

**Application Ref:** 14/01509/FUL

**Proposal:** Proposed additional single storey building for childcare provision

**Site:** 241 Park Road, Peterborough, PE1 2UT,  
**Applicant:** Mr M Younis

**Agent:** Mr Robert Gooding  
 GOOD-DESIGN-ING LTD

**Referred by:** Councillors Nadeem and Shearman

**Reason:** The proposal would allow for the provision of much needed additional early years places and would not result in any unacceptable impact

**Site visit:**

**Case officer:** Miss Louise Lovegrove  
**Telephone No.** 01733 454439  
**E-Mail:** louise.lovegrove@peterborough.gov.uk

**Recommendation:** **REFUSE**

**1 Description of the site and surroundings and Summary of the proposal**

**Site and Surroundings**

The application site comprises a single storey building currently in use as the Bright Stars Day Nursery. The nursery has been in use for a number of years, with evidence of first registration with the City Council in 1974 albeit this was a mixed use of nursery and residential dwelling. In 2002, planning permission was granted for the sole use of the site as a day nursery and in 2008, the number of children permitted to attend at any one time was restricted to 52.

The building is set back from the back edge of the public highway by an area of hardstanding which provides car parking for 8 vehicles. This is accessed via a dropped kerb crossing from Park Road. The surrounding area is predominantly residential and comprises two storey residential dwellings of varying design and form.

The application property has been substantially extended to the side and rear with a large covered area providing sheltered outdoor play space between the host building and a detached outbuilding (former garage) which is used as nursery space. The siting of the application proposal is presently an open grassed outdoor play area.

**Proposal**

The application seeks planning permission for the construction of a single storey detached building to the rear of the site which would provide a total of 59.7 square metres of additional space and three toilets. This building would be of flat roof construction and would be sited between the host building and existing detached outbuilding. The proposal seeks to increase the number of children permitted to attend the site at any one time from 52 to 76 (an increase of 24 places) albeit no increases in staff numbers are proposed.

## 2 Planning History

Reference	Proposal	Decision	Date
P0001/86/EU	Application for established use certificate for use of premises as dwelling with nursery school	Permitted	08/12/1986
P0037/87	Extension at rear and detached garage	Permitted	16/02/1987
91/P0101	Cloakroom extension for garden room	Permitted	25/03/1991
92/P0968	Erection of a conservatory in accordance with applicant's letter of 17th January 1993	Permitted	20/01/1993
02/00746/FUL	Change of use of dwelling/nursery to sole nursery use with increase of registered numbers of children from 41-50	Permitted	15/07/2002
08/00031/FUL	Single storey rear extension with covered area	Permitted	13/03/2008
08/01067/WCPP	Variation of condition C3 of planning permission ref 02/00746/FUL to allow the number of child places to be increased from 50 to 52	Withdrawn	10/10/2008
08/01265/WCPP	Variation of condition C3 of planning permission ref 02/00746/FUL to allow the number of child places to be increased from 50 to 52	Permitted	04/12/2008
09/01104/FUL	Installation of external air conditioning condensing units - retrospective	Refused	08/01/2010
10/01352/FUL	Installation of external A/C units - retrospective	Permitted	01/03/2011

## 3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### National Planning Policy Framework (2012)

#### **Section 8 - School Development**

Great weight should be given to the need to create, expand or alter schools.

### Peterborough Core Strategy DPD (2011)

#### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

#### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

### Peterborough Planning Policies DPD (2012)

#### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

#### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

#### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

### **4 Consultations/Representations**

#### **Victoria Park Residents Association**

No comments received.

#### **Transport & Engineering Services (16.09.14)**

Objection - At present there is a lack of adequate parking within the site to meet current parking demand and this has led to vehicles parking on the near public footways and reversing from the shared access onto the carriageway. Any increase in the use of the site would exacerbate the situation causing further detriment to the users and safety of the public highway.

#### **Early Years & Child Intervention Team**

No comments received.

#### **Local Residents/Interested Parties**

Initial consultations: 22

Total number of responses: 4

Total number of objections: 2

Total number in support: 2

Two letters of objection have been received from local residents on the following grounds:

- As neighbours to the nursery (No.243 Park Road) we are dumbfounded by much of the detail and supporting documentation surrounding this application, which provides information that is simply not true.
- It is inconceivable that a 46% increase in child numbers will not require an increase in staffing. The number of staff employed may not change, but their employment hours and days will certainly increase.
- It is commendable that the owners have made arrangements with a neighbouring property to accommodate staff cars, indeed this is already in operation, however this has no impact on parent parking at all. The car park to the front of the site is almost empty for much of the day. However, the statement that there are 8 spaces available for drop off/pick up is nonsense as there are only 4 marked spaces with the remaining area required for turning and shared with pedestrian access to the property.
- The nursery opens at 8am, with the majority of arrivals occurring between 8am and 8.45 am. The drop off and collection times detailed in the supporting information are misleading and any increase in operational hours would cause us to suffer significantly (No.243 Park Road). At present we struggle to leave our driveway owing to parents parked along the pavement and any increase will make this more dangerous than it already is.
- Over the past 7 days (week commencing 8th September) the following was witnessed:
  - Tuesday 9 September - 17 children arrive by car, 6 cars parked on-street
  - Wednesday 10 September - 17 children arrive by car, 5 cars parked on-street
  - Thursday 11 September - 20 children arrive by car, 4 cars parked on-street
  - Friday 12 September - 20 children arrive by car - 6 cars parked on-street

