

Report to Planning Committee

8 July 2021

Application Reference	DC/21/65575
Application Received	21 April 2021
Application Description	Proposed change of use of residential dwelling to nursery (Use class E (f)) and associated parking.
Application Address	131 Newton Road, Great Barr, Birmingham, B43 6BE.
Applicant	Mr T Singh Johal
Ward	Charlemont with Grove Vale.
Contact Officer	Anjan Dey Email: anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission be refused on grounds of:


- (i) The proposal is contrary to paragraph 109 of the adopted National Planning Policy Framework in that increased trips rates and associated parking accumulation would have a detrimental impact on the road network and highway safety.



2 Reasons for Recommendations

2.1 This application has been recommended for refusal as it would significantly exacerbate the existing parking and highway safety issues at this junction with Monksfield Avenue, and likely lead to an increase in injury accidents. Therefore being contrary to National Planning policy in relation to severe impacts on the highway network.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people – Would provide improved childcare facilities.
---	---

4 Context

4.1 This application is being reported to your Planning Committee because it has generated a high number of objections, but also a number of representations in support of the proposal. Furthermore, Councillors David Fisher, Elizabeth Giles and Nicola Richards, Member of Parliament for West Bromwich East, have requested that it be determined at Planning Committee.

4.2 To assist members with site context, a link to Google Maps is provided below:

[131 Newton Road, Great Barr](#)

5 Key Considerations

5.1 The site is not allocated in the adopted Development Plan.

5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)



Planning history (including appeal decisions)
 Access, highway safety, parking and servicing
 Traffic generation
 Noise and disturbance from the scheme

6. The Application Site

6.1 The application relates to a detached residential property that is located on the northern side of Newton Road, Great Barr in a predominantly residential area. The property is located at the junction with Monksfield Avenue.

7. Planning History

7.1 Planning approval was granted in February 2020 for two and single storey rear extensions to the dwelling' that consent has been implemented and works have been completed. The agent has stated that the property has been vacant since August 2020.

A pre-application enquiry ref: PA/20/00167 was submitted in August 2020 for a change of use to Day Nursery. Following consultation with Highways the applicant was advised of concerns relating to parking accumulation and highway safety. In view of this, informal comments were not supportive of the proposal and a formal planning was not encouraged.

7.2 Relevant planning applications are as follows:

DC Reference	Description	Decision and date
DC/19/63780	Proposed single and two storey rear and side extensions, porch to front, raising of ground levels to create patio with railing at rear and roof alterations.	Grant Permission subject to conditions. 28.02.2020.



8. Application Details

- 8.1 It is proposed to change the use of the residential dwelling (C3) to Children's Day Nursery (Use Class E (f)) with associated parking at the front of the property.
- 8.2 The nursery would have a maximum capacity of 81 children catering for 2 age groups; 36 children aged 0-2 years on the ground floor, and 45 children aged 2-3 years on the first floor. The existing area on the ground floor would be used to create 2 large classrooms, toilets, reception, offices and parent's waiting room. The first floor would comprise 1 large, 1 small and 2 medium sized classrooms as well as toilet facilities. Existing bedrooms in the loft space would be converted in to areas to be used by staff and for admin offices.
- 8.3 Proposed hours of opening are 0700 to 1930 hours, Monday to Friday. A 'Before and After' School would also operate for children at Grove Vale Primary School that is 200 metres away, located off Monksfield Avenue. A drop off and collection service would be undertaken by nursery staff on foot, and the club would also be in use on Saturdays and Sundays between the hours of 1000 and 1800.
- 8.4 The revised parking layout plan shows that vehicle access would be from Monksfield Avenue with egress onto Newton Road. A total 11 parking spaces are shown, including a disabled bay, and pedestrian zones would be at the front, side and rear of the property. The parking plan also shows a pedestrian crossing within the curtilage, with gated access from Monksfield Avenue.
- 8.5 An outdoor play area is proposed at the rear of the property utilising the existing garden area that is enclosed by a 2 metres high boundary fence.
- 8.6 A total of 16 full time staff are to be employed at the nursery.



9. Publicity

9.1 The application has been publicised by neighbour notification letter with 170 objections received from local residents. A total of 16 emails/letters in support of the proposal have also been submitted. (see 9.4)

9.2 Objections

Many of the objections have reiterated similar concerns but in summary they have been received on the following grounds:

- (i) The proposal would exacerbate parking problems that exist in the area due the location that is in proximity to Grove Vale Primary School. It would result in increased levels of traffic in a residential area, increasing the risk of traffic related accidents, and would therefore be detrimental to Highway safety.
- (ii) The proposed nursery is not suitable considering the residential nature of the area and the use would constitute over-development.
- (iii) The proposal would result in noise disturbance to neighbouring houses.

Immaterial objections have been raised regarding devaluation of property, and that the day nursery would be a competitor with other childcare providers in the area. Other immaterial objections, including one from the Headmistress of Grove Vale Primary School, suggest that the use would result in an over-provision of childcare providers in the area.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The parking layout plan has been updated following initial Highway comments and a vehicle tracking plan has also been submitted.



Furthermore, Highway Engineers had requested additional information relating to the submitted Transport Statement that has been provided.

Highways has now reviewed their initial comments and objects to a nursery in this location.

Highways has referred to junction analysis on Monksfield Avenue and Newton Road, and has shown there have been 2 serious and 7 slight injury accidents in the last 5 years. Several of these accidents have occurred due to poor turning manoeuvres at this junction, and have occurred at peak times when the nursery would be operational.

The proposed increase in trip rates at network peak times would increase the risk of injury accidents occurring and encourage further inappropriate parking. Highways has also referred to recent complaints that parents who drop off children off at Grove Vale Primary School are already parking on the corners of this junction due to the wide pavement despite the existing red route/parking restrictions. A consequence of this is that vehicles obstruct the footway.

Parking restrictions in this location are enforced but cannot be completed in the same location continuously due to the number of other schools in the borough that are subject to similar parking restrictions, and also require enforcement.

Despite supporting information, as well as the updated parking layout plan, in practice the existing drive way would soon become blocked if used as a drop off and pick up area, which could result in queuing/waiting on the highway. Furthermore, Newton Road is subject to a maximum 40mph speed limit and is a primary 'A' road that carries large volumes of vehicles at high speeds.

Highways also state that any additional parking proposed on the grass verge within Monksfield Avenue would require vehicles to



reverse onto, or off the adopted highway in proximity to the junction. This is a highly used footpath to provide pedestrian access to Monksfield Rd/ Grove Vale.

Whilst Highways appreciate that the applicant has improved the proposed layout to elevate some of highway concerns, the proposed trip rates and parking accumulation for a nursery of this size would severely exacerbate the existing issues at this junction, and likely lead to an increase in injury accidents.

- (ii) This domestic dwelling has been granted planning consent previously for extensions under DC/19/63780, which has been implemented and construction works completed. The current proposal is for change of use only and it is my view that the it does not constitute over-development. Nevertheless the intensity of the use could cause disturbance to residential properties (see point (iii) below).

There are not any specific plan policies for Day Nurseries and the application has been determined on its merits, in accordance with wider plan policies. However, it is noted that Children's Day Nurseries have been granted planning consent elsewhere in the borough in residential areas.

- (iii) With regards to concerns relating to noise disturbance Public Health (Air Pollution & Noise) has highlighted the potential for noise disturbance to neighbouring residents. In view of this, they have recommended that hours of opening be restricted to 0700 – 1730 hours, Monday to Friday only, with no opening on weekends or Bank Holidays.

Additional details have also been requested relating odour abatement/ventilation equipment for kitchen areas and these matters are normally dealt with by way of condition. Details of the acoustic performance of the 2-metre high boundary fence have been requested, and this matter could be dealt with by condition.



9.4 Support

Comments in support of the proposal have been submitted from 16 residents.

9.4.1 These state that the proposal would provide additional childcare in the area, thereby increasing choice for parents. It is also suggested that there is enough off-road parking provision for the nursery and the proposal would not affect highway safety.

10. Consultee responses

10.1 Highways

Highways objects to the proposal with particular regards to the Transport Statement. The proposal is in a location in proximity to Grove Vale Primary School and there is a record of parking problems/congestion in Monksfield Avenue, as well accidents at this junction. Despite details submitted in the Transport Statement, it is Highways view that the proposed trip rates and parking accumulation for a nursery of this size would exacerbate existing issues in this area, resulting in an increased risk of accidents.

