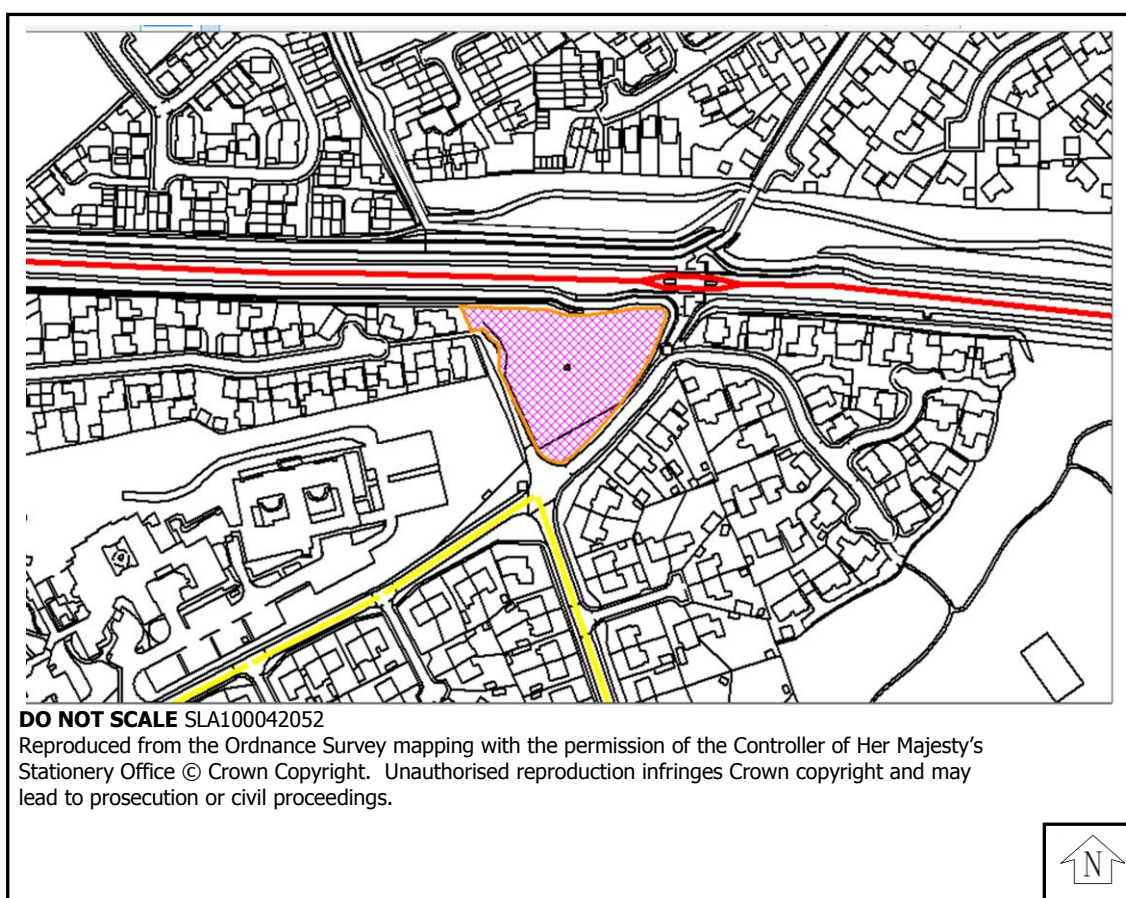


PLANNING COMMITTEE – 12 February 2019**APPLICATION NO** DC/18/3428/FUL**LOCATION**

Land Between Hollow Lane and Uplands Road, Carlton Colville, Suffolk

EXPIRY DATE 13 November 2018
APPLICATION TYPE Full Application
APPLICANT Alphabet City Day Nursery Ltd

PARISH Carlton Colville
PROPOSAL Childcare Day Nursery

**1 SUMMARY**

- 1.1 This application is seeking full planning permission for a childcare day nursery. It is referred to Planning Committee following a Member call-in. The application is recommended for approval subject to conditions.

2 SITE DESCRIPTION

- 2.1 The site is a roughly triangular shaped plot of land with an area of approximately 0.4ha. It lies within a primarily residential area. Uplands Road South runs along the south eastern boundary and leads into Fordson Way. Alongside the south western boundary Hollow Lane, a public footpath which links into Rushton Drive to the east of the site. Also to the east is the Carlton Court Hospital accessed from St. Peters Road. The A1145 Castleton Avenue runs adjacent to the northern boundary of the site.
- 2.2 The site mainly consists of an area of grassland which appears unmanaged and as a result is largely overgrown and young and semi-mature trees and scrub closer to the site boundaries.

