

Recommendation: **GRANT PERMISSION**

Number 221 to the south is a similar styled two storey dwelling and is set close to the shared boundary with a blank side elevation. Number 225 to the north is a chalet style dwelling, also set close to the shared boundary. The site has a long rear garden, some 21m which is enclosed by a mix of typical 1.8m/2m high fencing and mature vegetation. It is currently overgrown and untended. Number 8 Queens Road is set in a backland position such that it lies adjacent the rear, western, boundary of the application site. This property has its private sitting out area against a 2m high close boarded fence on the shared boundary.

2 Planning History

00/57188/002 - Change of use of first floor from residential to uses ancillary to the ground floor doctors surgery, PERM,02/01/2001
92/57188/000 - Single storey rear extension, extension to front canopy, ne disabled access to front and new canopy to side., PERM,
03/57188/003 - Application to fell an Oak tree (T1) and to crown reduce by 15% and deadwood an Oak tree (T2) subject to TPO 1287., PERM,05/06/2003
APP/20/00337 - 1No: non-illuminated fascia sign and 1No: free standing V sign., PERM,08/07/2020

3 Proposal

Refurbishment of existing building including fenestration alterations, addition of rear parapet and canopy to single storey element, increase in height of side wall to form side screen for proposed first floor pergola over existing roof terrace; and replacement first floor handrails. New pedestrian access, bicycle stand and bin store.

The site has a lawful D1 use and because a children's nursery is also a D1 use, then planning permission is not required for any change of use - this application is purely for the operational development involved with the refurbishment of the building. During the course of determining the application the plans have been subject to minor amendments and the first floor handrail detail provided.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Havant Borough Pre Submission Local Plan 2036

IN4	(Access onto Classified Roads)
C7*	(Food, drink and entertainment uses)
E1*	(High quality design)
E14	(The Local Ecological Network)
E18	(Trees, hedgerows and woodland)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

A TPO'd Oak stands at the entrance to the property. In order to fully assess the proposal an AIA, AMS and TPP should be provided for the site. Until this has been submitted I am unable to fully comment.

Arboriculturalist - following receipt of requested information

I have no objection to the proposal providing the work is carried out in accordance with the Arboricultural Method Statement by Arbtech dated 2 July 2020 and Tree Protection Plan dated June 2020. The report is comprehensive and providing it is followed there should be no impact on the Oak tree subject to TPO (which looks to be in decline with a thinning canopy). There should be no engineering work within the front border other than that shown on the tree protection plan to create the footpath. There are no other trees within the site or off site which are suitable for TPO.

Officer Note

Revised site plan viewed & confirmed no objection

Southern Water

SW requires a formal application for any new connection to the public foul sewer; request Informative.

The disposal of surface water should follow the hierarchy set out in Part H3 of Building Regulations.

Should any sewer be found during construction works, an investigation of the sewer will be required.

Hampshire Highways - on original submission

The existing car park offers 8 car parking spaces. Drawing number P100 Rev B details 2 additional spaces provided in front of the bin store. Tracking for a vehicle entering and egressing these spaces should be provided to demonstrate that access to these spaces can be achieved.

Clarity is sought with regards to the current servicing arrangement for the property. Should a refuse vehicle enter the site to access the bin storage, tracking should be provided for a vehicle entering the site to access the new bin store and turning in the car park to egress. Parking bays 9 and 10 look to obstruct access to the bin store given the close proximity to the property. Clarification is therefore sought from the applicant as to the servicing arrangement for this site.

A new pedestrian access is being proposed to the north of the existing car park. It is unclear how this new pedestrian access will connect into the wider provision provided along London Road. Confirmation is sought from the applicant regarding this point.

Recommendation

The Highway Authority requires further information on the following points before a formal recommendation can be made:

- ☐ Tracking for the new parking bays;
- ☐ Information about the servicing arrangements for the site; and
- ☐ Clarification how the new pedestrian access will connect to the highway.

Hampshire Highways - following discussions and amended plans:

It is understood that the new pedestrian access will connect into the existing footpath on London Road which is considered acceptable.

The tandem parking bays have been relocated, providing greater accessibility to the bin store and also reducing the distance required to manoeuvre in and out of the bays. As such this matter is now considered acceptable.

