

APP/2017/0496

Variation of condition 4 of planning permission APP/2017/0373 to increase opening hours on Sundays/Bank Holidays

GIANT LEAP NURSERY COAL CLOUGH HOUSE COAL CLOUGH LANE BURNLEY

The proposal relates to a recent planning permission (APP/2017/0373) for an after school club building, car park and new access on land at Airdrie Crescent which is to be operated in association with the Giant Leap Nursery which adjoins it on its eastern side. An earlier planning permission (APP/2017/0237) permits the use of this site as part of a longer stretch of open grassed space to be used as an extended curtilage to the main nursery. The latter of these permissions for an after school club building and new car park is subject to a restriction on opening hours which reflect the hours that were put forward by the applicant at the time. Condition 4 allows the after school club building to open 7am to 7pm Monday to Saturday and not at all on Sundays/Bank Holidays.

[illegible]

The applicant states that their intention was to be able to use the after school club building at the same time when the main nursery buildings are in use, which includes weekends when the nursery is used for children's parties (the permitted hours for the main nursery are 7am to 7pm on any day).

The current proposal was initially to vary the opening hours on Sundays and Bank Holidays to 7am to 7pm but the applicant affirms that they would be satisfied with hours between 9am and 6pm on these days.

The approved after school club building is single storey and would measure approximately 12.0m x 12.0m with a pitched roof to a height of approximately 3.4m. The building would be clad in timber and have a grey insulated panel roof. The west elevation indicated below would face Airdrie Crescent.

Approved building



New vehicular access with an in and out arrangement would be formed on Airdrie Crescent and a grasscrete surfaced car park with 15 no. parent and child parking spaces.

The site is bound on its eastern side by woodland trees. The nearest properties to the site are at 61 and 72 Airdrie Crescent which are immediately to the south side of the site.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the urban boundary

GP3 – Design and quality

H12 – Non-residential uses in residential areas

TM15 – Car parking standards

Burnley's Local Plan – Submission Document, July 2017

SP5 – Development quality and sustainability

NE2 – Protected open space

The National Planning Policy Framework

Site History:

APP/2017/0237 - Change of use of land to form extended nursery curtilage and erection of security fencing, erection of unit for toilets, kitchen and garden machinery storage. Approved June 2017.

APP/2017/0373 - Proposed erection of after school club building, car parking and access. Approved September 2017.

Consultation Responses:

Environmental Health

No objections based on opening times of 9am to 6pm on Sundays/Bank Holidays.

Publicity

One letter received from neighbour on Coal Clough Lane which states that they had no objection to the previous application but object to the current application for the proposed increase of opening hours for the following reasons:-

- The nursery is within a highly residential area
- It would create noise and nuisance at weekends
- It would create additional traffic when people should be able to relax at weekends

Planning and Environmental Considerations:

Impact on residential amenities

Policy GP1 requires proposals to have regard to impacts on residential amenity. There are houses close to the site at its south end. The scale of the use of the land for car parking would have minimal impact on neighbours and any activity associated with the use of the after school club building will be a minimum of 65m from the nearest dwelling. The applicant has agreed that hours of use between 9am and 6pm would be sufficient for the requirements of the nursery. These hours would also avoid higher levels of activity and potential noise in the early morning or evening periods when residents can expect the area to be quieter. Impacts are likely to be confined to the nearest properties and would be satisfactorily safeguarded by a variation to the condition as agreed with the applicant.

Summary

The applicant agrees to a variation to the hours of use of the approved nursery building on Sundays and Bank Holidays between 9am and 6pm which is considered to be reasonable and would safeguard neighbouring properties from any increased levels of activity and noise at the most sensitive parts of these days.

Recommendation: Approve with conditions

Conditions

1. The development must be begun by no later than 25 September 2020.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SCH/09-Dwg 03, received on 1 August 2017; SCH/09 Dwg 01Rev A, received on 31 August 2017; and, SCH/09 Dwg 02BRevB and SCH/09 Dwg 04, received on 8 September 2017 for APP/2017/0373.
3. The approved building and use of the site shall be used as an after school club facility and play area in association with and ancillary to the use of the adjacent children's day nursery known as Giant Leap Nursery only, and shall not at any time be used as an independent play area or for any other use.
4. The approved building and site shall not be open for use apart from between 07:00 and 19:00 hours Monday to Saturday inclusive and between 09:00 and 18:00 hours on Sundays and Bank Holidays.
5. The external materials of construction to be used on the walls and roof of the development shall be as described on the approved plans unless any variation to this is otherwise previously agreed in writing by the Local Planning Authority. Representative samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to construction work on the approved building being commenced.
6. The approved development shall not be first open for business until two electric charging points with a three-pin 13-amp electrical socket have been installed and are available for use at the site. The electric charging points shall thereafter be retained and remain available for use at all times whilst the premises are open for business.
7. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
8. The approved car park shall be constructed, surfaced and marked out, as indicated on the approved plans only, unless any variation to this is otherwise previously approved in writing by the Local Planning Authority; and, shall be available for use prior to the approved after school club building being first brought into use. The approved car park shall thereafter be retained at all times.
9. The approved car park shall not be constructed other than with a dedicated entrance and exit and a one-way system for the movement of vehicles with associated signage in accordance with the details as indicated on the approved plans. These approved arrangements and signage shall thereafter be retained at all times.
10. Prior to the commencement of development, a scheme of off-site works for the provision and installation of up to six lighting columns on Airdrie Crescent close to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to either the approved car park or the approved after school club building being first brought into use.

11. No external lighting shall be erected or installed on the site other than that where the details of the type, style, height and intensity of lighting have been previously submitted to and approved in writing by the Local Planning Authority. Any lighting approved by this condition shall be angled to direct light onto the play areas/after school club building or car park only and not towards the adjacent woodland trees or neighbouring properties.
12. All hard and soft landscape works indicated on the approved plans shall be carried out in accordance with the approved details within the first planting season of the approved use being first begun. Any planting that becomes diseased, dies, severely damaged or is removed within five years of planting shall be replanted with similar species.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to comply with the commencement period of the original permission APP/2017/0373.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure the satisfactory implementation of the proposal. An independent use is likely to lead to further impacts in respect of parking and amenity which would require further consideration, in accordance with Policies GP1 and TM15 of the Burnley Local Plan, Second Review (2006) and Policy NE2 of Burnley's Local Plan - Submission Document, July 2017.
4. To protect local amenity within a residential area, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
5. To ensure a satisfactory appearance to the development, in accordance with Policy GP3 of the Burnley Local Plan, Second Review (2006).
6. To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with paragraph 35 of the National Planning Policy Framework and the Burnley Green Infrastructure Strategy 2013-2031.
7. To protect the amenities of nearby residents, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
8. To allow for the effective use of the car park and to ensure adequate off-street parking to cater for the needs of the development, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
9. In the interests of highway safety and to ensure the effective use of the car park, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).

10. To ensure adequate lighting for parents/carers and children arriving or leaving this site, in the interests of public and highway safety, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
11. To protect local amenity within a residential area and to avoid lighting towards trees that may affect wildlife, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).
12. In the interests of the visual amenities of the site, in accordance with Policies GP1 and H12 of the Burnley Local Plan, Second Review (2006).

JF
30/11/2017