3 PROPOSAL

- 3.1 This application seeks full planning permission for a Children's Day Nursery. The proposal is for a single storey building with a pitched roof. A high pressure water main running east-west through the centre of the site has dictated the location of the building in the northern part of the site. The building is approximately 43m wide x 11m with an eaves height of approximately 2m and overall height to the ridge of 6m. The accommodation comprises a room for up to 15 babies, a room for up to 15 1-2 year olds, a room for 28 2-3 year olds and a room for 32 3-5 year olds together with reception room, office, kitchen, laundry and plant room. The rooms have been sized to suit 90 children if fully occupied. However the Agent has confirmed that the actual proposed on site child care will be for 70 children.
- 3.2 70 children requires a total of 22 staff as follows:
- 0-2 years wobblers – 5 staff
 - 0-2 years – 5 staff
 - 2-3 years – 7 staff
 - 3-5 years – 4 staff
 - Site Manager – 1 staff
- 3.3 Within the garden to the front of the building an open sided garden shelter is also proposed. A variety of materials are proposed for the nursery building including blue engineering brickwork, brightly coloured render, vertical timber cladding and cedar boarding with a blue/black tiled roof.
- 3.2 Access would be from Uplands Road South and 21 car parking spaces are proposed. Cycle racks for 6 cycles would be provided close to the main entrance. Secure fencing to a height of 1.8m is proposed to all boundaries.
- 3.3 The proposal would generate five full-time posts and 22 part-time posts and hours of operation are proposed from 7.00am until 6.00pm.
- 3.4 To address comments made by the Highway Authority an amended plan has been submitted which relocates the access further to the southwest away from the Uplands

Road South/Fordson Way corner. The amended plan also increases the on-site parking provision from 21 to 26 spaces.

4 CONSULTATIONS/COMMENTS

4.1 **Parish/Town Council Comments** Recommendation: Approval on the firm condition that the entrance is modified and moved to the Southern Corner near to the corner of Rounces Lane/St Peters Road/Uplands Road South with an in and out of premises. The proposed entrance/exit is a single lane with a crossing for horses and a footpath running very close beside it. There has already been dangerous incidents reported. With advice from the Suffolk Wildlife Trust we would also request an ecology report that mitigates any wildlife measures required and also request that some ecological enhancements such as native planning and bird or bat boxes be part of the scheme.

Additional Comments received 23 January 2019: Further to our response to the application above on 20th September 2018 I can confirm that to alleviate disruptive traffic problems we must continue to recommend that an alternative site entrance/exit which we suggested is applied using all the local knowledge and consultation that we have and looking at the plans seems a logical choice.

The immediate neighbouring residents to the proposed nursery are mostly retired. The roads that are immediately adjacent to this are semi-rural and actually lead into a cul-de-sac (Fordson Way) where turning is very restrictive. To move the Entrance/Exit to the suggested location of Hollow Lane/Rounces Lane/St Peters Road would be far less disruptive to most residents and would encourage an ease of use for the staff and proposed users of the site. We have already had complaints from the bus company about the amount of cars parked along St Peters Road close to Carlton Court and this would exacerbate the problem.

Our suggested site entrance/exit would also make far better access for the lorries etc. during construction phase and also moving forward for deliveries once the site was opened.

WDC policy 3 – High Quality Sustainable Design

3.5 Amenity – “can have direct impacts on neighbouring occupiers. Others can cumulatively impact on the general amenity of tranquillity of an area, through for example light pollution, noise and disturbance” –“ these developments will be expected to have regard to the amenity of neighbouring uses and occupiers”

The residents are extremely concerned that their quality of life will be affected living in a very quiet semi-rural location.

3.20 Highway Safety – “The majority of new development will, to some extent, require access to the existing transport network. Any new accesses will need to be constructed to a suitable standard to ensure that highway safety is not compromised. Additionally, the traffic generated by a new development should not overburden the existing transport network.

It is felt that this will cause highway safety issues.

Please ensure that if this development goes ahead that proper powers are imposed to limit disturbance to the residents in advance of consent and also that the road is kept clean.

