

Unrestricted Report

ITEM NO: 17

Application No.
12/00268/FUL
Site Address:

Ward:
Hanworth

Date Registered:
19 March 2012

Target Decision Date:
14 May 2012

The Teepee Day Nursery Pembroke Bracknell Berkshire RG12 7RD

Proposal:

Section 73 application to vary condition 3 of planning permission 08/01059/FUL (The garden shall not be used by more than 28 children or babies between the following times 09:00 to 18:00 hours Monday to Friday and not at all outside these hours, except for no more than 14 children or babies between the hours of 08:00 to 09:00 Monday to Friday) to allow up to 49 children to use the garden area at any one time.

Applicant:

The Teepee Ltd

Agent:

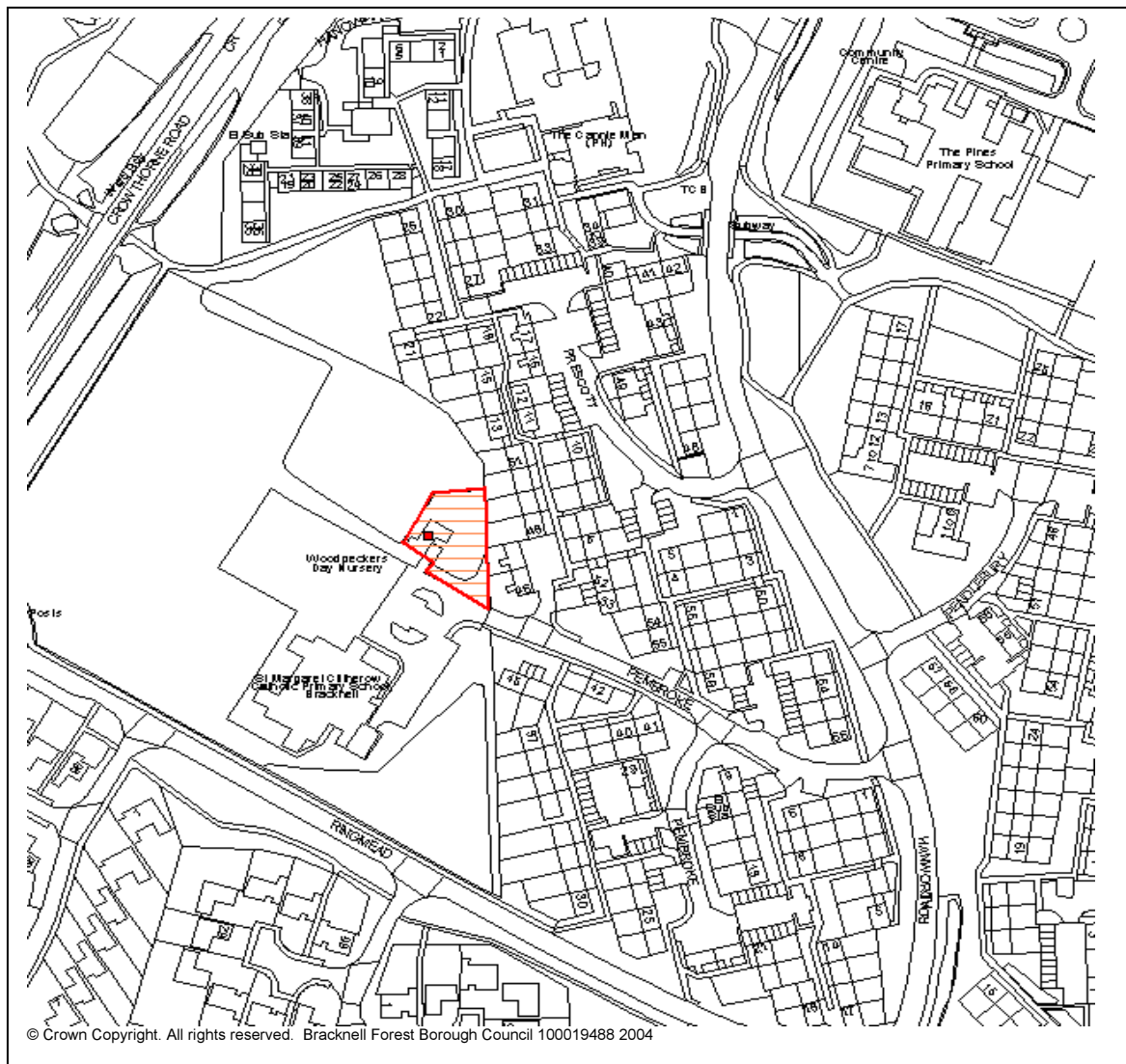
(There is no agent for this application)

