

PLANNING APPLICATION REPORT



Application Number	14/01861/FUL	Item	08
Date Valid	01/10/2014	Ward	Compton

Site Address	162 MANNAMEAD ROAD PLYMOUTH		
Proposal	Flat roof conversion to create external children's play area		
Applicant	Pixie Land Nursery		
Application Type	Full Application		
Target Date	26/11/2014	Committee Date	Planning Committee: 20 November 2014
Decision Category	Member Referral		
Case Officer	Christopher King		
Recommendation	Grant Conditionally		

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This application is a member referral and was called in by Councillor Ball

1. Description of site

The site comprises the detached property at Pixieland Nursery, which has been extended and added to over the years. The original building has two rear extending wings to it, in the form of a pitched roof rear extension on the northern side of the building, and the subject single-storey, flat-roofed building on the southern side of the building, which is adjacent to a bungalow at 9 Richards Row, which was developed along with another separate unit within the curtilage of the large semi-detached property at 160 Mannamead Road. The site can be accessed from Richard Rows to the rear, which is a private access road.

The existing ground floor flat-roofed extension is built approximately 300mm off the centre of the boundary wall to 9 Richards Row. As such the side wall of the extension is beyond the line of the main side wall of the main part of the building. That part of 9 Richards Row that is adjacent to the site comprises the side access path to the bungalow, which drops down approximately 700mm from the level of the rear terrace at that property.

2. Proposal description

A flat roof conversion to create external children's play area has been proposed. The applicant has identified this space as a way to facilitate segregated play areas between differing age groups, allowing for focused and specific play in a secure outdoor environment.

3. Pre-application enquiry

No Pre-Application advice has been sought with regards to this proposal

4. Relevant planning history

13/00498/FUL - New flat-roofed, part rear and part side, first floor extension to provide new classroom and conversion of front hipped section of roof to a gabled section (these proposals being in addition to previous approval 11/00440 for: Change of use of part of first floor and alterations to roofspace to form two self-contained flats and rear dormer) – Withdrawn

11/00440/FUL - Change of use of part of first floor and alterations to roof space to form two self-contained flats and rear dormer – permitted.

01/01501/FUL - Enlargement of day nursery by erection of single-storey flat-roofed rear extension for 9 additional children. This application was refused but later allowed on appeal. The Inspector considered that the proposals would not result in harmful noise and disturbance.

There have been other applications for developments at the site.

5. Consultation responses

Police Architect – No Objections

Public Protection – No Objections

Transport – No Objections

6. Representations

Four letters of representation have been received, raising objections to the proposal on the following grounds:-

- Increased noise due to proximity to neighbouring property
- Increased shadowing to neighbouring property
- Impact of the proposal is detrimental to the area, and neighbourhood amenity
- Health and Safety concerns to intended users
- Possible other solutions to create play space
- Loss of privacy to surrounding neighbours
- Overdevelopment of the site

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines Supplementary Planning Document May 2013

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007, and is considered to be compliant with National Planning Policy Framework guidance.

2. The principal issue with regards to this proposal is considered to be the impact towards neighbouring amenity; relating specifically to privacy and overlooking; and increased noise from the development. This application turns upon policies CS01, CS02, CS14, CS22, CS30 and CS34 of the Local Development Framework Core Strategy; and Part 2 of the Development Guidelines Supplementary Planning Document (SPD).

Site Context and Proposal

3. As highlighted in the Design and Access statement, whilst it is not proposed that there will be a further intake of children, this will allow greater opportunity through a more flexible management strategy, for existing children under professional care at the facility to experience external play in what currently requires a fairly rigorous schedule of play time allocation to ensure that all age groups are considered equally.
4. The site demonstrates a functional space to safely and efficiently move children around in line with the nursery's objectives. At present, the flat roof space is disused, and is securely fenced off from the existing external platform landing area. This particular area leads to an external staircase, providing access between first floor classrooms and the ground floor buildings and external play area. Whilst the existing landing is set further into the site, it is not currently screened, and could give rise to overlooking both in, and out of the site, although most users of the landing are transient. It should also be noted that windows in the first floor elevations of the existing buildings are not obscure glazed, and subsequently, these could give rise to privacy and overlooking issues.
5. Pixieland Nursery has applied to create a first floor play enclosure on top of an existing single storey classroom to the rear of the property. Notwithstanding the need to comply to the relevant building regulations in order to safely utilise this space, the applicant has proposed to enclose the play area using a part parapet, part frameless balustrade system with obscured glass panels to a minimum height of 1.6m above deck level. Whilst not currently shown on the plans; the agent has suggested that the applicant intends to introduce some soft landscaping measures, such as a trellis.