10.2 Public Health (Air Pollution and Noise)

No objection subject to a restriction on hours of opening due to the residential location of the property and the potential for noise disturbance to neighbouring residents. In view of this they have recommended that hours of opening be restricted to between 0700 & 1730 hours, Monday to Friday only, with no opening on weekends or Bank Holidays.

It is also recommended that the outside play area is only used between the 1000 to 1100 hours, and 1500 to 1600 hours, Monday to Friday only. Furthermore, it is advised that the patio area at the rear of the property shall not be used for outside play or teaching.



Details have also been requested relating odour abatement/ventilation equipment for kitchen areas and these matters are normally dealt with by way of condition.

10.3 West Midlands Police

No objections but has suggested various 'Secure by Design' measures to improve on site security.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 Paragraph 109 of the National Planning Policy Framework states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. In view of highways comments the proposed use is considered to be contrary to national planning policy.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

12.2 The proposal raises no significant concerns in respect of design and is compliant with ENV3 and SAD EOS 9.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:



13.2 Noise Nuisance and impact on residential amenity

The proposed noise mitigation measures; restriction on hours of opening to weekdays only, as well as restrictions on the use of outside play areas would help to ensure that the proposed use minimises noise disturbance to neighbouring residential properties. Hours of operation and use of the rear garden for outside play can be restricted by way of planning condition. Furthermore, details relating to the installation of any odour abatement and extraction equipment for cooking/kitchen areas would have to be submitted to the planning authority for approval.

13.3 Highway safety and Parking

It is considered that the proposal would exacerbate existing parking problems in the locality due to its location that is within 200 metres of Grove Vale Primary School on Monksfield Avenue. The proposed day nursery with a maximum capacity of 81 children would also be detrimental to highway safety as it would increase the likelihood of accidents in a location along a busy main carriageway.

This application has been subject to a high number of objections and many residents in the vicinity have highlighted parking problems, stating that the use would compound existing issues.

14 Alternative Options

14.1 Approval of the application is an option if there are material planning reasons for doing so, however in my opinion the proposal would cause a severe impact on the highway being contrary to national policy.



15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.

