

6. The number of children participating in outside play at any one time shall not exceed 15, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of local residents.

NB. This condition is varied by appeal in relation to 03/59718/002

02/59718/001 - Variation of condition 5 of planning permission 95/59718 to extend period of afternoon outside childrens play by 15 minutes to 1300-1515 Monday-Friday., REF,13/08/2002

03/59718/002 - Variations of Conditions 5 and 6 of Planning Permission 95/59718/000 to allow outside play to take place at any time between 9am and 6pm Monday to Friday, and to lift the restriction on the number of children to participate in outdoor play at any one time., REF,21/03/2003

Appeal Allowed in Part 23/01/2004

The appeal varied the two conditions as follows:

1. Outside children's play shall not take place outside the hours of 1000 -1200 and 1315 – 1515 Monday to Friday, and shall only take place within the area marked "Children's Play Area cross hatched black on the plans approved by Havant Borough Council under reference 95/59718.
2. The number of children participating in outside play at any one time shall not exceed 20, unless otherwise agreed in writing by the Local Planning Authority.

09/59718/003 - Demolition of existing building and erection of 2No. 1 bed and 4No. 2 bed flats and Nursery School building with associated car parking, landscaping and access to Fairlea Road., REF,19/01/2010

Appeal Dismissed 26/10/2010

APP/15/01049 - Reduce secondary stem by 2m of 1No. Horse Chestnut (T7); crown lift to 5m 1No. Oak (T6), remove damaged limb and deadwood. Subject to TPO 1618., PERM,13/11/2015

3 Proposal

Variation of Condition No. 3 of Planning Permission 95/59718 to allow for one Saturday Parent and Toddler event per year, held between 11.30 and 13.30.

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

CS16	(High Quality Design)
CS7	()
DM10	(Pollution)

DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps

No comments received

Environmental Health

No adverse comment on this application

Highways Engineer

The Highway Authority have no adverse comment to this application

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: 23

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 5 objection letters and six names

Comment	Officer Comment
Additional noise on Saturdays	See section 7
Noise adjacent to our garden	See section 7
Local; primary schools manage open mornings and/or afternoons without resorting to weekend opening.	This application must be assessed on its own merits
Value amenity of our garden and relative peace at weekends and Bank holidays	Noted
Intrusive screaming	Noted
High existing levels of noise and disturbance	See section 7
Would override planning conditions and planning inspectorates considerations	The application is looking to vary condition for a once a year event. Whilst the background to the application in terms of the planning history has been considered,

	applications to vary conditions need to be considered on their own merits.
Previous events cars parked in the road - noise and disturbance on a Saturday	See section 7
Number of children and adults would not be limited	See section 7
Impact on amenity value of homes	See section 7
Parking problems from last years event, traffic movements and risks to highway safety in cul-de-sac	See section 7
Precedent for other business	This business is individual in its operation and existing restrictions and any planning application should be assessed on its own merits.

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) Highway matters
- (v) Business/social considerations

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In this case the use of the childrens nursery is established but controlled in detail by a number of planning conditions. The proposal as amended is seeking a one day a year Saturday Parent and Toddler event. The impacts of this event on the residential amenities of nearby residents and impacts on the adjacent highways and the nurseries operational requirements are the main issues relevant to the consideration of the application.

The proposal is seeking to vary condition 3 of planning permission 95/59718 which reads:

The day care nursery use hereby permitted shall only operate between the hours of 0800-1800 hours Monday - Friday, and shall not operate at weekends or on Bank or Public Holidays.

Reason: To protect the amenities of local residents.

It is also necessary to consider the impacts of other relevant conditions on the operation of the nursery.

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

The proposal does not result in any physical alterations to the site, therefore the main

issue with regard to the character of the area is whether a once yearly event would have sufficient impact in terms of the level of activity/disturbance to warrant a refusal of planning permission.

In this case it is recognised that concerns have been raised by nearby residents over the impact of such events as it is understood that events have previously been held in breach of the planning condition set out above.

Given that the event proposed is to be held on a once a year basis the additional impact of one event is considered to represent a very limited additional impact although it is recognised that residents are very concerned about any use beyond the original restricted days/hours. The applicant has indicated that they are looking to host 50-75 people and this would be over a 2 hour period although it is also recognised that there will be a short period before and after the event where people would arrive and depart.. On the basis that this is a 1 day a year two hour event, whilst during the event there is a relatively intensive use taking place, given the short lived nature of the event and its annual occurrence, is not considered to result in harm to the character and appearance of the area which would be sufficient to warrant a refusal of planning permission

Representations have been made with regard to noise and disturbance and parking and traffic issues. These amenity issues are considered in (iii) below.

(iii) Impact upon residential amenity

The implications for neighbours living conditions with particular reference to noise and disturbance is considered the main issue in this case. In that regard it is recognised that the nursery operates in a mainly residential area. The closest residential properties to the use are in Fairlea Road, Woodlands Avenue and New Brighton Road.