Case Officer:

Sarah Horwood, 01344 352000

environment@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1 RELEVANT PLANNING HISTORY (If Any)

616725 Validation Date: 26.03.1991
Change of use from Residential to Day Nursery.
Approved

01/00487/FUL Validation Date: 10.05.2001
Erection of single storey side extension to nursery and increase in maximum number of children or babies (a) present in the garden at any one time from 12 to 14 and (b) receiving nursery services at any one time from 40 to 49, without compliance with conditions 04 and 07 of planning permission 623345.
Approved

04/01178/FUL Validation Date: 09.12.2004
Section 73 application to allow increase of daily nursery opening hours (to 07.00 to 19.00 hours) and to allow premises to be used for ante natal classes (upto 21.30 hours on weekday evenings and between 10.00-16.00 hours at weekends) without compliance with condition 02 of full planning permission approval 616725. (This condition limits hours of operation to 08.00 to 18.00 hours, Monday to Friday).
Refused

06/00714/FUL Validation Date: 01.08.2006
Section 73 application to allow increase of daily nursery opening hours (to 07.00 to 18.00 hours) without compliance with condition 02 of planning permission 616725. (This condition limits hours of operation to 08.00 to 18.00 hours, Monday to Friday).
Approved

08/01059/FUL Validation Date: 28.11.2008
Variation of condition 3 of permission 06/00714/FUL which states "There shall be no more than 14 children or babies in the garden area at any one time." to increase numbers in the garden at any one time, " and condition 4 which states "After 1 April 2008 the hours of operation of the nursery shall be restricted 08.00 to 18.00 hours Monday to Friday and at no time at all on Saturdays and Sundays or Public Holidays." to extend hours to 0700hrs to 1800hrs.
Approved

2 RELEVANT PLANNING POLICIES

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>NPPF</i>	<i>National Planning Policy Framework</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBLP	EN25	Noise And Other Pollution

3 **CONSULTATIONS**
(Comments may be abbreviated)

Bracknell Town Council

Recommend refusal:

The original conditions should be adhered for the amenity of the local residents.

Environmental Health and Safety

Refer to officer report.

4 **REPRESENTATIONS**

1no. letter of objection received which raises the following concerns:

- An increase in pupil numbers would lead to additional staffing levels which would require increased parking
- The nursery has access to 10 parking spaces, more than what they are entitled to in their lease
- At drop off times, there is chaos in the school car park with insufficient space for the nursery and school
- The school does not have capacity for an increase of 75% of nursery places
- Nursery parents already cause issues with parking - parking in school parking bays and in front of emergency exit gates
- The nursery and car park cannot cope with a 75% increase in numbers
- Increase will put additional pressures on Pembroke residents
- Health and safety of all children on site is paramount

5 **OFFICER REPORT**

This application has been reported to the Planning Committee at the requests of Councillors Dudley and Baily in the interests of the residential amenities of neighbouring properties.

i) PROPOSAL AND BACKGROUND

The proposal is a Section 73 application to vary condition 3 of planning permission 08/01059/FUL (which states the garden shall not be used by more than 28 children or babies between the following times: 09:00 to 18:00 hours Monday to Friday and not at all outside these hours, except for no more than 14 children or babies between the hours of 08:00 to 09:00 Monday to Friday) to allow up to 49 children to use the garden area at any one time.

Planning permission 08/01059/FUL was approved in February 2009 to increase the number of children that could use the garden area of the nursery from 14 to 28 (this restriction was originally imposed by planning permissions 616725 and 06/00714/FUL). This permission was approved subject to time restrictions:

- no more than 28 children or babies between the following times 09:00 to 18:00 hours Monday to Friday and not at all outside these hours,
- no more than 14 children or babies between the hours of 08:00 to 09:00 Monday to Friday.

For information, there is a restriction on the number of children that can attend the nursery at any given time - this number being 49 (condition 1 of permission 08/01059/FUL).

This application seeks permission to increase the number of children that can be in the garden area at any given time from 28 to 49 (the total capacity of the nursery) during opening hours.

There is a supporting letter accompanying the application which states that due to government guidance, children of all ages must have free flow access between the indoor and outdoor environment at all times. Due to the current restrictions, the nursery cannot fulfil the requirements set by the governing body.