4.2 **Neighbour consultation/representations**

20 objections have been received raising the following points:

- The increase in traffic will pose a danger to pedestrians and cyclists
- At certain times of the day the road will turn into a car park as the children get dropped off and taken into the nursery
- Residents will be unable to access their driveways at certain times of the day
- The proposal would cause havoc in the Uplands Road South/Fordson Way/Rounces Lane and St. Peter's Road as these are very narrow roads
- Emergency services will not be able to get through for a large portion of the day
- Noise
- Fordson Way is a narrow cul-de-sac
- The proposed access close to a sharp bend is inappropriate
- The increased flow of traffic is going to turn a very quiet Cul-De-Sac into a very busy and congested road
- The road infrastructure in the areas directly around the site are not suitable for this volume of traffic
- The proposal will completely change the day-to-day lives of the people living in the surrounding areas (Majority of whom are retired and elderly)
- Loss of view

One representation cites no objection in principle whilst two others offer support for anything that can be done to help the community and improve the lives and facilities for all ages.

20 objections have also been received in response to the amended plan on the basis that it does not overcome original objections.

4.3 **Suffolk County Council Health, Wellbeing and Children's Services:** Support as there is a need for more Early Education places in this area. This provider has Outstanding provision elsewhere in the country. High quality early years provision not only improves outcomes for children but also supports working families to continue to work or take up employment.

4.4 **Suffolk County Council Highways Department:** (Comments on revised proposal): The access is now in an acceptable position. 26 parking spaces equates to a nursery capacity of 86 children although a larger capacity may be acceptable because of the urban location and the proposed use of the submitted travel plan. If vehicles visiting the development were to cause obstructions on adjacent residential streets, then a Traffic Regulation Order (TRO) may be required. Various planning conditions relating to the access, parking, Deliveries Management Plan and a TRO are recommended should the application be approved.

4.5 **Suffolk County Council Archaeology:** No objection subject to conditions.

4.6 **Suffolk County Council Rights of Way:** No objection.

- 4.7 **Suffolk County Council Flooding Authority:** No comment.
- 4.8 **WDC Environmental Health Officer:** No objection subject to a condition dealing with any unexpected contamination encountered during development.
- 4.9 **Suffolk Wildlife Trust:** No objection subject to condition.

5 PUBLICITY

5.1 The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major application, Public Right of Way Affected.	19.09.2018	05.10.2018	Beccles and Bungay Journal
Major application, Public Right of Way Affected.	19.09.2018	05.10.2018	Lowestoft Journal

6 SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Major application, In the Vicinity of Public Right of Way, Date posted 19.09.2018 Expiry date 05.10.2018
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7 RELATED APPLICATIONS

None

8 PLANNING POLICY

The National Planning Policy Framework (2018)

CS01 Spatial Strategy (Adopted Core Strategy, January 2009)

CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)

DM02 Design Principles (Adopted Development Management Studies, January 2011)

DM15 Neighbourhood and Village Shops and Facilities (Adopted Development Management Studies, January 2011)

DM29 Protection of Biodiversity and Geodiversity (Adopted Development Management Studies, January 2011)

WLP8.22 Built Community Services and Facilities (Waveney Local Plan – Final Draft)

WLP8.29 Design (Waveney Local Plan – Final Draft)

9 PLANNING CONSIDERATIONS

Principle of Development

- 9.1 The application site is located within the defined physical limits of Lowestoft with Carlton Colville and is surrounded by residential development and the Carlton Court Hospital. Adjacent to the north eastern corner of the site is a toucan crossing over the A1145 Castleton Avenue providing access to the housing beyond. The site is therefore sustainably located within a well established residential area.
- 9.2 Development Management policy DM15 states that applications for new community facilities and services within urban settlements will be supported if the proposal meets the needs of the local community is of an appropriate scale, well related to the settlement which it will serve. As will be noted in Paragraph 4.5 above there is a need for this type of facility.
- 9.3 The site is an undeveloped plot of land that is somewhat overgrown. Given the amount of family housing close to the site the proposal will benefit families with small children and will provide an alternative child care facility.
- 9.4 It is considered that the proposal will be a useful asset within the local community and as such can be supported in principle.