16. Appendices

Location Plan

Block Plan

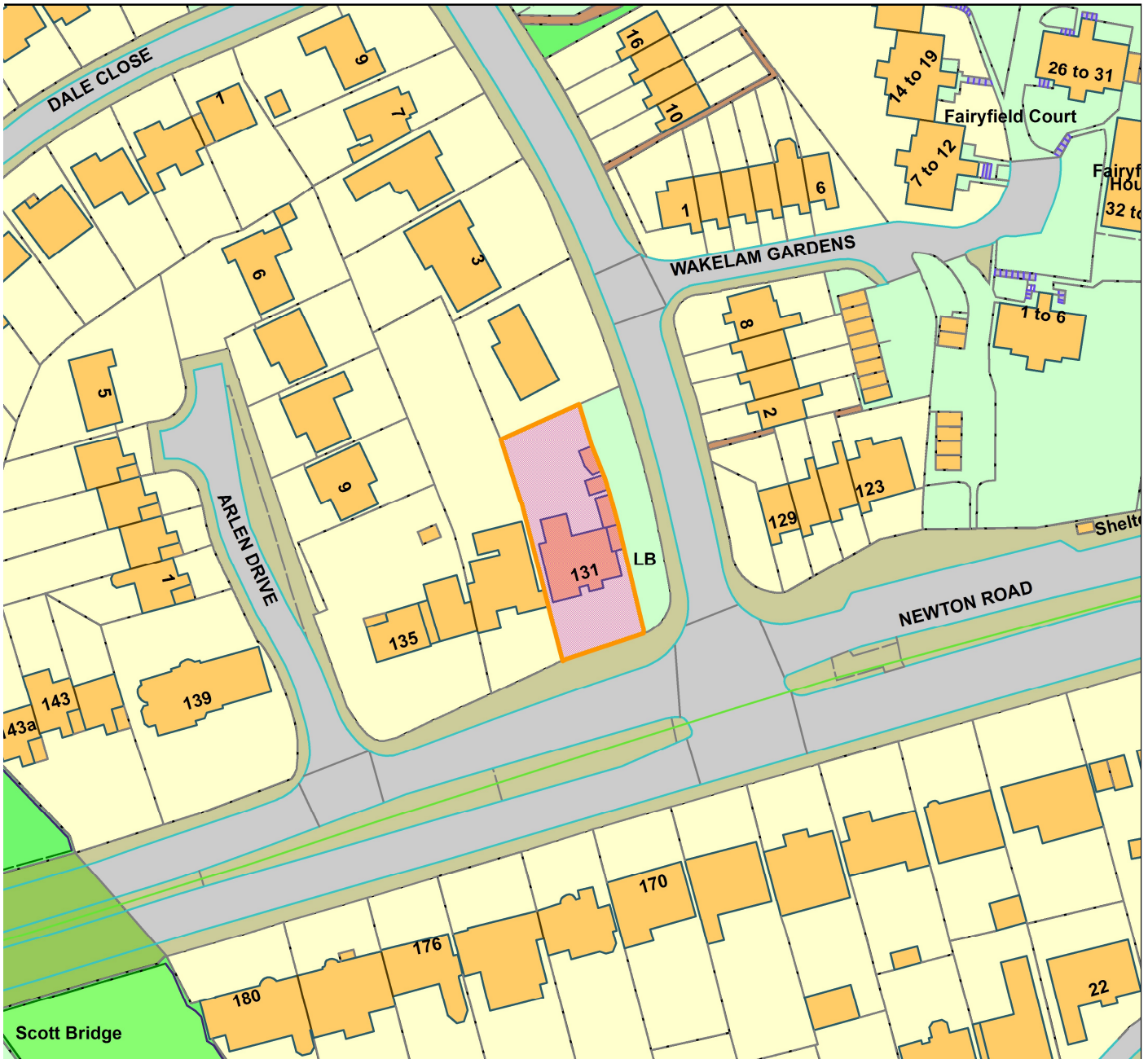
Proposed floor plan ZL-4258/4

Proposed floor plan ZL-4258/5 A

Parking layout plan ZL-4258/1 Rev A

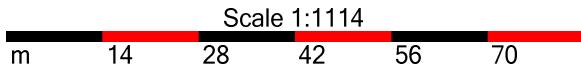


DC/21/65575
 131 Newton Road



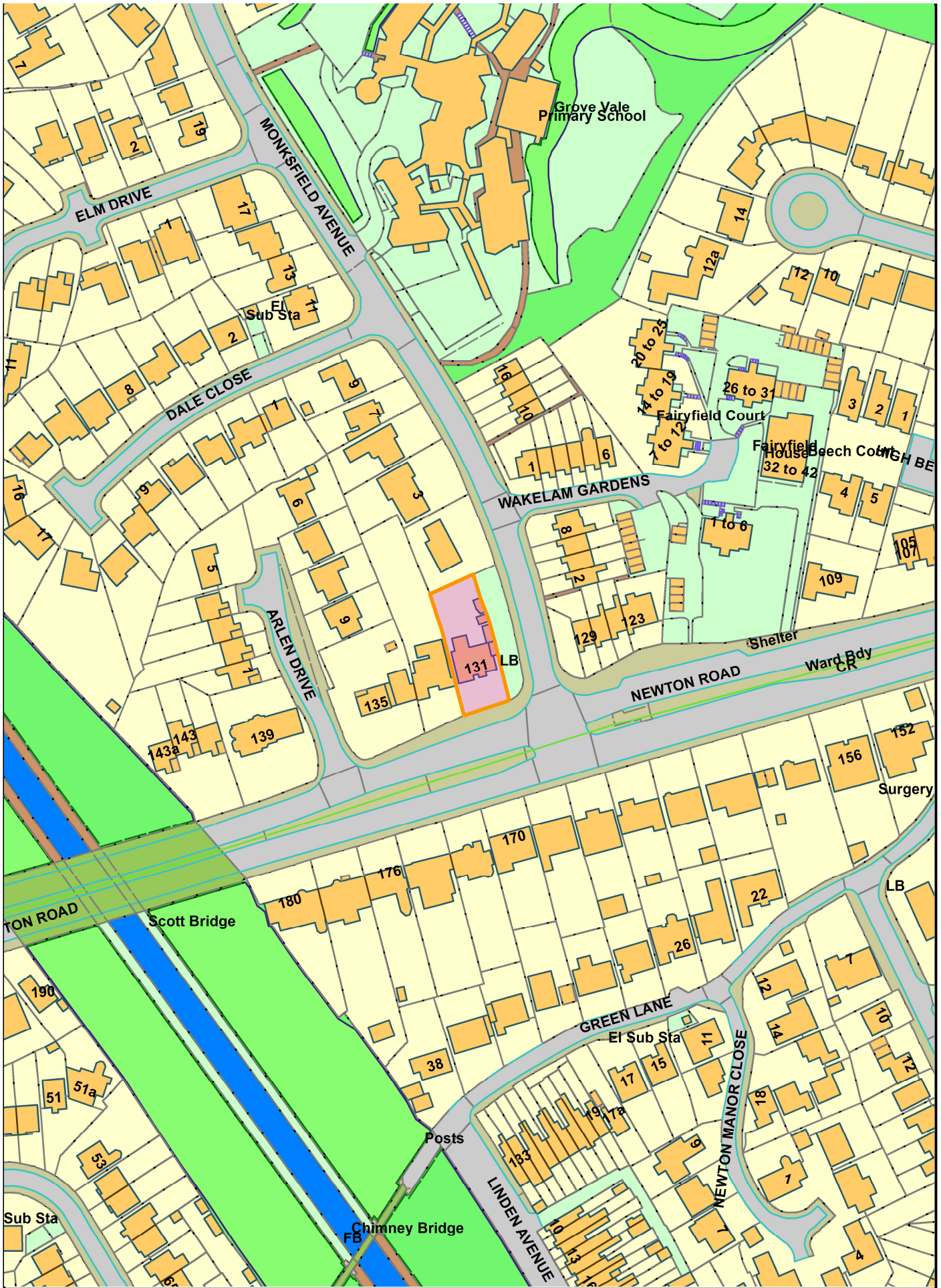
Legend

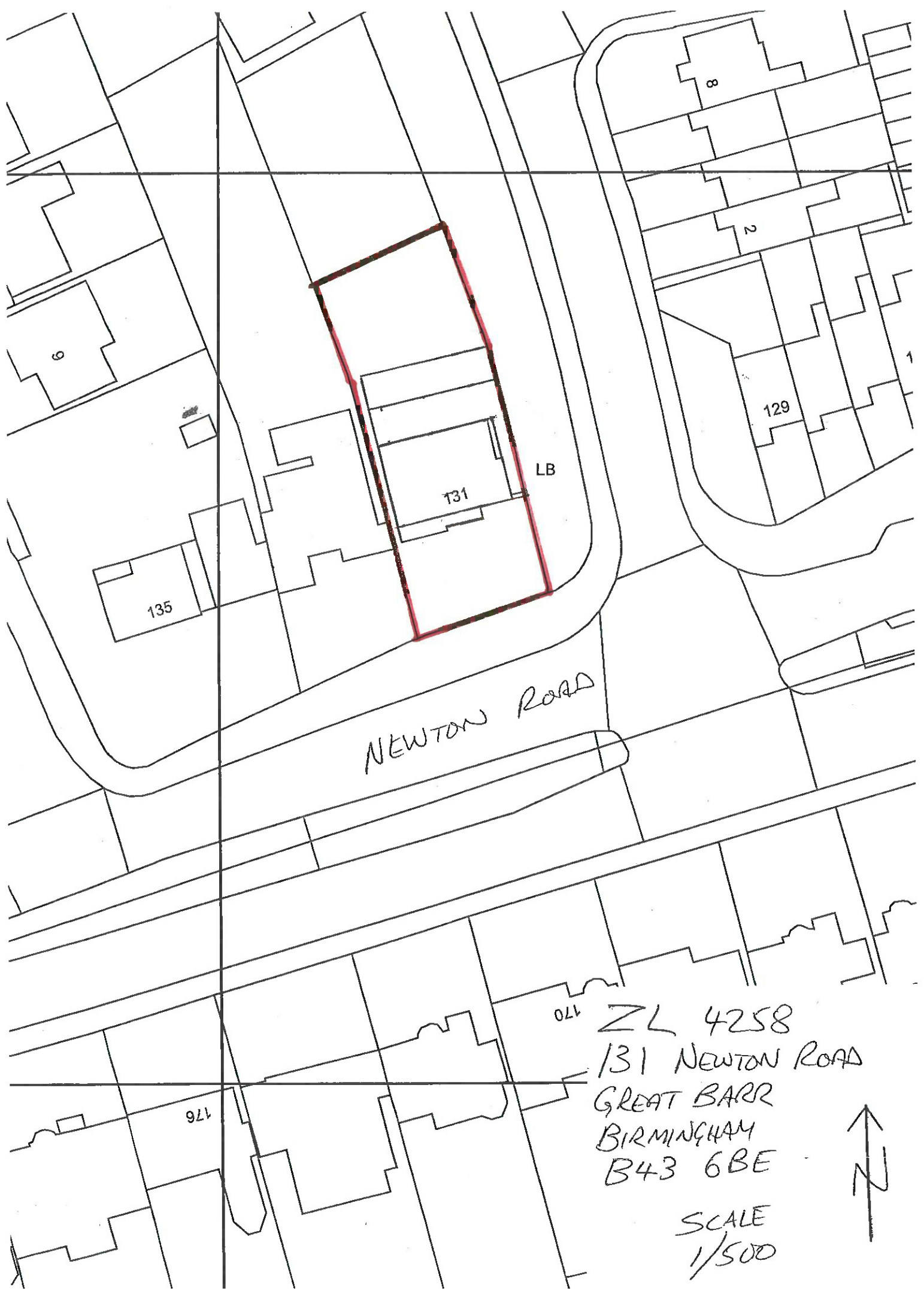
Sc 1:1114



© Crown copyright and database rights 2019
 Ordnance Survey Licence No 100023119

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 June 2021
OS Licence No	





LB

131

135

129

NEWTON ROAD

170

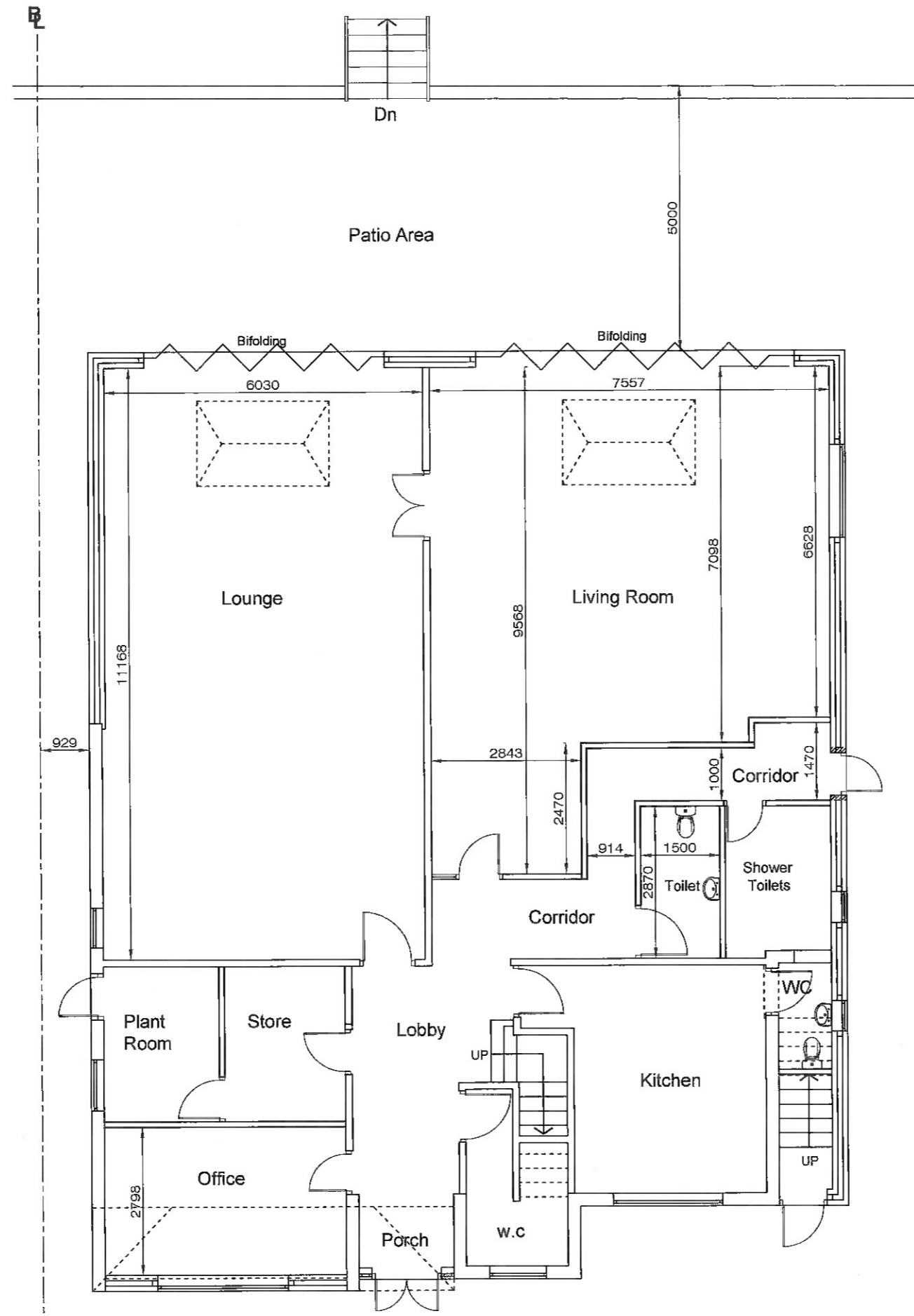
ZL 4258
131 NEWTON ROAD
GREAT BARR
BIRMINGHAM
B43 6BE

