

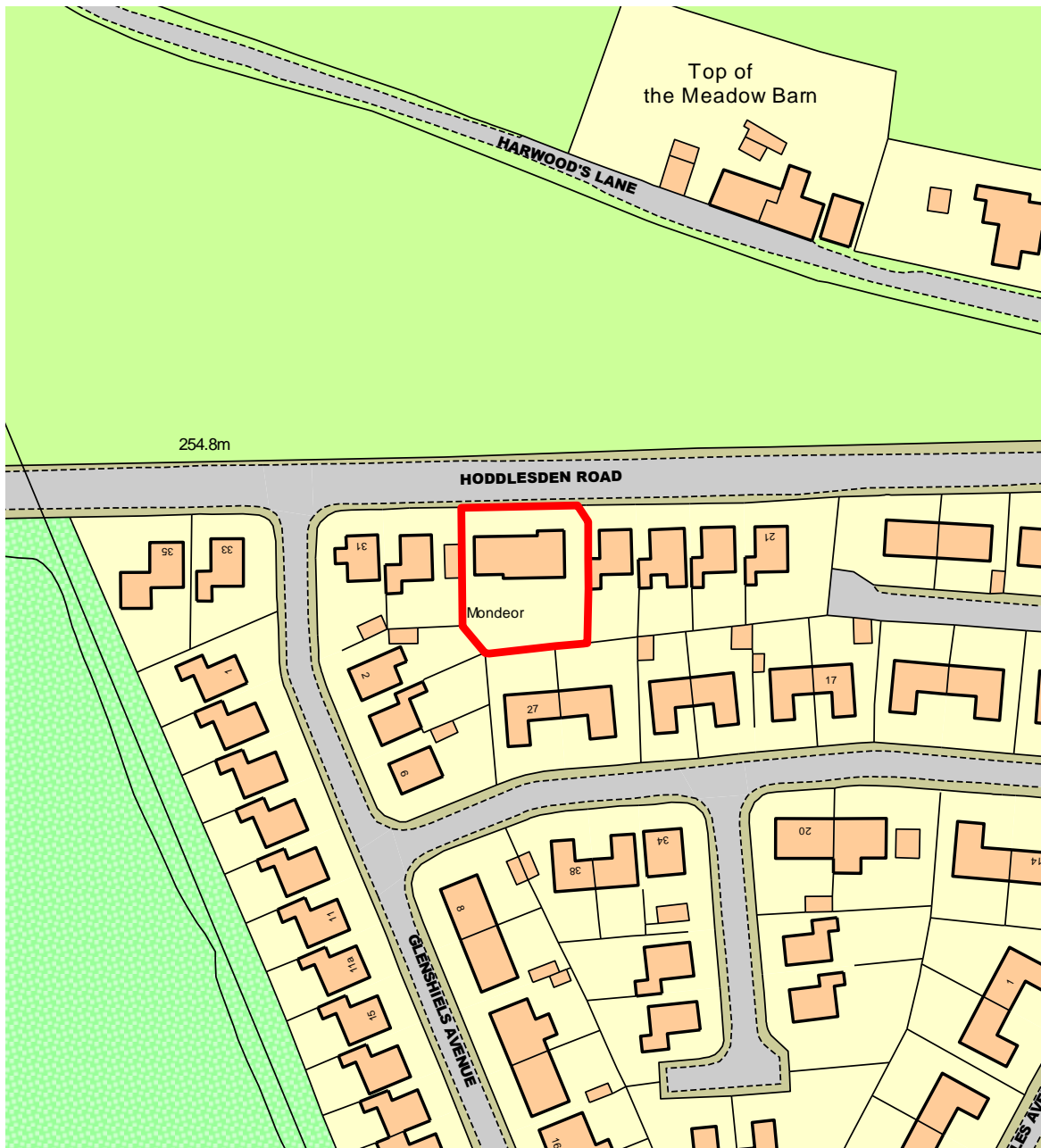
Proposed development: Full Planning Application for: Rear single storey extension to nursery.

