

Planning and Rights of Way Panel 12th July 2022
Planning Application Report of the Head of Green City & Infrastructure

Application address: St Jude's Church, Warren Avenue, Southampton			
Proposed development: Change of Use from place of worship (Class F1(f)) to day nursery (Class E(f)) with external alterations including changes to fenestration, recladding and associated means of enclosure to form outdoor play space.			
Application number:	22/00540/FUL	Application type:	FUL
Case officer:	Rob Sims	Public speaking time:	5 minutes
Last date for determination:	02.06.2022	Ward:	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr H Coombs Cllr S Kaur Cllr A Winning
Applicant: Tiny Toes (Southampton) Ltd		Agent: Graham Pretty	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises of a non-listed church building and church hall (to the rear), with a hardstanding area to the front and access gates on to Warren Avenue. The predominant character is formed by 2 storey semi-detached housing.

1.2 In support of the application the applicant has provided information from the church who have confirmed that the church has been used as 'chapel of ease' since 2014 and congregation numbers have been low since then. The church are currently undergoing a separate public consultation exercise conducted by the Commissioners under the Mission and Pastoral Measure 2011 process regarding the sale of the premises to its preferred bidder.

2. Proposal

2.1 The application proposes the Change of Use from place of worship (Class F1(f)) to day nursery (Class E(f)) with external alterations including changes to fenestration, recladding and associated means of enclosure to form outdoor playspace. The proposal would offer 120 places and operate between 7am and 6:30pm (Monday to Friday).

2.2 The main church building would be internally altered and subdivided in to separate rooms required for the nursery. These rooms include different rooms for pre-school, toddler, parent rooms, kitchen, laundry and offices. At first floor, a room for 'babies' would be created, as well as a club room and staff room. According to the applicant the Church Hall would not require any internal alterations but would be used for 'as a specialist unit for Pre-School children with Special Educational Needs.'

2.3 The external layout comprises of a playarea to the front on the site, 8 parking spaces including two disabled spaces, a congregation area for parents between the playarea and the front of the building. The main entrance is the (northern) side of the building.

2.4 The external alterations to the building include changes to the fenestration, recladding and provision of new fencing and enclosure to form outdoor playspace to the front of the site. No further detail has been provided of the proposed outdoor playspace as these are still at design stage and the applicant has not purchased the site. Bin and cycle stores are provided at the rear of the site with visitor spaces on the northern side elevation.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. **Relevant Planning History**

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. **Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners, erecting a site notice 22/04/2022. At the time of writing the report **65 representations** have been received from surrounding residents, including 13 letters of support and 52 letters of objection. Also included within the letters of objection are two petitions signed by 1420 and 205 signatories respectively. A generic letter has also been signed by several members of the public. The following is a summary of the points raised:

Letters of OBJECTION:

5.2 **Inadequate Parking and Increased Traffic:**

- Not enough parking space at St. Jude's itself especially as the limited parking there is at the moment is intended to be turned into a play area.
- Only 8 car parking spaces available for 20+ staff, with the remaining number of staff expected to either walk or cycle to work. Is this really realistic or is more likely that at least 3-4 parking spaces will be taken up on the road from travelling staff?
- There is only one space on site for dropping off pupils where will the other 119 pupils that arrive be dropped off if that one drop off point is in use?

Response:

Impact on traffic generation and local parking will be considered in Section 6 below, which includes an assessment of on and off site parking availability and impact on the local highway network.

5.3 **Loss of community space:**

- The Hall at St. Jude's is our only local community space. This is used by the community for children's parties and play groups plus other community events, also as a meeting place to discuss issues

affecting the area. The hall is also used as our Polling Station. It is a well used community space and has always been so with pensioners clubs and youth clubs using it as well as the Police for community liaison.

- The facility was shut by the local priest in charge due to Covid and the gates locked with all keys of users taken back. Users have never been allowed back in despite requests for use of the hall or church.
- There was thriving Romanian Church using St. Jude's until the lock down with a congregation of over 300 people attending regularly every Sunday.

