

**Planning Committee:** 12 July 2005

**Item Number:** 08

**Application No:** W 05 / 0556

**Registration Date:** 07/04/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 02/06/2005

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**15 Radford Road, Leamington Spa, CV31 1NF**

Change of use from residential to day care nursery for 47 children aged 0-4 years old. FOR Mrs S Harris

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This application was deferred at Planning Committee on the 23 June 2005, to enable a site visit to take place on 9 July 2005. The report which follows is that which was presented previously, including comments reported in the addendum and late papers.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Comment that there is concern regarding highway safety resulting from movements onto the A425 and the absence of adequate parking provision within the site.

**Environmental Health:** Recommend conditions on opening hours and a restriction on the use of the garden between 10.00 am to 4.00 pm with a maximum of 10 children at any one time. The reasons for these are to protect neighbouring amenity.

**WCC Highways:** Comments on possible contents of a travel plan to encourage staff and customers to use modes of transport other than the car. Acknowledge that it may not necessarily be good practice to encourage parents to unload children at the kerb side however there is on-street parking. The location of the site is sustainable and offers staff and parents the choice to walk, cycle use public transport or drive. As there is limited off street parking provision, may be the applicant could set out the front curtilage to provide 4 spaces for staff.

**Neighbours:** 2 letters, signed by a total of 16 people and an additional letter by a separate resident raising objection to the proposal on grounds of parking problems, traffic generation and safety, suggest that the church be used as an excess parking area. Given that Forfield Place is not very wide, with cars parked all day it is difficult to see how this could be used as overflow. Security of neighbouring property would be lessened as the property would no longer be in residential use, but vacant at night. Amenity area for the children appears small.

In the addendum it was reported that:

- Cllr Naylor requests that his objection to this application is recorded.
- The applicant has supplied further information and photographs which she considers to support her application. The photographs were taken at 10 minute intervals between 0800 and 0900 and at 15 minute intervals between 1700 and 1800 to demonstrate available on street parking. Furthermore there would be a private contract between staff employees to state that they will not park on Radford Road between the hours during which the photographs were taken.

A critique of the committee report from the residents of 17 and 22 Radford Road was also sent to members via e-mail and circulated at the meeting as a 'late paper':

- the site should be more accurately described as being within a residential area;
- there is nowhere for parking to overflow from into Forfield Place as Radford Road already has no spare on-street capacity;
- in comparison with the appeal case at 50 Radford Road there is no equivalent scope for on-street parking in the vicinity of the site to support the proposals on these grounds and, as such;
- the reasons given for refusal on this and all other grounds remain equally pertinent to this case.

Local parking problems are also likely to discourage continued occupation of neighbouring properties as family dwellings, which would be exacerbated by incremental conversions of vacated dwellings to multi-occupied or non-residential uses to the detriment of the existing residential character and amenity of this part of Radford Road and the Conservation Area.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
 DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
 DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
 (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
 (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
 DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)  
 PPS1 - Delivering Sustainable Development (Government Guidance)  
 PPG13 - Transport (Government Guidance)

### **PLANNING HISTORY**

There have been no relevant planning applications on this site.

### **KEY ISSUES**

## **The Site and its Location**

The site relates to a detached single dwelling located within the Conservation Area and surrounded by a mix of uses comprising of residential dwellings, a Church and Hall and ladies fitness centre nearby. Located on the Radford Road, quite close to Old Town, the A425 is the main road linking Leamington Spa to Southam and Daventry. There are regular bus services along the road (every 10 minutes each way) linking the town centre and the Sydenham area of Leamington Spa. To the rear of the property is a modest sized garden measuring approximately 100 m<sup>2</sup> which is bounded by a tall brick wall on each side.

## **Details of the Development**

The proposal seeks to change the use of the whole of the building to provide a nursery school for 47 children aged between 0-4 years old. In addition, it is proposed to employ 9 staff together with a part time caterer and cleaning staff, in accordance with OFSTED regulations. There is provision for 4 car parking spaces in front of the property. As part of the proposal, the applicant has sought to demonstrate that this site is acceptable in light of the recent refusal (and dismissed appeal) on a site at 50 Radford Road which was for a similar proposal. The application at 50 Radford Road was dismissed by the appeal Inspector on grounds that the use would harm the character of the Conservation Area by reason of the loss of the property's domestic character and conflict with Policy H13 of the Local Plan which emphasised that the character of the existing residential areas should not be undermined by inappropriate new uses.

The applicant has provided evidence to demonstrate that a sequential approach has been applied to this site which is outside the town centre in order to show why alternative sites have not been suitable for the needs of this particular use. In summary the advantages of this site are seen as:- the detached nature of the property; its size and the lack of other suitable properties in the town centre itself.

## **Assessment**

The site is located on a good transport link, which whilst I accept is used heavily by other traffic such as lorries, does provide a well-used bus service. Sited within a mixed use area, I am satisfied that there will be no harm to the character of the Conservation Area.

Whilst I am mindful of the objections received with regard to parking near the site and the impact this could have on surrounding roads, such as Forfield Place and Plymouth Place, I do not consider a refusal based on this reason could be justified, especially in light of the fact that the appeal at 50 Radford Road was not dismissed on highway grounds.

Following advice from the Highway Authority, the applicant is currently producing a travel plan to encourage and promote sustainable transport choices. I am satisfied that this can be conditioned as part of any approval.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
  - 2 The total number of children attending the nursery shall not at any time exceed 47 and the nursery shall only be operated between the hours of 7.00am and 6.00pm Monday to Friday (excluding bank holidays). **REASON:** To protect the amenities of surrounding properties and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
  - 3 The maximum number of children using the garden area at any one time shall be ten with these children supervised by at least one suitably qualified adult. **REASON:** To protect the amenities of surrounding properties and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
  - 4 The use of the garden area shall be restricted to weekdays Monday to Friday (excluding bank holidays) and between the hours of 10.00am until 4.00pm only. **REASON:** To protect the amenities of surrounding properties and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
  - 5 Prior to the commencement of the use hereby permitted, a travel plan identifying general objectives and specific measures shall be submitted to and approved in writing by the District Planning Authority. At all times that the nursery is open to the public, these measures shall be carried out as set out in the travel plan and the applicant shall maintain a written record of actions taken to implement these specific measures and this record shall be made available to the District Planning authority on request. **REASON:** In the interest of highway safety, in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
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