The revised site layout overcomes the Highway Authority's outstanding concerns. As such, the Highway Authority raises no objection to the proposed application.

Traffic Management

The Traffic Teams concern over this application would be that of a lot of vehicles picking up / dropping off at the start and end of the day could cause issues in the grounds. Parking in nearby residential streets for a short period of time should have little impact on residents. If the times of the school were to be staggered drop off/ pick up this would partially alleviate this issue. Any extension of yellow lines in Queens Road would also impact on the residents and their visitors, and could have an impact on parents illegally parking, and causing issues on the main London Road where there is a "No Loading" restriction.

Waste Services Manager

None received

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: 1 - put up by the applicant due to Covid

Statutory advertisement: Not applicable.

Number of representations received: 9

8 letters of objection were received and 1 neutral comment. Following re-notification of the handrail detail, 1 further letter of objection was received.

Comment	Officer Comment
The initial letters raise the following issues:	
<u>Traffic/parking</u> Site is on a very busy main road with queuing traffic, emergency vehicles travelling at high speeds, buses every 15 mins and cycle lane that can be blocked by inconsiderate parking; The ten parking spaces is very limited considering 50 -60 children dropping off and picking up twice a day. Eight parking spaces for the fifteen staff would lead to permanently parked cars at the entrance to Queens Road, for	Noted

the whole day; When a doctors experienced regular blocking of accesses and major problems with inconsiderate and dangerous staff and visitor parking as they were parking on both sides of the road and partially across driveways, sometimes all day. Nursery will revert to these problems & drop off may be conducted by parents parking across the private driveway entrances; Queens Road will become a car park again; Despite double yellow lines at the end of Queens Road people from the surgery would often park on them, once told "I'll only be 10 minutes", whilst completely obscuring the junction on to London Road. This is likely to increase with the number of proposed children at the setting. A single two way vehicle entrance crossing both a pathway and cycle lane is dangerous; Very poor visibility when exiting site. Wooden stakes have already been placed on grass verges to prevent parking these need extending in both directions. Suggest construct another middle traffic island to prevent parking on main road; and extend the current no parking yellow lines in Queens Road - cost should be borne by developer; But extending the double yellow lines the parking problem will just be pushed further up Queens Road. Queens Road is a no through road which means motorists frequently turn in the road, often too near the junction to London Road causing safety issues. Considering most children are likely to be dropped off and picked up at peak times this is of great concern. Most nurseries are open throughout the year so this will be a continual problem with no respite in school holiday times.	Noted - but a lawful use - see section 7 Noted request - see Traffic team comments and section 7 Noted
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<u>Use - Noise</u> main concern is the obvious noise from 50 to 60 children playing outside adjoining our existing wooden fence panels Substantial increase in noise incompatible with the nature of the surrounding residential areas; Surrounding houses mainly occupied by retired people & change of use from a Doctor's to a nursery would increase the noise level. Extraction equipment noise/ generators or the like make a noise. <u>Overlooking/loss of privacy</u> Concerned that from the proposed first floor outside play/ teaching area on the flat roof children would be able to look straight into our garden; suggest all three open sides should be enclosed to a height of 5 feet; possible source of additional noise from this activity area. <u>Need:</u> We understand 13 Day Nurseries already operate in the Waterloooville alone, with another large new day nursery 'Woodberry' at 208 London Road also opening in September2020 for 80 children - is their a need for another? <u>Character of area</u> Queens road is considered one of the three premium roads in Waterloooville, one would not expect to have a Day Nursery in Queens Road. Any group of children in the garden would be larger than any family with impact on locality and disturbance to neighbours properties <u>Suggestions:</u> Ask for some additional sound proofing be considered or a brick wall constructed to the same height as our existing fence line; The opening hours including deliveries to the site to be reconsidered. Consider in summertime a restriction on opening doors and windows.	Noted - see section 7, not a change of use application Age ranges of children on site such that likely to be outside in small groups only; the future management of children on site would be matter for the operators/staff who in this case want a good relationship with their neighbours None anticipated and not normally associated with such uses Noted - handrail detail been subject of discussion to protect privacy - see section 7 Competition and market demand not a planning matter Noted - see section 7 See section 7 - because this application is only for the operational development associated with the external refurbishment and not the use, then cannot control such issues
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Limit the number of external events or occasions throughout the year. Could this operation be staggered throughout the day. No future increase of intake numbers or operating hours. Restrict the number of children attending early and late. Consider a travel plan with staggered arrival times. Restrict the height and positioning of any outside play equipment. The use of musical equipment be curtailed. Any flood lighting to be controlled and directed at the nursery not other properties. Bins with top lids and vermin proof bases, collected during normal opening hours, not 4.20am as the previous surgery did.	
<u>Other comments:</u> Generally delighted that the building is to be restored, externally, to 'as new' condition and landscaped; and pleased that it will serve a useful purpose	Noted
Upsetting that the Council did not see fit to notify the residents of Queens Rd other than No 8 - They will clearly bear the brunt of the noise associated with this development but Queens Rd residents in general have a very real need to comment on this matter.	Neighbour notification procedure adhered to in notifying all properties that abut the site; a site notice was also displayed due to the likely wider interest
I wish to request an extension to the consultation period of this application.	Done
Change of use from a surgery to a nursery, would like clarification on noise, parking and hours of use.	The application is not a change of use - see section 7 below
<u>1 Neutral comment received:</u> I have reason to believe that there are hedgehogs resident at the bottom of the back garden. Hedgehogs are a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41, and also under British Law under the Wildlife and Countryside Act 1981. Allowing the hedgehogs to remain on site would provide a valuable learning tool for nursery children. Hedgehogs must be allowed the freedom to roam and this might require minor	Noted and information passed onto agent - Informative can be added

