

UTT/1470/06/FUL - LEADEN RODING

(Referred by Cllr Flack)

Change of use from Class B1 (Business) to Class D1 (Day Nursery) and land to rear from agricultural to play area

Location: Units 2-6 Parklands Business Centre and land to rear Stortford Road
GR/TL 588-131
Applicant: Barry & Janise Bloomfield
Agent: Barry & Janise Bloomfield
Case Officer: *Mr J Mitchell*
Expiry Date: 26/10/2006
ODPM Classification: OTHER

NOTATION: Outside Development limits & within Metropolitan Green Belt.

DESCRIPTION OF SITE: The site is located on the northern side of Stortford Road just to the east of Leaden Roding. It comprises part of a single storey commercial building with a B1 authorised use. At present the building is vacant and provides a total of 346 m² of floor space. Severn parking spaces are sited along the eastern side of the building within a courtyard area, which also serves a number of other commercial B1 units, located both within the northern section of the application building and also within a second single storey building located opposite the application site immediately to the east. Vehicular access is gained via a single entrance off Stortford Road on the southern side of the site, which also serves the other business units. Pedestrian access is also proposed to a rectangular shaped plot of land located to the north of the application building and is of a size of approximately 66metres by 20 metres, covering an area of 1320m². It is currently used for grazing in association with the neighbouring diary farm and is bordered by natural hedging and open countryside to the north and west.

DESCRIPTION OF PROPOSAL: The application seeks planning permission for a change of units 2 to 6 from B1 to D1 comprising a children's day nursery. Internal and minor external alterations are proposed in order to facilitate the nursery and the proposed layout will provide four large open plan rooms for the children, reception, office, staff room, toilets and a kitchen. Severn vehicle parking spaces adjacent to the eastern side of the building are shown to be sited within the site and to serve the development. The existing vehicle access onto Stortford Road is to remain unchanged. A material change of use of the land to the north of the building is also proposed to a garden/play area for the children accommodated within the nursery. No physical development is detailed under the application except for the enclosure of fencing.

APPLICANT'S CASE: A detailed supporting statement including an outline travel plan and a schedule of employment responses form part of the submission and is appended to this report.

RELEVANT HISTORY: The site used to comprise a petrol filling station and was subsequently redeveloped to provide 11 B1 business units pursuant to planning permission UTT/1363/02/FUL, which was approved with conditions on 4 August 2003.

Two separate applications, UTT/1931/05/FUL for change of use from B1 to D1 (Day Nursery) and UTT/1930/05/FUL for change of use of land to a garden/play area were refused on 26 January 2006 under delegated powers. The former was refused for matters on grounds of being prejudicial to highway safety, the latter on Green Belt grounds. A further application giving additional information was refused on 7 August 2006. The current

application is identical to that refused on 7 August and this report follows explanatory discussions with the Applicant which could lead to a different conclusion.

CONSULTATIONS: Environmental services state the following:

“In January 2004 I advised Planning that the report on a contamination survey submitted in connection with UTT/1363/02/FUL did not in my opinion adequately address the issue of contamination from the petrol storage tanks previously on the above site. This issue has not to my knowledge been properly resolved. There is no documentary evidence to support the claim that the area is free from contamination.”

ECC Highways: To be reported.

PARISH COUNCIL COMMENTS: A detailed letter of objection has been submitted and is appended to this report.

REPRESENTATIONS: Previous applications have attracted a letter of objection from nearby occupiers who raised concerns regarding the extra cars attempting to drop off and collect children at different times of the day as there are limited spaces available inside the business centre and parking does not exist elsewhere, but no objection has been received to this application. A further letter has been received from an occupier of one of the units offering no objection to the nursery but expressing concern about traffic conflicts and danger to road safety

COMMENTS ON REPRESENTATIONS: The points raised are addressed during the considerations to the case. Most of the points raised by the Parish Council are covered but the Applicant's premature advertising of the site for business is not a material planning consideration.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the proposed material change of use of the building and associated land is appropriate within the Green Belt having regard to relevant policies contained within the Development Plan (ERSP policies C2 & RE2 and ULP policies GEN2, E4 & E5);**
- 2) **parking provision, pedestrian and highway safety (ULP policies GEN1 & GEN8) and**
- 3) **any other matters of material importance.**