Response

The loss of a community facility will be considered in the principle of development section below. Policy CS3 of the Core Strategy requires appropriate criteria to be met before allowing the loss of a community facility in principle.

5.4 **Need / Noise:**

- There are already numerous nurseries in the immediate area so the need for any further provision is not necessary.
- Has Tiny Toes given evidenced projections for the demand for nursery places in the area? What is to prevent them from going on to develop the land for profit, as their skill sets enable, or to sell on to another company which will do so, to the detriment of the community?
- Noise and traffic issues during the school run hours.

Response

The Council's Early Years Learning team have confirmed that there is a need for a new nursery in the locality. The future intentions of the Nursery are not a material consideration as any future use of the building is likely to require planning permission, which would assess the appropriateness of the proposed land use. Impact on noise and traffic from the nursery use will be considered in Section 6 below.

5.5 **Design / Character:**

- By transforming this place of worship into a location of public interest, the building loses its architectural value, through the inevitable transformations that will occur.
- Is there enough outdoor space for young children to play? I would have serious concerns about the security of young children at the front of the church, next to a busy road and in view of passers by. If the front is boarded up for privacy and protection, how will that affect the appearance of the area?

Response

Impact on the character and visual amenities of the area, will be considered in Section 6 below, including the impact of the play area enclosure.

5.6 Restrictive Covenant:

- There are two covenants on the grounds of St. Jude's which state that the land was to be used for religious purposes.

Response

Covenants are not a material planning consideration and can be dealt with through other means.

Letters of SUPPORT:

- 5.7
- Re-purposing St Jude's into a day nursery will benefit both local residents and employees of the local hospital requiring childcare.
 - The church looks run down and badly in need of maintenance / renovation. The church doesn't appear to have been used for any services or worship for a long time.
 - The design is excellent as it keeps the existing building...we desperately need decent quality childcare in this area. It would be wonderful to have such a positive, community type facility here, which I know would be supported whole heartedly by many of us working families in the community. There are plenty of other churches in the area which can be frequented by worshippers, and I know this one wasn't really used by local residents.

Response

Comments in support above are noted.

Consultation Responses

5.8

Consultee	Comments
Built Heritage	<p>No objection - subject to confirmation of the type of cladding to be employed, and that the religious details most affected (the stained-glass windows and the cruciform wall pattern) shall be retained and relocated within accordingly.</p> <p>Background</p> <p>St Jude`s Church is a large rectangular building set back from the road frontage behind a parking apron mid-way along Warren Avenue. It displays a simple and modern architectural aesthetic prevalent in the mid-C20 and was designed by architects Gutteridge & Gutteridge and opened in 1956. A church hall built in 1963 sits to the far west of the plot. The property is redundant, and proposals seek to convert the structure to accommodate a nursery facility.</p> <p>Assessment and advice</p>

	<p>St Jude`s Church is not a listed, or locally listed building and it is not located within a conservation area. That said, the church, with its slender tower, positively contributes to the local character of the area, and whilst the continued use of the building as a church facility would be preferred from a conservation perspective, the retention of the redundant building and converting it to provide a viable community use, such as a nursery, would be broadly supported. For instance, the large open-plan interior would allow the space to be re-ordered without enlarging its footprint. The internal works would all be entirely reversible whereas the impact on the external elevations would be relatively modest and would mainly affect the windows at ground floor level. No details of the external cladding system to the main façade have been provided so this would need to be confirmed to ensure its appearance and finish would respect the character of the host building. Similarly, I see no reason why the small square stained-glass windows to be removed to create the fire doors could not be relocated within the interior, or that the concave crucifix wall pattern exposed above the porch on the inside face at first floor level needs to be removed, as the retention of these details would ensure that the religious iconography of the church would be retained on-site. In terms of the wider plot, the existing railings would be retained whereas introducing an inner timber fence and hedge to the front apron would soften the building frontage (which is currently an unused parking apron) whilst still allowing the building to project well above these features hence preserving the positive contribution that the building affords the local character of the area. For these reasons, no objections to the proposals would be raised from a conservation perspective on this occasion.</p>
CIL Officer	<p>The proposed development to create a Day Nursery is not liable for a CIL charge.</p>
Environmental Health	<p>Environmental Health has no objection to this application based on the information provided. This does not take account of any covenant that exists as highlighted by residents indicating that use cannot change from religious use.</p> <p>The noise assessment shows that the background level is relatively high and as the number of children outside at any one time and the amount of time they are outside</p>