176

SCALE
1/500



1:5 = 25cm 1:200 = 10m
 1:10 = 50cm 1:250 = 12.5m
 1:20 = 100cm 1:500 = 25m
 1:50 = 2.5m 1:1250 = 62.5m
 1:100 = 5m 1:2500 = 125m



EXISTING GROUND FLOOR PLAN

© Copyright Z.S. Partnership Ltd.(2021)

PLANNING ISSUE

ZSP
ZS Partnership Ltd.
 Architectural Design & Planning
 469 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4096

Drawing Title:
Existing Ground Floor Plan

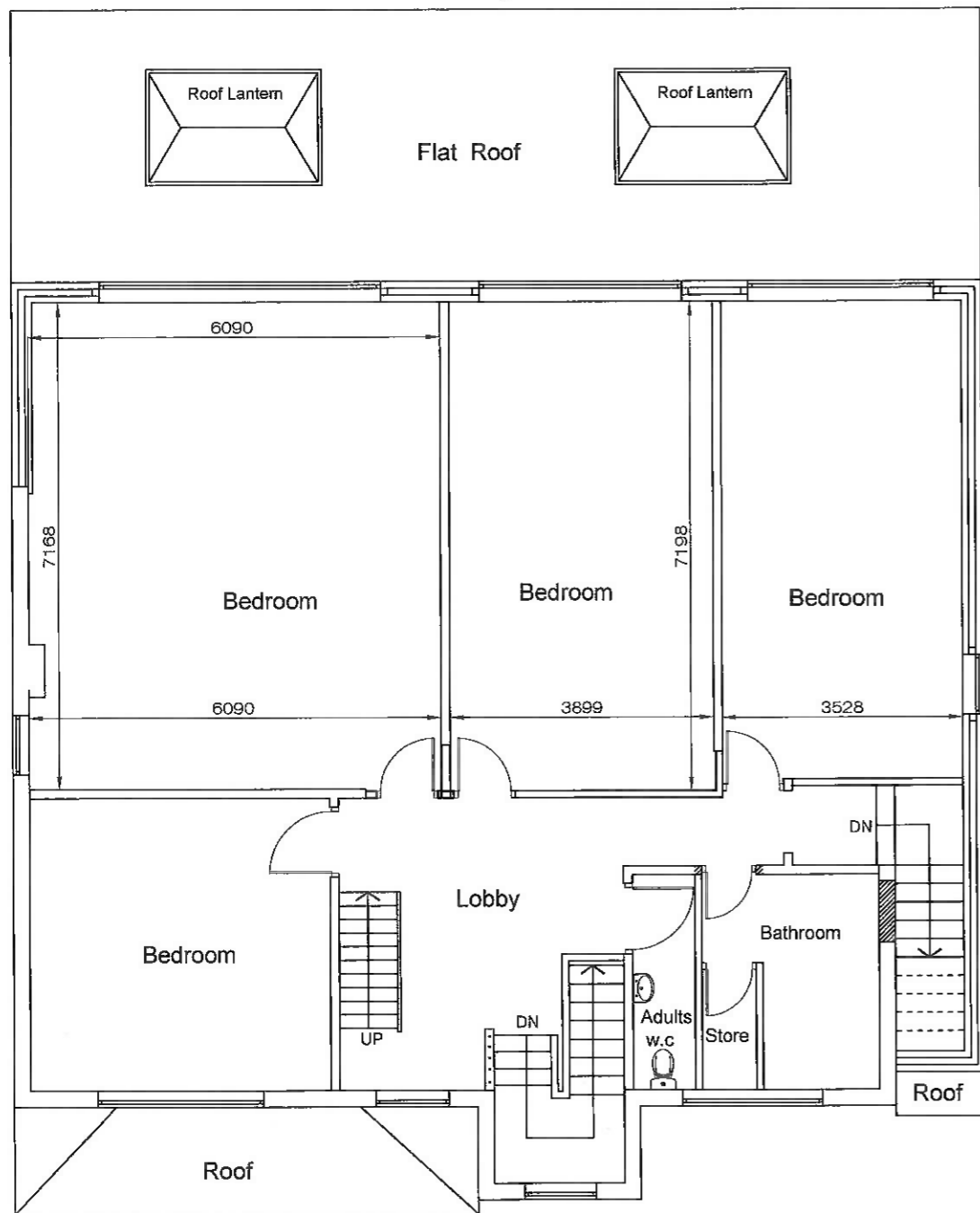
Proposal:
 Change of Use From Dwelling
 to Nursery

Project Location:
 131 Newton Road, Great Barr
 West Midlands B43 6BE

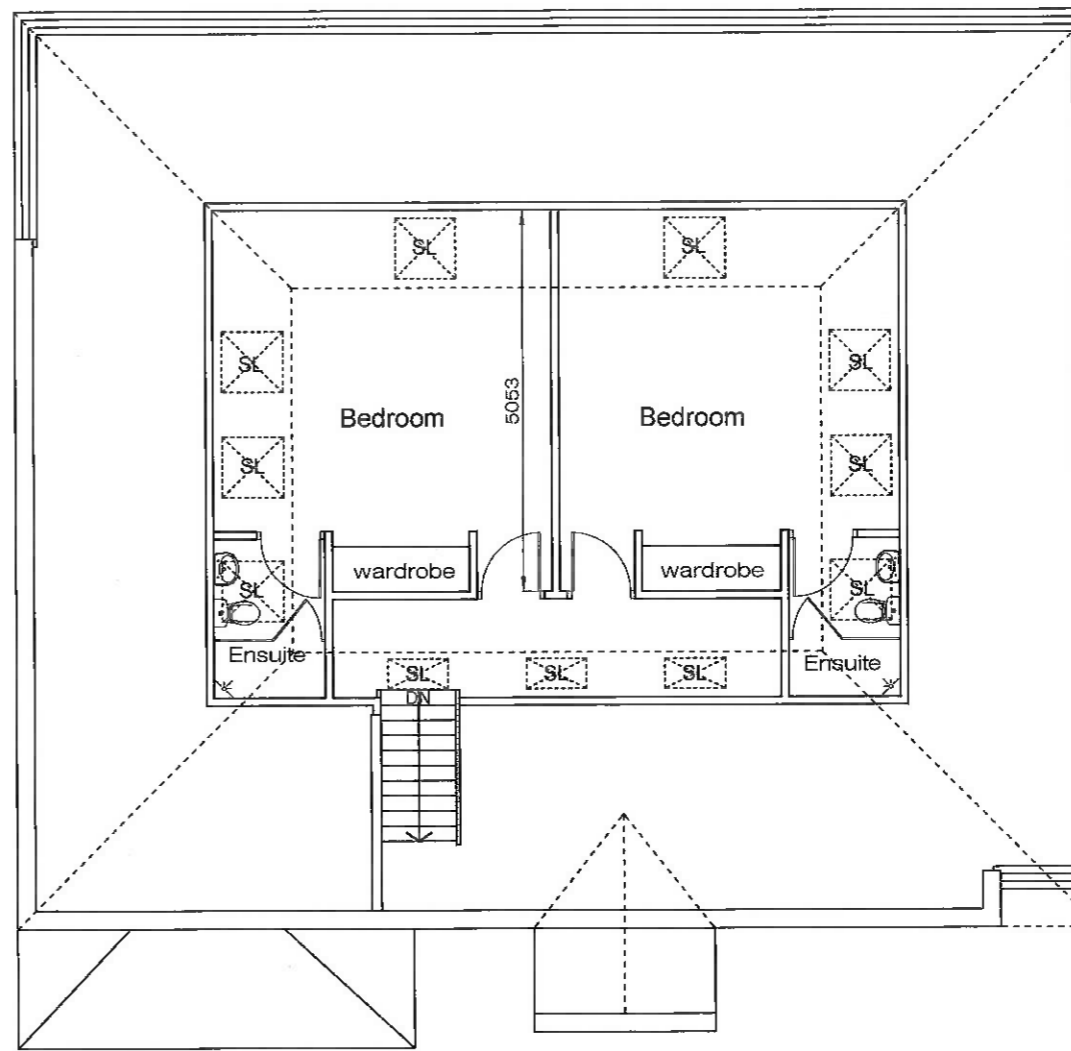
Scale: 1/100 @ A3	Drawn: RA
Drawing No: ZL-4258/2	Date: 21/04/21
Amendments	