Site address: Mondeor, 27a Hoddlesden Road, Hoddlesden, Darwen, BB3 3LR

Applicant: Mrs J Mercer

Ward: East Rural

Councillor Julie Slater



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE – subject to conditions** – as referred to in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1. The planning application is presented to the Committee through the Chair Referral process in accordance with the Scheme of Delegation. Three letters of objection have been received from the owners of the neighbouring properties, together with an objection from the local ward councillor. The proposal seeks to provide a single storey rear extension to the existing children's nursery. The need for the extension is a result of the nursery being awarded funding from the Department for Education (DfE), following the introduction of the government's initiative of an additional 15 hours free childcare, increasing the overall allowance to 30 hours. The funding award is supported by the Council's Early Years Business Team, who identified that there was a need for more places at the Nursery based on existing capacity within the Marsh House catchment area.
- 2.2. The funding is conditional on the nursery being able to demonstrate capacity to accommodate additional children whose parents wish to take advantage of the additional free hours.
- 2.3. The key issues to be addressed are as follows:
- Principle of development
 - Impact of the development upon neighbouring residential uses
 - Parking provision and impact of the development on the surrounding highway network.
 - Risk from historic coal mining activity
 - Design of the extension.
- 2.4. Careful consideration has been applied towards the impact of the proposal on neighbouring residential amenity, given the prevailing residential character of the area, transport and highways impact and design. This is balanced against the benefits the proposal will offer to the nursery and the local community.
- 2.5. A dismissed appeal against previous refusal of planning permission for an identical rear extension has also been afforded careful consideration. The appeal was dismissed on 26th April 2013 associated with planning application 10/12/0569 – see paragraph 5.1.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is Stepping Stones Children's Nursery, located to the south of Hoddlesden Road, Darwen, within the village of Hoddlesden. The nursery is bounded to the south, east and west by residential properties. Open fields lie to the north.

3.1.2 Planning permission was originally granted for a children's nursery in 1994 which involved the conversion of a residential garage. Subsequent permissions have been granted to expand the nursery use, including a side extension in 1995 and an increase in attendees from 20 to 26 in 2003.

3.1.3 The nursery currently runs at full capacity. Each year the nursery has approximately 14 – 16 no 3 or 4 year olds accessing their free 15 hours care, over a 51 week period. The current accommodation dictates that children would not be able to take advantage of the maximum 30 hours free care they would be eligible for from September 2017, due to limited space. The additional accommodation proposed would ensure that the current children would be able to benefit from the free 30 hours and would provide an additional 8 funded places. It is on this basis that the DfE has awarded the additional capital funding, in order to finance the proposed extension.

3.2 Proposed Development

3.1.1 Planning permission is sought for a single storey rear extension measuring 7.5m by 4.6m with a flat roof at a height of 2.4m, to provide additional nursery accommodation; as set out in the submitted drawings

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies; the following of which are considered the most relevant:

3.3.3 Core Strategy

- CS1 - A Targeted Growth Strategy
- CS11 – Facilities and Services

3.3.4 Local Plan Part 2.

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (The Framework)

3.5 **Assessment**

3.5.1 Principle of Development

3.5.2 The Framework (para 19) emphasizes the need for the planning system to support sustainable economic growth and operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

3.5.3 Paragraph 70 of The Framework emphasizes the need to plan positively for the provision of local services to enhance the sustainability of communities and residential environments.

3.5.4 Core Strategy Policy CS11 supports the expansion and enhancement of the range and quality of public services in accessible locations.

3.5.5 Accordingly, the principle of the proposal is considered appropriate; in accordance with Local Plan policies and The Framework's presumption in favour of sustainable development, which should proceed without delay, and its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

3.5.6 Residential Amenity Impact

3.5.7 Policy 8, amongst other criteria, requires the development to secure a satisfactory level of amenity to occupants of surrounding properties, with regard to noise and relationship between buildings.

3.5.8 The current proposal seeks a single storey rear extension to provide additional nursery space.

- 3.5.9 A potential increase in numbers of children is acknowledged from 26 currently permitted to a maximum of 34. The applicant submits that the increase to a maximum of 8 is likely to be seldom and on occasions, numbers may fall beneath the current maximum of 26. Numbers will ultimately be dictated by the take up of the maximum 30 hours per week allowance or a fraction thereof. The applicant submits that a minimum of 4 extra children will be accommodated throughout the working day which could rise to an absolute maximum of 8.
- 3.5.10 The Marsh House catchment area has an identified need for an additional 159 child care places, as evidenced by the 2015 Health 'Live Birth' data. In order to remain eligible for DfE funding the nursery has to evidence the ability to accommodate for the 30 hours childcare, through additional floor space. If this cannot be achieved, the funding will be withdrawn. The applicant asserts that the loss of the funding will be very damaging for the business, as the inability to offer the 30 hours will inevitably result in children leaving to attend alternative nurseries which could accommodate them. This is evidenced by the closure of Hoddlesden pre-school earlier in the year, due to their inability to accommodate the introduction of the 30 hours.
- 3.5.11 The applicant also emphasises the growing, competitive market place, with a number of new nurseries having opened nearby in recent years. It is, therefore, argued that in order to remain competitive and to safeguard the business, the nursery needs to be able to provide for the 30 hours childcare. It is considered that the ongoing viability of the nursery should be afforded significant weight in the assessment, as a material change in circumstances from the previous refusal of planning permission which was upheld on appeal in 2012. Moreover, the change in local and national policy context since the appeal should also be recognised. Equally as important is to balance out the impact of the proposal on neighbouring residential amenity.
- 3.5.12 The proposal will result in an intensification of the existing use. It is, however, unlikely that an increase in numbers to the maximum of 8 will occur throughout the duration of the working day. Indeed currently, although the nursery is at capacity in terms of the maximum number of 26 children registered, it is often the case that not all 26 are in attendance at the same time. In terms of the potential take up of the 30 hours, it is considered inevitable that some children will not require any additional hours, some will require a fraction thereof and some will require the full allocation. Whilst an increase in noise may be experienced, it is considered unlikely to be excessive, beyond that currently experienced.
- 3.5.13 The Council's Public Protection team has offered no objection on amenity grounds. Importantly, they recognise that excessive noise disturbance arising from the proposal can be addressed under statutory nuisance powers afforded by the Environmental Protection Act 1990; which offers robust protection to neighbouring dwellings.