	<p>is limited there will not be a major change in noise levels. Thought should be given to the types of toys, for example if trundle toys are used where possible there should be a soft surface as to minimise noise. Also the use of makeshift instruments such as pans and spoons should be limited again as to minimise noise that may adversely affect residents.</p> <p>It is assumed that vehicles will not idle in the parking spaces as to minimise exhaust fumes close to the play area, particularly if the vehicles reverse into the spaces.</p>
<p>Highways Development Management</p>	<p>No objection.</p> <p>The main highway impact relating to the proposed change of use from a church to a nursery would be from the drop off and pick up times where vehicular (and non-vehicular) trips occur within concentrated time frames.</p> <p>Firstly, it is noted that the Transport Technical Note (TN) cites a previous planning application on No. 3 Shaftsbury Avenue for a (50 children) nursery which the highways concerns were dismissed by the planning inspector at appeal. Although some elements re similar and principles can be used as reference for this application, the nature of the roads are considered to be different. Enough so that the appeal decision will hold less weight in terms of setting any precedent over this application. Main reason being that Shaftsbury Road is a predominantly an unclassified residential road which links up with a few residential street. Warren Avenue on the other hand is a classified road which can act as a distributor road linking through traffic between Shirley, Lordshill and Hospital traffic via Winchester Rd, Aldermoor Rd and Coxford Rd.</p> <p>Much of Warren Avenue contain on-street parking bays which are residential permit bays and allows for temporary parking (up to 2 hours). These would naturally provide spaces for parents to park and drop off pick up children although it is envisaged that morning peak might have slightly less as it is reasonable to assume not all residents would have vacated their parking space by the time children are being dropped off.</p> <p>The on site parking does provide some parking which seems to suggest is sufficient for staff but not sure if it would be used by parents much as it would be much easier and convenient for them to park on the street then compete for the limited spaces within the site.</p>

Warren Avenue has a relatively wide carriageway excluding the parking bays and the local junctions in the area do contain double yellow lines which protect sightlines and any parking which would have created obstructions to turning traffic. Therefore the impact from overspill parking would be more of an amenity issue rather highway safety.

It would be good to have some space provided on site to allow for the congregation of parents who are waiting to pick up their child. With the nursery accommodating 120 children, this congregation can be fairly large even when considering the different session patterns etc. the footways along here are not the widest and with parking bays adjacent (likely occupied during pick up times), any congregating could cause problems with obstructions to other footway users. Therefore it is requested that some space is provided to mitigate this concern.

Overall, the proposed development is considered acceptable subject to the following conditions:

- o Congregation space. Details to be provided to provide waiting/congregation space of parents to avoid obstructions to the public highway.
- o Cycle parking. Long term cycle spaces to be provided with the quantum and design in accordance with Parking SPD, 2011.

28/06/2022 – Follow up comment:

As a way forward (for the above), could we secure a management plan of some sort which has the arrangements as suggested with some commitment to provide any mitigation or further arrangements as and when needed to avoid obstruction to the footway on Warren Avenue? If so, I would be able to support the scheme based on securing that as well as a condition that restricts the use to Class E (f) only (and not other Class E uses).

01/07/2022 – Follow up comment:

The submitted documents are fine and would suggest the impact would be low. However, I guess it is a case of assessing the land use rather than operator I have carried site visits in the past (to other nurseries), which shows a different management of parent congregation.