modifications to the design of access points and fences in order to ensure their continued well being.	
<u>Following re-consultation of the hand rail detail:</u> I understand the hand rail is now to be 1.4 Metres high, if so I do object to this height as I understood it was to be 1.75 Metres high.	see section 7

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways issues and parking
- (v) Impact on trees

(i) Principle of development

7.1 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site was a Doctors surgery, a D1 use, and is to be put back into use as children's nursery, which is also a D1 use, and as such planning permission is not required for the use. The applicants have confirmed that the use will go ahead, regardless of the outcome of this application, and it is understood that internal works have already commenced on site. The proposed external alterations are to improve both the appearance of property and the standard of facility provided.

7.2 Whilst not relevant to the consideration of the proposal it is understood that the nursery would provide for between 50 and 60 babies to pre-school age children, with up to 15 staff. It is likely to operate between 7.30am and 6pm Monday to Fridays all year, excluding bank holidays. Because planning permission is not needed for the use, it is not possible to control through condition any matters appertaining to the use eg children numbers, hours etc.

7.3 The provision of a replacement community facility at the site is however welcomed in principle, with the benefit of local jobs associated with the use, in compliance with policies CS2 and DM2 of the adopted Core Strategy.

(ii) Impact upon the character and appearance of the area

7.4 The site is located within a predominantly residential area, opposite the Queen's Inclosure woods. However the site has always been in commercial/community use as a doctors surgery and therefore its continued use as a D1 property is deemed appropriate. Whilst it is recognised that the impacts associated with a children's nursery differ to that of a doctors surgery, nevertheless the continued use for D1 purposes would overall not materially change the character of the site or area.

- 7.5 In terms of appearance, it is acknowledged that the building would benefit visually from the proposed refurbishment works which are all proposed to use matching materials and be sympathetic to the era and style of the existing building. In street scene terms the proposal would uplift the setting of the site and is considered compliant with policy CS16.