3.3.14 The proposed extension will be massed along the common boundary with no. 29 Hoddlesden Road. The single story nature of the extension and the adequate separation exists between the proposal and the principle windows to the rear of no. 29, ensures no harm to neighbouring amenity in terms of overshadowing or dominance.

3.5.15 The presence of historic coal mining activity within the site is recognised through the submission of a Coal Mining Risk Assessment, reviewed by the Coal Authority, who offer no objection to the proposal.

3.5.16 Notwithstanding the aforementioned appeal decision, and having due regard to superseded Local Plan policies and the introduction of a significant material change in circumstances regarding the viability of the business, it is considered, on balance, that the proposal carries sufficient merit to be supported on amenity grounds; in compliance with Policy 8.

3.5.17 Accessibility and Transport Impact

3.5.18 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.19 The site currently benefits from 5 off street parking spaces. Additional staffing needs will be accommodated by increasing the hours of existing part-time staff. Any increase in vehicular activity associated with drop-off and pick-up of children is unlikely to be excessive.

3.5.20 The Council's highways officer has offered no objection to the proposal, securing compliance with Policy 10.

3.5.21 Design

3.5.22 Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.23 The proposal features an appropriate gable roof profile, fenestration and matching materials, in compliance with Policy 11.

3.5.24 In summary, the proposed development has been carefully assessed in terms of the impact towards the adjacent properties, highway safety, and design against the benefits of the proposed development to the existing business and the local community. It is considered that the proposed extension will have no significant detrimental impact so as to justify warranting a refusal, and the ongoing viability of the nursery as

referred to in paragraph 3.5.11, should be afforded significant weight in the assessment.

4.0 RECOMMENDATION

4.1. **APPROVE** subject to the following conditions:

- Use to be restricted to a children's nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
- Use restricted to between the hours of 07:30 and 18:00 hours Monday to Friday. No permitted use on any Saturday, Sunday or Bank Holiday.
- Maximum number of 34 children.
- Extension to be erected in matching materials

5.0 PLANNING HISTORY

5.1. 10/93/1623 – Conversion of garage to childrens nursery granted planning permission 23rd January 1994;
10/95/0128 - Erection of side extension for porch and library in conjunction with use of property as a House and childrens nursery granted planning permission 6th April 1995,
10/99/0398 - Retrospective consent for the accommodation of up to 20 children granted planning permission 23rd August 1999,
10/03/0054 – Variation Condition No.1 (ref: 10/99/0398) : Accommodation to be increased from 20 to 26 children, granted planning permission 29th April 2003,
10/12/0569 - Rear single storey extension to accommodate 6 no. additional children, refused planning permission 7th September 2012, appeal dismissed 26th April 2013;
10/17/0064 - Conversion of garage to childrens nursery, pursuant to a variation of condition 3 on application 10/93/1623 to read: The use hereby permitted shall not take place between the hours of 6:00pm and 7:30am nor on Saturdays, Sundays or Bank Holidays, granted planning permission 20th March 2017.

6.0 CONSULTATIONS

6.1.1 Public Protection – no objection.

6.1.2 Highways – no objection.

6.1.3 Coal Authority – no objection.

6.1.4 6 neighbouring properties were consulted by letter and Ward Councillors. 4 letters of objection have been received, including one from Ward Councillor Julie Slater.

6.1.5 The material planning considerations referred to in the letters of objection are summarised as follows:

- Presence of a capped mine shaft within the site.
- Noise levels.
- Traffic / parking
- Absence of numbers proposed

7.0 CONTACT OFFICER: Nick Blackledge, Planner.

8.0 DATE PREPARED: 8th September 2017

9.0 SUMMARY OF REPRESENTATIONS

Objection Cllr Julie Slater, 31.07.17

Please find below my comments for the relevant planning application.

