Delegated report Officer: Madeleine Turner (Planning and Design Group)

Application ref. DMPA/2025/1161

Change of use from C3 residential to E(f) creche, day nursery or day centre at 133 Twyford Road, Willington, Derby, DE65 6DG

Valid date:	06/09/2025
Consults expired:	08/01/2026
EIA development?	No
Section 106 agreement?	Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2000/0127- The erection of a detached house and worship

9/2003/1175- The erection of 4 bedroom dwelling and workshop

9/2007/0889- Outline application (all matters reserved except means of access to be reserved) for a new detached bungalow

9/2008/0852- The erection of an extension

9/2011/1002-Alterations and extensions to the existing detached garage (amendments to approved scheme 9/2008/0852) and the erection of a new detached garage and boundary wall/gates

DMPA/2020/0391- The erection of a 3-bedroom detached dwelling and minor alterations to the first-floor bedroom window of the existing dwelling.

Responses to consultations and publicity

- Environmental Health -With reference to the above application, I would ask that prior to the determination of the application, a noise impact assessment be submitted in writing to the local planning authority.

- Derbyshire Wildlife Trust -The proposal is unlikely to result in any substantive adverse impacts on biodiversity. No records of protected species or notable habitats have been identified on or adjacent to the site, and the site is not subject to any statutory or non-statutory nature conservation designations. The site is largely developed, comprising buildings, hardstanding and limited planting. As such, ecological surveys are not considered necessary or proportionate, and the development appears to be exempt from biodiversity net gain requirements. However, it is recommended that a condition be imposed to secure biodiversity enhancements, including the provision of an integrated bat box, a bird nest box, and native wildlife-friendly planting, with evidence of implementation to be submitted to the Local Planning Authority and the measures retained in perpetuity.

- County Highway Authority -The consultation initially raised concerns regarding parking and drop-off/pick-up arrangements, noting that the proposed 12 parking spaces would be insufficient given the anticipated 18 staff and could lead to highway safety issues, and also required confirmation that cycle parking would be covered. Following the submission of an amended site layout, the Local Highway Authority reviewed the revised access, parking and turning arrangements and concluded that these were satisfactory and would not result in an unacceptable impact on highway safety. The Highway Authority therefore raises no objection to the development, subject to conditions requiring the approved access, parking and turning arrangements to be provided

prior to use and the provision of sheltered, secure and accessible cycle parking approved by the Local Planning Authority.

In total, 26 public comments have been received in relation to this application, comprising of a mixture of objections and comments in support of the proposal. The principal matters raised are summarised below:

Objection comments:

- Increase in vehicle movement along Twyford Road
- Speed Limit of Twyford Road
- Vehicles stopping/queuing along the road to drop off and pick up will reduce visibility
- Pressure on junctions on Sealey Close and Forn Avenue
- Insufficient onsite parking (leading to overspill to the road and no safe drop off space)
- Increase in noise from the proposed use
- Erosion of the residential character
- Increase in the local pollution from idling engines

Comments in favour of development:

- Increased need for local childcare provisions
- Positive asset for the village
- Convenient and accessible location
- Local economic benefits

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2016 Local Plan Part 1: Policy S1 (Sustainable Growth Strategy); Policy S2 (Presumption in Favour of Sustainable Development);Policy S6 (Sustainable Access); Policy SD1 (Amenity and Environmental Quality); Policy BNE1 (Design Excellence); BNE3 (Biodiversity); Policy BNE4 (Landscape Character and Local Distinctiveness); and Policy INF2 (Sustainable Transport); Policy INF6 (Community Facilities)

2017 Local Plan Part 2: Settlement Boundaries and Development

The emerging Willington Parish Neighbourhood Plan 2023–2041 is capable of being a material consideration in the determination of this application, however it is not yet 'made' and therefore does not form part of the statutory development plan for the area and carries very limited weight.

There are some emerging Neighbourhood Plan policies that overlap with the issues raised by this application, in particular Policy 1 (Infill Development) and Policy 2 (Achieving Well Designed Places), which emphasise locally distinctive design, avoidance of overdevelopment, and protection of

neighbouring amenity (informed by the Willington Design Guide and Codes), are relevant material considerations

The relevant national policy and guidance is:

- National Planning Policy Framework
- Planning Practice Guidance

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application is/are:

- Principle of development
- Onsite Amenity
- Amenity for local area
- Highway considerations

Planning assessment

The site lies within the defined settlement boundary where, in principle, development that supports the social role of the settlement, including appropriate community facilities, can be acceptable.

Policy INF6 supports community facilities where proposals are suitably located and do not give rise to unacceptable impacts, and the National Planning Policy Framework similarly encourages the effective use of land and the provision of services which support healthy, inclusive communities. The main considerations in this instance are therefore whether the proposal would respect the character and appearance of the property and its surroundings, provide an appropriate standard of accommodation and usable space for the intended use, safeguard neighbouring living conditions, and operate without an unacceptable impact on the highway network, having regard to Policies BNE1 and BNE4 (design and local distinctiveness), Policy SD1 (amenity and environmental quality) and Policy INF2 (sustainable transport and highway safety).

Consultation responses, including the submitted noise assessment and the County Highway Authority's review of the amended access and parking arrangements, are material in reaching a robust planning judgement.

There is a limited provision of day nursery facilities within the surrounding area, and the proposed development would extend the availability of such services within Willington. The proposal would therefore contribute to local employment opportunities.

<u>Design and Amenity</u>

The proposal would utilise the existing building form and domestic scale, with no material changes that would appear visually incongruous or harmful to local character. Day to day activity associated with a nursery would introduce a different pattern of comings and goings when compared with a private dwelling, however this does not, of itself, amount to unacceptable harm to the street scene provided the use is appropriately controlled and the site is laid out to function safely and discreetly.