(iii) Impact upon residential amenity

- 7.6 Consideration can only be given to the impacts associated with the proposed operational development, not any noise and disturbance from the use. The site has an existing first floor terrace and it is proposed to use this as an outdoor space for the children. Its actual use for children and staff is part of the permitted use but from this first floor level it is acknowledged that there are currently views across the gardens to the south and long distance views to the west. To help mitigate any loss of privacy, it is proposed to increase the height of a 2.5m length of the existing low parapet wall on the southern side, to 1.8m. Such a height is above eye level and would adequately screen a large part of the terrace to avoid any direct overlooking south.
- 7.7 The remainder of the 3 sides of the terrace would have a replacement hand rail, the details of which have been provided during the course of determining this application. The hand rail would have a height of 1.4m and comprise stainless steel posts with Trespa infill panels - which are solid coloured panels. The neighbour to the rear continues to object to this height, which is lower than adult eye level and would allow some views across the rear. However, on balance, 1.4m high is considered visually appropriate and proportionate to not dominate the rear facade, and of sufficient solid material to completely avoid any views out by the children. It would only be adult staff on the terrace that would be able to see over. Given the separation distance of over 21m, with a solid 2m fence on the boundary, then it is considered that any loss of privacy to the property to the rear would be minimal. Staff would be needing to watch the children, not look out. Whilst the handrail would be visible from the neighbours garden, the actual loss of privacy is considered minimal. Since the terrace could be used with the existing open railings, then the increase in height and use of Trespa panels is considered to represent improved privacy and adequately mitigate against any sense of overlooking.
- 7.8 The proposed canopy across the rear would be set in from the sides and its impact on neighbours very minimal. Otherwise the refurbishment works, including minor changes to doors and windows would have limited impact on neighbours. An enclosed bin store is proposed against the southern boundary and at the front the entrance would be ramped for buggy access. Overall the works are considered to have limited impact on residential amenity and are considered compliant with policy CS16.

(iv) Highways issues and parking

- 7.9 The proposal would re-use the existing access for just vehicles, and to safely separate pedestrians (ie parents with buggies and young children) the proposal includes the formation of a new pedestrian path along the northern boundary. The existing frontage hard surfacing would remain and be marked up for the parking of 8 vehicles. Five bike stands would also be provided at the front. There is adequate room on site for cars to turn and leave in a forward gear. A refuse collection area is shown by the pedestrian path. It is also noted that a nursery does not generally operate with such tight sessions as a school and therefore generally the arrival and departure of children will be slightly staggered.

- 7.10 The majority of the third party representations raise concern over the access and parking arrangements, anticipating the use of Queen's Road for short stay parking whilst dropping children, and the associated problems with blocked drives and dangerous turns. However, such issues relate to the use, which is not under consideration as part of this application. Both the County Highway Authority and Traffic team raise no objection to the proposal and disagree with the need for the yellow lines in Queens Road to be extended, which could exacerbate illegal parking on the London Road.
- 7.11 About 15 staff would be employed, but many of these would be local and the site is in an accessible location on a bus route and has a cycle path. Given that the use is not subject to this application and therefore the parking standards cannot be applied, then the retention of the existing 8 spaces would seem logical and practical. Overall the proposed pedestrian path would help to improve safety at the site and there are no grounds to resist the proposed refurbishment of a lawful D1 building on highway or parking grounds.

(v) Impact on trees

- 7.12 There are several significant trees both on site and off site, including a TPO'd oak tree at the site frontage. Accordingly a full Arboricultural Impact Assessment, Method Statement and Tree Protection Plan has been submitted with particular regard to the ground works involved in installing the new pedestrian path beneath the trees. This would involve the crown lifting of tree 2 (Cypress) and the crossover will necessitate some grade change within the root protection areas and this will be done by hand under arboricultural supervision and geogrid will be used. The arboricultural officer has raised no objection to the details, provided the levels within the remainder of the front bank are not further excavated or lowered (to preserve soil for tree roots). The site plan has been annotated to indicate that no ground levelling will occur in this sensitive area, and on this basis the approved plans condition would ensure compliance.

8 Conclusion

This proposal relates to the refurbishment of an existing D1 building only and the alterations and proposed works are considered appropriate and sympathetic to the original building and character of the area. The hand rail to the first floor terrace to the rear will improve the levels of privacy currently experienced and with the separation distances it is not considered necessary to seek a further increase in height. Matters relating to access and parking are not applicable to this application for operational development only. Overall, the proposed works are considered acceptable and recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00336 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design & Access Statement

Tree Protection Plan Drawing No. TPP 01 dated June 20

Tree Constraints Plan Drawing No. TCP 01 dated June 20

Arboricultural Impact Assessment Drawing No. AIA 01 dated June 20

Arboricultural Method Statement dated 2 July 2020

Site and Location Plan Drawing No P100 Rev E

Proposed Floor Plans Drawing No P200 Rev A

Proposed Elevations Drawing No P210 Rev A

Handrail and Cross Section Detail Plan Drawing No P220 Rev A

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.