I think a management plan would be good so that it can secure the arrangements which we are being asked to assess which seems to address the impact of highway

	obstruction. Furthermore, the plan could allow for further review and mitigation should any unforeseen issues arise. – and should operator change hands.
Southern Water	The developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
Darrin Hunter - Early Years Learning	Support Southampton City Councils Early Years and Childcare Service fully supports this application to develop new early years education and childcare places within the local area. Following the pandemic the City has seen a reduction in the number of providers operating within the City and further development of places has been identified as a priority with Southampton's Childcare Sufficiency Plans.
Electoral Services	The last time it was used as a Polling station was in 2019 for the UKPGE. When we were looking to provide polling stations for the postponed PCC and local elections in May 2021, the Church of St Jude in Warren Avenue had been closed and put up for sale. However, we moved the station to the Shirley Warren Baptist Church in Warren Crescent (to become a joint polling station).

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development / Loss of community use / place of worship;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport

6.2 **Principle of Development / Loss of community use / Place of Worship**

6.2.1 The application has attracted a significant amount of public interest, partially generated by the Church's own public consultation exercise conducted under the Mission and Pastoral Measure 2011 (required for the sale of the premises). A large number of the public comments raise concerns that the place of worship and the hall to the rear is still required by the public for community use and functions. In particular concerns from third parties have stated that the site has been locked up since the UK entered Covid Lockdown in March 2020, and the keyholders have 'refused' to open up the buildings for community uses ever since restrictions have been lifted. Furthermore, it has been stated that up until March 2020, the Church Hall was used weekly by the Romanian Church and the hall is still required for community uses.

6.2.2 The NPPF seeks to protect community uses, as do our own local policies. Saved Policy CS3 of the Core Strategy defines a place of worship as a community facility, and seeks to protect its loss unless it is unviable for commercial, public and community use and there is a replacement facility in the same neighbourhood. The policy states:

Proposals that result in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood. Community facilities include: community buildings; drop-in centres / day centres; Meeting Rooms / Day Centres; Places of Worship; Sports Club and recreation; Youth Clubs / Scout huts / Guide huts / Clubs for Senior Citizens.

6.2.3 The Development Plan policy is protective of the loss of this community facility as a Church, unless it can be demonstrated that it cannot be used for commercial, public or community operators, and there are replacement facilities in the neighbourhood. Whilst a day nursery is a private enterprise, arguably its use could be considered as benefitting the community and, therefore, could comply with the wording of the policy as it would continue a commercial operation of the site. In addition, the Council's Early Years team have confirmed their support for the application as it would provide a facility to meet the need for additional nurseries in the City.

6.2.4 Notwithstanding whether the use of the premises as a nursery would comply with the wording of the policy, the requirements of Policy CS3 are to demonstrate that the loss of a community facility cannot be operated by any other commercial, public or community operator and that there are replacement facilities in the locality. In terms of demonstrating that there are no other suitable users, it is understood that the site has gone through changes in demand since 2014 which has resulted in the Diocese determining that the site is no longer required. According to the applicant, St Jude's Church became a 'chapel of rest' in 2014, which effectively resulted in specific church services being ceased from the site. The applicant has also advised that congregation numbers have significantly declined since 2014. Due to these dwindling numbers, the site (including

the main church building and the church hall) was marketed for sale by Carter Jonas between February 2016 – July 2016. The results of the marketing are described as follows:

- The property was advertised online on our web site and the property portals
- There were 21 enquiries and 2 bidders (including the current applicant)
- The best offer process was undertaken in January 2021.
- The complexities around the Church rules, future use and procedures clearly limited its appeal and contributed to the very protracted sale process

The property was re-marketed in September 2020. After several months of marketing an offer from Tiny Toes was accepted by the Diocese in February 2021 subject to completion of the church closure scheme. The Church have confirmed that: *‘there was interest from another party but after very careful consideration the Diocese, Parochial Church Council and Church Commissioners made a decision to accept the offer from Tiny Toes based on the financial viability to proceed to completion.’*