Transport and Access

- 9.5 As will be noted in Paragraph 3.4 above it is proposed to access the site from Uplands Road South in a revised position following comments from the Highway Authority that the original access location was too close to the junction with Fordson Way. Also following the Highway Authority's comments on the proposed parking provision the amended plan has increased the on-site parking provision to 26 spaces. It is proposed that the nursery will cater for up to 70 children and the Highway Authority have confirmed that this equates to a nursery capacity of 86 children. The Highway Authority has not raised an objection to the development subject to conditions.
- 9.6 As will be noted above many local residents have objected to the proposal primarily due to concerns about increased traffic and congestion on the existing roads. However given that the Highway Authority do not raise an objection a refusal of the scheme on highway grounds could not be substantiated.
- 9.7 With regards to parking on adjacent residential streets the Highway Authority have stated that if vehicles visiting the development were to cause obstructions on Uplands Road South or on adjoining residential streets, then a Traffic Regulation Order (TRO) may be required, for example to place loading restrictions or to progress a Residents Parking Zone. To fund a TRO the Highway Authority are seeking a bond as part of a S106 agreement.
- 9.8 Whilst this request is acknowledged it is considered that requiring the applicant to secure a bond for a TRO would not pass the test of reasonableness set out in the S106 tests. This is because the Highway Authority cannot confirm definitively whether a TRO will actually be necessary, stating only that one may be needed. As such, should the application be

approved, it is not considered reasonable for the applicant to provide a bond for something that may or may not happen.

- 9.9 A Travel Plan has been submitted with the aim of encouraging staff to use public transport, walk or cycle to the nursery rather than travel by car. Implementation of the Travel Plan should help to reduce vehicular movements to and from the site.

Residential Amenity

- 9.10 As will be noted above local residents are concerned about the impact of the proposal on their day to day living and the Town Council have also raised residential amenity concerns. The proposed nursery is a single storey building that would be located adjacent to the northern boundary of the site which is furthest away from existing dwellings along Uplands Road South. Given the separation distances of existing dwellings from the nursery it is not considered that the proposed building will give rise to any harmful impacts on residential amenity.
- 9.11 Whilst it is acknowledged that the proposal will generate some traffic the Agent has confirmed that there is no registration time for childcare. Throughout the day there will be a coming and going of children/parents in a drop off/pick up pattern which will vary and not be consigned to one specific time of day, unlike for example, a school. Furthermore given the close proximity of the site to existing housing it is likely that many drop offs/pick ups will be on foot rather than by car. Notwithstanding the concerns of local residents and the Town Council it is considered that there are no highway grounds on which to oppose the scheme, as stated above.
- 9.12 The Highway Authority have recommended that all HGV movements during construction should be subject to a Deliveries Management Plan and that the site operator should maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site. These elements can be secured by condition should the application be approved and will help ensure that any impact on local residents is minimised.

Ecology and Biodiversity

- 9.12 The application is supported by a Preliminary Ecological Appraisal which considers the potential effects of the proposal on wildlife and recommends various protection and mitigation measures. The Appraisal has been considered by Suffolk Wildlife Trust and are satisfied with its findings. With the recommended mitigation and suggested enhancements there is an opportunity to enhance the value of the site for local wildlife, resulting in a net gain for biodiversity. The mitigation measures and recommendations made within the report can be secured by condition should the application be approved.

10 CONCLUSION

- 10.1 The proposal to create a new nursery building is sustainably located close to established residential development and will provide a local community asset that is likely to be welcomed by families with small children. Subject to appropriate controlling conditions covering highway issues and biodiversity the proposal will accord with relevant Local Plan policies and the NPPF.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drwg. No. 1959.15.3 received 13 August 2018 and 1959.15.2A received 4 December 2018, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

4. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

5. Prior to the development hereby permitted being first occupied, the vehicular access onto the car park shall be properly surfaced with a bound material for a minimum distance of ten metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

6. The vehicular access hereby permitted shall be a minimum width of six metres for a distance of ten metres measured from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

7. Before the access is first used visibility splays shall be provided as shown on Drawing No. 1959.15.2A with an X dimension of 2.4m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order

with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

8. Before the access is first used pedestrian visibility splays of 2m by 2m shall be provided and thereafter retained in their specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to cross the public footway/cycle track safely, and pedestrians and cyclists on the public footway/cycle track would have sufficient warning of any errant vehicle emerging to take avoiding action.

9. Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

10. The use shall not commence until the area(s) within the site shown on DRAWING NUMBER 1959.15.2A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

11. Before the use commences details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To enable employees and visitors to have access to safe and secure storage for cycles in the interest of assisting in the use of this sustainable form of transport.

12. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the Planning Authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic.

13. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets

affected by this development, in accordance with Policy CS 17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

15. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS17 of Waveney District Council Core Strategy Development Plan Document (2009) and the National Planning Policy Framework (2012).

16. The recommendations of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd, November 2018) shall be implemented in full.

Reason: In the interests of protecting and enhancing the biodiversity of the site.

BACKGROUND INFORMATION: See application ref: DC/18/3428/FUL at www.eastsuffolk.gov.uk/public-access

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