Note: This drawing to be read in
 Conjunction with drg.No.ZL-4258/3

1:5 = 25cm	1:200 = 10m
1:10 = 50cm	1:250 = 12.5m
1:20 = 100cm	1:500 = 25m
1:50 = 2.5m	1:1250 = 62.5m
1:100 = 5m	1:2500 = 125m



EXISTING FIRST FLOOR PLAN



EXISTING LOFT PLAN

© Copyright Z.S. Partnership Ltd.(2021)

PLANNING ISSUE

ZSP
ZS Partnership Ltd.
 Architectural Design & Planning
 469 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4096

Drawing Title:
Existing First and Loft Plans

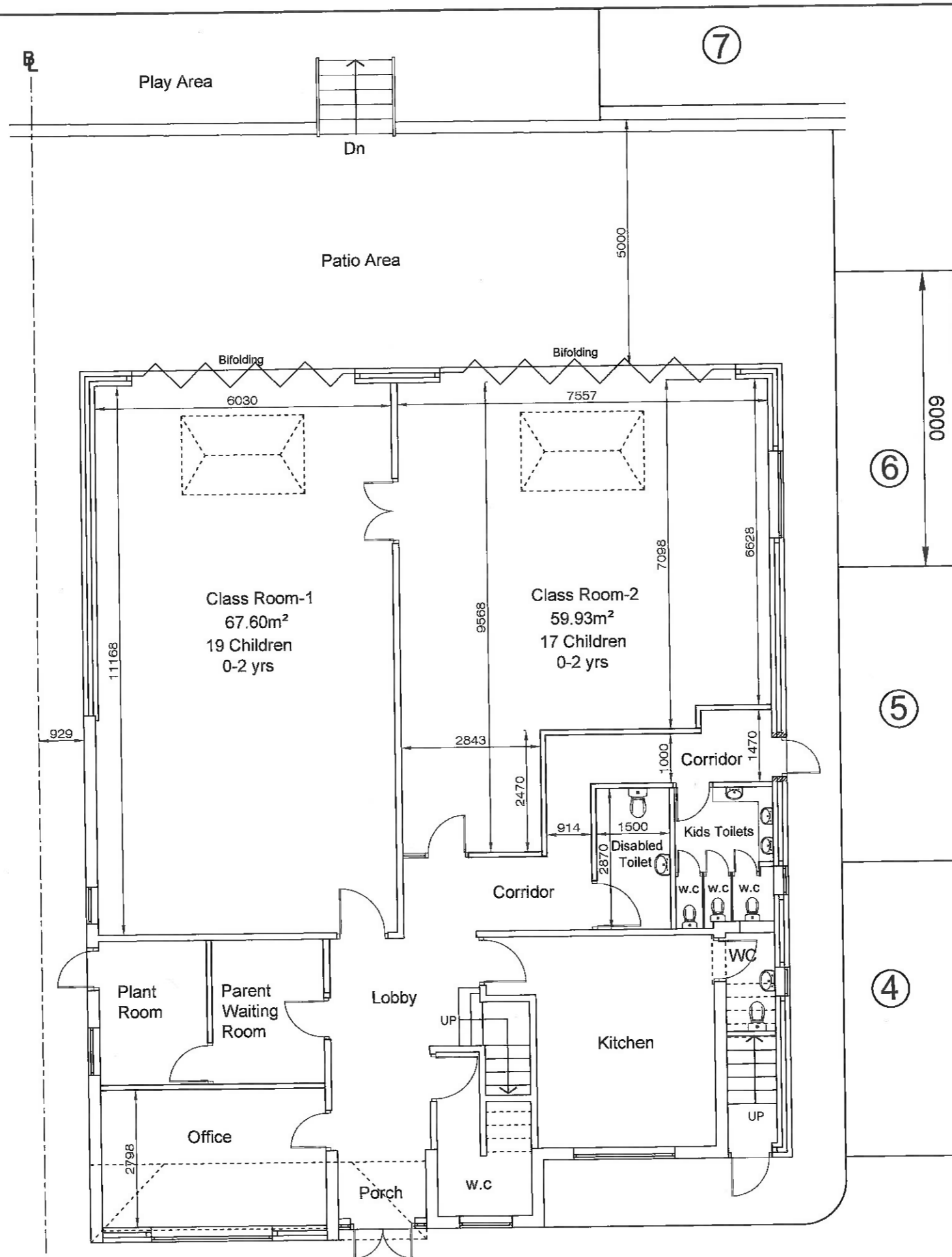
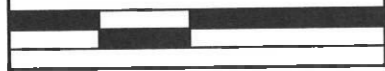
Proposal:
 Change of Use From Dwelling
 to Nursery

Project Location:
 131 Newton Road, Great Barr
 West Midlands B43 6BE

Scale: 1/100 @ A3	Drawn: RA
Drawing No. ZL-4258/3	Date: 21/04/21
Amendments	A

Note: This drawing to be read in
 Conjunction with drg.No.ZL-4258/4

1:5 = 25cm 1:200 = 10m
 1:10 = 50cm 1:250 = 12.5m
 1:20 = 100cm 1:500 = 25m
 1:50 = 2.5m 1:1250 = 62.5m
 1:100 = 5m 1:2500 = 125m



PROPOSED GROUND FLOOR PLAN

© Copyright Z.S. Partnership Ltd.(2021)

PLANNING ISSUE

ZSP
ZS Partnership Ltd.
 Architectural Design & Planning
 469 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4096

