 children would present all the residents in our area with a chaotic situation. I feel it would be dangerous to pedestrians and car owners alike.*
- *I wish to object to this application on the same grounds that I always object when the application is submitted in various forms. The parents who drop off their children are either too lazy or ignorant of rule 243 of the Highway Code - (do not stop or park opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space). Every morning and evening I witness parents failing to obey this basic matter of common sense and parking at the very end of Flora Avenue, hindering access from and to Coniscliffe Road. There is plenty of space further up Flora Avenue, Coniscliffe Road or Ashcroft Road but they fail to take the time to use this. On many occasions I have seen cars impeded from entering Flora Avenue because cars are blocking the turn in and parents are trying to get their children out, roadside. At some point there will be an accident and increasing the number of children at the nursery will increase the chances of this happening. If the nursery cannot enforce some kind of voluntary policy to stop this, I cannot see how they can run and control their premises with an increased number of children*
- *If the purpose of the application is to increase the number of child places at the nursery, I would strongly object. Cars are currently parked on the junction of Flora Avenue/Coniscliffe Road on both sides of the road almost on the junction. This is a breach of the Highways Code and this result in severe restrictions in and out of Flora Avenue which makes turning off Coniscliffe Road very hazardous.*
- *The drivers often compound the hazard by insisting that the child ingress/egress from the car on the road side. Not only restricting further space by opening the car door into the road but also significantly increasing the chances of causing an accident and placing a child in danger.*
- *This occurs on a daily basis and I have noticed an increase in this selfish and dangerous behaviour. Increasing the number of child places will obviously increase the risk and opportunity for a serious accident to occur.*
- *The receipt of the further information in support of the planning application has not changed my view unless safety concerns are addressed regarding parking, the application should not be given approval.*

Three individual letters of support has been received making the following comments:

- *I wish to give my support to the planning application which will enable the nursery to improve their childcare offering for my child*
- *As my child attends the nursery I fully support the planning application*
- *Flora House provides excellent care for children they look after and added space and better facilities for their staff can only be a benefit to the excellent setting already on offer*

Thirty eight standard letters of support have been received making the following comment:

- *I support the application to increase the number of children able to attend per day. My child attends Flora House and I welcome the proposed improvement of extra space and improved amenities*

The applicant has submitted a letter from the Head of Early Years of the Council which states:

- *Under Government plans, free early years education and childcare for three and four year olds in England is to be doubled from 15 to 30 hours in 2017. The entitlement to 30 hours free early years education and child care is intended to support working parents with the costs of child care and enable them, where they wish, to return to work or to work additional hours. Pilots of the scheme commence autumn 2016. It is anticipated that those parents currently accessing 15 hours of free childcare will want to extend the hours to 30. The increased demand for 3 and 4 year old will be in the communities where parents are working and will lead to an expansion of places. Thus to accommodate the current number of children attending provision it will be necessary for an expansion programme to meet the demands of the new government policy and increase the capacity of settings.*
- *More parents than ever are accessing high quality free early years education and child care and we expect the trend to continue. The expansion of early year's education and child care for three and four year olds must commence immediately if the places are going to be available for the 2017 implementation deadline. Given that your setting is in a community where we anticipate increased demand for 30 hours , we encourage you to begin to plan for the increased requirement.*

Consultee Responses

The Council's Highways Engineer has raised no objections

The Council's Environmental Health Officer has raised no objections

PLANNING ISSUES

The main issues to be considered here are whether the proposal is acceptable in the following terms

Planning Policy

Highway Safety

Residential Amenity

Impact on the Significance of the West End Conservation Area.

Planning Policy

Policy CS2 of the Core Strategy seeks to ensure the developments seek to, amongst other things, enhance the built and historic characteristics of the Borough; creates a safe and secure environment, ensures safe and convenient and attractive access for pedestrians, cyclists, public transport users and disabled persons and that suitable access and parking arrangements are provided suitable to a building's location and usage.

Saved Policy E43 of the Local Plan seeks to encourage the use of the upper floors of buildings in conservation areas for appropriate uses.

The National Planning Policy Framework 2012 (NPPF) and policy CS14 of the Core Strategy seek to protect and enhance conservation areas and the buildings within them.

The NPPF and policy CS16 of the Core Strategy seeks to ensure developments and proposals do not harm the amenities and health of the local community.

Highway Safety

A total of 96 children are currently on the register and this planning application does not seek to increase that number but seek to accommodate an increase in the maximum number of children on site at any one time. This latest submission seeks a further increase of children by 33% over and above the current allowance of 45.

Within the previous 5 years accident data there has only been 1 slight accident which was around 30m away from the junction of Flora Avenue/Coniscliffe Road so would be difficult to attribute to the nursery usage.

