

09/00970/FUL: SINGLE STOREY SIDE/REAR EXTENSION TO RISE AND SHINE DAY NURSERY,  
108 LEDBURY ROAD, NETHERTON, PETERBOROUGH  
VALID: 10 SEPTEMBER 2009  
APPLICANT: JACK HUNT SCHOOL, LEDBURY ROAD, PETERBOROUGH  
AGENT: PDG ARCHITECTS  
REFERRED BY: CLLR M J DALTON  
REASON: THE EXTENSION WOULD CAUSE ADDITIONAL NOISE, PARKING PROBLEMS,  
LITTER AND A REDUCTION OF LIGHT INTO THE GARDEN OF NO. 110 LEDBURY  
ROAD  
DEPARTURE: NO  
CASE OFFICER: MIKE ROBERTS  
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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the proposed extension upon the amenities of the adjacent residential property and the general streetscene
- The impact of the use of the extension upon the amenities of the adjacent residential property
- The impact of the use of the additional floorspace for the nursery upon highway safety

The Head of Planning Services recommends that the application be **APPROVED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

- DA1** Planning permission will only be granted for development if it:
- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
  - (b) creates or reinforces a sense of place; and
  - (c) does not create an adverse visual impact
- DA2** Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:
- (a) can be satisfactorily accommodated on the site itself; and
  - (b) would not adversely affect the character of the area; and
  - (c) would have no adverse impact on the amenities of occupiers of nearby properties.
- T1** Planning permission will only be granted for development if:
- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and

- (b) it will not result in unacceptable impact on any element of the transportation network.

**T10 Planning permission will only be granted for car and motorcycle parking outside of the City Centre if it is in accordance with the parking standards set out in Appendix V. Car and motorcycle parking in the City Centre will be assessed against policy CC15.**

### **3 DESCRIPTION OF PROPOSAL**

The building has an 'L' shaped footprint and the proposal seeks to square off the footprint by infilling the existing open area to the North West corner. The overall increase in the floor area would equate to approximately 52sq.m, with a proposed width of 6.7m and a depth of 7.8m.

The extension is to have a flat roof that will match the height of an existing flat roof of the building. The proposed brick north elevation will replace an existing single skin brick wall that forms a part of the northern boundary of the site. The western elevation of the proposed extension is to project 1.3m closer to flank boundary with no.110 Ledbury Road such that the separation distance is to be 2.6m to the common fenced boundary. This will provide a simple pedestrian access from the extension towards the rear outside play area. The western elevation is to contain two adjacent 0.9m wide full length windows with narrow top openings. The northern elevation of the extension is to include two similarly designed windows but will be 1.1m clear of ground level. The elevations are to be rendered.

The extension is to improve the general accommodation standards for the nursery to replace an existing outdoor soft play area. For example the areas for quiet and the one to two's/two's activity areas.

The applicant has confirmed that the additional floor space would also help in accommodating children with disabilities for which the existing configuration of the rooms cannot readily accommodate.

The nursery currently accommodates a fluctuation of between 20-25 children although there was no restriction imposed on the number of children when planning permission was originally granted for the use in 2002. At present the nursery caters for 6 children between 3 months – 2 years, 8 children each within the ages of 2 – 3 years and 3 – 5 years respectively i.e. 22 children. The nursery benefits from a parking provision for a total of 11 cars, 8 spaces of which are located within the parking area to the front of the Jack Hunt School.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site fronts towards Ledbury Road and is located immediately to the west of a vehicular and pedestrian access to Jack Hunt School. The building is set back approximately 7m from the pavement of Ledbury Road with mature shrubbery and areas of grass in-between. The building was formerly the school Caretaker's residence. The building has a generally squat appearance with a flat roof area for the front half and a shallow mono-pitched roof to the rear area.

There is an open uncovered outdoor play area immediately to the north-west of the building that abuts onto the building. This is enclosed on all sides to a height of 2.5m. The building's 'L' shaped footprint has a maximum width of 12m and a length of 15.6m. The separation of the building to the common flank boundary with No.110 Ledbury Road is 4m at its nearest and 9.3m at its furthest. The western boundary comprises 1.8m high fencing with a length of the mature trees overhanging from the curtilage of No.110 Ledbury Road.