Drawing Title:
Proposed Ground Floor Plan

Proposal:
 Change of Use From Dwelling
 to Nursery

Project Location:
 131 Newton Road, Great Barr
 West Midlands B43 6BE

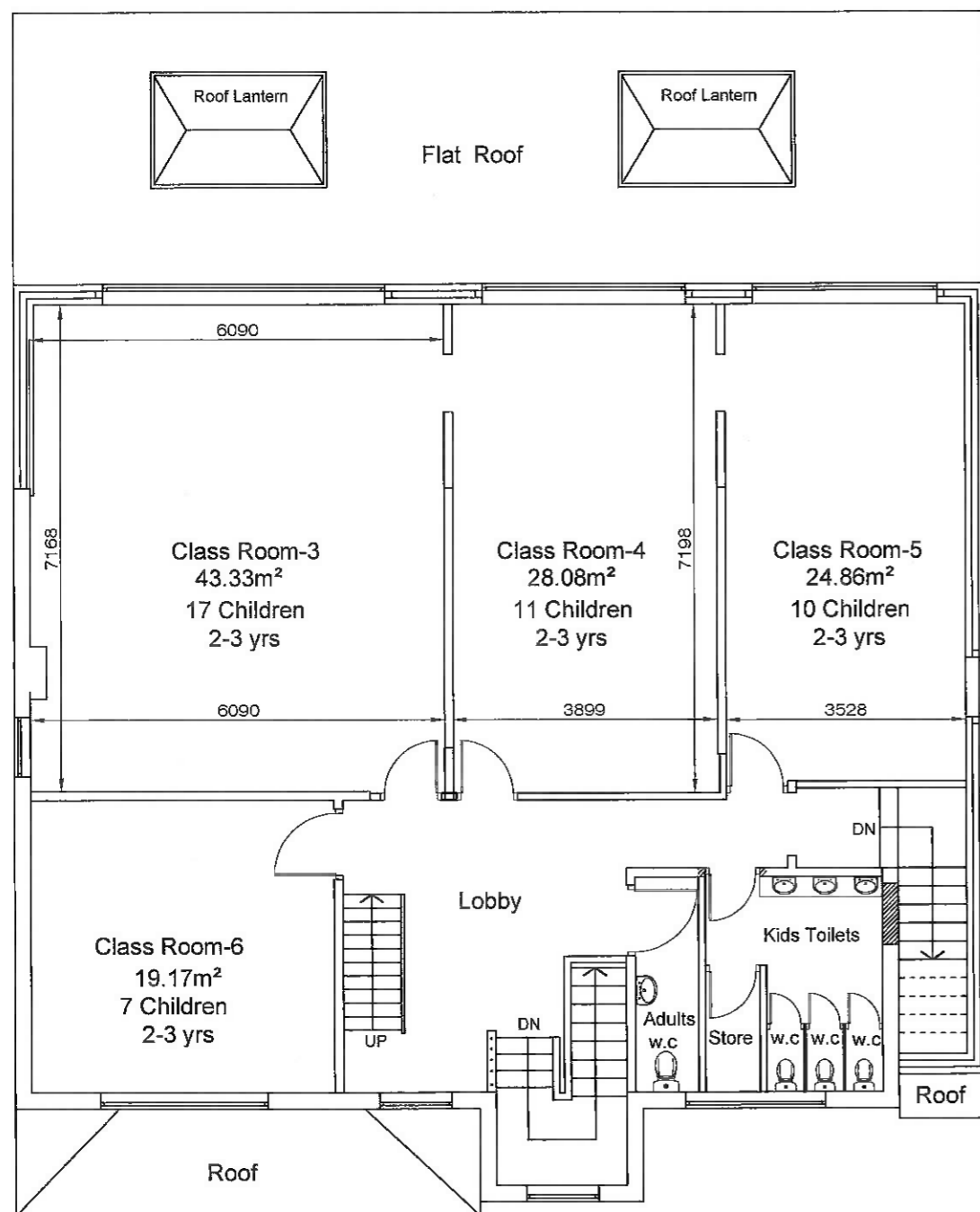
Scale: 1/100 @ A3 Drawn: PA

Drawing No. Date:
ZL-4258/4 21/04/21

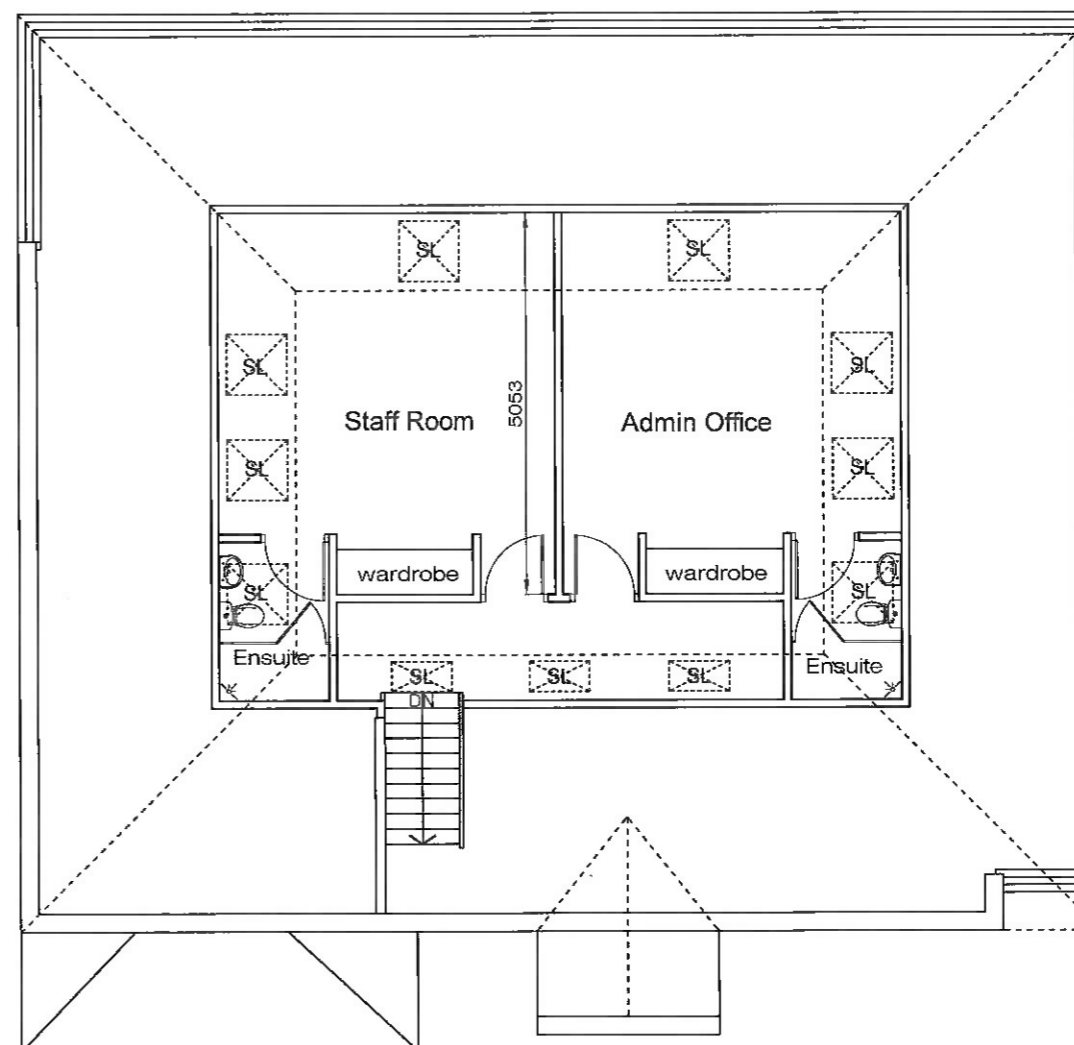
Amendments

Note: This drawing to be read in
 Conjunction with drg.No.ZL-4258/5

1:5 = 25cm	1:200 = 10m
1:10 = 50cm	1:250 = 12.5m
1:20 = 100cm	1:500 = 25m
1:50 = 2.5m	1:1250 = 62.5m
1:100 = 5m	1:2500 = 125m



PROPOSED FIRST FLOOR PLAN



PROPOSED LOFT PLAN

© Copyright Z.S. Partnership Ltd.(2021)

PLANNING ISSUE

ZSP
ZS Partnership Ltd.
 Architectural Design & Planning
 469 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4096

