

**Development Control Committee**  
Meeting to be held on 9 April 2014

Electoral Division affected: Burnley Rural
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**Burnley Borough: application number LCC/2014/0034**  
**Erection of a modular building including a disabled access ramp, installation of play equipment and bin store on adjacent play area at Rockwood Nursery School, Kingsland Road, Burnley**

Contact for further information:  
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### **Executive Summary**

Application – Erection of a modular building including a disabled access ramp, installation of play equipment and bin store on adjacent play area at Rockwood Nursery School, Kingsland Road, Burnley.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling commencement and working programme.

### **Applicant's Proposal**

Planning permission is sought for the erection of a free standing modular building measuring 12.1m x 6.9m x 3.4m high. The building would be finished with horizontal timber cladding with a clear stain finish to the external elevations and a roof constructed of kingspan insulated profiled sheet to be in grey in colour. The building would have a disabled access ramp.

Planning permission is also sought for the following play equipment:

- New digging area measuring 4.7m x 4.7m x 0.45m in height.
- New bin store measuring 3m x 1.1m x 1.2m in height.
- Staging area measuring 3m radius with a maximum height 300mm.
- Sensory pathway and bridge.
- Storage unit to be constructed in timber to match the existing shed measuring 2.4m x 0.9m x 1.2m in height.

### **Description and Location of Site**

Rockwood Nursery School is a Grade II Listed Building located some 2km south of Burnley Town Centre in an area known as Burnley Wood. To the north and south of

the site are residential properties; Todmorden Road forms the eastern boundary. There is a rectangular piece of land on the western boundary with housing further afield.

The application site falls within the curtilage of a Grade II listed building and is located within a Conservation Area.

## **Background**

### History

The property has been a children's nursery for a number of years. Burnley Council has advised that whilst they do not have any record of any planning permission for the use, local residents have advised that it has been a nursery since the 1950's.

## **Planning Policy**

### National Planning Policy Framework (NPPF)

- Section 1 Delivering sustainable development
- Section 8 Promoting healthy communities
- Section 12 Conserving and enhancing the historic environment

### Burnley Local Plan

- GP1 Development within the Urban Boundary
- GP3 Design and Quality
- E10 Alterations, extensions, change of use and development affecting Listed Buildings
- E12 Development in, or Adjacent to, Conservation Area,
- E 16 Areas of Tradition Construction

### Supplementary Planning Document Design Guidance for Burnley Wood May 2006

## **Consultations**

Burnley Borough Council – No objection. The application would not adversely affect the setting of the Grade II Listed Building or the character of the Conservation Area. Some of the trees to the west of the site are the subject of Tree Preservation Orders but the development would not appear to affect them. The Environmental Health Officer confirms that no objection is raised on the grounds of noise nuisance.

LCC Developer Support (Highways) - No objection

English Heritage - No comments to make.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three letters of representation have been received raising the following summarised issues:

## Burnley Civic Trust

- The development is unsympathetic to the style and environs of a Grade II listed building. The design and materials are inappropriate for the site.
- The use is unsympathetic to a residential area particularly the increase in traffic.
- The Trust is concerned that there are errors in the application form concerning trees on the development site and that fuel oil contamination needs to be addressed.

Two letters of representation raise the following summarised issues:

- The proposed development is not in keeping with the Grade II Listed Building.
- There would be serious traffic issues due to the nursery being at the end of a cul de sac.
- The site is within the Burnley Wood Conservation Area and concerns are expressed about the steady erosion of the area and the impacts of Rockwood nursery in particular.
- The use of the site as a nursery already generates considerable noise which one resident has complained about and which is the subject of a complaint about Burnley Borough Council to the Local Government Ombudsman.
- The application form has been incorrectly filled in. The application site currently includes an oil storage tank. The previous tank leaked due to corrosion and the site is considered vulnerable to contamination. Trees are affected.
- The planning notice has not been properly placed as it is not visible to the general public and the notification sent to residents is not enough and one resident did not receive the letter.
- No objection to the proposed building but concerns are expressed about the safety for children, parents and residents parking and crossing the nearby roads.

## Advice

Planning permission is sought for the construction of a free standing modular building to provide additional nursery places. Rockwood Nursery School offers nursery care for children from 2-5 years of age. It currently provides nursery places for 20 children within the 2 year old group. The school requires 20 additional spaces to increase the provision for the top 40% of most in need 2 year olds by September 2014. The main issues are the principle of the development, the impact on the residential amenities of the area and the impact of the proposals on the Grade II Listed Building within a Conservation Area.

The site is located within the urban boundary as identified on the Burnley Local Plan proposals map and conforms with Policy GP1 of the Burnley Local Plan which seeks to locate development within the urban boundary. The use of the property as a nursery has been established for a number of years.

The development is located within the grounds of a Grade II Listed Building. The main issue to consider is the effect of the proposed development upon the Listed Building and its setting and its location within the Conservation Area.