The space between the nursery and the residential properties comprises a small garden area. The rear garden of the nursery is generally used as a grassed play area with planting on the boundaries. The use has 3 parking spaces along the entrance to the building within its east facing elevation and also has the use of 8 parking spaces within the adjacent school car park. There are 2 established trees i.e. a mature Lawson Cypress and a clipped Yew tree in a strip of open space to the front of the building. The flank

elevation of No.110 Ledbury Road comprises a ground floor secondary window with an obscure glazed bathroom window and what would appear to be a fuller length landing window, also obscure glazed.

## **5 PLANNING HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Date</b>	<b>Decision</b>
02/00142/FUL	Change of use from Caretakers Office to Children's Day Nursery	28 March 2003	Permitted
05/01603//FUL	Single rear extension to Day Nursery	20 Dec 2005	Withdrawn
06/00343	Rear extension to Day Nursery	28 April 2006	Permitted

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Education Dept - Early Years and Childcare Team** – The proposed extension would have the floorspace to potentially allow for an additional 10 children to attend the nursery. The number of additional children that could attend the nursery would be down to how the space is used. The fact that there is an increase in floorspace would not necessarily mean that it would be filled.

**Head of Transport and Engineering Services** – In terms of traffic generation the increase in the number of staff to 8 from the existing 6, with the retained number of parking spaces i.e. 11 the proposal would comply with the Peterborough Local Plan (First Replacement) parking requirement. However the increase in floorspace could permit a greater number of children to be able to attend the nursery. Further information has been requested from the applicant to show the locations used for the delivery/collection of children by parents/carers. This will be reported to the Committee in the Update Report.

### **EXTERNAL**

#### **NEIGHBOURS**

No.110 Ledbury Road – Strong objection. The conversion from the Caretaker's bungalow to the nursery should not have been allowed and has devalued the dwelling price. Noise generated within the garden of the nursery, by the children, has caused the occupier of no.110 to have to go away from home for periods during the day. The expansion of the Jack Hunt School has not benefitted the residents.

#### **COUNCILLORS**

**Cllr Matthew Dalton** – Concern has been expressed that the proposal would give rise to additional noise, parking problems, litter and the reduction of light into the garden at No.110 Ledbury Road.

## **7 REASONING**

### **The impact of the proposed extension upon the amenities of the adjacent residential property and general streetscene**

The extension would have a height of just 0.3m above the height of the existing front boundary wall facing towards Ledbury Road and the adjacent residential property at No.110 Ledbury Road.

The proposed front elevation will match that of the existing adjoining property in terms of scale. The presence of the mature landscaped frontage area will minimise the impact of the proposal upon the general street scene and cause no detrimental visual harm.

There are 2 established trees i.e. a mature Lawson Cypress and a clipped Yew tree immediately to the north of the nursery building. It is assessed that both trees offer moderate amenity value within the street scene but are worthy of retention. Tree protection measures will be necessary to avoid any machinery, equipment etc being placed within close proximity of the trees for the duration of the works.

The new flank wall would extend the building closer to the adjoining residential property by 1.3m. This, and the small increase in height of the building would, due to the retained separation distance to No.110 Ledbury Road, not lead to any loss of light to that property either within the dwelling or the rear garden.

The planning permission for the extensions to the nursery granted in 2006 did expire earlier this year. However the approval has to be considered as material to the determination of the current application. The 2006 approval granted an increase in the floor space to the Nursery of 112sq.m. The proposed increase the subject of the current application is 52sq.m. The approved extension was to extend the depth of the nursery building by 6m with the existing open play area being retained.

### **The impact of the use of the extension and the use upon the amenities of the adjacent residential property**

The area proposed for the extension is currently used as an outdoor soft play area when the weather would permit. Whilst it is enclosed on all sides there could be the potential from its use to generate noise that may be a source of nuisance to the adjoining occupier. The proposal however seeks to completely enclose this area and thus any noise generated within the extension would be contained. This should improve the current relationship with regards to the noise that may generated by the nursery in this area of the site.

Two small window top lights are proposed in floor to ceiling windows in the west elevation of the extension. Whilst this may permit sounds from within the extension to be audible on occasions, given the separation distance from that elevation to the rear sitting out areas of the adjacent dwelling disturbance to the amenities of the occupiers of the dwelling would be significantly less than that which could currently be possible.

The applicant has confirmed that there are no plans to increase the number of children at the nursery although the Early Learning Child Care Team have confirmed that the increase in floor area could permit such an increase from the current limit of 25 up to a potential 35 children. Given the proximity of the adjacent residential property and the fact that an increase in the numbers of children could be expected to be a possibility in future years, given that the extension would provide more floor space, it could give rise to more continual activity within the main garden play area. The 2006 planning permission effectively granted permission for up to 52 children as clearly proposed in the application details.

