

**P/13/0167/CU**

DEREK WARWICK  
DEVELOPMENTS

**PARK GATE**

AGENT: OWEN DAVIES  
ARCHITECTS

CHANGE OF USE OF PART OF THE FIRST FLOOR FROM OFFICES (B1) TO DAY NURSERY (D1) AND ANCILLARY FUNCTIONS, AND RELAXATION / VARIATION OF CONDITION NO3 TO ALLOW AN INCREASE IN THE NUMBER OF CHILDREN PERMITTED ON SITE FROM 50 TO 60 (CONSENT REF: P/10/0844/CU)

WARWICK HOUSE BEACON BOTTOM PARK GATE SOUTHAMPTON HAMPSHIRE  
SO31 7GQ

***Report By***

Susannah Emery Ext 2412

***Site Description***

This application relates to a detached two storey building to the north of Beacon Bottom within the urban area. The building is currently in mixed use with a children's day nursery at ground floor level with offices above. The site is within an accessible location with good access to public transport and alternative modes of transport to the private car. The car park to the front of the building currently contains twenty car parking spaces, with ten available to the nursery and ten available to the offices, accessed and egressed directly off Beacon Bottom via an in/out one-way system.

***Description of Proposal***

Planning permission is sought for a change of use of part of the first floor of the building from Offices (Use Class B1) to Day Nursery (Use Class D1) to be used for ancillary functions including office and staff rest facilities to be relocated from the ground floor.

A variation of Condition 3 of P/10/0884/VC is also sought to increase the maximum number of children accommodated at the nursery from 50 to 60 as a result of increased floor space.

***Policies***

The following policies apply to this application:

**Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

CS5 - Transport Strategy and Infrastructure

***Relevant Planning History***

The following planning history is relevant:

**P/11/0762/VC**

**VARIATION OF CONDITION 6 (PARKING LAYOUT) AND CONDITION 8 (CAR PARKING SIGNAGE) OF P/10/0884/CU**

**As Amended by Plans received 19th December 2011**

APPROVE 22/12/2011

**P/10/0884/CU**

**CHANGE OF USE OF GROUND FLOOR FROM OFFICES (CLASS B1) TO DAY NURSERY (CLASS D1) & ERECTION OF ROOF CANOPIES OVER EXTERNAL PLAY AREAS**

### ***Representations***

The neighbour notification period expires 20 March 2013. At the time of writing this report one letter had been received raising the following objections;

- Increasing the amount of children will cause stress and be detrimental to health
- Windows and doors of neighbouring property must be kept closed due to the noise of children leaving/arriving and playing in the garden
- Noise can be heard even with windows and doors shut and with the volume on TV turned up
- Children left outside crying for 20 minutes

Any letters subsequently received will be reported at the committee meeting.

### ***Consultations***

Director of Planning & Environment (Highways) - No highway objection is raised as the proposed change of use would be expected to have an equivalent or lesser impact in terms of parking demand, compared with the present use. The proposed parking provisions should be permanently maintained and the access requirements, as previously approved, should be adhered to.

Director of Regulatory and Democratic Services (Environmental Health) - On the original application Environmental Health raised concerns over noise from the children (on the ground floor) in the nursery affecting the occupants of the first floor offices - this was addressed to our satisfaction. It is noted the current change of use includes part of the first floor from offices to the day nursery. This raises new issues in respect of the remaining office(s) on the first floor being affected by noise transmission through the dividing walls. Depending on the structure of the dividing walls on the first floor and any doors this may or may not be an issue and a noise investigation and/ or the installation of acoustic insulation may be required. The current application for the requested change of use appears to make no comment on this. It is recommended that further information is sought and/ or a noise report is commissioned by the applicant. The latter could be conditioned were this change of use to be approved.

