

**Application Ref:** 15/01200/FUL

**Proposal:** Single storey extension to provide additional childcare spaces with restricted hours of operation from 9:30AM - 4:30PM - Resubmission

**Site:** 241 Park Road, Peterborough, PE1 2UT,  
**Applicant:** Bright Stars Day Nursery  
**Agent:** Barker Storey Matthews

**Referred by:** Corporate Director of Growth and Regeneration  
**Reason:** Previous decision by Committee  
**Site visit:** 16.10.2014

**Case officer:** Miss Louise Lovegrove  
**Telephone No.** 01733 454439  
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**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 original part of the existing nursery is set back from the back edge of the public highway by an area of hardstanding which provides car parking for 4no. vehicles. This is access 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.

Residential properties are located either side and to the rear of the application site.

**Proposal**

The application seeks planning permission for the construction of a single storey extension to the rear of the existing property to provide a total of 59.7 square metres of additional space, including three toilets. The extension would be of flat roof construction and would be sited between the original building and an existing detached outbuilding which are linked by virtue of a covered outdoor area.

The supporting information which accompanies the application is confused with regards to the intended purpose of the building. The Applicant's Agent has confirmed that the proposal does seek to increase the number of children present within the site by 24, thereby taking the total up to 76 at any one time. However it is proposed for the additional places/extension to be subject to restricted hours of use, between 09.30 and 16.30. It should be noted that the originally permitted hours of use (08:00 to 18:30) would remain for the original pupils/remainder of the site.

The current scheme has been amended from an earlier scheme which was refused planning permission by Members under application reference 14/01509/FUL. The reasons for refusal of this earlier scheme were:

- R1 *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).*
- R2 *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).*
- R3 *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).*

The key differences from this earlier scheme are as follows:

- The building would now be attached and set away from the shared boundary with No.243 Park Road (to the north) by 2 metres (previously the proposal abutted this boundary) albeit the footprint and height are the same;
- The red line boundary of the application site no longer includes the parking forecourt to the front of No.232 Park Road (opposite the site); and
- It is now proposed to restrict the hours of use of the proposed building/additional pupils to not outside 09:30 and 16:30.

## 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
14/01509/FUL	Proposed additional single storey building for childcare provision	Refused	27/10/2014

## 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**

### **PCC Transport & Engineering Services (11.08.15)**

Objection – There is a lack of adequate parking within the site and the current parking demand has led to vehicles parking on the nearby public footways and reversing from the shared access onto the adjacent carriageway. Any increase in the nature of this development would exacerbate this situation causing further detriment to the users of the public highway.

### **Victoria Park Residents Association**

No comments received.

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

Initial consultations: 28

Total number of responses: 6

Total number of objections: 2

Total number in support: 0

Two objections have been received from the owners/occupants of Nos. 243 Park Road and No.158 Dogsthorpe Road on the following grounds:

- The proposal was rejected by the Planning Committee in October 2014 (reference 14/01509/FUL). The present application differs only slightly from that application, in ways which do not significantly address the reasons for refusal.
- Current data provided by Peterborough City Council also shows that, contrary to the supporting information provided by Council employees, there is no expected increase in demand for childcare places in Park Ward - their main reason for supporting this re-submission.
- The physical structure of the proposed extension differs from the previous application in only one respect - it has been moved on metre further south. In this respect the reason for refusal R2 (overdevelopment of the site) and part-R3 (unacceptable level of harm to the amenities of neighbouring occupants) have not been addressed.
- In the case of reason for refusal R1, it is slightly more difficult to understand if this has been

addressed as the application itself is confusing and contradictory. The reason for wanting this extension is to meet increased demand for places - but it is stated that the overall number of children attending is not going to rise (despite the previous application asking for a 50% increase in numbers for which this new extension was needed). Yet the Applicant also states that the current limit on numbers is rarely reached, so the nursery is not currently full. This indicates that if there was a demand for more places in the area, places are already available. The Applicant's Planning Statement states: "Notwithstanding the additional floor space the maximum number of children at the facility at any one time will not increase" yet the letter from the Early Years and Child Intervention Team says they are supporting the application as it will provide "more early years education and childcare places at 241 Park Road".