### **The impact of the additional floorspace for the nursery upon highway safety**

The nursery currently benefits from the provision of 3 parking spaces adjacent to the entrance to the building and the adjacent Jack Hunt School permits the nursery the use of 8 of its parking spaces as agreed under the proposals for the enlargement of the school premises. The original planning permission required that the nursery was to make available 6 parking spaces in total and the 2006 permission required a total of 14 spaces.

In the morning the majority of the children are dropped off between 8 – 8.30am. A number of the children at the nursery are those of teaching staff at Jack Hunt School resulting in journeys terminating for the day at the school. Since opening the nursery has consistently had 10-20% of its children from teachers at the school.

In the evening the parents generally collect their children between 5 – 5.30pm. At such times the peak traffic generated by the school has ended thus the impact of the traffic generated by the parents collecting their children and the staff (expected to increase from 6 to 8 as a result of the proposal) going home would be negligible.

The 2006 planning permission required by condition that a total of 14 parking spaces were to be provided on site and within the Jack Hunt School prior to the occupation of the extension. The existing nursery use has the benefit of 11 parking spaces. Considering the ratio of nursery floorspace to parking provision, the approved, but now lapsed planning permission to extend the nursery building rearwards that was to have 14 spaces, a lower ratio to that of the current supply of parking provision serving the nursery which is to be retained as a part of the current proposal. In any case the parking provision for the nursery will satisfy the Peterborough Local Plan (First Replacement) of one parking space per member of staff.

The nursery staffing level would be 8 members of staff, one of which is to be part-time. The applicant has confirmed that of the current members of staff only 3 drive to work. The remainder either walk or travel by public transport.

The delivery and collection of the children to/from the nursery by parents/carers has not resulted in public safety implications and it must therefore be assumed that the current arrangements to deliver/collect the children has not resulted in issues with highway safety. The additional number of children could reach a maximum of 35, according to the Learning Child Care Team although the applicant has advised that only 31 spaces would be accommodated. Such an increase in numbers would not be expected to give rise to public safety/highway safety matters.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The extension would be compatible with the design of the existing building and its siting and use would not be detrimental to the amenities of the occupiers of the adjacent residential property nor would it give rise to conditions that would be prejudicial to highway safety in accordance with policies DA1, DA2, T1 and T10 of the Peterborough Local Plan (First Replacement)

## **9 RECOMMENDATION**

The Head of Planning Services recommends that the proposal be **APPROVED** subject to the following conditions and informatives:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C3 The parking provision (11 spaces) to serve the nursery (drawing no. 09008/PL02A refers) shall be retained and be used solely in connection with the nursery Use at 108 Ledbury Road.**  
Reason: In the interest of highway safety in accordance with policy T10 of the Peterborough Local Plan (First Replacement)
- C4 Prior to the implementation of the extension hereby approved details of the location of the parking, turning, loading and unloading of vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority.**

**Thereafter these facilities shall be kept available throughout the period of the construction of the extension for vehicles generated by the implementation of the extension.**

Reason: In the interest of highway safety in accordance with policy T10 of the Peterborough Local Plan (First Replacement).

- C5 The Lawson Cypress and Yew tree immediately to the north of the building shall be retained and are to be adequately fenced, as described below, before any development begins on site, and shall continue to be so protected during the period of construction. The fencing shall be erected outside the outermost spread of the tree canopies and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.1m (three feet six inches). The fencing shall be inspected by the Local Planning Authority prior to the commencement of development, and development shall not commence until the Authority is satisfied that the trees are adequately protected. No work shall take place, and the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority. No materials shall be stored within the fenced areas at any time.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C6 The fenestration to the west elevation of the extension hereby approved and the west elevation of the existing building shall be retained in accordance with the approved designed details (drawing no.09008/PL01 refers)**

Reason: In the interests of the amenities of the occupier of the adjoining residential property i.e. no.110 Ledbury Road in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

- C7 No demolition or construction work shall take place on the site outside of the hours of 07.00 and 19.00 Mondays to Friday and 08.00 to 13.00 hours on a Saturday inclusive.**

Reason: In the interests of the amenities of the occupier of the adjoining residential property i.e. no.110 Ledbury Road in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

Copy to Councillors S J Dalton, M J Dalton