It is noted that the occupant of 6A Beacon Bottom made a representation. Environmental Health have not received any complaints concerning noise from the day nursery. However, the occupant of 6A Beacon Bottom makes reference to the noise of both parents and children leaving/ arriving as well as children playing in the garden. (It is noted the number of the latter is being kept at 10). Although it maybe the case that it is the noise of children playing outside that is causing the most disturbance, there is concern with varying Condition 3 at this time. The reason being that it is not known if the existing situation is causing a statutory nuisance or not, let alone if it is a nuisance what aspect of the existing situation is resulting in that nuisance. Therefore, in the absence of further information, allowing this variation could worsen matters for those being affected.

Environmental Health Officers made contact with the occupier of 6A Beacon Bottom in order to fully assess the concerns raised. It is understood the main issue relates to children playing in the garden area. The number of children playing outside at any one time would not be increased as a result of the variation of the condition. As a result, the following further comments were received:

Further to new information received the following additional/ amended comments are made:

Regarding the variation of Condition 3 to allow an increase in the number of children permitted on site from 50 to 60, no objection is raised.

The applicant has confirmed that the first floor would be used for ancillary functions including office and staff rest facilities only. On this basis there would be no requirement for a noise report, subject to a planning condition restricting children to the ground floor only.

### ***Planning Considerations - Key Issues***

The main issues to be considered in the determination of this application are;

- Principle of Development
- Impact on Neighbouring Residential Properties
- Highways

#### Principle of Development

It is considered that the proposal represents an appropriate use of an existing building within the urban area. The site is not an allocated employment area and therefore the loss of the existing B1 use is considered acceptable.

#### Impact on Neighbouring Residential Properties

The occupant of the neighbouring property has objected to this proposal on the grounds of noise disturbance. Since the nursery opened in early 2011 Environmental Health have not received any noise complaints. Very few complaints in respect of children's nurseries are received and those that are relate mainly to the noise of children playing outside the property. Officers do not consider that an additional ten children within the building would significantly increase ambient noise levels. However the nursery should ensure they are limiting the number of children allowed outside to play to a maximum of ten at any one time to prevent excess noise disturbance. If the occupant of the neighbouring property considers the nursery is in breach of this planning condition then it should be reported to planning enforcement so that it may be investigated. It is considered that vehicles arriving and leaving the premises are unlikely to be a statutory noise nuisance due to background traffic noise.

#### Highways

The proposal would result in an additional six spaces being made available to the nursery resulting in a total of sixteen spaces. The proposed increase in children numbers would result in the need for two additional members of staff. At present out of the existing twelve members of staff five walk to work, two travel by train, two by bus and three car share so that there is minimal demand for staff car parking. It is considered that the additional car parking provision would be ample to accommodate the additional vehicle movements associated with the increase in children.

The Hampshire County Council Parking Standards suggest that for a day nursery a maximum of 1.5 car parking spaces should be sought for each 2 members of staff to provide sufficient car parking for staff, visitors and parents. With 14 members of staff at this nursery that equates to a maximum requirement for 10.5 car parking spaces and therefore the proposal significantly exceeds the maximum number of spaces which could be sought.

There are double yellow lines on Beacon Bottom which would limit any on-street car parking immediately outside the site on the junction.

## Conclusion

It is considered that the proposal complies with the relevant policies of the adopted Fareham Borough Core Strategy and it is considered acceptable.

### ***Reasons For Granting Permission***

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The proposal would not detract from the character of the surrounding area or the living conditions of neighbours. The level of parking provision provided is acceptable and the proposal would have no adverse implications for highway safety. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

