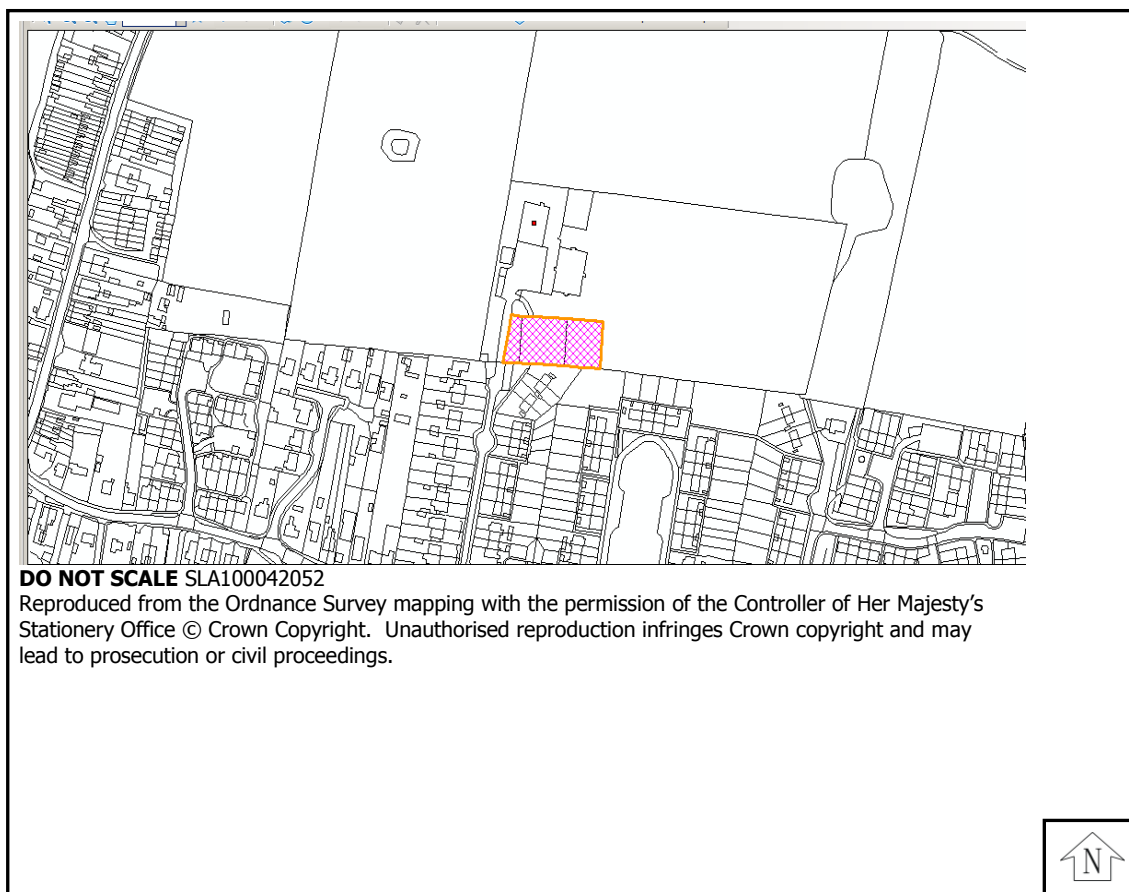


**PLANNING COMMITTEE – 19 October 2016****APPLICATION NO** DC/16/2683/FUL**LOCATION**

Kessingland Community Playing Field  
Francis Road  
Kessingland  
Lowestoft  
Suffolk  
NR33 7PU

**EXPIRY DATE** 25 August 2016**APPLICATION TYPE** Full Application**APPLICANT** East Coast Community Healthcare**PARISH** Kessingland**PROPOSAL** Construction of a Children's Nursery**1 SUMMARY**

- 1.1 This application proposes a building for use by a children's' nursery. The site is within the "Strategic Gap" between Lowestoft and Kessingland, and comes before the Committee because of that designation.