6.2.5 On this basis, the declining congregation and change in status of the church to chapel of rest since 2014 indicates that the Diocese no longer require the church building for its services. In addition the whole site, including the church building and the hall, have been marketed for sale over two separate periods. Whilst the marketing summary provided does indicate that there was interest from a variety of users, the best offer and funding tests applied for selling the site resulted in the applicant, Tiny Tots Nursery, as being the preferred bidder. The marketing exercise therefore demonstrates that the community facility cannot be operated by any other commercial, public or community operator of marketing and, therefore, there was limited interest and viability in retaining the current use of the site as a Place of Worship and or another ‘community facility’.

6.2.6 Another process which is indicative of whether a facility should remain as community facility is through nomination of the site as an Asset of Community Value. On 5th April 2022 Southampton City Council received a nomination under Section 89 of the Localism Act 2011 (“the Act”) to list St Jude’s Church and Church Hall, Warren Avenue, Southampton as an Asset of Community Value (ACV). However, this was rejected on the following basis:

In the opinion of the Authority the premises, which were previously listed as an asset of community value, the listing for which has since lapsed, ceased to be use for religious, ancillary and non-ancillary use in 2020 have been closed both as a church and for all possible community use since March 2020 and have remained closed at all times since that date. The premises have, since the previously listing lapsed, been marketed and sold subject to conditional contract (obtaining planning permission and a Church Closure Order) with both planning consent and Church Closure Orders in progress

and due to be granted imminently. The sale of the church and hall has been agreed to a nursery which, following a substantial scheme of repair and renovation will open as a commercial child care facility full time with only wholly ancillary community hiring to be permitted on an occasional basis outside of operational nursery hours. The Authority is therefore satisfied that the statutory tests for listing are no longer met.

Whilst the above process is a separate consideration to the requirement of the planning application to comply with relevant policies of the Development Plan, is it relevant that a separate process has determined that the site should not be nominated as a valued community asset as it did not meet statutory tests.

6.2.7 In terms of there being alternative provision within the neighbourhood, the church have advised that there is capacity at other churches within the locality to accommodate the displaced congregation from the closure of St Jude's. In particular, St Peters Church along Lockerley Crescent is located 600m to the west of the site. St James' by the Park is located along St James Road and is 800m to the east of the site. Whilst the existing church is a chapel of rest and, therefore, allows for informal visits to the site, the alternative churches listed above are within reasonable proximity of the application site and therefore there are sufficient alternative facilities and capacity to serve the neighbourhood. With regards to alternative provision of a church/community hall, the nearest alternative community centres/hall are as follows:

- Shirley Warren Action Centre, Warren Crescent – 250m to the south west
- Shirley Parish Hall – St James' Road – 1.0k to the south
- Freemantle and Shirley Community Centre, Randolph Street – 1.6m to the south east.

6.2.8 Whilst capacity and availability of these community centres and halls are not known, they do demonstrate alternative provision of community halls within the locality in order to satisfy the requirement of Policy CS3. It is also notable that the site has not been used for community uses since it was closed in March 2020, including use by the Romanian Church.

6.2.9 On the above basis, whilst officers have sympathy with the community that the site has been locked up since March 2020, which coincided with the national covid lockdown, it is clear that the site has suffered from dwindling numbers in congregation before 2020. The site as a whole has been marketed over two separate periods, however no viable alternative community user has been found through this marketing exercise and the preferred user is the applicant is Tiny Tots Nursery. Furthermore, there are alternative church and community facilities within the neighbourhood to absorb any displaced demand resulting from the change of use the site.

