

**Reference:** 06/15/0476/F

**Parish:** Gorleston

**Officer:** Mr G Clarke

**Expiry Date:** 07-10-2015

**Applicant:** Mr A Goodhand

**Proposal:** Renewal of planning permission 06/10/0509/F for play area for childrens nursery

**Site:** House of Fun Nursery  
Unit 45  
Longs Industrial Estate  
Englands Lane  
Gorleston

## **REPORT**

### **1 Background / History :-**

- 1.1 The site involved in the application was formerly a sloping area of overgrown land adjoining the rear gardens of houses on Lowestoft Road and separating those houses from the units on the Longs Industrial Estate. The site is approximately 40m long and a maximum of 5m in width, the rear gardens of the houses vary in length from 7m to 10m.
- 1.2 In 2004 planning permission was granted for the use of the land as a play area for the adjacent children's nursery (06/04/0652/CU), this permission was granted for a temporary period of one year to allow the effects of the use to be monitored. There were conditions restricting the hours of use to 9.30am – 11.30am and 2.00pm – 4.00pm and by no more than 12 children at any time. In 2005 planning permission was renewed, this was again granted on a temporary basis with the same limits on hours of use and number of children but for a longer period of five years (06/05/0441/F).
- 1.3 A further temporary permission was granted in 2010 (06/10/0509/F) with the same conditions as before, the applicant had asked if permission could be granted on a permanent basis without restrictions on hours or numbers of children but as there had been objections from residents it was felt that the same conditions should continue. The applicant appealed against the conditions and the appeal was partly allowed with regard to the hours of use,

which were extended to 9am to 4.30pm, but the Inspector felt that the number of children should remain the same and the permission should be temporary to allow the effect of the extended hours to be considered.

## **2 Consultations :-**

- 2.1 Neighbours/Article 15 Notice – 1 letter of objection signed by 5 residents has been received a copy of which is attached, the objection is on the basis of noise from the play area which affects the use of the residents' gardens and houses.
- 2.2 Environmental Health Officer – I have no objections to the renewal of planning permission.
- 2.3 Highways – no objection.

## **3 Policy :-**

### **3.1 POLICY REC1**

SUBJECT TO A PROPOSAL MEETING THE FOLLOWING CRITERIA, THE COUNCIL WILL GRANT PLANNING PERMISSION FOR SPORTS AND RECREATIONAL FACILITIES PROVIDED THAT:

- A) THE SITE IS WELL LOCATED TO MEET THE NEEDS OF PERSONS WHO WOULD USE THE DEVELOPMENT;
- B) ADEQUATE ACCESS, PARKING AND SERVICING ARRANGEMENTS CAN BE PROVIDED, WITH PARKING MEETING THE STANDARDS INCLUDED AT APPENDIX (A) TO CHAPTER 3;
- C) THE APPROACH ROADS SERVING THE DEVELOPMENT CAN ACCOMMODATE SATISFACTORILY THE TRAFFIC LIKELY TO BE GENERATED BY THE DEVELOPMENT;
- D) THE DEVELOPMENT OR ASSOCIATED ACTIVITIES WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITY OF THOSE LIVING IN THE AREA OR TO THE USERS OF ADJOINING PROPERTY OR LAND;
- E) THE SCALE, FORM AND DESIGN OF ANY BUILT DEVELOPMENT WOULD BE COMPATIBLE WITH ITS SURROUNDINGS, AND NOT DETRACT SIGNIFICANTLY FROM THE CHARACTER OF THE AREA OR THE LANDSCAPE;
- F) THE DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON ENVIRONMENTALLY SENSITIVE SITES OR IMPORTANT WILDLIFE HABITATS.

(Objective: To achieve an adequate level of facilities whilst protecting the environment.)

#### **4 Assessment :-**

- 4.1 When planning permission was granted in 2000 (06/00/0826/F) for the demolition of selected industrial units and sub-division/refurbishment of selected units on the Industrial Estate the units nearest the houses on Lowestoft Road were limited to Business or Storage and Distribution (uses that should not create a noise nuisance) in order to try to reduce any adverse effects on those properties.
- 4.2 The area of land involved in the application is immediately behind the rear gardens of the adjoining dwellings and to the west of unit 45 which is in use as a nursery. The nursery use itself does not cause any noise nuisance and complies with the aims of the 2000 planning permission in forming a buffer between the general industrial uses to the east and the dwellings to the west. Under current guidelines the nursery has to have access to an outside play area and the only area available for this use is the land between the building and the houses.
- 4.3 The applicant has submitted a letter with the application asking if the permission could now be granted on a permanent basis and with an increase in the number of children from 12 to 16 (copy attached). The play area has been operating since 2004 and is now an integral part of the nursery, the use has caused noise problems and from the letter of objection it seems that there are still problems at times although the Environmental Health Officer has not received any complaints and has no objections to the continued use.
- 4.4 The difficulty with the application is balancing the needs of the nursery with minimising the effects of the use on the adjoining residents, in considering the appeal the Inspector allowed the hours of use to be extended but still felt that the restriction on numbers was necessary to help to limit noise. The main criterion of Policy REC1 in connection with this application is (D) which states that the use should not be significantly detrimental to the residential amenity of those living in the area or to the users of adjoining property or land.
- 4.5 Neighbours have objected to the renewal on the grounds of noise but there is no evidence of sustained complaints to the Council and without a history of complaints on a regular basis it would be difficult to say that the use has caused a significant adverse effect on residential amenity. If the use causes a noise nuisance on a continuous basis this can be dealt with by Environmental

Health and as the play area has now been operating for eleven years it would be difficult to justify a further temporary permission. It is therefore considered that permission can be granted on a permanent basis but with the same conditions on hours of use and numbers of children in order to reduce the effects on neighbours as much as possible.