The following properties lie immediately adjacent to the site, 1a Fairlea Road, 113, 115, 117 Woodlands Avenue and 123 New Brighton Road.

The proposal is for a parent and toddler event on one day per year which would take place between 11.30 and 13.30 and this would take place on a Saturday (outside the existing restriction on days). This is a very restricted increase in use. It is recognised that during that additional period there would be external play taking place within the area previously defined with supervision from parents and with nursery staff also in attendance. During the period of the event whilst there would be additional impacts on neighbouring residents in terms of noise and disturbance this would remain a very limited event period. This would also be the case from additional vehicular movements and car parking on site and in adjacent roads.

The proposal has been considered by the Councils Environmental Health officer and no objections in relation to the proposal have been raised.

It is considered that subject to amended conditions in relation to this event the additional impact on neighbouring residents for the once yearly and time restricted event would be insufficient to warrant a refusal of planning permission.

(iv) Highway matters

With regard to parking and wider traffic congestion issues, the premises includes a

substantial area of parking to the front of the site but it is recognised that there is likely to be overflow parking during the event particularly in Fairlea Road.

It is noted that the Development Engineer (Highways) has raised no objection to the proposed development.

It is not considered that the once yearly event would have an impact in terms of parking and traffic movements sufficient to warrant a refusal of planning permission.

(v) Business/social considerations

The nursery school at 125 New Brighton Road provides an important facility for children and parents making use of its facilities.

The applicant has stated that the event would be for either of two functions (depending on its timing). The first essentially for new parents and children and the second for a get together at the end of summer term for leaving children and parents.

The applicant states that the event for new joiners would be;
to enable the new parents and children to meet and get to know each other. Many children come for different sessions and with the parents having busy lifestyles it is not easy for them to get to know each other or find out who their children's friends are.

The alternative event would be;
For the get together at the end of the Summer term this is an opportunity for the parents and children to have a celebration of their time together and to have a planned enjoyable ending to their pre-school education.

In business terms it is of course important to attract new children to the nursery school each year and for the children to visit with their parents. The Parent and Toddler event is an important part of that process and the Saturday event would help to facilitate the visit at a time when more parents and carer's can visit with the children.

The alternative event would also provide an important social function for leaver's of the nursery marking their progression.

8 Conclusion

In conclusion, the concerns of residents have been assessed in detail and these need to be considered alongside the one day per year event and limited time period of two hours. It is considered that the proposal can be supported subject to appropriate restrictions as set out in the planning conditions below.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00682

(A) subject to the following conditions

- 1 The day care nursery use hereby permitted shall only operate between the hours of 0800 - 1800 hours Monday - Friday, and shall not operate at all at weekends or on Bank or Public Holidays with the single exception of the parent and toddler event hereby permitted which shall take place no more than once per calendar year on a Saturday between the hours of 11.30 and 13.30 hours only.

Reason: To protect the amenities of local residents having due regard to policies CS16 and DM10 of Havant Borough Local Plan 2011 and the National Planning Policy Framework.
- 2 During the period of the parent and toddler event hereby permitted outside childrens play shall not take place outside the hours of 11.30 and 13.30 on one Saturday per calendar year and shall only take place within the area marked "Children's Play Area", cross-hatched black, on the plans approved by Havant Borough Council under reference 95/59718.

Reason: To protect the amenities of local residents having due regard to policies CS16 and DM10 of Havant Borough Local Plan 2011 and the National Planning Policy Framework.
- 3 The number of children attending the day care nursery at any one time shall not exceed 50, unless otherwise agreed in writing by the Local Planning Authority with the singular exception of the parent and toddler event where the maximum number of parents and children attending the event shall not exceed 75 persons.

Reason: To protect the amenities of local residents and in the interests of highway safety/parking having due regard to policies CS16, DM10 and DM14 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The first floor of the premises shall be used only as residential accommodation by members of staff employed at the day care nursery, and for no other purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid an over-intensive use of the property having due regard to policy CS16 and the National Planning Policy Framework.
- 5 All existing trees and shrubs adjoining the eastern, southern and western boundaries of the site, as since hatched green on the plans approved under planning permission reference 95/59718, shall be retained and subsequently maintained and reinforced where necessary to achieve a minimum height of 5 metres in the case of trees and 2.5 metres in the case of shrubs, and to a standard consistent with good arboricultural practice.

Reason: to ensure the maintenance of screening to the site and to protect the appearance and character of the area having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Outside children's play shall not take place outside the hours of 1000 - 1200 and 1315 - 15.15 Monday to Friday, and shall only take place within the area marked "Childrens Play area" cross hatched black on the plans approved by Havant Borough Council under reference 95/59718 excepting as amended by condition 2 of this planning permission.

Reason: In the interests of the residential amenities of nearby properties and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The number of children participating in outside play at any one time shall not exceed 20, unless otherwise agreed in writing by the Local Planning Authority with the exception of the singular Parent and Toddler event hereby permitted which shall take place no more than once in a calendar year.

Reason: In the interests of the amenities of nearby residents having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.