### ***Recommendation***

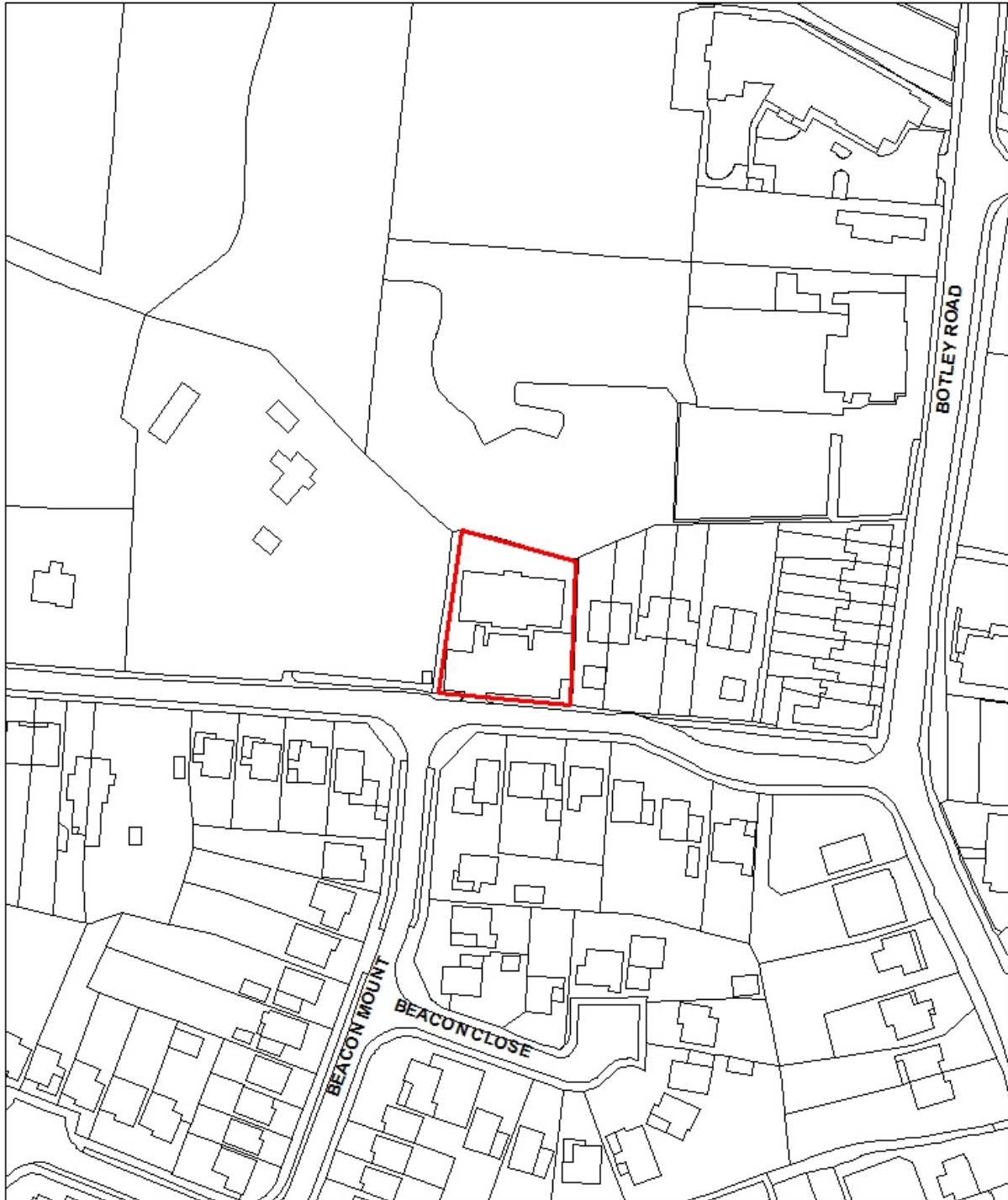
PERMISSION: Max 60 children; No more than 10 children outside at any one time; Opening hours 07:30 to 18:30 hours Monday to Friday; Parking; Updated travel plan; limit children to the ground floor only.

### ***Background Papers***

P/13/0167/CU; P/11/0762/VC; P/10/0884/CU

# FAREHAM

## BOROUGH COUNCIL



Warwick House  
Scale 1:1250

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