

App.No: 150495 (PPP)	Decision Due Date: 2 July 2015	Ward: St Anthony's
Officer: Toby Balcikonis	Site visit date: 15 May 2015	Type: Planning Permission
Site Notice(s) Expiry date: 31 May 2015		
Neighbour Con Expiry: 31 May 2015		
Press Notice(s): N/A		
Over 8/13 week reason: Determination delayed to await further information to make informed decision.		
Location: St Philips Church Hall, 1 St Philips Place, Eastbourne		
Proposal: Formation of a playground enclosed by a 1.4 metre high fence and replacement of a window with a door for access. (Amended description).		
Applicant: Ms Margaret Barr		
Recommendation: Refuse application		

Executive Summary:

The current application seeks permission for the formation of an outdoor playspace situated directly in front of the existing church hall, for use in conjunction with 'Pooh's Children's Nursery' who provide childcare for between 30 – 37 per session, between the hours of 8am to 6pm Monday to Friday primarily within the church hall itself.

The nursery currently benefits from an existing outdoor playspace to the rear of the property, which is limited by planning condition (under application reference EB/2002/0465) for use by a maximum of 6 children at any one time, for which some complaints (more than 6) have been recorded.

The proposed playspace in front of the community hall would be bounded by 1.4 metre closed board fencing and cover a footprint of approximately 90 square metres in size. The majority of the playing surface would remain grassed as existing and have no permanently fixed outdoor play equipment, which would be stored indoors out of operating hours.

The new proposed outdoor playspace would be used in addition to the existing, located to the rear of the hall.

It is recommended to refuse the application due to its detrimental impact upon the visual amenity and open plan character of the location.

Relevant Planning Policies:

National Planning Policy Framework

Eastbourne Core Strategy Local Plan Policies 2013
B1: Spatial Development Strategy and Distribution
B2: Creating Sustainable Neighbourhoods
C6: Roselands & Bridgemere Neighbourhood Policy
D5: Housing
D10A: Design

Eastbourne Borough Plan Saved Policies 2007
UHT1: Design of New Development
UHT4: Visual Amenity
UHT8: Protection of Amenity Space
HO20: Residential Amenity

Site Description:

Located at the junction of St. Philips Avenue and Whitley Road and opposite the Fire Station, the application site relates to an area of green space located in front and to the side of an existing community hall currently used as a children's nursery ('Pooh's Nursery School').

Bounded by a dwarf wall alongside Whitley Road and St Philips Avenue and open to the West where the grassed area terminates and an area of hardstanding constructed of block pavements serving the entrance to the community hall, flats and adjacent parking area.

The nursery also has exclusive use of an outdoor courtyard to the rear of the hall which it utilised as an outdoor play area for the children.

Relevant Planning History:

020367

Demolition of existing church and hall and the erection of new church hall and community facilities, together with 16 flats and six houses.
Planning Permission - Approved conditionally - 03/03/2004

Proposed development:

The applicant, (the church warden of St Philips Church) seeks permission for the formations of a playground area approximately 90 square metres in size in front of the existing community / church hall. It is the intention that this space would be used in addition to the existing space used at the rear.

The proposed outside play space, for use in conjunction with the existing nursery would remain as a predominantly grassed area, aside from a small area of hard surface. Covering approximately 5 square metres in size, the hard surfacing would be located directly adjacent to the building to provide a landing area for access to and from the outdoor play space from a newly formed access doorway in place of an existing window.

The proposed outdoor playground would be bounded with a new close boarded fencing to an overall height of 1.4 metres from grass level. A security locked close boarded gate with galvanised ironmongery would be installed in the Northern corner of the playground to provide an access from the adjacent paved area.

The new outdoor playspace would be used by monitored groups of children utilizing the area which would contain non-permanent play equipment which would be stored indoors outside of the Nursery's operating hours of 8am – 6pm.

Access to the proposed outdoor space would be via the installation of an access door in an existing opening located on the front elevation, where currently a window is installed.