## **5 RECOMMENDATION :-**

- 5.1 Approve, permanent consent – the proposal complies with Policy REC1
- 5.2 Approval should be subject to conditions limiting the hours of use to 9am to 4.30pm and no more than 12 children at any one time.

12 September 2015 AUK 15/9/15

S

Great Yarmouth Council  
Planning Services.



Ref. Planning Application ~~PP 06/10/0509 F~~

Thank you for your recent letter regarding  
the above 06/15/0476/F

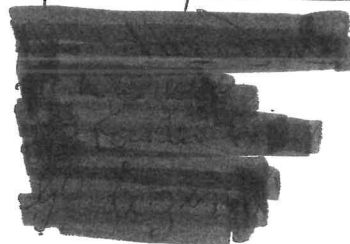
We the undersigned wish to make the following comment:

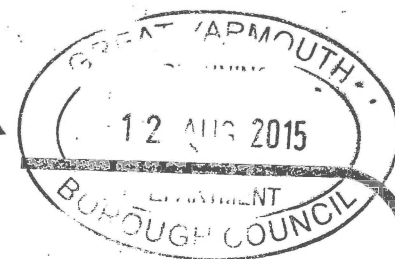
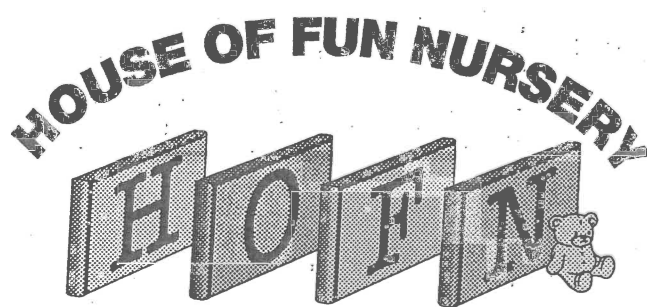
The general view is that the Nursery has failed to honour it's commitments as to the supervision of the children during playtimes. When the children are out in the play area, the noise can be unbearable at times. The consequence of this is that, as residents we are unable to enjoy the use of our gardens during the best part of the day. We can't even open our windows without being impacted by the noise.

We would also like to point out that the levels of noise are causing a blight on our properties and will have a negative impact on the saleability of them.

Signed

 -23 LOWESTOFT RD

  
27 Lowestoft Road  
29 Lowestoft Road.  
25 " "  
33 " "



*The Childcare Professionals* 06/15/0476/E

The 5 year renewal of our garden usage application is due on 28<sup>th</sup> September 2015.

At the last application in 2010 our planning permission No 06/10/0509/F was granted.

However, we asked for a slight extension of garden time and went through the appeal process. Appeal Ref: APP/U2615/A/11/2147628.

Which deleted condition 2 and substituted the condition with:

- 1) The use of the land as a play area shall not take place outside the hours of 9am to 4.30pm (Inspector P.R. Crysell).

Since that time the nursery has adhered to the planning guidelines, which we would like to continue in this planning application.

Since 2010 we have been in contact with our neighbours regularly and have always tried to be approachable with any queries, altering equipment etc. in the garden if the neighbours had any concerns.

With regard to this planning application we would ask if the terms could be changed from Temporary to a Permanent arrangement.

We would also appreciate you taking into consideration, that due to the large number of children we have within the nursery, the present number of only 12 children allowed in the garden at any one time restricts the access of all children going into the garden. Staff to child ratio's in some age groups is 1:8 and as such it would be greatly beneficial to us, if we could increase the number to 16 children in the garden to run in line with this ratio.

In what is considered to be a socially deprived community, our provision can often be the only means by which children can safely access an outdoor area.

As we have tried to stress in the past, we feel that it is the level of noise that needs to be given due consideration and not the number of children.

We have assured the neighbours of this, when we have spoken to them, and asked them to inform us immediately if there is a cause for concern.

To accommodate the needs of the children as well as those of the residents we have incorporated discrete areas within the garden to both stimulate the children's imagination and keep the noise at a manageable level.

45 Longs Industrial Estate, Englands Lane  
Gorleston, Great Yarmouth NR31 6BE  
Tel: 01493 600877 e-mail: hofkids@aol.com

**Website: [www.hofn.co.uk](http://www.hofn.co.uk)**

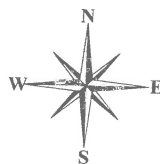
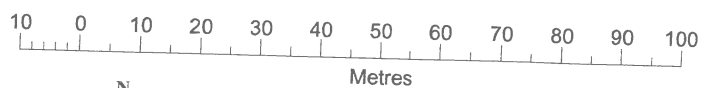
Company Registration No. 04711818 Ofsted Registration No. EY239628

06/15/0476/F



GREAT YARMOUTH  
BOROUGH COUNCIL

Planning and Development Department,  
Trafalgar House, Greyfriars Way,  
Great Yarmouth, Norfolk. NR30 2QE



Scale = 1:1250 @ A4

© Crown copyright and database rights [2011]  
Ordnance Survey [100018547]