## 2 SITE DESCRIPTION

- 2.1 The site forms part of the Kessingland playing field and includes an area of tarmac (possibly a former games court) with an access off the main driveway.
- 2.2 Apart from the playing field itself, also on the site are the Kessingland Sports and Social Club Hall, changing rooms and toilets, a games area, play equipment and a recently approved skate park.

## 3 PROPOSAL

- 3.1 The proposal is to construct a flat roofed single storey building for a children's nursery. The building would measure 24 metres by 12.45 metres, for a floor area of 299 square metres, and would be located approximately 4 metres from the site boundary with Francis Road. The existing access is to be used and 10 parking spaces provided (one disabled). The rear part of the site would be enclosed by 1.8 metre high palisade fencing.
- 3.2 The development is part of a programme to set up and run day care nursery facilities in Suffolk. The facility will initially cater for children aged 3 months – 2 years and 2-5 year olds. The service will run two sessions per day for three hours each initially. The intention is to accommodate up to 32 children per session.

## 4 CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** 2 objections have been received:
- 4.2 Mr Traynier, 30 Francis Road: The road to this planning application gets blocked when events etc. is on and the residents adjacent to the proposed planning application struggle to park outside their home as it is.
- 4.3 Mr Morris, 32 Francis Road: I would like to oppose the planning application for a Children's Nursery. My first point is I think East Coast Community Healthcare is being given an unfair advantage. You have not offered this in an open tender to get the best value for the taxpayer.
- 4.4 Second point - what proof is there that a nursery is a major requirement for the village.
- 4.5 Third point - this is the thin edge of the wedge. It's a community playing field making a loss to the village. If a nursery is required there are plenty of other spaces and empty buildings
- 4.6 **Kessingland Parish Council Comments:** Kessingland Parish Council discussed the planning application for the construction of a Children's Nursery at Kessingland Community Playing Field, Francis Road, Kessingland DC16/2683/FUL at the parish council meeting on 13/07/16 and have no objections and approve this planning application.
- 4.7 **Suffolk County - Highways Department:** Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- 4.8 Condition: The use shall not commence until the area within the site shown on 1953.15.1 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 4.9 **WDC Environmental Health - Contaminated Land:** Having considered the site location, the records held by this department, the information supplied with the application, and the nature of the proposed development I have no adverse comments to make with regards to matters concerning contaminated land.
- 4.10 However, I would advise the local planning authority to apply a planning condition requiring the reporting of any potential contamination encountered during construction.
- 4.11 **Environmental Health – Noise (initial comments):** I can confirm that the Environmental Protection Team has a number of concerns.
- 4.12 First, the very close proximity to a residential receptor, which is only a few metres away.
- 4.13 Secondly, the business plan submitted as a supporting document relates directly to premises in Beccles (the Railway Hotel) and not the current proposal being considered, so I am not sure how relevant the document is? The business plan is a bit confusing as it states that the operating times are 7am to 7pm, 5 days a week and then later on in the document Saturday sessions are mentioned. The business plan mentions a 2-5 year age range.
- 4.14 Thirdly, I do not have any idea how many children will use the premises and what the applicant's expectations are. It is not clear how the premises are to be managed to protect the neighbours' amenity.
- 4.15 Fourthly, the age range of children is very wide, with the possibility of 11 year olds attending. It is likely that the older children will make significantly more noise than the younger children in the 2–5 year bracket.
- 4.16 At very least some noise control measures need to be considered, in the form of restricting the operating hours, as 7am to 7pm, 6 days a week seems excessive. Further limits need to be considered in respect of the play sessions outside of the building and these need to be identified within a robust and comprehensive operating plan. Some noise attenuating fencing may also be required to protect amenity.
- 4.17 **For further comments see paragraphs 6.17 – 6.18 below.**