6.2.10 In addition, the site would be occupied by a Day Nursery, which itself brings socio-economic benefits to the area. The nursery would provide a facility for

baby groups, toddlers and pre-school children as well as specialist care and support for children. The Council's Early Years team have identified a deficiency in nurseries since the pandemic across the City and have provided their support for the application. In terms of economic benefits, the nursery would also provide direct employment for 20 FTE staff, which is a material benefit of the proposals. Furthermore, the reuse of an existing building for services that 'develop, modernise and retain a benefit for the community' is supported by Paragraph 93d) of the NPPF. The proposals would also meet the guidance contained within paragraphs 122 and 123 of the NPPF which states that 'policies and decisions should reflect changes in demand for land' (para 122); and take a 'positive approach for alternative uses of land where they meet identified development needs' (para 123). Finally, it should be noted that officers have sought to agree a 'community use' agreement with the applicants to ensure a mixed use prevails but have been advised that such a model wouldn't work with the specific requirements of the nursery.

- 6.2.11 On the above basis, it is considered that the proposals to change the use of the site to day nursery would comply with the requirements of Policy CS3 of the Core Strategy, and the guidance contained within the NPPF, as it would provide an appropriate alternative use of land and would meet identified development needs within the City.

6.3 Design and effect on character

- 6.3.1 The application proposes minimal external changes to the building to facilitate its conversion. In terms of external alterations to the building itself the following changes are proposed:

- Improved formal entrance to the north
- New ground floor windows on the ground floor western elevation
- Addition of timber cladding at first floor on the eastern elevation
- Replacement doors and enlarged windows on the southern elevation

These changes result in minimal material change to the appearance of the existing building and would not result in harm to the character and appearance of the area. Details of the colour and treatment of the external cladding will be secured through condition. It is also notable that the Historic Environment Officer does not raise objection to the external changes to the building – noting that the building is not statutorily listed. In terms of internal works, as the building is not listed, planning permission is not required to provide the new internal walls and new staircase and external access ramp to the rear of the site.

- 6.3.2 The most significant external change is the provision of a play area to the front of the site. No specific design details have been provided by the applicant at this stage due to the site not being owned or occupied by the nursery. Final details of the play area equipment can be secured through a condition. The play would be enclosed with new 1.8m high timber fencing,

which would sit inside of new landscaping and the existing railings at the front of the site. Details of the boundaries and landscaping will be secured through a suitably worded landscape and boundary conditions, with details to be agreed prior to first occupation of the site. Subject to compliance with this condition, the proposals are considered to be acceptable and would not result in adverse impacts on the character and visual amenities of the area.

6.4 Residential amenity

- 6.4.1 This application proposes a nursery for up to 120 children. Given the size of the plot, the detached nature of the property, the proposal is not considered to present a significantly more harmful impact on neighbouring properties in terms of noise and disturbance from the children within the building and play spaces over and above the existing background noise. The Council's Environmental Health Officer has agreed the conclusions of the submitted noise assessment, which has demonstrated that the background level is relatively high and as the number of children outside at any one time and the amount of time they are outside is limited there will not be a major change in noise levels. In particular, the noise assessment is based on the nursery being open between 0700 – 1830 hours (Monday to Friday) and children being outside at different points for a 30 minute period. No additional noise mitigation has been recommended by the noise consultant as the existing background noise and proposed opening times of the nursery would ensure there would be limited impacts on neighbouring properties from the opening hours and use of the site.
- 6.4.2 In terms of impacts on neighbour amenity from the play area specifically, as this is located to the front of the site, which is bounded by the flank elevations of the neighbour residential properties, it is not considered that these neighbours would experience harmful level of noise and disturbance, especially as outdoor play would be limited to 30minutes at a time and would take place between the opening hours of the facility. Furthermore, the play equipment can be designed along with a suitable boundary treatment to avoid any potential overlooking and loss of privacy to the front of the neighbouring properties.
- 6.4.3 The proposal introduces parking bays to the front and side of the site and a turning area to the side (northern elevation), which would primarily be used for staff parking. Whilst the parking spaces on site are arranged formally, they are not considered to be more than what could have been used by the church and the church hall to the rear. The amount of hardstanding on site is reduced through the safeguarded area for the play area, therefore on site parking potential is reduced through this proposals, which is considered to be an improvement in terms of noise and disturbance to the immediate neighbours. Furthermore, the number of vehicle movements within the site itself would not be significant or result in harmful impacts on residential amenity.