The emphasis within the NPPF is on sustainable development and it is made clear that historic buildings are a unique resource that should be conserved in a manner appropriate to their significance. The listed building description for Rockwood Nursery states that it was a villa, now school, and was built in 1830-48. It is constructed of sandstone ashlar with a slate roof. Within the street scene the property is an imposing detached building set in a large landscaped front garden fronting on to Todmorden Road. The wider street scene consists of properties of various styles and character.

The rear of the property is accessed from Kingsland Road is at the end of a cul de sac and is the main entrance to the nursery. The proposed modular unit would be located to the rear of the property in the corner of the southern and western boundaries. The western boundary of the site consists of a 2.3m high stone wall. Given the western boundary abuts an area of open space privately leased from Burnley Council, the proposed unit would not be visible from the street. A 3.2m high stone wall forms the southern boundary adjacent to a residential property. The modular building would consist of a shallow mono pitch roof with a maximum height of 3.4m and it is considered that this marginal height above the wall would not adversely affect the visual amenities of the adjacent property.

Rather than construct an extension to the property the standalone modular unit has been chosen and is proposed to be located in a position that would ensure minimal impact on the setting of the Grade II Listed Building. The proposed use of horizontal timber cladding to the elevations and insulated grey steel profile roof would provide a distinct form but one that is subservient to the main building. It would also be screened from outside the site by the presence of high stone walls. It is therefore considered that the proposed building and to which Burnley Borough Council has not objected, would not cause significant harm, or impact to the character, appearance and setting of the listed building or the overall character or appearance of the Conservation Area.

The play equipment would be located in the rear garden area of the listed building and would be small scale and in keeping with the nursery use. The proposed bin store would be constructed in timber and would secure and conceal the bins. It is considered that these elements of the proposal would not cause significant harm, or impact to the character, appearance and setting of the listed building or Conservation Area.

The applicant has advised that Rockwood Nursery School currently provides nursery care for 2-4 year olds. The nursery can take up to 60 three –four year olds and 20 two year olds at any morning/afternoon session. The construction of the new modular building would increase the capacity of the nursery site to provide for an additional 20 two year olds at any morning/afternoon session and increase the provision for the top 40% of most in need 2 year olds by September 2014.

To ease congestion on the site the nursery operates flexible drop off and pick up times for both age groups which extends over a period of 15 minutes at the beginning and ending of the sessions. The applicant has advised that at present approximately half of the pupils walk to the nursery and half arrive by car. The applicant has also advised that the new government funding which has triggered this application provides funded places for the most deprived areas, and for two year olds. From County analysis and experience these are most likely to be from areas such as Burnley Wood and most would likely walk to the nursery. Given the existing use of the site and the traffic associated with it, the flexibility in the arrival and departure times, and the likely proportion of users of the nursery being pedestrians, it is considered that there is unlikely to be an unacceptable rise in traffic associated with the proposed development sufficient to warrant refusal of the application.

With regard to the issues raised in the representations received:

- There are a number of trees within and adjacent to the grounds of the property. The proposed location of the building is currently used as part of a play area with a rubber crumb type finish within which an oil tank is located. The tank would be removed and the property would be serviced via gas.
- The proposed building would be sat on a concrete pad, would not be affected by any former contamination and would not require the felling of any trees.
- Two site notices were erected; one to the front gates of the property on Todmorden Road and one to the main pedestrian gate to the nursery entrance off Kingsland Road. Neighbouring properties were notified by letter and an advert was placed in the Burnley Express. The posting of the site notice on the main nursery gate was considered to be the most effective way of ensuring users of the nursery were also aware of the planning application. The statutory requirements in terms of publicity for planning applications have been met.
- It is acknowledged that the nursery entrance is at the end of a cul de sac. Inconsiderate parking or causing obstruction is a matter for the Police and not a land use planning issue. The applicant has advised that the police are regularly asked to visit the site and observe. The Police Community Officer has recently visited the site and reported that they had no concerns.
- With regards to concerns of noise nuisance it is acknowledged that the development would generate noise but it is at an existing nursery school with children under the age of five. The Environmental Health Department at Burnley Borough Council has raised no objection. It is considered that any increase in pupil numbers is not likely to generate any more noise than what is already experienced. It is therefore considered that the amenities of the adjacent residential properties would not be affected any more than existing.

Overall, the proposed development is considered to comply with the policies of the NPPF and the policies of the development plan and can be supported.

In view of the small scale nature and location it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That planning permission be **granted** subject to the following conditions:

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.*

### **Working Programme**

2. The development shall be carried out in accordance with the following documents:
  - a) The Planning Application and supporting statement received by the Director of Transport and Environment on 17 February 2014 as amended by the emails from Barry Wilson dated 19 March 2014
  - b) Submitted Plans and documents:

Drawing Number B2 D3 entitled 'Plans and elevations proposed'

*Reason : To minimise the impact of the development on the amenities of the area and to conform with Policy GP1 of the Burnley Local Plan.*

### **Notes**

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2014/0034	17/02/2014	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A