

**COMMITTEE DATE:** 07/06/2016

**Application Reference:** 16/0052

WARD: Squires Gate  
DATE REGISTERED: 17/02/16  
LOCAL PLAN ALLOCATION: No Specific Allocation

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Mrs C Greenwood

**PROPOSAL:** Retrospective application for use of first floor as extension to the existing children's day nursery and to allow an additional 10 children i.e. 25 per session in total.

**LOCATION:** 3 DUNES AVENUE, BLACKPOOL, FY4 1PU

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**Summary of Recommendation:** Grant Permission

#### **CASE OFFICER**

Ms P Greenway

#### **SUMMARY OF RECOMMENDATION**

The recommendation is for approval, based on the fact that the increase in number of children per session from 15 to 25 would not have a significant impact on the amenities of local residents in terms of noise and disturbance and parking/highway safety. As such, it is not considered that there would be any conflict with Policies BH3 and AS1 of the Blackpool Local Plan 2001 - 2016, nor with Policy CS7 of the Blackpool Local Plan: Part 1 - Core Strategy.

#### **SITE DESCRIPTION**

This is a detached former house on the south side of Dunes Avenue, located approximately 90 metres from Lytham Road and 25 metres from the junction with Stony Hill Avenue. The site is flanked by other detached properties; with the South Shore Primary Care Centre (SSPCC) to the rear and houses opposite.

#### **DETAILS OF PROPOSAL**

This is a retrospective application following on from enforcement investigations into a complaint that the upper floor was being used as nursery accommodation, contrary to planning permission 89/0976 "use of ground floor of premises as nursery school with owners accommodation on first floor." Condition 1 restricted the nursery to 15 children and condition 5 restricted the hours of operation to not being open between 5pm and 9am on the following

day. Condition 5 was varied in 1990 (90/0614 refers) to extend the hours of operation to 8am - 6pm and day nursery use to operate Monday to Friday (inclusive).

The current proposal is for the use of the first floor as an extension to the existing childrens day nursery at ground floor and the increase in number of children from 15 to 25 at any one session. The number of children on the roll is 55 in total with an age range from 20 months to 48 months. There are six members of staff and an additional member of staff responsible for maintenance, cleaning and cooking. The nursery is open from 8:15 hours to 17:30 hours Mondays to Fridays and not at all at weekends.

There is an enclosed play area at the rear, together with a single garage; and the side driveway can accommodate parking for up to four cars.

The application includes a supporting statement which includes a traffic survey and explains how the nursery operates in terms of traffic movements and parking; and also how noise levels are controlled.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be the impact of the increase in number of children (by 10) on the amenities of nearby residents, in terms of:

- noise and disturbance
- highway safety and parking

These issues will be discussed in the assessment section of this report.

### **CONSULTATIONS**

**Director of People (Statutory Director of Childrens Services):** The nursery is popular with high occupancy rates. Refusal of retrospective planning permission would result in disruption to the care and learning of a number of children as alternative places would have to be sought. Whilst there are some vacancies in the local area, there is no guarantee that places will be available on the days and times they are needed by the children currently attending the Dunes, which may affect both children's early education and parents' employment.

The nursery has been subject to both a full Ofsted inspection and a re-registration process since the first floor has been used as part of the nursery. The nursery was re-registered due to a change of ownership, and the first floor was already in use as part of the nursery when the current owner made the purchase. Prior to the re-registration, the nursery was judged to be good, and Ofsted expressed no concerns with the suitability of the premises.

There are no particular concerns regarding this application.

**Head of Transportation:** No comments have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**Head of Environmental Services:** Having read the report from the nursery, Environmental Protection now has no objections to the expansion. Sufficient detail has been supplied with regard to how noise is kept to a minimum. (The nursery limits the number of children playing out at any given time, does not allow its staff to shout at children and generally has good management practices with emphasis on learning while playing out rather than free play). I can therefore see no significant detriment to the neighbours in terms of noise. We have not received any complaints about noise.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 24 February 2016

Neighbours notified: 17 February 2016

Objections have been received from 1, 6 and 7 Dunes Avenue and 61 Stony Hill Avenue. The main grounds for objection relate to the increase in noise that would arise as a result of more than doubling the size of the nursery (in terms of the number of children there for any one session). They point out that the rear garden of the nursery is smaller since the extension at the rear was added leaving a very restricted outside playing area and concentrating the noise. Some neighbours find the current noise levels intolerable and suggest that the restriction to 15 children in the grant of planning permission reflected this. The second ground relates to the traffic and parking problems which are currently experienced in the road and the fact that the increase in nursery size exacerbates this.

94 letters of support have been received commenting how good the nursery is and that the parking problem has been caused by the construction of the South Shore Primary Care Centre. The South Shore Primary Care Centre causes the majority of parking problems, with cars parked up for longer periods for appointments etc.

### **NATIONAL PLANNING POLICY FRAMEWORK**

In March 2012 the National Planning Policy Framework (NPPF) was published. Core planning principles in paragraph 17 include: to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; proactively drive and support sustainable economic development; encourage conversions of existing buildings. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**Chapter 1 is concerned with building a strong, competitive economy:**

Paragraph 18 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

Paragraph 19 - The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should 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.