6.4.4 Similarly, the proposed bin storage location and movements to and from the cycle store at the rear and side of the site would not generate significant additional movements in and out of the site that would be harmful to neighbour amenity in terms of noise and disturbance. The site is located in a sustainable location close to Shirley Town Centre allowing access by foot, bicycle or by public transport. Even so, there are a number of 2 hour parking bays on the street outside the site which could accommodate the short period for drop off and collection of children from the nursery. Therefore, there are no substantive reasons for refusal based on impacts on neighbour amenity, in particular from noise and disturbance resulting the development.

6.5 Parking highways and transport

6.5.1 The main highway impact relating to the proposed change of use from a church to a nursery would be from the drop off and pick up times where vehicular (and non-vehicular) trips could occur within concentrated timeframes. The applicant has clarified that business would operate with varying sessions, similar to their existing premises at Lordshill:

There are various different sessions that can be booked for childcare with us, ranging from a Full Day which starts at 07:00 until 18:30, a School Day starting at 08:00 until 16:30, a half day for either 07:00 until 12:30 or 13:30 until 18:30, 3 hour sessions of 09:00 to 12:00 or 12:00 to 15:00. As you can see from the data, these are maximum session times, and children are dropped off/collected during this period.

In order to address officer queries regarding the concentration of drop off and collection times, the applicant has provided a survey of their Lordshill site for direct comparison, which involved taking daily data everyday for the past 7 days:

'Every day runs in a similar manner. As you can see, on this day you can see that there were a maximum of 18 parents during one half hour period, averaging a maximum of, say, 8 parents being in the building at any one time. The total number of drop offs and collections for the day was 155 movements. All parents enter the building to both drop off and pick up their children, and do not wait outside. Some of these children are siblings, so the actual total number of parent movements will be slightly less than 155.'

Therefore, when taking account of the varying sessions and subsequent drop off and collection times, the average number of parents on site at the same time (and therefore potential vehicle movements), is relatively low and the duration of the stay is short. This also needs to be assessed against the fallback position as a church.

6.5.2 The Council's Highway Officer does not raise objection to the temporary use of the on-street parking bays (up to 2 hours) to park and drop off / pick up children albeit not all the spaces along the road could be free in the morning period. In terms of on site parking, 6 spaces would be provided for staff and

2 spaces for disabled visitors. According to the Parking Standards SPD, the maximum staff parking requirement for a day nursery is 3 spaces per 4 staff. The application forms indicate that 20 FTE staff would occupy the building, therefore the on site parking would not meet the maximum parking standard of 15 spaces. However this is a maximum standard as opposed to a minimum requirement for parking spaces. The proposals also include staff and visitor cycle parking provision within the site. The required number of cycle parking spaces is 1 space per 10 employees, however the site would provide 10 dedicated spaces to the rear of the site, which exceeds the requirement. Details of the cycle parking will be secured through a condition and retained accordingly. On this basis the proposals would provide adequate on site parking and would be served by appropriate off site spaces and cycle provision to avoid any adverse impacts on the highway network and would encourage sustainable modes of transport to and from the site.

- 6.5.3 The Highway Officer has also requested a management plan to secure the appropriate management of spaces on site to allow for the congregation of parents who are waiting to pick up their child. The additional information regarding the various sessions offered and comparison with the Lordshill site, addresses some of this issue by demonstrating that large congregations of parents at pick up would be low. However this arrangement needs to be secured through an appropriately worded management plan, which would allow for the arrangement to be managed and reviewed. In addition, the management plan shall include a travel plan for parents and staff in order to encourage the use of sustainable modes of travel. This management will be secured through a planning condition. Subject to compliance with conditions for a drop off management plan and to retain the on site vehicle and cycle parking as shown, the proposals are considered to be acceptable in terms of highway impacts.