The guidance followed by the nursery is the Early Years Foundation Stage (EYFS).

ii) SITE

The Teepee Nursery is located within the grounds of St Margaret Clitherow Primary School, accessed from Pembroke. The surrounding area is residential, characterised predominately by terraced properties.

iii) PLANNING CONSIDERATIONS

(1) Principle of development

The Teepee Nursery is located within "Defined Settlement" as designated by the Bracknell Forest Borough proposals maps whereby the principle of development is acceptable, subject to no adverse impacts upon the residential amenities of neighbouring properties, character and appearance of surrounding area, highway safety implications, etc.

(2) Effect on residential amenities of neighbouring properties

The current application would not result in an increase in the number of children/babies attending the nursery at any given time - this would remain at 49 (restricted by condition 1 of permission 08/01059/FUL).

However, the proposal would result in an increase in the number of children that can use the outdoor garden at any given time from 28 to 49 - an increase of 21 children. The primary consideration of this application is whether any additional adverse impact would be incurred to the amenities of surrounding residential properties at Prescott and Pembroke, by virtue of noise and disturbance, as a result of this increase in the number of children using the outdoor garden over and above that currently experienced.

The Council's Environmental Health Officer was consulted on the application and recommended that a temporary permission be granted for a minimum of 1 year to allow effective monitoring of the situation (to assess whether any neighbouring residents complain about increased noise and disturbance).

In order to strike a balance between the needs of the day nursery regulated by the requirements set by the Early Years Foundation Stage (EYFS) and the amenities of the neighbouring residents, it is considered reasonable to grant a temporary permission of 12 months in accordance with the advice from the Council's Environmental Health Officer to increase the number of children in the garden area at any given time from 28 to 49 to monitor whether any additional noise and disturbance is caused to surrounding residential properties at Pembroke and Prescott.

No complaints have been received by the Council's Environmental Health section about noise at the nursery since 2008 when the number of children in the garden area was increased from 14 to 28 (by virtue of permission 08/01059/FUL) and therefore it is considered reasonable to assess this proposed increase from 28 to 49 children in the garden area for a temporary period.

Following this temporary period, the Council could then assess the acceptability of a permanent permission being granted thereafter.

It is further noted that the nursery is located adjacent to a primary school with associated play ground and playing fields. It is noted that the nursery is located closer to residential properties on Pembroke and Prescott than the primary school, however the school would have a higher number of children that utilise the outdoor areas at the same time for breaks and lunch time and therefore subject to monitoring the increase in the use of the outdoor play area at the nursery for a temporary period, the proposal is considered acceptable.

(3) Highway implications

The proposal would not result in an increase in the number of children attending the nursery at any given time or the hours of attendance and therefore the proposal would not result in any highway implications.

iv) CONCLUSION

The grant of a temporary planning permission for a period of 12 months would allow the Council's Environmental Health section to monitor whether any additional adverse impact arises to the residential amenities of neighbouring properties from an increase in the number of children using the garden area from 28 to 49 at any given time.

The application is therefore recommended for approval on a temporary basis of 12 months.

6 RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. No more than 49 children or babies shall receive nursery services at the premises at one time.
REASON: In the interest of residential amenities of neighbouring properties and adequate car parking.
[Relevant Plans and Policies: BFBLP EN25, M1, M9]
02. The nursery use hereby permitted shall not operate outside the following times 07:00 to 18:00 hours Monday to Friday and at no time at all on Saturdays and Sundays or Public Holidays.
REASON: In the interests of amenities of the adjoining properties.
[Relevant Plans and Policies: BFBLP EN25]
03. The use of the garden hereby permitted for 49 children shall be discontinued on or before 24 May 2013. After this time the garden shall not be used by more than 14 children or babies between 08:00 to 18:00 hours Monday to Friday and not at all outside these hours and at no time at all on Saturdays and Sundays or Public Holidays.

Reason: To allow Local Planning Authority to monitor any potential impact upon the residential amenities of the occupiers of the neighbouring dwellings.
[Relevant Plans and Policies: BFBLP EN25]

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policies

EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

EN25 which seeks to avoid development which would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environment effects which would adversely added the amenities of occupiers or buildings, or users of outdoor space.

Guidance contained within the NPPF has been taken into account. This does not alter officer recommendation.

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies EN20, EN25. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The proposal will be granted permission on a temporary basis of 12 months in which the increase in the number of children that can use the outdoor play area at any given time from 28 to 49 can be assessed to determine whether any additional impact is caused to the residential amenities of neighbouring properties. The planning application is therefore approved for a temporary period.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk