

**P/13/0651/VC**

MRS KATHARINE GALLIFORD

**FAREHAM EAST**

AGENT: MRS KATHARINE  
GALLIFORD

(A) VARIATION OF CONDITION 7 OF P/12/1017/VC TO ALLOW INCREASE IN NUMBER OF CHILDREN PRESENT IN REAR GARDEN AT ANY ONE TIME TO 18

(B) VARIATION OF CONDITIONS 4 & 7 OF P/12/1017/VC TO ALLOW NURSERY EVENTS TO BE HELD UP TO 5 TIMES PER YEAR

MANOR LODGE - GOOD MANORS DAY NURSERY - CHURCH PATH FAREHAM PO16 7DT

***Report By***

Susannah Emery Ext 2412

***Site Description***

The application site comprises a two storey semi-detached property located on the eastern side of Church Path. The site is within the Fareham High Street Conservation Area and is itself a Grade II Listed Building. The building is currently occupied by and used as a nursery.

The site is situated in an edge of town centre location, with a number of commercial/office/entertainment facilities in the vicinity. However some surrounding properties are residential, including a first floor flat above the chiropodist studio in the adjoining unit.

***Description of Proposal***

(A) Planning permission is sought for a variation of Condition 7 of P/12/1017/VC to allow the number of children permitted in the garden at any one time in association with the day nursery to be increased from 12 to 18.

(B) Planning permission is also sought for a variation of planning condition 4 of P/12/1017/VC which currently restricts the opening hours of the nursery. The nursery wish to be able to hold events for the parents, staff and children with unrestricted access to the garden up to five times a year. These events include charitable functions and graduation ceremonies.

***Policies***

The following policies apply to this application:

**Approved Fareham Borough Core Strategy**

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

***Relevant Planning History***

The following planning history is relevant:

**P/12/1017/VC**

**VARIATION OF CONDITION 2 OF P/06/0764/VC (TO ALLOW  
OPENING OF THE PREMISES BETWEEN 07:30 HOURS TO 18:00**

**HOURS MONDAY TO FRIDAY)**

APPROVE 01/03/2013

**P/10/0041/VC** **VARIATION OF CONDITION 4 OF P/06/0764/VC - ALLOWED ON APPEAL (TO INCREASE NUMBER OF CHILDREN FROM 52-58) PERMISSION 10/03/2010**

**P/06/0764/VC** **Variation of Condition 4 of P/97/0700/CU to Increase Number of Children to 52 REFUSE 14/08/2006**

**P/00/0610/VC** **Variation of Condition 4 of P/97/0700/CU to Increase Number of Children from 40-46 PERMISSION 14/07/2000**

**P/98/0724/VC** **Variation of Condition 1 of P/97/0700/CU (To allow use as Day Nursery of Permanent Basis) PERMISSION 19/08/1998**

**P/97/0700/CU** **CHANGE OF USE FROM RESIDENTIAL CARE HOME (C2) TO NURSERY DAY CARE CENTRE (D1) WITH ANCILLARY ONE BEDROOMED FLAT TEMP 06/10/1997 PERMISSION**

***Representations***

One letter has been received objecting on the following grounds;

- Events have been held in breach of the planning consent with up to 60 people present
- We continue to suffer regular noise nuisance
- It is not possible to open windows without considerable noise infiltration which also occurs with windows shut
- Impact on personal health
- The extra external places are needed to support internal numbers of children
- Next the argument will be that internal numbers should be increased
- To use OFSTED as a crutch is not defensible
- What OFSTED considers reasonable needs to be balanced with the environment in which such aims can be reasonably achieved
- It seems the limits have been reached

***Consultations***

Director of Planning & Environment (Conservation Officer) - Manor Lodge is a grade II listed building in the Fareham High Street Conservation Area. This application for variation of condition does not propose any alteration to the listed building that would affect its character as a building of special architectural or historic interest or the character and appearance of the conservation area.

Director of Regulatory Services (Environmental Health) - The application site has been the subject of complaints in relation to noise arising from raised voices from children and staff internally and externally, which are alleged to be impacting upon neighbouring business and residential premises. This matter remains under investigation by this department.

Current planning permission restricts the number of children using the garden at any one

time to 12. The proposal to increase this to 18 represents a 50% increase in the number of children using the garden at any one time. In addition the increase in children is likely to require an increase in staff. Such an increase may therefore exacerbate any alleged noise levels further. As such I raise an objection to this application on the basis that amenity of neighbouring premises may be adversely affected by the increase in numbers and associated noise.

The application also seeks permission to allow unrestricted numbers up to five times per year. I have no objection to this element of the proposal subject to the following conditions:

1. Restrict events to Monday to Saturday only and not on Sundays or Bank Holidays
2. Restrict events to between 9am and 6pm
3. Restrict individual events to a 3 hour time frame

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

The main issue with regards to both aspects of the proposal concerns the potential for noise and disturbance to the occupants of neighbouring residential properties.

#### **(A) Increase Use of Outdoor Play Space to Maximum 18 Children at One Time**

The applicants have requested that the number of children allowed in the garden at any one time be increased from 12 to 18 as this current restriction is limiting the amount of time that each individual child can have access to the garden. It is suggested that this has a negative impact on the health and welfare of the children who attend nursery all day between the hours of 8am-6pm. The children who attend morning or afternoon sessions may be restricted from any access to the garden at all. It is highlighted that Ofsted suggest that all children should have readily available access to an outdoor area on a daily basis.

When the Inspector was considering the 2006 application, to increase the number of children at the nursery to 52, the issue of noise was considered in some detail. The Inspector stated that in terms of the use of the garden area, the level of children playing outside was critical to the level of noise and disturbance that may arise from the nursery. In allowing the appeal the Inspector imposed the condition that restricted the use of the garden so that no more than 12 children were able to play outside at any one time.

Officers are of the opinion that this condition continues to be necessary to prevent noise and disturbance to neighbouring residential properties. If the nursery operator's consider they are unable to give adequate access to the garden within the limits of this condition then it should be questioned whether too many children are present within the building itself.

Environmental Health have raised an objection to this element of the proposal as it represents an increase in children within the garden by 50% and would also be likely to increase staff levels within the garden. It is considered that the amenity of neighbouring properties may be adversely affected by the increase in numbers and associated noise levels. Officers recommendation is to refuse this element of the proposal.

#### **(B) Use of Nursery & Rear Garden for Events**

Officers consider it would be reasonable to allow the nursery to hold a small number of open events throughout the year for charitable functions, open days and to celebrate the achievements of the children.

The nursery is currently restricted to being open Monday-Friday so a variation to the opening times would be required to allow the events to be held Monday-Saturday (excluding Sundays and Bank Holidays). This variation to the opening hours condition would be for the purpose of events only and not for the general day-to-day opening of the nursery.

It is considered acceptable that at these events more than 12 children may be allowed in the garden at any one time. Officers recommendation is to permit this element of the proposal subject to conditions to limit the number of events to a maximum of 5 per year and to between the hours of 09:00-18:00. The events would also be restricted to a maximum of 3 hours in length to limit the duration of any disturbance to neighbouring properties.

***Recommendation***

(A) Variation of Condition 7 of P/12/1017/VC to allow increase in number of children present in rear garden at any one time from 12 to 18.

REFUSE; Detrimental to residential amenity by virtue of noise and disturbance

(B) Variation of Condition 4 (Opening Hours) and 7 (Limited Use of Garden) of P/12/1017/VC to allow social events to be held at the nursery up to 5 times a year with unrestricted access to the garden.