## **PUBLICITY**

None

## **SITE NOTICES**

The following site notices have been displayed:

General Site Notice	Reason for site notice: General Site Notice, Date posted 07.07.2016 Expiry date 27.07.2016
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## **5 PLANNING POLICY**

- 5.1 The Waveney **Core Strategy** was adopted in 2009. Policy **CS01** sets the Spatial Strategy for the district. Policy **CS02** requires high quality and sustainable design
- 5.2 The Development Management policies were adopted in 2011. Policy **DM01** sets physical limits for Kessingland, policy **DM02** sets design principles, policy **DM15** considers neighbourhood and village shops and facilities, policy DM25 considers existing and proposed open space and policy **DM28** Strategic Gaps and Open Breaks.

5.3 The Kessingland Neighbourhood Plan is also relevant.

## **6 PLANNING CONSIDERATIONS**

6.1 In terms of Local Plan policy, this site is outside the physical limits for Kessingland, and within the Strategic Gap. On the former point, policy DM15 does state that:

“Applications for new community facilities and services, within, and exceptionally immediately adjacent to, urban and rural settlements will be supported if the proposal meets the needs of the local community, is of an appropriate scale, well related to the settlement which it will serve and would not adversely affect existing easily accessible facilities available to the local community”.

6.2 This proposal is clearly for a community facility, and being “immediately adjacent to” the built up area of the village could be considered to comply with policy DM15.

6.3 In relation to the “Strategic Gap”, policy DM28 states:

“In order to prevent coalescence of settlements, development will not be permitted where it would prejudice the aims of maintaining the open character of the Strategic Gaps and Open Breaks as identified on the Proposals Map”.

6.4 The issue therefore is whether this development would prejudice the aim of maintaining the open character of the area. As noted above, there are already buildings on the playing field, namely the Sports and Social Club Hall and toilets and changing rooms. The proposed building is only 2.6 metres high and will not have a great visual impact.

6.5 The proposal would result in some loss of open space, although not of playing pitches or other recreational area. Policy DM25 states (in part):

6.6 Proposals for the development of open areas or buildings with recreational, educational, biodiversity or amenity value or with the potential to fulfil a recreational wildlife or amenity will only be permitted where:

- The proposal is ancillary to the open nature of the area;
- Circumstances indicate it will enhance the character of the local area, increase local amenity and be of greater community benefit; or
- An assessment demonstrates that the site is surplus to requirements.

6.7 It could be argued that the nursery will be of greater community benefit than this part of the playing field.

6.8 Kessingland Parish Council has been preparing a Neighbourhood Plan. Consultation on the draft Neighbourhood Plan finished at the end of June this year and the Inspectors report on the Examination has been received. The next step is for a Referendum, and assuming the residents vote in favour the Plan can be adopted.

6.9 Policy CI3 of the emerging Kessingland Neighbourhood Plan allocates this site for an early years centre subject to:

- Provision of appropriate levels of parking and;
- Demonstration that the proposals would not have a detrimental impact on the amenity of residential properties on Francis Road.

6.10 Policy PL1 sets out physical limits for Kessingland and states that development proposals outside the physical limits boundary will not be permitted unless “...they represent proposals to deliver the site allocations (including CI3).”