- Monday 15 September - 27 children arrive by car, 9 cars parked on-street
- Noise nuisance will substantially increase with an increase in children, particularly moving the outside play to 15 metres further down the garden. Our greater concern (No.243 Park Road) will be the residents of the care home at No.239 Park Road.
- The submitted block plan is incorrect as our property (No.243) extends backwards in line with the application property so that the extension would begin just a few metres from the rear elevation of our house.

**Councillor Nadeem** - I am in support of the application and think that the owners are providing a great service for the community and have been doing so for a number of years now.

**Councillor Shearman** - I am writing to support the application to expand the Bright Stars Nursery in Park Road which was judged to be 'outstanding' by OFSTED in its most recent report. There is demonstrable need for additional Early Years places in Peterborough and Park Ward has been identified as an area where there is a shortage of places. I am aware that both the manager to Early Years and Child Intervention, and the manager for Targeted Services and Sufficiency have given this application their support, both citing the shortage of places in the area.

I have taken the opportunity to visit the nursery to view the intended siting of the proposed development and consider it to be appropriate for the area, particularly given the existing layout of the nursery and its extended accommodation. I understand the applicant has anticipated an increased demand for parking spaces at the nursery and has commendably reached an agreement with the owner of the property opposite for staff to park their vehicles on the hardstanding area to the front of the property. This area will accommodate six vehicles.

In summary, given the shortage of early years spaces in Park Ward, the high quality of early years' experience offered at Bright Stars, and the appropriateness of the proposed development in relation to existing buildings and neighbouring properties, this application has my full support.

## **5 Assessment of the planning issues**

The main considerations are:

- Expansion of an existing education facility
- Parking and highway implications
- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity

### **a) Expansion of an existing education facility**

Paragraph 72 of the National Planning Policy Framework (2012) (NPPF) highlights that considerable weight should be given to the need to create, expand or alter schools and that Local Planning Authorities should work with education providers to identify and resolve key planning issues before an application is submitted. The proposal seeks to expand the teaching space available at the day nursery by approximately 60 square metres and would provide additional accommodation for up to 24 additional children. This would provide space for a maximum of 76 children, representing a 46% increase in the provision of childcare spaces. It is acknowledged, through the representation made by Councillor Shearman, that there is currently a deficiency in early years childcare places and that the proposal would go in some way to alleviating this.

However, the NPPF also requires planning applications to be determined in accordance with the adopted development plan and all relevant material planning considerations. Whilst there will clearly be a benefit to the wider community resulting from the application proposal, it is considered that on balance, the harm resulting (set out in detail below) would outweigh this benefit.

### **b) Parking and highway implications**

The application supporting documentation states that within the curtilage of the site, there are

8 no. parking spaces provided for the purposes of parent drop off/pick up with a further 6 no. spaces provided within the curtilage of No.232 Park Road (immediately opposite the site) for the purposes of staff parking. However, within the application site itself, there are only 4 no. car parking spaces available for use by parents as the remaining hard standing area provides the requisite turning space to allow vehicles to exit the site in forward gear.

At present, the day nursery operates between the hours of 08.00 and 18.00 split between two daily sessions, albeit the extant planning permission allows for operation up to 18.30 hours. In total, a maximum of 52 children are permitted within the day nursery at any one time (secured by condition) and the applicant has advised that 17 staff are on-site at any one time. This therefore represents a considerable number of movements to/from the site at peak times. Whilst this application cannot address the implications that already arise from the development which lawfully operates from the site, careful consideration must be given to the intensification which would result from the proposal.

The application has been supported by a detailed statement which sets out the measures currently in place to deter the use of private cars for travel by staff and parents. The statement also summarises the modal split of transport to/from the site by both staff and parents and identifies that very few travel by private car. It is noted that the two objections from local residents challenge this evidence and accordingly, the Local Highway Authority Officer undertook a site visit to assess the situation first-hand.

The LHA site visit was carried out between 07.30 and 08.30 hours on a weekday morning, thereby representing the morning peak in terms of vehicular movements. It was observed that there were extremely high volumes of traffic on the road directly opposite the site which were queuing virtually 'bumper to bumper'. It has been assessed that this situation occurs as a result of the traffic lights to the south (which is the safe crossing point for pupils attending Thomas Deacon Academy) and that Park Road is one of the main arterial routes for motorists travelling into the City Centre from the north. At the time of the visit, a total of 5 cars were observed parking on the forecourt of the property, with four reversing out of the site onto Park Road. This represents a significant danger to users of the adjacent public highway. In addition, there were also vehicles parked along the footways on both sides of Park Road as there were no on-site parking spaces available. This all occurred at a time when school children were passing the site to walk to school. On the basis of the situation witnessed, the LHA therefore challenges the evidence submitted by the Applicant and questions the accuracy of the survey data presented.