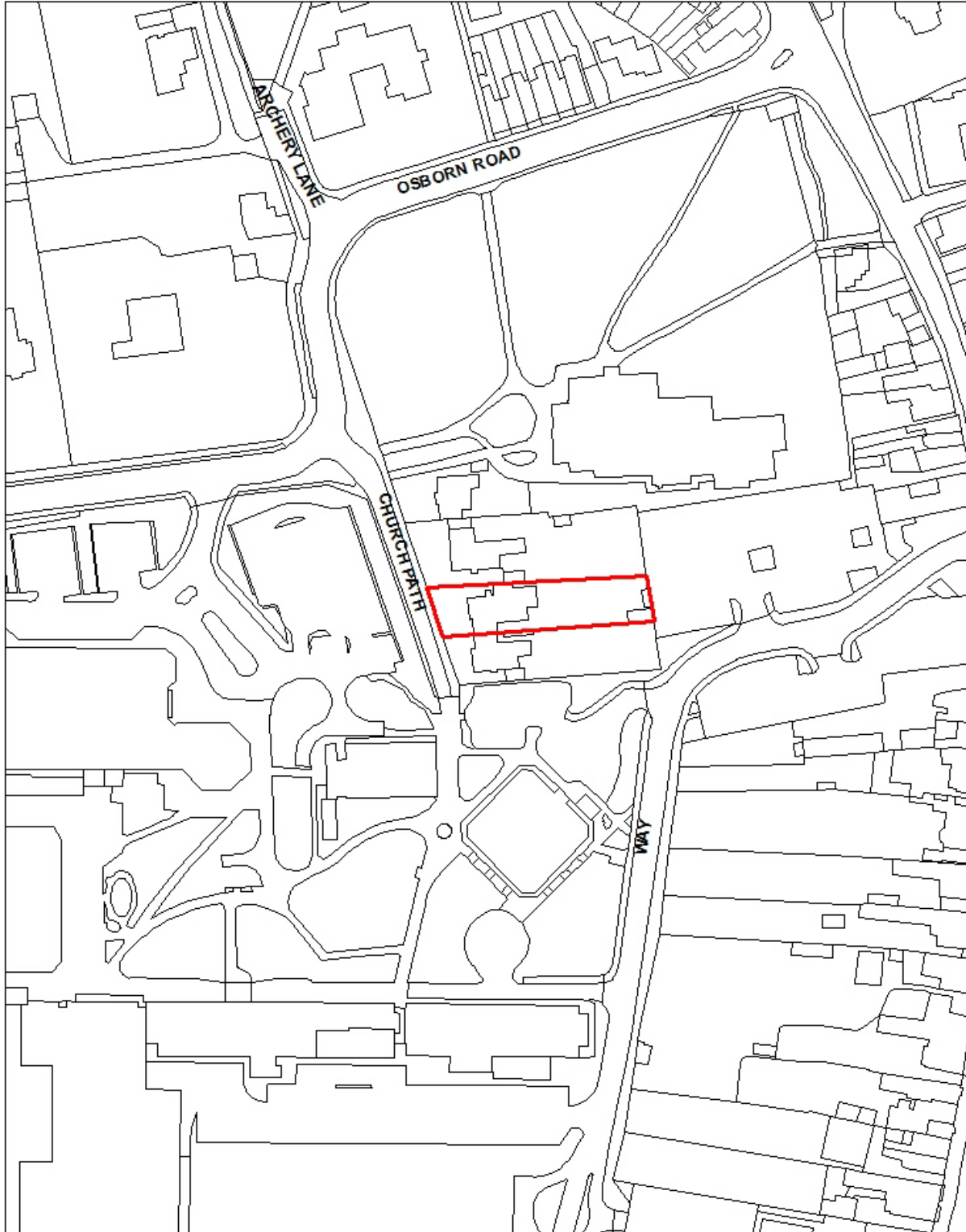
PERMISSION: Compliance with conditions attached to P/97/0700/CU; Nursery Day Care Centre hours 07:30-18:00 Mon-Fri; Max 52 children at day nursery at any one time; Max 5 social events to be held during the year 09:00-18:00 Mon-Sat (excluding bank holidays) ; Parking; Access for Pedestrians only; No more than 12 children present within rear garden (excluding social events); Restricted Use of Garden between 07:30-08:00 for access only and no use prior to 07:30

***Background Papers***

P/13/0651/VC; P/12/1017/VC; P/06/0764/VC; P/97/0700/CU

# FAREHAM

BOROUGH COUNCIL



Manor Lodge - Good Manors Day Nursery  
Scale 1:1,250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110, 2013