- The previous application contained travel information showing, on one sampled day, only four children arriving at the nursery by car. However, for the revised application, 30 out of 47 children have been listed as arriving by car one morning, although only 25 children were shown as leaving at all. Charts for other days have been wrongly labelled, are incomplete and largely copied from the previous day. These travel figures are therefore meaningless, as are the estimates of the number of children who will come from within the local area. The letters or support from PCC Targeted Services and Sufficiency Team state that the places will be part-time for people accessing their entitlement to 15 hours per week of funded time. This will, of course, double the turnover of cars at the lunchtime changeover.
- Of greater significance, however, is information provided by Peterborough City Council's own document 'Early Years Education Funding Entitlement: Market Position Statement' dated April 2015, which shows very clearly that the population forecasts in Park Ward show a decrease in the 0-4 years population over the next 10 years (p.24), with no additional places being required (p.25), and with a summary (p.21) stating clearly that for Park Ward "the latest figures suggest that there is no immediate pressure". This clearly contradicts the information in the Planning Statement and the supporting letters.
- On 27th October 2014, application 14/01509/FUL was refused by the Planning Committee. Members were very clear and forthright in their view that this was not a site suitable for any expansion to the current provision, with some of them having witnessed for themselves the dangerous behaviour of some of the present clients during the morning peak, and included comment that the site was already over-developed at present levels of business. None of their chief concerns have been addressed in this re-submission, with clarity of the applicant's intentions being impossible to unravel from the contradictory information provided. It can only be assumed that the intention is to increase the number of children attending as there is otherwise no reason for PCC to offer a grant designed to assist with increasing provision, hence failing to address reasons for refusal R1 and R3 in the previous application.
- The property already has a lot of children on-site during the day. As a shift worker (occupant of No.158 Dogsthorpe Road), I would like to sit in my garden without more noise. It is a case of profit for them and hassle for the rest of us. If they need/want bigger premises, they should move.

The Applicant has provided supporting statements from the City Council's Early Years and Child Intervention Service, and Targeted Services and Sufficiency Team. Their comments can be found at Appendix A of this report.

## **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 to provide additional accommodation for up to 24 children thereby providing space for a maximum number of 76 children. This represents a 46% increase in the provision of childcare spaces.

Through the supporting statements from the City Council's Early Years team, it is acknowledged that there is increased demand for childcare places within Park Ward following the recent Government changes to childcare provision. The information provided by these statements, identifies that from September 2014, an additional 1,565 two year olds have been seeking pre-school places across the City. This demand is set to increase even further, when the plans to expand free childcare from 15 hours to 30 hours per week come into effect. The supporting statements also highlight that the currently proposed additional places should be afforded considerable weight and this is also the position within national planning policy.

It is noted that one of the objections received in relation to the proposal, highlights that a recent City Council document 'Early Years Education Funding Entitlement: Market Position Statement' (April 2015) states that Park Ward is identified as having no pressing need for funding for places and that over the next 10 years, demand will drop. The City Council's Early Years team has advised that this document represents an update from the previous year's report which did identify a pressing need in both Park and Central Ward. In 2014, the application site was allocated grant funding for expansion (subject to obtaining planning permission) and on this basis, the need was resolved. However, if the current application is not permitted then the need will remain. On this basis, it is accepted that there is a need for the provision of additional pre-school childcare places within the locality, which is a statutory function of the City Council. The proposal would therefore provide additional childcare places within a locality which has a level of demand which is not presently being met.

Notwithstanding the above, 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 6 no. parking spaces provided for the purposes of parent drop off/pick with no provision for staff parking. However, it is the view of the Local Highway Authority (LHA) and Officer's that there are only 4 no. usable 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 13 staff are on-site at any one time (this has decreased from the information provided with the previous application, which stated that 17 staff were present 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 statement that summarises the modal split of transport to/from the site by parents/visitors and identifies that few travel by private car. It is noted that one of the objections from the immediate neighbour challenges this evidence. As part of the assessment of the previous application (14/01509/FUL), both the Local Highway Authority Officer and Case Officer undertook site visits to assess the situation first-hand.

Both visits were 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.

As detailed above, the proposal would increase the capacity of the site by 46% and result in a total of 76 children at any one time. This therefore represents 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. Furthermore, the current proposal no longer includes the forecourt parking on the site opposite for staff members and there is therefore no parking provision at all for staff within the current scheme. This is likely to 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 noted that the Applicant has provided data on projected travel arrangements for children attending the Day Nursery. However, on the basis of the travel patterns witnessed, and from information provided by objectors, it is unlikely that these travel patterns accurately predict the future travel modes.

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. Furthermore, it is noted that the Applicant proposes to restrict the hours of use of the proposed extension/additional pupils to not before 09:30 and not after 16:30 so as to avoid the peak hours in terms of traffic along the public highway. However, it is the view of Officer's that such a restriction could not be effectively enforced, as there would be no meaningful way of separating the usage of the extension from the wider site. In light of this, such a condition would not meet one of the key tests that must be applied and therefore cannot be imposed. 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 2 metres from 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. Whilst the current proposal has been amended from the earlier refused scheme, by setting the extension 2 metres in from the shared boundary, it is not considered that this addresses the earlier reason for refusal. The building would still be clearly visible from the neighbouring dwelling and would still result in an unacceptably dominant and overbearing impact to occupants of this neighbouring dwelling, substantially harming their outlook.

Furthermore, the likely increase in the number of children permitted at the site above 52 would generate considerable additional noise and general disturbance. This 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, this 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 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

proposed extension would result in additional children attending the site and therefore an intensification of the use of the site which would 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 extension 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 in close proximity 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 Councillors: J Shearman, J P Peach

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