Paragraph 20 - To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Paragraph 21 - Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.

Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

**BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by Council at its meeting on 20 January 2016. In accordance with paragraph 216 of the National Planning Policy Framework significant weight can now be given to the policies of the Core Strategy. Certain policies in the Saved Blackpool Local Plan have now been superseded by policies in the Core Strategy (these are listed in the appendices to the document). Other policies in the Saved Blackpool Local Plan will remain in use until Part 2 of the new Local Plan is produced.

The policies in the Core Strategy that are most relevant to this application are -

**CS3 Economic Development and Employment**

Sustainable economic development will be promoted to strengthen the local economy and meet the employment needs of Blackpool and the Fylde Coast Sub-Region to 2027.

**CS7 Quality of Design**

Development will not be permitted that causes unacceptable effects by reason of visual intrusion, overlooking, shading, noise and light pollution or any other adverse local impact on local character or amenity.

**CS12 Sustainable Neighbourhoods**

To secure a better quality of life for residents and to deliver sustainable neighbourhoods, the Council will support development and investment which includes at (b) Providing high quality community facilities accessible to all members of the community.

**CS15 Health and Education**

Improved provision and access to quality public services has a direct positive effect on the health and well-being of residents. Development will be supported that enables the provision of high quality new and improved educational facilities.

None of these policies conflict with or outweigh the provisions of the saved Local Plan Policies listed below.

**SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006 and the majority of its policies saved by direction in June 2009. The following policies are most relevant to this application:

- BH3 Residential and Visitor Amenity
- BH19 Neighbourhood Community Facilities
- AS1 Access and Parking

**ASSESSMENT**

**Principle**

There is no issue with the principle of the proposal as this is an existing use. The property still takes the form of a detached house and the increase in number of children would not impact on the residential character of the area.

**Amenity**

With regard to noise levels, the applicant points out that not all the children attend all year round. She offers term time placements for parents who do not need the extra childcare during holidays and the nursery itself is currently closed for two weeks over the Christmas and New Year period. The rear garden is limited to the number of children who go outside due to the space available and to avoid the sound of children playing as sound carries. The

applicant also takes the children to the nearby Louis Horrocks Park and uses the amenities there on a regular basis. The Head of Environmental Protection requested additional information, as a result of which he has withdrawn any concerns regarding noise.

### **Highway Safety**

The submitted traffic survey shows that the number of children being dropped off by car in the morning ranges between 11 - 16 and this is staggered between 8.00am and 9.45am. There are minimal traffic movements over the lunchtime (2 - 4 cars); some children (3 - 5) are picked up between 3:30pm - 4.30pm and the majority (9 - 11) are picked up between 4:30pm - 5:50pm. These numbers are less during the twelve weeks of school holidays as some children only go to the nursery during term time. The neighbours state that the majority of the road issues arise from the large number of visitors to the South Shore Primary Care Centre who park on street as the on-site car park is oversubscribed. I do not consider that the nursery has any significant impact on highway safety over and above the congestion caused by visitors to the nearby South Shore Primary Care Centre.

### **Parking and Servicing Arrangements**

The applicant states that in terms of vehicles, she parks on the driveway, two staff members car share and two get dropped off and the other team member catches the bus. The opinion in the 94 letters of support is that the on-street parking problems are caused by the South Shore Primary Care Centre as the majority of cars are parked up for substantially longer than a few minutes. The nursery is already operating with the additional children and it is considered that the small number of additional traffic movements (it is likely that not all 10 children would be brought by car) generated in the mornings/evenings does not have a significant impact on the neighbours' ability to park on the street. The majority of residents in the area benefit from off road parking. I understand that the South Shore Primary Care Centre is considering providing additional on-site parking on adjacent land that they own (previously occupied by St. Margaret Clitherow church) to relieve the parking pressure, although an application has not yet been received.

### **CONCLUSION**

It is considered that the increase in number of children, which has already taken place, does not have any significant impact on the amenities of the neighbours in terms of noise and disturbance, nor does it adversely affect highway safety or the on-street parking availability over and above that caused by visitors to the South Shore Primary Care Centre. The recommendation is therefore for approval.

### **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any significant human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

## **BACKGROUND PAPERS**

Planning Application File 16/0052 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Grant Permission

## **Conditions and Reasons**

1. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority on 17th February 2016 including the following plans: Drawing No. DDN 101 Rev A (Present ground floor plan, original first floor plan and present first floor plan); Site location plan.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

2. No more than 25 children shall attend the nursery at any one time.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016.

3. The nursery shall not operate outside the hours of 08:00 hours to 18:00 hours Monday to Friday and not at all on Saturday or Sunday.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the driveway shall not be used for any purpose which would preclude the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016.

5. The nursery shall operate in accordance with the information submitted in the applicant's supporting letter dated 19th April 2016.

Reason: In the interests of the amenities of local residents and in accordance with Policy BH3 of the Blackpool Local Plan 2001 - 2016.

### **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.