1) Policy C2 of the Structure Plan stipulates that the re-use of existing buildings within the Green Belt can be appropriate, but provided it accords with the criteria set out in policy RE2. This is similar to Local Plan policy E5, which concerns the re-use of existing rural buildings. In this respect Officers are satisfied that the proposal satisfies this policy as the building is of permanent and substantial construction, it is capable of conversion to the proposed use without major reconstruction or extension, the use of the building itself will have limited impact on the character of the countryside and the road that serves the site is sufficient in my view to accommodate the extra traffic likely to be generated by the proposal. There are no conditions under the previous permission (UTT/1363/02/FUL) that seeks to prevent the site from being used for non B1 purposes and the proposal will not conflict with condition C90C of this permission which requires a minimum of four B1 industrial units be provided as units 7 to 11 will be unaffected by this proposal. In principle the proposed reuse of the building as a day nursery constitutes appropriate development within the Metropolitan Green Belt

There is however a general presumption against inappropriate development within the Metropolitan Green Belt. The proposed change of use of the land to a play area does not fit readily into any of the categories usually considered appropriate such as forestry or

agriculture, but in line with Central Government advice, the policy goes on to state that uses of land which fulfill the objectives of the Green Belt will be considered appropriate. These objectives are that development should preserve the openness of the Green Belt and should not conflict with the main purposes of including land within it. In these respects officers consider that the change of use of land proposed could, if not suitably controlled, have a harmful impact on the openness of the Green Belt and the character of the countryside. It is therefore considered that a type of fencing that protects the open nature of the green belt, such as traditional post and rail with a chain link fence attached would be acceptable. The applicant advises that this is possible. The applicant further advises that there would be no need for a hardstanding nor permanent play equipment. Given these circumstances it is considered that the proposal would be acceptable in this respect, subject to adherence to appropriate conditions.

2) Officers consider that the most important element of this proposal is parking provision and pedestrian and highway safety. Following discussions the applicant has addressed this issue in detail as part of the submission and proposes a travel plan. Within the supporting statement the applicant indicates that 7 parking spaces will be reserved behind the units and the area to the front of the building will act as a drop off area with the five parking spaces within this area remaining unused. The parking standards contained within Appendix 1 of the Local Plan indicate that for D1 Crèches/nurseries a maximum of 1 space shall be provided per full time member of staff and waiting facilities where appropriate. The applicant states that the business will employ 34 staff although explains that these will be employed on a shift basis so that a maximum of 20 staff will be on the premises at any one time, more often only 9. Strict application of the standard would mean that only parking for full time staff needs to be provided but it would seem reasonable to take account of the requirements of part time employees, which could indicate that a maximum of 20 spaces could be required at any one time.

The applicants acknowledge that this is not achievable on site. Accordingly a travel plan is proposed as follows:

- The front of the building will be designated for parental drop-off and pick up only. The units have 5 spaces in front of the building that will be used for dropping off and picking up only. It is emphasised that the nursery would not operate like a conventional school with all children arriving and leaving at the same time. Instead children arrive and depart at times convenient to their parents, which means that arrival and departure times are spread.
- Staff will not be allowed to park on the premises, except by special permission. Two spaces are definitely required and there are a further 5 that may be used for staff as needs require.
- Shift patterns will be organised to accommodate the local bus service from Harlow and a staff bus service will be operated to and from Bishops Stortford Station.
- There will be a school bus service for children

Without these measures Officers consider that the proposal would be unacceptable. It should also be a requirement that staff who are allowed to park on site must car share. Parking and access are the key aspects of this proposal and those which have given rise to representations. If there were no travel plan then the on site parking would clearly be inadequate. The site is fairly remote from any available on-street parking which means that it would be an unattractive option for people to drive, park in Leaden Roding and walk to the nursery, and this consideration makes the provision of communal transport facilities all the

more essential for the successful running of the business. The need to submit details of the travel plan, to update it regularly and to enable its enforcement by the Council may be covered by condition.

Concerns have also been expressed about manoeuvring and the potential for vehicle conflicts but it is considered that the likelihood of this being a problem will significantly diminish provided the travel plan is adhered to and modified in the light of experience.

