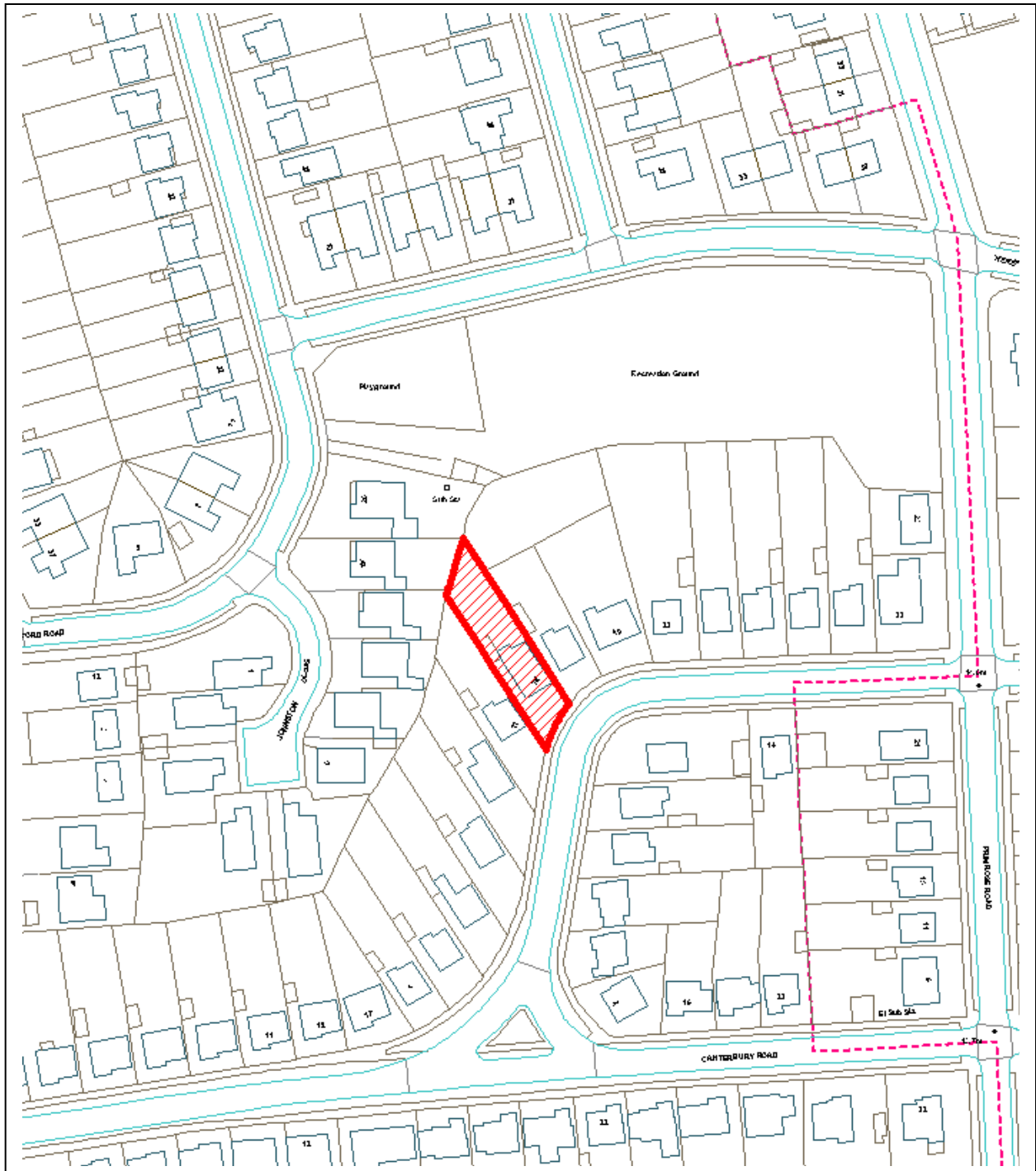


PLANNING COMMITTEE

7 JANUARY 2014

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 13/01206/FUL - 15 THE CHASE HOLLAND ON SEA, CLACTON ON SEA, ESSEX, CO15 5PU



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Application:	13/01206/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr Richard Boughey	
Address:	15 The Chase Holland On Sea Clacton On Sea CO15 5PU	
Development:	Increase the number of children for full day care from 30 to 35. Extend opening hours from 9am - 3.30pm to 8.30am - 6.00 pm. Extend from 44 weeks of opening to 45 weeks.	