There is on street parking available on Coniscliffe Road and Flora Avenue for parents to pick up/drop off children and whilst there is in curtilage parking available it is unlikely that parents would use this facility although it is beneficial to reduce the impact of staff cars from nearby streets. The planning application states that of the 13 staff working at the facility less than half travel to work by private car and this would remain relatively unchanged.

Officers have been advised that the nursery have a Notice board within the premises that includes information on requesting parents to considerately park their vehicles and this is repeated on a sign on the gate. Furthermore, this is repeated in a newsletter that the nursery issues to parents three times a year.

The supporting information for the application states that the number of staff movements will remain constant as staff will potentially extend their hours. It also states that parent/child movements may decrease slightly as a result of children spending a full day as opposed to a half day at the nursery.

The applicant has supplied pick up/drop off information based on the current staff and children levels along with the methods of transport. It is acknowledged that the information is a “snap shot” of a one week period based on current registers and future travel patterns may vary but from the data it can be seen that the most intensive period of activity is during the Am peak drop off, with the pickup times spread more evenly during the day.

Over the whole surveyed period a maximum peak of 29 trips were recorded during an hour which equates to an average of less than 1 trip per 2 minutes with a maximum peak in any 15 minute of 11 trips.

It is proposed to increase the intake by around 33% therefore assuming a worst case scenario that all trips are made by private car, this could increase the maximum drop off impact by a further 10 vehicles spread over the peak hour period or a further 4 vehicles in the peak 15 minute period.

However, the applicant has provided a further “snapshot” of how staff and parents travel to the nursery and the additional information shows that on average approximately 71% of staff travel to work by car with the remainder using a sustainable means of transport for example bus, cycle or walking and on average 68% of children are taken to the nursery by private car with the

remainder using other sustainable means. As a result the worst case scenario of an increase of 10 additional vehicles over the maximum peak hour period may never be realised and could actually equate to 7 vehicles (1 additional vehicle every 8.5 minutes) although the modal split of future travel arrangements could vary depending on the catchment of the premises.

The applicant has agreed to the inclusion of double yellow lines around the junction of Coniscliffe Road and Flora Avenue (approximately 10 metres around each radius) which should improve visibility and help to keep parked vehicles off the immediate junction area. These works would need to be installed before any additional child numbers are increased which can be secured by an appropriate condition.

Given the above information it would be difficult to refuse the planning application on the traffic generation impact given the small numbers of additional potential vehicles involved, therefore subject to the aforementioned planning condition a planning condition no highway objections have been raised.

Residential Amenity

It is considered that the increased number of children from 45 to 60 would not have an adverse impact on the residential amenities of the neighbouring dwellings. The Council's Environmental Health Team has raised no objections to the proposal.

The existing hours of operation would not be increased as a result of the proposal and the children would continue to be dropped off and picked up at staggered times throughout the day.

Planning conditions would be imposed to restrict the number of children to 60 and to ensure that the second floor is used for storage purposes only both in the interests of the amenity of the area.

Impact on the Significance of the West End Conservation Area.

There would be no external alterations to the building and therefore the proposal would harm the conservation area and would not be contrary to the NPPF or policy CS14 of the Core Strategy 2011.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The planning application has been submitted in advance of the Government's plans to increase the offer of free child care and education from 15 hours to 30 hours which commences in 2017. The enlargement of nursery related space within the existing building and the increase the number of the children to be on the premises at any one time to 60 would enable this establishment to provide its patrons with this government led offer to allow parents to return to work or extend their existing working hours. The proposal would result in an increase in full time jobs at the premises.

Having considered the existing travel patterns and assumed a worst case scenario based on the 33% increase in children being dropped off by private car, it is considered that provided a

condition is imposed to secure double yellow lines at the junction of Coniscliffe Road and Flora Avenue, the planning application should not be refused on highway safety grounds.

The proposal would not raise any residential amenity concerns and it would not harm the significance of the West End Conservation Area.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
2. The second floor rooms shall be used for storage purposes only
REASON: In order for the Local Planning Authority to retain effective control over the development
3. The day nursery in the premises shall accommodate a maximum of 60 children at any one time
REASON: In order for the Local Planning Authority to retain effective control over the development
4. Prior to the commencement of the development, a scheme for double yellow lines being provided at the junction of Flora Avenue and Coniscliffe Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall also be fully implemented prior to the any increases in the number of children at the premises beyond that which have been previously approved.
REASON: In the interests of highway safety
5. B5 - Detailed Drawings (Accordance with Plan)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 - Development Limits

E43 - Vacant Upper Floors

Darlington Core Strategy Development Plan Document 2011

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS16 - Protecting Environmental Resources and Human Health and Safety

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The applicant is advised that a new Traffic Regulation Order will be required for the double yellow lines on the junction of Coniscliffe Road/Flora Avenue and contact must be made with

the Assistant Director : Highways, Design and Projects (contact Mrs. Brenda Bowles 01325 406708) to discuss this matter.