The submitted layout indicates that external areas would be organised to accommodate drop off and pick up activity within the site, rather than relying on the public highway, and that boundary treatments would continue to provide clear demarcation between the site and neighbouring gardens. In design terms the development would therefore remain legible as a domestic scale building within its plot, and, subject to the retention and maintenance of boundary treatments and the parking and turning arrangement, the proposal is considered to accord with Policy BNE1 in achieving a form of development that responds positively to its context and with Policy BNE4 in avoiding an adverse effect on local distinctiveness.

All other potential site constraints, including contaminated land and its location with the SSSI impact zone, are considered to be negligible. The intensity of use would be comparable to that of a dwelling occupied on a full-time basis, and no significant additional impacts are anticipated.

Amenity Space

The proposed development comprises internal alterations to subdivide the ground floor into four age-specific playrooms, alongside changing facilities and a toilet, a staff kitchen, a utility room and a dining area. The first floor would accommodate staff facilities, including a meeting room, training room and a wellbeing space. The applicant has stated that the residential appearance of the property would be retained, such that the proposal would not result in any adverse impact on neighbouring properties.

The use would be accommodated primarily within the ground floor of the building, with supporting staff facilities on the first floor, and the scheme benefits from the availability of two external play areas, one to the front and one to the rear.

The provision of outdoor space is an important element of the operation of a day nursery, and, in this case, the external areas are of a scale and arrangement that can function as usable play space without materially encroaching beyond the site or requiring additional built form that would harm visual amenity.

The submitted noise assessment indicates that use of the outdoor areas would be managed through staffing levels and statutory space requirements, with children rotating in smaller groups rather than all using outdoor spaces simultaneously. On that basis, the outdoor areas are considered capable of supporting the use in a manner that is compatible with the residential context and consistent with Policy SD1's objective of maintaining good standards of amenity for existing occupiers.

With regard to biodiversity net gain, the submitted assessments confirm that the site is classed as *de minimis* for the purposes of BNG requirements. Notwithstanding this, areas of green space and biodiversity value would be retained through the continued use of soft landscaping to the front and rear of the property.

Neighbourhood Impacts

Local representations raise concerns regarding increased noise, traffic activity, erosion of residential character, and potential nuisance from idling vehicles. These matters are material because the site is surrounded by residential properties, including those in close proximity on Twyford Road and Fern Close.

In respect of noise and disturbance, a detailed noise impact assessment has been submitted which considers children playing externally, noise breakout from the building and vehicle movements associated with drop off and pick up. The assessment identifies that the existing noise climate in the area is influenced by road traffic noise, and concludes that the change of use would not give rise to a significant increase in ambient noise levels at nearby dwellings. Importantly, the assessment sets out a clear mitigation approach, including the retention, upgrading or replacement of boundary fencing to provide continuous, acoustic fencing at 2 metres in height, together with the use of soft, noise reducing surfacing within external play areas and operational management measures such as limiting peak outdoor activity by managing use into small groups.

It also confirms that arrival and departure activity would be spread across wider time windows rather than concentrated at a single peak. Taking the assessment findings and proposed mitigation together, it is considered that the development can operate without unacceptable harm to the living conditions of neighbouring residents, in accordance with Policy SD1. In order to ensure the mitigation is delivered in practice, it would be appropriate for permission to secure the implementation and retention of the acoustic boundary treatments and to tie the operation of the nursery to the mitigation assumptions set out in the submitted noise assessment, alongside controlled hours of operation necessary to protect residential amenity.

In terms of residential character, a day nursery is not inherently incompatible with the location within the settlement particularly as it is contained within an existing building and plot and where the amenity and highways impacts can be acceptably managed.

In this instance, the activity would be largely confined to daytime hours, would be managed within the site, and, with appropriate boundary treatment and operational controls, would not result in a level of disturbance that would be out of keeping with what can reasonably be expected within a village settlement.

While concerns about vehicle idling and associated localised pollution are noted the layout is designed to facilitate quick, safe drop off and pick up within the site, and through day to day management of the nursery's operation. On the evidence available, these concerns would not be an appropriate reason withhold permission where the highway authority is satisfied with the amended layout and where the noise assessment indicates no unacceptable impact on neighbouring occupiers.

Highways Considerations

Concerns have been expressed in relation to increased vehicle movements along Twyford Road, vehicle speeds, queuing, and pressure on nearby junctions. The County Highway Authority initially raised concerns about the proposed use of the front hardstanding for car parking and drop-off, and requested further information to demonstrate that the arrangement would operate safely. In response, a series of visibility surveys has been submitted, which identify achievable visibility splays for vehicles both entering and exiting the site.

On the basis of the submitted information and the revised plans, the Highway Authority has confirmed that it raises no objection to the proposal, subject to recommended conditions. The conditions are necessary to ensure that the development operates as assessed, that the site does not give rise to overspill parking on surrounding residential streets, and that opportunities for short trips by cycle can be supported.

The development would also facilitate access by sustainable modes of transport, including walking and cycling, for staff and visitors. Given the site's proximity to the village centre, it is reasonable to expect that a proportion of trips could be undertaken on foot, thereby reducing reliance on the private car and easing pressure on the on-site drop-off and pick-up areas. The proposal is therefore considered to accord with Local Plan Part 1 Policy INF2.

Matters relating to the existing speed limit and its enforcement are noted, but they are not, in themselves, determinative. The key test is whether the development would introduce or exacerbate a highway safety problem to an unacceptable degree, and the Highway Authority's position is that, with the amended layout and appropriate conditions, that threshold is not reached. With the recommended conditions in place, the proposal is considered to accord with Policy INF2.

Recommendation

Approved subject to conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Report agreed:	11/03/2025
Authorised officer:	Steffan Saunders