The proposed parking provision of seven spaces falls significantly short of the maximum requirement. If the travel plan is not adhered to then Members may consider that, despite the reassurances of the applicant, it is likely that the seven spaces will be utilised by staff as the applicant would be unable to guarantee or presume with any degree of certainty that all staff will use the proposed bus service to be provided. The applicant advises that his research indicates a local need for the service but that staff would be recruited from the Bishops Stortford, Harlow and Cambridge areas. If so then the travel plan would be successful. If, however, a significant number of future staff either live in areas not convenient for the bus service and were forced to use a car (or simply wish to use their private vehicles) then it is probable that vehicles would be forced to double park within the site and spill out onto the drop off area.

Similarly, the extent to which parents would entrust their under-fives to the minibus service is unclear. It may be that parents may not live within an area convenient for the service, or the times of operation for example may be inconvenient. The applicant advises however that this aspect of the proposal has been thoroughly tested and researched. Parents could still drop their children off at the premises and it is possible that arrivals at the site may peak at certain times of the day as parents are likely to fit their journeys around working hours, although this is not borne out by the experience of the applicant at sites they run elsewhere.

The drop-off area is 6.5 metres in depth and sufficient to allow a car to manoeuvre, although the circulation area would be difficult to negotiate easily if a number of vehicles did visit the site at any one time. The applicant indicates that when full, cars will overflow into the seven spaces to the rear, however as already explained, without careful management officers consider that these spaces could be fully used by staff, giving rise to potential conflicts.

If so there is likely to be a shortfall of parking which could result in conflict with neighbouring commercial users and jeopardise pedestrian safety as vehicles are likely to be parked inappropriately on this commercial site, hindering the view of drivers entering and leaving the site, to the danger of pedestrians (parents and children) visiting the premises.

This is a matter of fine judgement requiring Members' careful attention. Officers are of the view however that these problems would be minimised if a travel plan were agreed and adhered to.

In terms of highway safety, Stortford Road is capable of accommodating the extra traffic likely to be generated by the proposal without compromising road safety, subject to the satisfactory resolution of parking and access discussed above

3) Turning to residential amenity, there is potential with day nurseries to cause noise disturbance to nearby residential properties. Officers are satisfied however that due to the likely operating hours of the nursery and position of the nearest residential properties in relation to the site, the use is unlikely to have a significant impact on residential amenity in this respect.

Concerns have been expressed by Environmental Services in respect of contaminated land; however this concern could be overcome by the submission of further details relating to the

conditional requirements of permission UTT/1363/02/FUL or indeed by the imposition of a new condition.

CONCLUSIONS: As stated above this is a finely balanced issue requiring Members' careful judgement. Subject to satisfactory controls the development would be appropriate in the Green Belt and acceptable in terms of the effect on residential amenity. The principle issue is one of parking and access, both of which have ramifications for sustainability. Adherence to the travel plan proposed by the applicant would minimise use of the private car and enable the proposed nursery to operate with the limited amount of car parking available without detriment to road safety. This would require considerable diligence by the applicants, but would be a sustainable form of development. On the other hand, without the travel plan the use would have inadequate parking and access arrangements that would give rise to detriment to highway safety, as well as being unsustainable.

On balance Officers consider that the proposals put forward by the applicants are so dependent on controlled access to and from the site that they themselves consider it would be unworkable without a travel plan that is enforceable and covers staff and parent access. There is clearly a local need for a nursery and no alternative premises are available. It is therefore considered that permission should be granted subject to strict conditions regarding an enforceable travel plan and hours of operation

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.8.15. Restriction of hours of operation.
6. C.8.22. Control of lighting.
7. C.8.23. Ground contamination.
8. C.9.1. No outdoor storage.
9. Development shall not commence until a Travel Plan for customers and staff has been submitted to and approved in writing by the local planning authority. The Travel Plan should address and make provision for alternative means of travel to and from the site for employees and visitors to provide alternatives to the use of the private car. This will include details of parking management, staff transport, minibus services for staff and customers, car sharing, cycle facilities, staff shift and working times in relation to bus timetables and other matters as set out in the information supporting this application. Upon approval the travel plan shall be adhered to in its entirety unless agreed otherwise in writing by the local planning authority. The travel plan shall be monitored and recorded and submitted for inspection and review to the local planning authority annually on 31 March. Any amendments to the travel plan following such review shall be implemented and retained in accordance with the approved changes.
REASON: In the interests of sustainability and highway safety.
10. C.10.28. Turning space within development (Non residential).
11. C.11.10. Secure cycle storage.
12. C.6.1. Excluding future changes of use without further permission.

Background papers: see application file.