Drawing Title:
Proposed First and Loft Plans

Proposal:
 Change of Use From Dwelling
 to Nursery

Project Location:
 131 Newton Road, Great Barr
 West Midlands B43 6BE

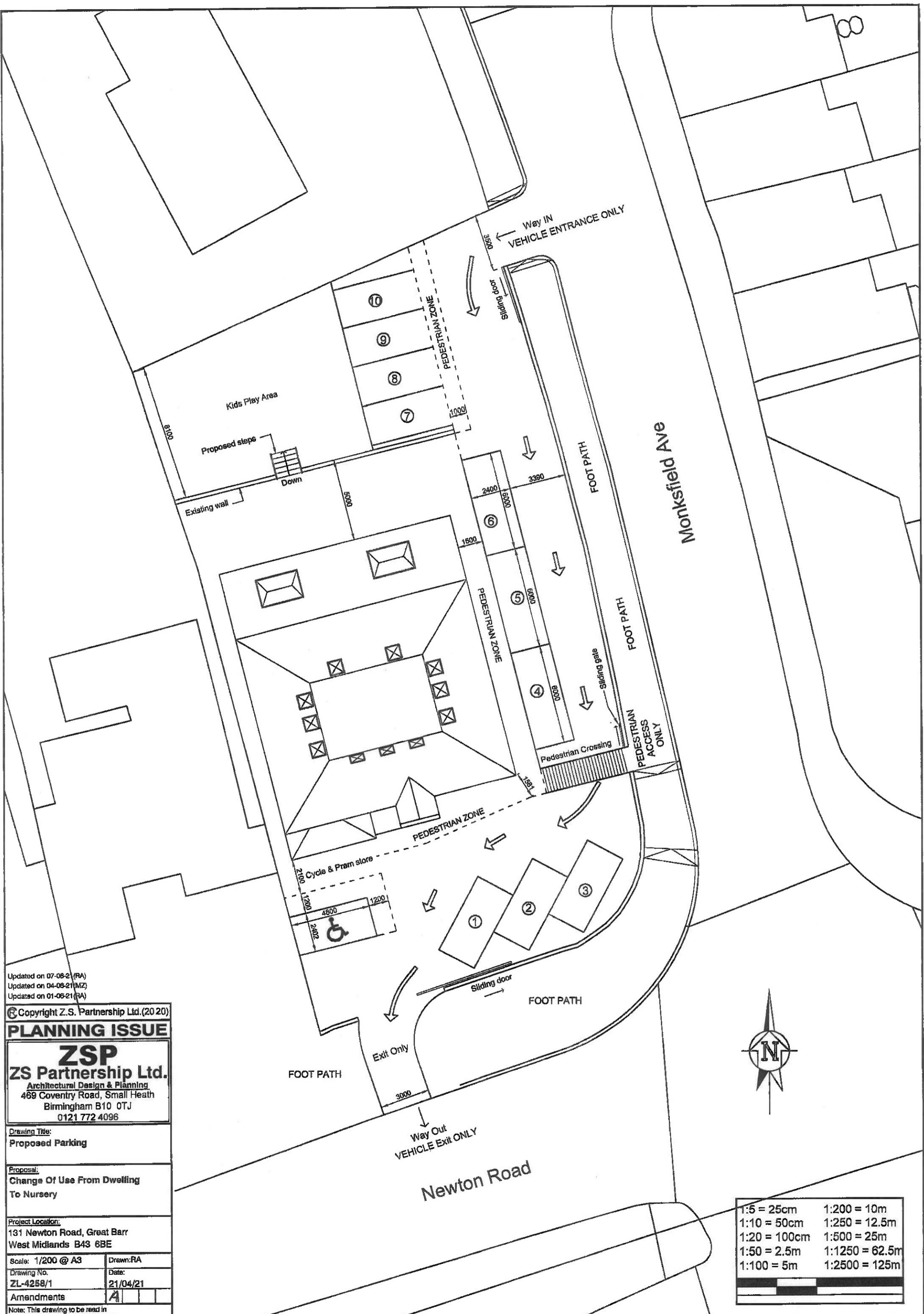
Scale: 1/100 @ A3 Drawn: RA

Drawing No. Date:
 ZL-4258/5 21/04/21

Amendments

A			
---	--	--	--

Note: This drawing to be read in
 Conjunction with drg.No.ZL-4258/1



Updated on 07-08-21 (RA)
 Updated on 04-08-21 (MZ)
 Updated on 01-06-21 (RA)

© Copyright Z.S. Partnership Ltd. (2020)

PLANNING ISSUE

ZSP
 ZS Partnership Ltd.
 Architectural Design & Planning
 469 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4096

Drawing Title:
Proposed Parking

Proposal:
**Change Of Use From Dwelling
 To Nursery**

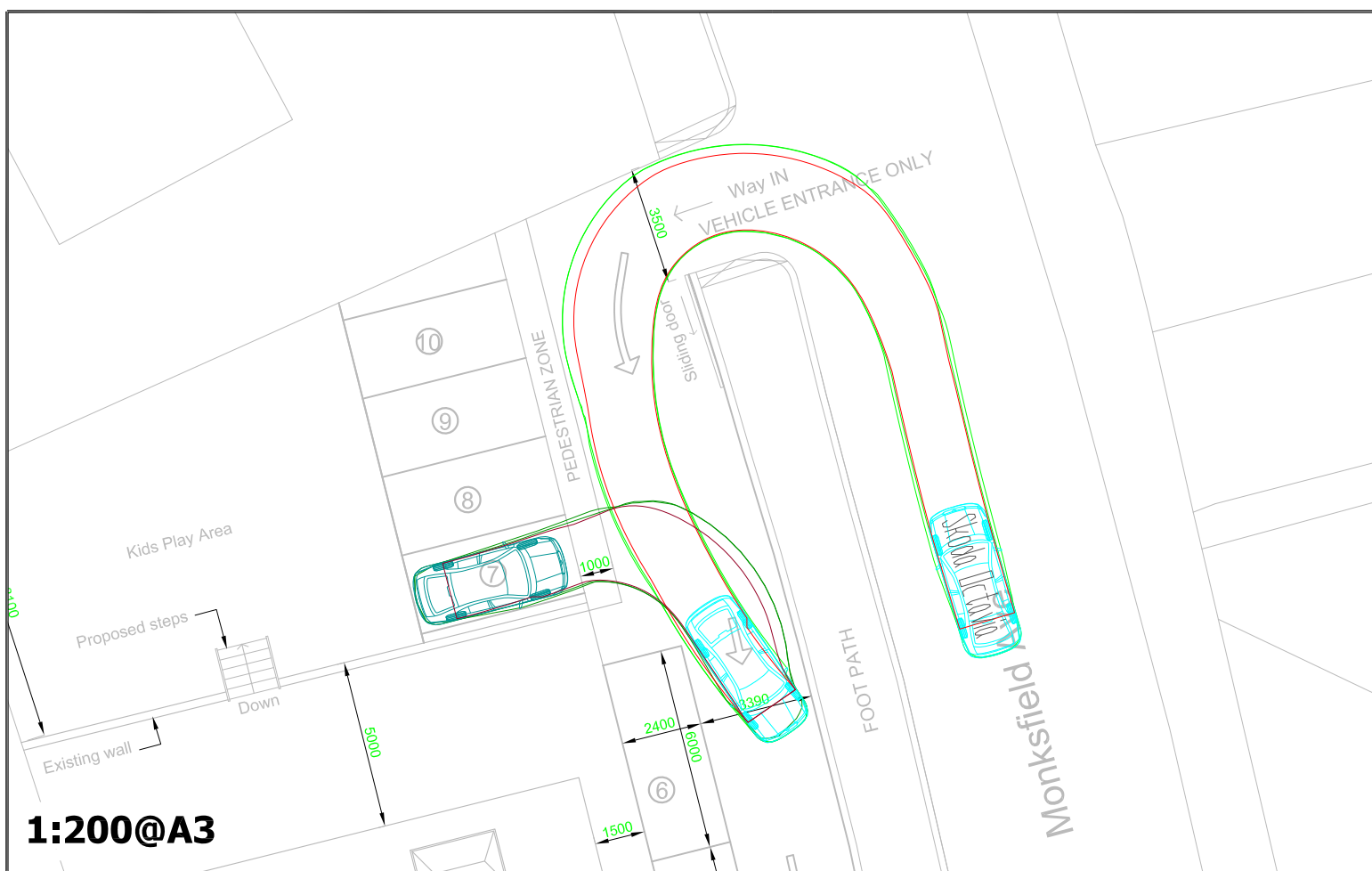
Project Location:
 131 Newton Road, Great Barr
 West Midlands B43 6BE