7. Summary

- 7.1 This application seeks to bring a vacant building back into beneficial use. The proposal has the full support of the Council's Early Years team and it is recognised that there is a need for pre-school childcare in this part of the City. That said, it is recognised that the proposed day nursery use will bring with it additional issues around amenity disturbance to the existing community. The loss of the Church use is mitigated by similar provision nearby, and is supported by marketing ahead of the Church closure. The applicant has sought to alleviate concerns around noise and disturbance caused by parent drop off and collection and external play. Controls can be put in place to phase arrivals and collections, and there is on-street parking available to support those parents that chose to drive to the site noting that alternative modes will also be possible given the sustainable location. As with any use where parents may choose to drive their children to site there will be a noticeable change in circumstance, particularly when compared to a closed church. Whilst 120 children and 20 staff is not insignificant these numbers are needed to ensure a viable business and this limits the opportunities for site selection. On balance, however, the proposal would be an appropriate use within this residential area, providing

a commercial facility designed to meet a recognised need in the City. The scheme would not be out of character with the local area and would not cause significant harm to the amenity of neighbouring residents, or to local parking amenity or highway safety given that the use will serve the local community.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Rob Sims** PROW Panel 12/07/2022

Planning Conditions to include:

01. Full Permission Timing Condition (Performance)
The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Approved Plans
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.
Reason: For the avoidance of doubt and in the interests of proper planning.

03. Details of Play Area and Building materials to be used (Pre-occupation)
Prior to first occupation of the use hereby approved, details of the layout and design of the proposed play area and the external cladding shall be submitted and approved in writing by the Local Planning Authority. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary, this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

04. Number of children (Performance Condition)
No more than 120 children shall attend the nursery at any one time without prior written consent of the Local Planning Authority.
Reason: To prevent an over-intensive use of the premises and in the interest of safeguarding the residential amenities of nearby residential properties.

05. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)
Notwithstanding the submitted details prior to first occupation of the use hereby approved a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:
 - (i) proposed means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including permeable surfacing where appropriate, external lighting, structures and ancillary objects (refuse bins etc.);
 - (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
 - (iii) An accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);

- (iv) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision, with the exception of boundary treatment and external lighting which shall be retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

06. Restricted Use (Performance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015 as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used as a Day Nursery; and for no other purpose whatsoever (including any other purpose in Class E(f); only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

07. Hours of Use (Performance Condition)

The premises to which this permission relates shall not be open for business outside the hours specified below and at no time on Saturdays, Sundays or Bank Holidays:

Monday to Friday: 7:00am - 6:30pm (07:00 - 18:30)

Reason: To protect the amenities of the occupiers of nearby residential properties.

08. Car Parking (Pre-Occupation)

The 8 car parking spaces, and access, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and shall thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

09. Cycle parking allocation (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

10. Parent and Staff travel and pick up Management

Prior to first use of the development hereby approved a 'Parent and Staff travel and pick up Management Plan' shall be submitted and approved by the Council, including areas on site for waiting parents, queue management and split session times and measures to encourage sustainable modes of travel. The management plan shall to adhered to at all times and reviewed regularly.

Reason: In the interests of highway safety and appropriate on site management.

Application 22/00540/FUL - APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3 (Community Facilities)
CS13 Fundamentals of Design
CS16 Housing Mix and Type
CS19 Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP4 Development Access
SDP5 Parking
SDP7 Context
SDP9 Scale Massing and Appearance
SDP10 Safety and security
SDP16 Noise

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 22/00540/FUL - APPENDIX 2

Relevant Planning History

Case Ref	Proposal	Decision	Date
1271/118	New Vicarage	Conditionally Approved	02.09.1964
1042/14R1	New Church		31.08.1954
1042/14	New Church	Conditionally Approved	08.06.1954