As you are aware my passion is Children's Services and Education within Blackburn with Darwen and fully support funding coming from government into our area. I believe the nursery has been granted some of this to increase numbers and offer places to more children.

There has been a previous planning application to increase the size of the nursery in 2012 application number 12/05/69. Which was refused on the amenity of noise assessment in a residential area. If I remember rightly also on increased traffic and parking in a residential neighbourhood community.

I do also remember a noise survey being carried out by Andy Whites team, as the nursery is surround by residential properties on both sides and the back, with only domestic divisions such as hedges, or garden wall or fence. Most of these residents are retired and spend most of their time at home.

Having had conversations with the neighbours of the applicant and listening to their concerns. All though I support education for our children and our rural area needs more places. I have a very difficult decision to make.

However in the last application I recommend refusal and in this instance I also have to agree with the neighbours. It is not appropriate for this application and and as the local councillor would like the comments to be taken on board that the application be refused on the same grounds as the previous application which I have already mentioned previously, 12/05/69.

Please note my objections on the grounds off :

- a) amenity of noise on residents
- b) increased activity in a semi rural neighbourhood community such as parking, stopping and picking up and dropping off and increased parking for staff.
- c) road safety.

I would also like to recommend another noise assessment is carried out to safeguard the residents for their health and well-being.

Objection Mr & Mrs Dixon, 2 Glenshiels Avenue, Darwen, 17.07.17

Dear Mr Prescott,

We are writing to you with regard to the above planning application and would like to add our comments to be considered:

First of all we live in a rural village setting and more development is altering this, also the position of the mine shaft seems to make the extension very close to, or, on top of it. Due to the nature of these mine shafts we are concerned about subsidence occurring when the ground is disturbed plus the fact that children are playing on a possible unstable area. Our other concern is the noise, we see that the term sound buffer used but this would not affect us. The concern is that by having a larger area and longer hours this would be like having extra children thus more noise.

Objection Otto & Margaret Linne, 4 Glenshiels Avenue, Hoddlesden

Dear Mr Blackledge.

This application has been rejected on numerous occasions and again we strongly object for the following Reasons:

- 1) there is a **capped mine shaft** on the proposed side
 - 2) noise levels are at times horrendous, even though the management tries to reduce it by overgrowing the trees
 - 3) Staff and parents are parking on very small and busy Roads and junctions
 - 4) you are unable to oversee the road junction due to parking Cars
 - 5) Another concern is that this is a residential estate and there has to be a limit on how far business premises can be extended, property value will be affected.
 - 6) In Application 10/17/0064 From Jan 31 2017 permission was sought to vary condition 3 on application 10/93/1623
I personally came down to the town hall and was assured that the application was for the garage space was to be used for the children
even though this had been the case for some time and there would be no application for building extensions
 - 7) no numbers have been furnished on application
 - 8) may we also point to the OFSTED report 301673 dated 26/03/2007 and 05/05/2010
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Objection Peter Quigley, 3 Glenshiels Avenue, Hoddlesden 14.07.17

I am writing to object to planning application 10/17/0694: a proposal to build a single storey extension to the property that is being used as a children's nursery.

The grounds of my objection are

Parents' cars parked on the highway/pavement during drop-off and pick-up times

During these periods it is usual for there to be many cars parked outside the nursery, extending up to the junction with Glenshiels Avenue and often parking around the corner on to Glenshiels Avenue. This junction is the main access to the housing estate and the parked vehicles fully obscure the view of traffic travelling up Hoddlesden Road from drivers exiting the estate. This is particularly dangerous in the mornings when it coincides with residents leaving for work. It is also important to note that, although Hoddlesden Road is a 30 mph zone, the nature of the road is such that vehicles are usually travelling at a minimum of 30 mph and often greatly exceed this, which adds to the danger at this junction.

I am concerned that this proposed development, by increasing the capacity of the nursery (whether more children or more hours per child), will worsen the existing parking problems and thereby increase the likelihood of a serious accident at this junction.

Over development of the site

The property was built solely for residential use and has been the subject of multiple planning applications to extend the building and to increase the number of children. It is situated in an otherwise entirely residential area and any further extension to the property would create a property significantly larger than the original development with respect to its curtilage.

Previous application 10/12/0569

This previous application for a similar single storey extension was rejected on the following grounds: "The increased activity and intensity of use caused by the proposed development within a residential area would lead to a significant and regular loss of amenity for neighbouring residents in terms of increased noise and general disturbance." The published documents for the current application contain no measures to address these concerns.