Overlooking

6. As set out in part 2.2.26 of the Development guidelines SPD, when assessing the proposals for roof gardens, the degree of overlooking will be considered. By virtue of the location of the proposed play area; it has been identified that the proposal could give rise to overlooking, and a potential loss of privacy to no.2, no.9 and no.11 Richards Row; and a small amenity area associated to no.160 Mannamead Road.
7. No.9 is the closest property to the proposal, sharing a common wall. This property has a large raised deck area to the rear, and an obscure glazed window serving the lounge at ground floor level in the northern elevation. Due to the level change between the window of no.9 and the flat roof, it is considered unlikely that this aperture will give rise to overlooking and privacy issues into the neighbours lounge.
8. Obscure glazing should satisfactorily protect privacy into the rear amenity space of no.9, and it is considered that no.11 Richards Row is of a distance that the proposal is unlikely to negatively impact this space also. It is not considered that the proposal will give rise to any significant privacy or overlooking issues to the residents of no.160 Mannamead Road.

Noise

9. The elevated platform proposes the relocation of toddlers from the main playground area which is at ground floor level, to the first floor enclosure. It is understood that the proposal is unlikely to give rise to increased attendance at the nursery; but will see a different distribution of children at certain times of the day as and when play times are required.
10. At present, noise levels are somewhat encapsulated within the existing boundary wall. It is envisaged that the proposed glazing to the enclosure will provide adequate noise prevention to the neighbouring properties. It was discussed with the agent that to further reduce noise impact the parapet to the flat roof could be raised; however it was concluded that this would significantly reduce the amount of light into the lounge and kitchen of no.9 Richards Row.

Character of the area

11. Pixieland Nursery is a well-established facility located within a predominantly residential area. Its impact on the character of the area is considered inclusive, and assists in promoting a mixed use community. The proposed roof to play area is not considered detrimental to the character of the area, and will assist in the ongoing enjoyment of the nursery for its attendees. The impact on the building itself is not considered significant, and is not considered overdevelopment as the scale is in keeping with the existing sites use.

Mitigation Methods

12. **Obscure Glazing:** To combat the issue of overlooking, specific screening measures are being proposed. With this in mind, the prevalence of overlooking is likely to be minimal, and by conditioning these mitigation methods, the impact is considered manageable, and unlikely to result in detrimental amenity loss to the adjacent properties. Notwithstanding this, the measure of the glass will also provide additional privacy into the nursery as there are no screening mechanisms currently in place to protect children utilising the first floor external landing; and those in the classrooms without obscure glazing.
13. Obscure glazing can be an effective tool to protect privacy and amenity for both the future users/occupiers of a space; as well reducing the impact a proposal can have on neighbouring amenity. High quality glazing will ensure that light levels are not significantly impacted, as well as acting as a suitable noise barrier. In this case, the applicant will at all times have obscure glazing to the full southern elevation and the majority of the eastern (rear) elevation as shown on drawing I4005 L02.01 A.
14. **Soft Landscaping:** To further soften the appearance of the play area, and reduce the amount of overlooking both in and out of the play area, it is considered that the inclusion of some trellising, or strategic placement of potted plants will assist with this. These details are yet to be agreed.
15. **Hours of Use:** Currently there are no restrictions on the other play areas within the site, other than those dictated by the business hours of the nursery. Due to the sensitive nature of this proposal, it is considered that some restrictions on usage should be agreed to further protect the amenity of no.9 Richards Row, as well as the overall amenity of the area.
16. The council wants to ensure that development does not significantly reduce the way in which a dwelling and associated amenity space is enjoyed, and understand that the function of external play is paramount to the general development of children which is highlighted in the Design and Access statement. In securing the above details for the proposal, it is considered that the proposal is unlikely to significantly diminish the enjoyment of these dwellings; and is therefore in agreement with Part 2.2.29 of the SPD.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

None

11. Planning Obligations

None

12. Equalities and Diversities

No equality or diversity issues to be considered

13. Conclusions

Having considered the Local Development Framework Core Strategy 2006-2021, and the relevant Supplementary Planning Documents, the proposal is considered to be acceptable by virtue of:-

- The presence of mitigation measures to protect the amenity of the area; notably noise, overlooking and privacy
- The scale of the design is not considered 'overdevelopment' within the site.
- The proposal demonstrates an efficient use of space
- The retention of the existing character of the site, and its setting within the area
- The use of the play area will not exceed existing business hours for the whole site
- The proposal will enhance the privacy afforded to the attendees of the nursery

The proposal is therefore recommended for approval, subject to the agreed conditions

14. Recommendation

In respect of the application dated **01/10/2014** and the submitted drawings Existing plans and elevations I4005 L 01.01; Proposed plans and elevations RevA I4005 L02.01 A; Design and Access Statement, it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans and elevations RevA 14005 L02.01 A

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: SOFT LANDSCAPING

(3) No development shall take place until full details of soft landscape works to the play area have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason:

To ensure that satisfactory landscape works to protect visual amenity are carried out in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the National Planning Policy Framework 2012.

Other Conditions

CONDITION: HOURS OF USE

(4) The use hereby permitted shall not be used outside the following times: 10.00 hours to 12.00 hours and 13.00 hours to 16.00 hours Mondays to Fridays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

CONDITION: OBSCURE GLAZING

(5) The proposed obscure glazed panels to the south elevation and east elevation of the proposed play area, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and be at least 1.6m in height when measured from first floor deck level.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1)The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(2)In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.