1. Executive Summary

- 1.1 The application has been referred to Planning Committee by Councillor J. Broderick.
- 1.2 The application relates to an existing children's day nursery and proposes an increase in the number of children, hours of opening, and period of opening to that currently restricted by the grant of 12/00902/LUEX in November 2012. The building first received planning permission for use as a children's nursery in 1975 (after already operating for "many years"), increasing to 20 children in 1983, and 30 children as accepted by the grant of 12/00902/LUEX in November 2012.
- 1.3 The property is a detached two storey house with residential flat at first floor and children's nursery on the ground floor. Since taking over the business in June the existing flat has been used as ancillary accommodation to the business for toy storage, an office and staff kitchen. The site is surrounded by residential development and is a three minute walk from Holland Haven Primary School.
- 1.4 It is considered that, given the current level and hours of use that the proposed increase of five children and extension to the existing opening hours would not result in any serious harm to residential amenity or highway safety to justify refusing planning permission. The application is therefore recommended for approval restricted to the number of children, and hours applied for.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Use restricted to a maximum of 35 children per day.
4. Hours restricted to 8.30am to 6pm Monday to Friday.
5. Opening restricted to 45 weeks of the year (1 weeks closure at Easter, 4 weeks closure in the summer, and 2 weeks closure over Christmas).

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

The Framework states the Government is committed to ensuring that 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.

Local Plan Policy:

Tendring District Local Plan (2007)

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER13 Employment Use in Residential Areas

TR1a Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

SD1 Presumption in Favour of Sustainable Development

SD2 Urban Settlements

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design of New Development

Other guidance:

Essex County Council Parking Standards (2009)

3. Relevant Planning History

12/00902/LUEX	Use of ground floor as a children's nursery for full day care for up to 30 children per day within the hours 9:00am to 15:30pm Monday to Friday for 44 weeks of the year.	Granted
TEN/872/85	Continued use of established Nursery School for 20 children (renewal of permission TEN/1509/83).	Approved
TEN/1509/83	Increase permitted number of children from 15 to 20 in respect of established Nursery School.	Approved
TEN/3/75	Use of ground floor of house and rear garden for purpose of Nursery School.	Approved
CLA/459/73	Use of ground floor and garden as Nursery School for 20-25 children (already operating as a nursery).	Refused

4. Consultations

- 4.1 Essex County Council Highways - Do not wish to object to the proposals as submitted.
- 4.2 Environmental Health – No history of any noise complaints on this site.
- 4.3 Regeneration - None received.

5. Representations

- 5.1 Councillor J. Broderick has requested that this application be determined at Planning Committee for the following reasons: Negative impact on urban design/street scene; highways impact and/or other traffic issues; poor layout and density issues; and negative impact on neighbours. She adds that expansion of the nursery over the years and increased staff and parent parking in this very narrow road with the property located on a bend adds to an existing very dangerous access situation. Previous owner considered the impact on neighbours and managed to co-exist fairly happily. Extended hours will impact even more on neighbours returning from work and unable to park, with the parking problem ongoing all day. Road is narrow so parking on verges which creates mud and a poor appearance. Mentions 5 extra places but these proposals could easily allow for many more. Neighbours feel this application to extend and enlarge the business is a step too far and ask for it to be refused.
- 5.2 One neighbour letter of objection has been received on the following grounds:
 - Will exacerbate traffic congestion particularly at the bend
 - Inconsiderate parking inconveniences access to driveways
 - So peaceful when nursery is closed
- 5.3 Four letters of support have been provided via the applicant on the following grounds:
 - Was Principal of local secondary school for 23 years and support proposal
 - More flexible times will benefit working parents and ease parking problems
- 5.4 Four additional neighbours have been consulted (beyond the standard five neighbours which share a boundary with the site) and that consultation period expires on 20th December 2013, after the deadline for this report. Any additional comments received will be reported to Members via the update sheet.

6. Assessment

The main planning considerations are:

- Planning Policy
- Highway safety
- Residential amenity

Proposal

- 6.1 Application 12/00902/LUEX granted a Certificate of Lawfulness of an Existing Use for full day care for up to 30 children per day from 9am - 3.30pm Monday to Friday for 44 weeks of the year. The current proposal seeks to increase this to 35 children per day between 8.30am and 6pm Monday to Friday for 45 weeks of the year. The additional week is at Easter which would then give 1 weeks closure at Easter, 4 weeks closure in the summer, and 2 weeks closure over Christmas. There will be nine full time equivalent staff which is an increase of one.

- 6.2 Although the current use was not achieved through the grant of planning permission it is the established lawful use of the building and any intensification of the use needs to be viewed in relation to the current situation.
- 6.3 No external alterations are proposed. The front of the site is hardsurfaced and can accommodate three cars. There is a large rear garden with play equipment for the children.
- 6.4 The applicant states they are in an excellent location within walking distance of many families and Holland Haven Primary School. The extra five places and extended hours are for three siblings of existing children and two other children who already walk to the local school so traffic will not increase. These working families rely on child care and there is an extensive waiting list with the increased funding for less fortunate families. Although the application requests until 6pm will only be offering until 4.30pm at present with the potential for an after school club in the future. Staggering the hours will reduce traffic at peak times.

Site location

- 6.5 The property is a detached two storey house within the defined settlement limits, surrounded by residential development to all boundaries. The site is a three minute walk from Holland Haven Primary School and 1.2 miles from Holland Park Primary School.

Planning Policy

- 6.6 Saved policy QL1 states most new development will be concentrated within the larger urban areas (including Holland-on-Sea within Clacton) where accessibility to services, facilities and public transport is maximised. Saved policy ER13 states in primarily residential areas, change of use of part of a dwelling to business activities will be permitted provided: a) the business activities are of an appropriate scale; b) no physical alterations are proposed which would prevent a return to a residential use; c) the business activities do not significantly harm residential amenity; d) the business activities do not have unacceptable noise, smell, safety and health impacts or excessive traffic generation; and e) the storage of any goods would not take place in the open.
- 6.7 Draft policy SD2 identifies this as an urban settlement, which will be the focus for the majority of the district's economic growth.
- 6.8 The site lies in a sustainable location within close proximity of many dwellings and two primary schools. The existing business operating at the current hours for 30 children has been established for at least eleven years. No physical alterations are proposed and the building could easily be converted back to a residential use. The potential adverse impacts are limited to noise from activities within the building and rear garden, and from the comings and goings of staff, parents, and children on foot and by car.

Highway safety

- 6.9 The frontage of the site is hardsurfaced and can accommodate three cars. The adopted parking standards require a maximum of 1 car parking space per full time equivalent staff and drop off/pick up facilities. It is stated there will be nine full time equivalent staff (an increase of one) so a maximum of nine car parking spaces should be provided. There are no drop off/pick up facilities and parents park on the street or collect children on foot. Currently there is a clustering of collections between 3pm and 3.30pm when the nursery currently closes. It was noted that on the occasion the Case Officer visited the site there were 22 collections between 3pm and 3.35pm, ten of which were on foot. This is an indication of the current use and would of course be variable dependent upon the clients at that time. The extension of the opening hours is also likely to stagger the current intensity of

activity around 3.30pm however this would obviously depend upon the clients' individual demands.

- 6.10 The Highway Authority has no objection to the proposal.
- 6.11 There is no opportunity to provide additional parking on the site and it is considered that the increase of one full time member of staff and five children in this sustainable location would not result in material harm to highway safety to justify refusing planning permission on these grounds. There is therefore no objection on highway safety grounds.

Residential amenity

- 6.12 The primary impact upon residential amenity relates to noise, from both activities within the building and rear garden, and from the comings and goings of staff, parents, and children on foot and by car. This is predominantly a residential area with low background noise levels.
- 6.13 The Council has no history of any noise complaints on this site which has been operating as a children's nursery for 40 years. The current level of use of 30 children from 9am to 3.30pm has been operating for at least 11 years.
- 6.14 Given the established level of use it is not considered that five additional children would result in any material increase in noise to justify refusing planning permission on these grounds.
- 6.15 The extension of the opening hours is likely to stagger the current intensity of activity around 3.30pm however this would obviously depend upon the clients' individual demands. The applicant states that the extra spaces would be taken up by siblings of existing children and two children that walk to the local school, however this situation could obviously change in the future. Notwithstanding this it is not considered that the increased activity associated with one additional full time member of staff and five additional children would result in material harm to residential amenity to justify refusing planning permission on these grounds.

Conclusion

- 6.16 It is accepted that a nursery of 35 children and nine full time equivalent staff would rarely be acceptable within a residential area for reasons of loss of amenity to neighbouring residents through noise and disturbance from the associated activities and comings and goings. However, in this case the nursery is an established use operating for around 40 years, and with 30 children for at least eleven years. The application is therefore recommended for approval subject to conditions restricting the number, hours and opening periods to that applied for.

Background Papers

None