

**Development Control Committee
Meeting to be held on 10 December 2014**

Electoral Division affected:
Accrington West

**Hyndburn Borough: Application number. LCC/2014/0154
Change of use of vacant land to form part of nursery school playing fields at
land to the rear of 76 and 78 Fairfield Street, Spring Hill, Accrington.**

Contact for further information:
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Executive Summary

Application – Change of use of vacant land to form part of nursery school playing fields at land to the rear of 76 and 78 Fairfield Street, Spring Hill, Accrington.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, working programme and restriction of permitted development rights.

Applicant's Proposal

Planning permission is sought for the change of use of an area of vacant land to be enclosed to form part of the outdoor playing provision at the nursery school. The area of land measures approximately 40m x 53m.

Initially the applicant proposed to erect 2.4m high palisade fencing along the southern and eastern boundaries to enclose the site. However, the applicant has revised the height of the fence to 2m, which does not require planning permission.

Description and Location of Site

Fairfield Nursery is located off Fairfield Street approximately 2km to the south west of Accrington town centre. Residential properties lie to the south west and north of the school, with industrial premises to the northwest. Play areas lie to the south and east of the school building. The school is immediately adjacent to Springhill Community Primary School, which lies to the north east of the nursery. The application site is directly behind the rear gardens of no 76 and 78 Fairfield Street and is comprised of an area of grass with a number of trees / shrubs.

Background

Planning Permission for a single storey extension to provide additional accommodation together with the formation of car parking area for 5 cars was granted in January 2003 (ref.11/02/0576).

Planning Permission for the erection of new 2.4m high security fence to part of school boundary together with widening of the vehicular access gate and new pedestrian access was granted in May 2005 (ref.11/05/0069).

Planning Permission for the erection of a ground and first floor extension to the existing nursery including new entrance and re-alignment of the existing boundary fence was granted in December 2005 (ref.11/05/0687).

Planning permission for a single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy was granted in February 2014 (ref. LCC/2014/0004).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11-14, 17, 65-64, 72-73, are relevant with regard to the requirement for sustainable development, core planning principles, good design, and the need for additional school places.

Hyndburn Core Strategy

Policy ED1 New and Improved educational facilities

Policy Env6 High Quality Design

Policy Env7 Environmental Amenity

Hyndburn Local Plan

Policy E10 General Development Control Policy

Consultations

Hyndburn Borough Council - No observations received.

Representations – The application has been advertised by site notice, and neighbouring residents informed by individual letter. Six representations have been received including one from the Chair of the Spring Hill Network Group residents association who has been asked to represent the elderly and sick of Fairfield Street. Objections are raised for the following summarised reasons:

- The proposal would result in the loss of trees.
- Currently, the children can and do cause distress to the elderly who live in the sheltered bungalows by throwing stones.
- The bedrooms of the sheltered accommodation are at the back of the properties, and if the residents are bedridden the existing noise from the school is an issue for elderly residents.
- The proposal would exacerbate the noise and disturbance issues and cause additional distress to the elderly residents, impacting further upon their health.
- The area is subject to flooding which runs in to the rear gardens of properties. The land is very waterlogged and wet and been treated to kill Japanese Knotweed.

- No one wants to see an eight foot high fence.
- Can the children not go on a nature walk to a local park and grow plants in the classrooms rather than use this area?
- Youths drinking and climbing over fences would wreck the proposed children's areas.
- Rats have been an issue on the site in the past. Part of the land is Arncliffe Park and it was tidied up but it was soon vandalised.
- The wildlife is just recovering on the site following the building works associated with alterations and extension to Spring Hill Care Home.

Advice

Planning permission is sought for the change of use of vacant land to form part of the nursery school playing fields.

The main issues relate to the principle of the development and the impact on residential amenity. The site is located to the south of the existing nursery grounds and forms part of a larger area identified in the Hyndburn Local Plan as a potential housing site. However, the application site is currently vacant open space. The applicant has advised that the site has been leased from Hyndburn Council and for security reasons the nursery would like to enclose part of the outdoor space to create a safe natural environment for the children. Formal change of use of the site would not affect any future ability of the site to be developed for housing.

Paragraph 73 of the NPPF encourages access to high quality open spaces and opportunities for sport and recreation as it can make an important contribution to general health and well being. The nursery would use this space as a teaching aid, to give the children a space to learn about the natural environment. The proposal therefore meets these aims of the NPPF.

The rear gardens of a pair of bungalows at No's 76 and 78 Fairfield Street are located immediately abutting the western boundary. The boundary between the site and these rear gardens consists of an existing timber fence, which would remain.

Whilst it is acknowledged that the proposal would enable the children to play in closer proximity to this residential boundary, this could occur anyway as the site is currently open with unrestricted access.

In relation to concerns raised by local residents, the applicant has advised that no trees would be felled once the area has been adopted by the Nursery. There would no increase in surface water runoff as the application only relates to a change of use of the land and the presence of rats is not relevant to the proposal. The applicant has indicated that fencing would be erected to 2 metres in height which is within permitted development rights. The fencing would help secure the site and would reduce any existing antisocial behaviour and unauthorised access. Concern over the impact of the proposal on wildlife is noted, however, the ethos of the proposal is to encourage the natural environment to flourish so that the children can have direct experience wildlife. Nevertheless, it is considered appropriate to impose a condition to remove permitted development rights relating to school and local authority development to seek to protect the existing environment.

The proposal complies with policy E10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy and the policies of the National Planning Policy Framework.

In view of the scale and location of the development 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 on 5 November 2014 as amended by the email from David Alty dated 25 November.

b) Submitted Plans and documents:

Drawing Number B01 rev A entitled `Site Plan, block plan, plans as proposed.`

Reason : To minimise the impact of the development on the amenities of the area and to conform with Policy Env7 of the Hyndburn Core Strategy.

3. The provisions of Part 12 and Part 32 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies Env6 and Env7 of the Hyndburn Core Strategy.

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

| Paper | Date | Contact/Directorate/Ext |
|---------------|-----------------|------------------------------------|
| LCC/2014/0154 | 5 November 2014 | Catherine Lewis/ Environment/30490 |

Reason for Inclusion in Part II, if appropriate

N/A