- 6.11 The proposal complies with PL1. It complies with the principle of CI3 subject to detailed consideration of parking and residential amenity.
- 6.12 Para. 216 of the NPPF states that:  
“From the day of publication, decision-takers may give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.
- 6.13 As noted above, the Examination of the Plan has been completed and a Referendum is the next step, which will ultimately decide if the Neighbourhood Plan is taken forward. However, there is evidence of good engagement with the community during the Neighbourhood Plan process (as set out in the Consultation Statement which accompanies the draft Plan). There have been no objections or any other comments received in relation to policy CI3. In respect of policies CI3 and PL1 there have been no conflicts identified with the NPPF.
- 6.14 In light of the above, it is considered that some weight should be given to the emerging Neighbourhood Plan in support of this proposal. The amount of weight will ultimately need to be determined by the decision maker.
- 6.15 Once adopted the Neighbourhood Plan will form part of the Development Plan, alongside the Local Plan.
- 6.16 Environmental Health Officers have however expressed concerns about potential noise and disturbance from the nursery, which would be located very close to the boundary with residential properties on Francis Road (see paragraphs 4.11-4.16 above).
- 6.17 Following the submission of further information and further discussions with the EHO, the proposals have been amended to:
- Alter the layout as drawing no: 1953.15.2B to reduce the impact of potential noise created by 3 month – 5 year olds who will have a free break out opportunities during the day. This reduced space will move the external play/breakout space away from the neighbour and create a 16.00 metre space between the boundaries of the play/breakout space and the boundary of no: 32 Francis Road, Kessingland.
  - In addition to the increased space between the boundaries of each, the nursery will erect a 2.0 m height noise attenuation fencing. The actual type and manufacture shall be agreed with the Planning Authority prior to the occupation/use of the nursery facility for clarity. The noise attenuation fencing shall provide a reduction of potential noise levels of up to 12 dB in relation to EN-1793
  - The operational times have been reduced to 8.0 am – 6.0 pm.
  - Child numbers will be restricted to 32 children. Any increase in the number will be agreed with the planning authority by a further planning application should the need arise.
- 6.18 The EHO has responded to these proposals as follows:
- I was pleased to receive Ian Garrett’s e-mail, which means that this proposal can be moved forward.

- The operation times of 8.0am – 6.0pm, Monday to Friday only and not at any other time including bank holidays and weekends, can be made subject to a condition. The details can be found in the revised Business Plan Rev B and the revised D&AS Rev B
- Child numbers should be restricted to the 32 children by a condition.
- The altered layout design indicated by the drawing no:1953.15.2B is acceptable as it provides a helpful 16m separation distance from the boundary shared by 32 Francis Road.
- A final condition shall require the applicant to install a 2m high, sound attenuating fence around the children’s external play area, to a design approved by the WDC planning Officer, which will achieve a sound reduction of a minimum of 10dB. The approved fence shall be installed before the Nursery is occupied and in use.

6.19 Although the application as submitted referred to Saturday opening, the agent has confirmed that the present intention is to open Monday-Friday only, with Saturday opening to be the subject of a further application if the demand is present.

## **7 CONCLUSION**

7.1 The noise concerns have been resolved by the submission of an amended plan and further information.

7.2 Although the development is located within the Strategic Gap, the impact on the “openness” of the area is not considered to be significant, and is outweighed by the benefits associated with the nursery.

7.3 In addition some weight can be given to the Kessingland Neighbourhood Plan, which supports this proposal.

7.4 Accordingly the application is recommended for approval.

## **8 RECOMMENDATION**

8.1 That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with approved drawing reference: 1953.15.1B received 19 September 2016 for which permission is hereby granted.

Reason: To secure a properly planned development.

3. The use shall not commence until the area within the site shown on 1953.15.1B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and

manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. The nursery hereby permitted shall not be open to customers outside of the following times: Monday to Friday 08:00 to 18:00

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance by noise.

5. Before the nursery is first occupied a 2.0 m high noise attenuation fencing shall be erected in the position shown on drawing number 1953-15-1B, in accordance with details to be submitted to and approved in writing by the local planning authority. The noise attenuation fencing shall provide a reduction of potential noise levels of up to 12 dB in relation to EN-1793

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance by noise.

6. No more than 32 children shall be accommodated in the nursery at any one time.

Reason: To limit the noise and disturbance from the proposed nursery.

**BACKGROUND INFORMATION:**

See application ref: DC/16/2683/FUL at [www.waveney.gov.uk/publicaccess](http://www.waveney.gov.uk/publicaccess)

**CONTACT**

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