Scale: 1/200 @ A3	Drawn: RA
Drawing No. ZL-4258/1	Date: 21/04/21
Amendments	A

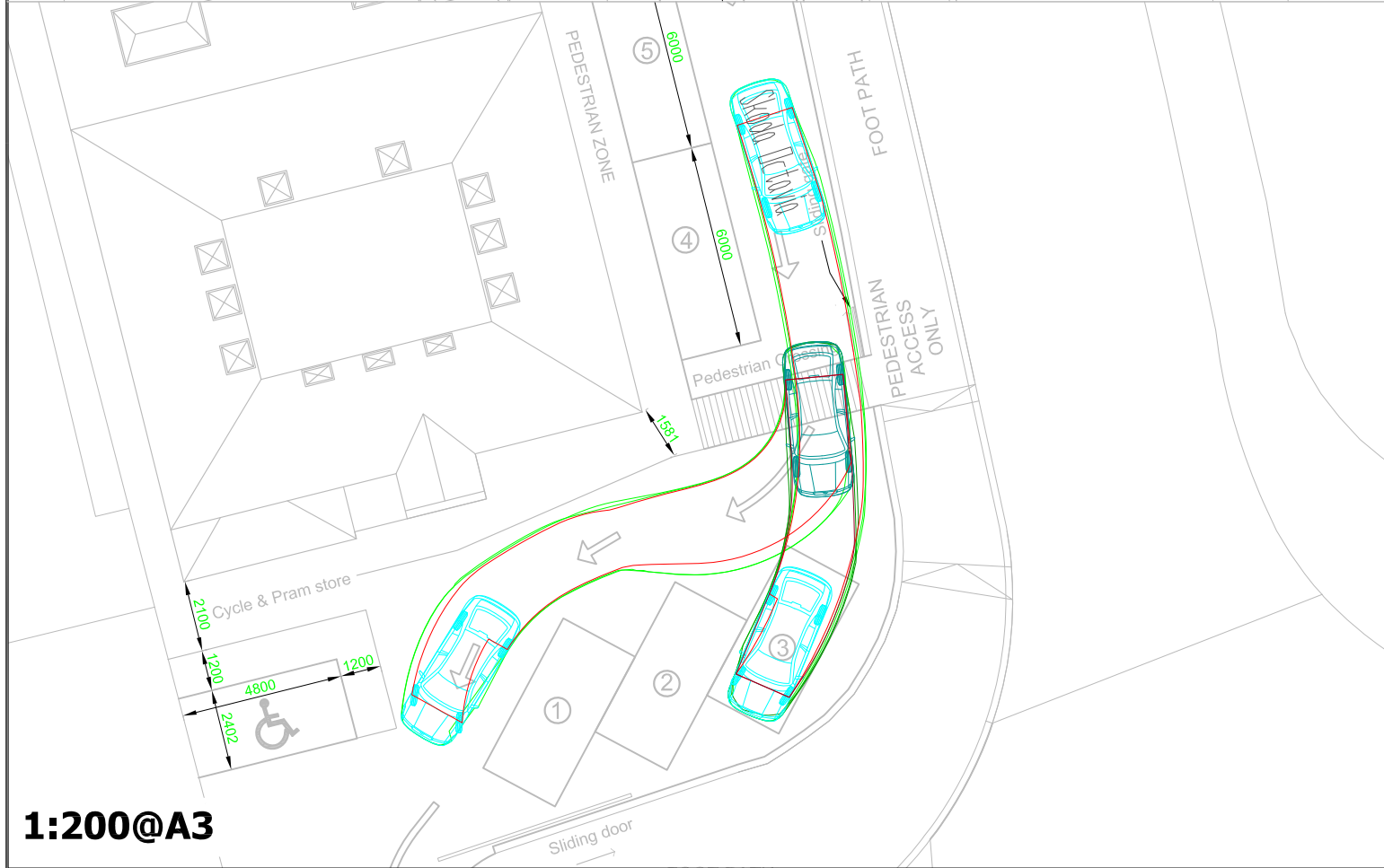
Note: This drawing to be read in conjunction with drg. No. ZL-4258/2



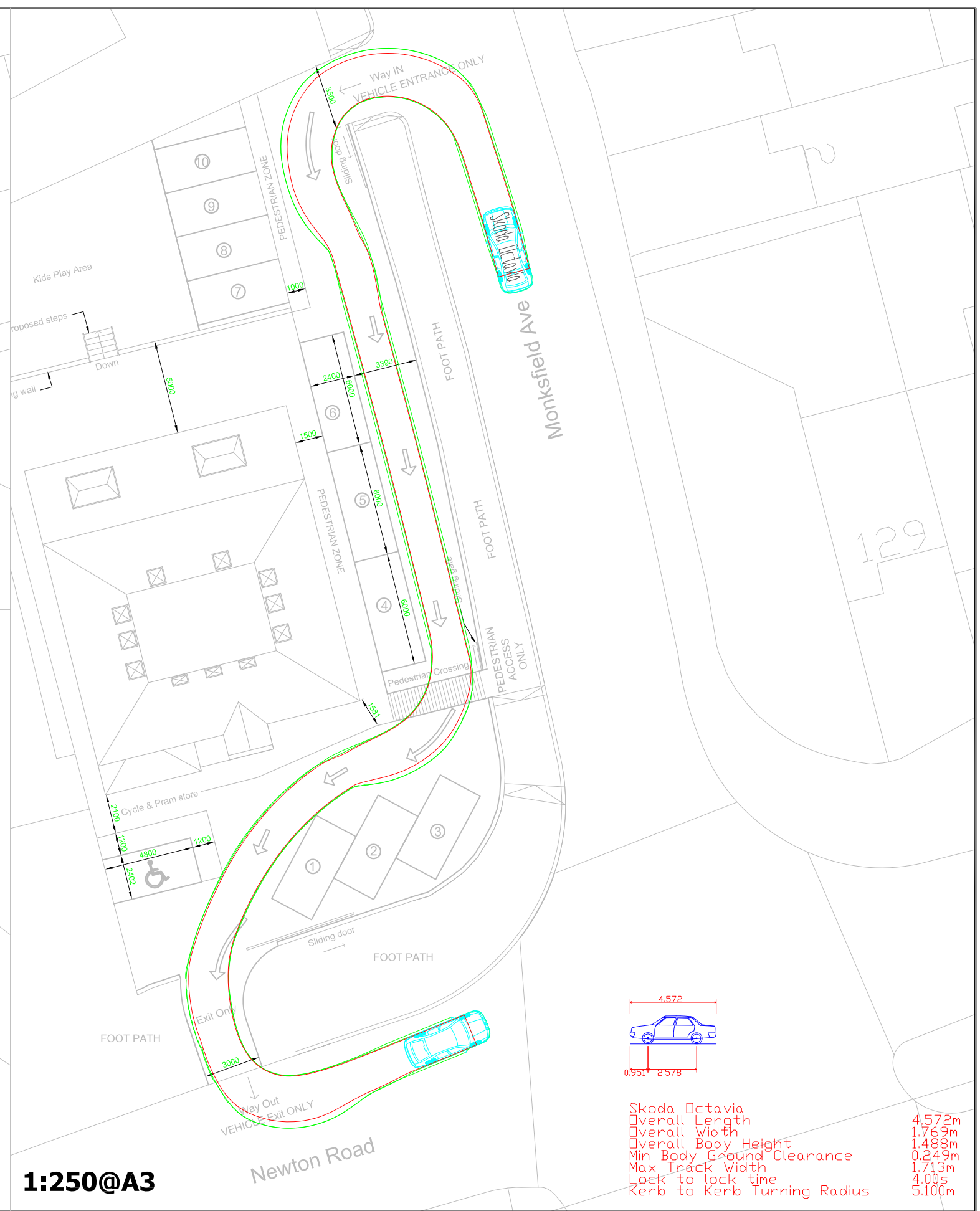
1:5 = 25cm	1:200 = 10m
1:10 = 50cm	1:250 = 12.5m
1:20 = 100cm	1:500 = 25m
1:50 = 2.5m	1:1250 = 62.5m
1:100 = 5m	1:2500 = 125m



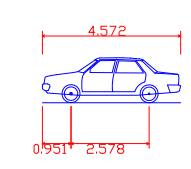
1:200@A3



1:200@A3



1:250@A3



Skoda Octavia
 Overall Length 4.572m
 Overall Width 1.769m
 Overall Body Height 1.488m
 Min Body Ground Clearance 0.249m
 Max Track Width 1.713m
 Lock to lock time 4.00s
 Kerb to Kerb Turning Radius 5.100m

Based upon the ORDNANCE SURVEY MAPS with the permission of THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © Crown Copyright AL 100030412 © David Tucker Associates

REV	DESCRIPTION	DRAWN	INITIALS	DATE	DRAWING STATUS	CHECKED BY	DATE



david tucker associates
 transport planning consultants
 Forester House, Doctors Lane,
 Henley in Arden,
 Warwickshire B95 5AW
 Tel: +44(0)1564 793598
 Fax: +44(0)1564 793983
 www.dtatransportation.co.uk

JOB TITLE		131 Newton Road		CLIENT		T Singh	
DRAWING TITLE							
Swept-path Analysis							
SCALE	DRAWN BY	DATE	DRAWING No	REVISION			
See Plan	TM	07.06.21	23051-05	A			