Consultations:

Neighbour Representations:

27 Letters of consultation were sent to neighbouring properties in conjunction with the application.

5 objections have been received and 1 observation letter which cover the following points:

OBJECTIONS:

- Detrimental to visual amenity
 - "An eyesore"
- Attract 3rd parties - loitering & Anti-social behaviour
 - Possible vandalism
 - Issues of rubbish
- Loss of amenity space for nearby residents - no other place space for flats
 - Space for dogs, children, community to socialise
- Perceived noise & Disturbance issues
 - Bedrooms located at front of building
- Possible impact to highway safety
 - Drivers distracted
- Ongoing parking issues
 - Fears problems would be exacerbated

OBSERVATIONS:

- If permission granted for front, will rear space cease being used?
- Potential for further increase in noise levels

OTHER COMMENTS RECEIVED:

- Not suitable location for a nursery
- Church hall should be for community use which has ceased
- Nursery already has external play space to the rear
- Grassed area used as a short cut to buses

Appraisal:

Principle of development:

The use of the community hall for that as a children's nursery with outside play space to the rear is already established, and therefore the proposed creation of an outdoor playground would be acceptable in principal so long as it does not have a significant adverse impact on the amenities of the surrounding residential occupiers, and whose visual appearance would not have a detrimental impact on the character of the area.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

A nursery has operated at the location for a number of years, with the only issue being the number of children using the existing outdoor playspace to the rear exceeding the prescribed amount of children using the space (6 at any one time controlled by planning condition).

The proposed playspace would not replace that which exists to the rear, but would provide supplementary outdoor predominantly grassed area for the children to use. It is proposed that no permanent / fixed outdoor play equipment would be installed. Readily moveable play equipment would be brought indoors outside of the operational hours of 8am – 6pm, when the space would be locked and not in use.

The adjacent residential flats of St Philips place have bedrooms located at the front of the property which would not suffer from adverse impact from noise generated from children using the proposed space at times when these rooms are likely to be used.

Rooms more commonly associated with daytime use such as the living room areas are located to the rear of the properties away from the proposed new space and therefore should not suffer an additional loss of residential amenity than may already be experienced from the existing outdoor play area in the rear courtyard.

It is noted from comments received that the adjacent residents have enjoyed use of the grassed area in front of the community hall without restriction. However, it is noted that the original planning consent for the development of the community hall and flats also proposed construction of a church on the space, which has as yet not been constructed, and is unlikely to be for the foreseeable future.

It is noted that over half of the 'green' amenity space would remain unaltered by the current proposal.

Design issues:

Policy UHT1 of the Eastbourne Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and use appropriate materials (preferably locally sourced). Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused.

Policy D10a of the Eastbourne Core Strategy and Policy UHT1 of the Eastbourne Local Plan state that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout.

The proposed location for the enclosed playground would be on an area of green space characterised by its open-plan nature.

It is considered that the introduction of a means of enclosure in the form of a closed board fence of 1.4 metres in height would appear incongruous to its surroundings and would not respect the character of the location and therefore would not accord with the aforementioned policies.

It is therefore recommended the application be refused on these grounds.

Impacts on highway network or access:

Despite the concerns detailed within representations received from neighbouring residents, the formation of an outdoor play area in the proposed location should not have an unacceptable impact on the safety of persons using the adjacent highway.

Although it is acknowledged that Whitley Road carries significant volumes of traffic throughout the day, the position of the proposed 1.4 metre high boundary fencing is such that sufficient visibility splays would still be maintained to facilitate safe use of the highway and in particular the drivers of vehicles joining Whitley Road via St Philips Avenue.

Additionally, residents voiced concerns regarding the potential adverse impact to parking in the locale, for which it has been stated by them to be a long running issues. The applicant has confirmed that the proposal is not linked to a planned growth in the number of children using the nursery, and therefore there can be no impacts to parking directly attributed to this proposal that in and of itself would lead to the grant of consent being restricted.

Other matters:

In representations received it has been advised that the current location is not suitable for a nursery, and that the church hall should be used for wider community use, which has ceased due to the occupation by the nursery.

The nursery school use is authorised, and therefore the suitability of the use of the hall cannot form part of the assessment for the current application.

It is accepted that schools and day nursery's are important in the Governments aspirations to stimulating the economy in that they are integral in assisting people/families return and continue to work. Whilst this is a material considerations in the determination of this application the scheme itself does not give rise to an increase in attendance and thereby would not support the wider growth agenda.

Similarly there is no evidence within this application that the day nursery would close if this facility were not to be provided.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

Due to the detrimental visual impacts of the proposed scheme the application is on balance not considered to be supportable.

Recommendation:

It is recommended that the application be refused for the following reasons:

Summary of reasons for decision:

The introduction of a 1.4 metre high closed board fence would be intrusive and alien in its appearance and out of character with the prevailing open plan nature of the area and would not accord with policies UHT1 and UHT4 of the Eastbourne Borough Plan 2007 Saved Policies and policy D10a of the Eastbourne Core Local Strategy.

Informatives

For the avoidance of doubt, the plans (submitted on 01.05.15) hereby refused are:

DWG. NO.: 10056/02 – Proposed Layout Plan

DWG. NO.: 10056/03 – Existing Elevation – Proposed Elevations

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.