The proposal would result in a 46% increase in the number of children attending the day nursery and as such, would represent a significant intensification of the use of the site. Whilst the existing parking and highway safety issues detailed above cannot be retrospectively addressed, any intensification would clearly and significantly increase the risk to all users of the public highway. There is an insufficient number of car parking spaces available within the site to accommodate the drop off/pick up demands generated by the proposed increase in the number of children and as such, additional on-street parking demand would be generated. This would result in more cars parking in unsafe locations along the public highway, impeding the free flow of traffic on one of the main arterial routes into the City and resulting in increased conflict with school children using the public footway.

It is not considered that robust travel planning would sufficiently reduce the level of traffic generated by the proposal so as to not represent a danger to highway safety as the present Travel Plan in place has not addressed the demand already generated by the day nursery. As such, it is not considered that planning conditions could be used to bring about an acceptable parking and access situation.

On this basis, the proposal would pose an unacceptable risk to the safety of all users of the public highway and is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

**c) Design and impact upon the character and appearance of the surrounding area**

The existing application site has been considerably extended from the original dwellinghouse and there is a substantial covered area which links the main building to the existing converted detached former garage. However, at present there is an open play area situated in place of the position of the application proposal. The proposed single storey building would be sited within this existing open area, positioned immediately adjacent to the shared boundary with No.243 Park Road. The building is proposed to be of flat roof design, extending to a maximum height of 2.9 metres and would extend to a length of 7.9 metres.

It is considered that, whilst the application site is of considerable size in terms of its plot, the building and its various extensions already represents the maximum amount of development that can be accommodated within the site. The proposal would result in development which effectively occupies a depth of 42 metres across almost the entire width of the plot. The existing open area presently breaks up the built form of the site and it is considered that the infilling of this would create a mass of development which dominates its context. The resultant form of the building would appear unduly obtrusive and dominant within its context and result in unacceptable harm to the character, appearance and visual amenity of the surrounding area. As such, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

**d) Neighbour amenity**

At present, it is considered that the use of the site generates a significant level of noise and general disturbance particularly in relation to drop off/pick up times and the use of the outdoor play areas. Whilst the proposal would result in the loss of an outdoor play area in close proximity to the primary habitable rooms of No.243 Park Road, it would instead introduce further development along the shared boundary. The proposal would result in a continuous form of single storey development along the shared boundary which would infill the existing gap between the rear elevation of the neighbouring dwelling and its detached double garage which is positioned on the boundary. It is considered that this would result in an unacceptably dominant and overbearing impact to occupants of this neighbouring dwelling and substantially harm their outlook.

Furthermore, the proposal seeks to increase the number of children permitted at the site from 52 to 76 thereby representing a 46% increase. It is considered that the resultant noise and general disturbance from this proposed increase would further exacerbate the existing situation and bring about an unacceptable impact to the amenities of neighbouring occupants, particularly those immediately adjacent. Any potential future noise complaints could not be addressed through other primary legislation as recent legal rulings have concluded that action cannot be taken against noise generated by children, as such the matter must be addressed through the planning application.

It is considered that the resultant noise and disturbance from the children has the potential to result in those properties being unattractive places in which to live. This, in combination with the unacceptable overbearing impact to No.243 Park Road, would result in an unacceptable level of harm to the amenities of neighbouring occupants and on this basis the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

**7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The proposed increase in the number of children attending the day nursery would represent a significant intensification of the use of the site. There is a lack of adequate car parking on the site to accommodate the existing parking demands generated and has resulted in vehicles parking in dangerous locations near public footways and reversing from the shared access onto the adjacent busy carriageway. The proposal would result in the intensification of the use of the site which would therefore exacerbate these existing safety dangers. Accordingly, the proposal would result in a further detriment to the safety of all users of the public highway, contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).
  
- R 2 The proposed single storey building would infill an existing open area within the application site. It is considered that the proposal in addition to the extensive existing buildings on the site would result in a significant level of built form within the plot which would appear incongruous and at odds with the established built form of the surrounding area. The proposal would represent overdevelopment of the site and result in unacceptable harm to the character, appearance and visual amenity of the locality. On this basis, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
  
- R 3 The proposed single storey building, by virtue of its height, depth and positioning adjacent to the shared boundary with No.243 Park Road, would result in a length of development which appears unduly overbearing to neighbouring occupants and would unacceptably harm the outlook from primary habitable rooms. Furthermore, the resultant proposed increase in number of children within the site would give rise to an unacceptable level of noise and general disturbance to those immediately adjacent residential properties. The proposal would therefore result in an unacceptable level of harm to the amenities of neighbouring occupants, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Copies to Councillor J Shearman, J Peach

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