

ITEM 4 - Ref. Planning Application no. DM/0682/22/FUL
Proposed change of use of orangery at 1B Weelsby Road DN32 0PW

We have already lodged our strong objections to the retrospective planning application submitted by Mrs. Flores to run a nursery business at 1B Weelsby Road. We have provided detailed reasons for our objections in the previous statement that we submitted on 20/11/22.

At 1C, we are the most immediate neighbours with a shared boundary running the entire length of the garden at the rear of the property and the plans affect us more than any other neighbours in the area. We have raised objections on several grounds, including restrictive covenants which were put in place to ensure the residential use of the properties built in the old grounds of Fryston House. Running a business at 1B Weelsby Road puts the proprietor in legal breach of these restrictive covenants.

Our objection also referred to unacceptable levels of noise pollution and disturbance which affects the quiet enjoyment of our own property. Whilst we note in the summary of Deposited Plans and Applications that the council considers that large families may reside in the properties at 1B and 1C, there seems to be some over-estimation of the sizes of these properties. They are detached but relatively small and modest and it has to be recognised that it is extremely unlikely that up to nineteen children (i.e. sixteen nursery children plus the applicant's three children) would reside in a three bedroom house with four adults (i.e. two full-time employees plus the proprietors). Although there are discrepancies in the numbers of children that are stated in supporting documents to be catered for at 1B, we note that Cllr. Westcott has confirmed that "the nursery caters for around 16 children" (07/02/23). We would seek to reiterate that the noise nuisance is considerable and contravenes our legal right to the quiet enjoyment of a domestic property which, furthermore, the restrictive covenants were put in place to legally ensure. I suffer from severe chronic migraine with occipital neuralgia and vertigo. The considerably increased noise levels and attendant stress associated with this situation have exacerbated my condition to the point where my mental health has suffered. I ask that councillors consider the loss of privacy and unbearable noise levels that would be incurred if sixteen children and three adults were to be in their adjoining garden on a daily basis, including Saturdays. Like many people, we seek out the solace of our garden as a place to sit and enjoy natural surroundings. That enjoyment has been denied us by the noise of the business next door. Rather than looking forward to the approach of spring and summer, we live in dread of the escalated noise levels that the warm weather will inevitably bring.

The notes made on 07/02/23 by Councillor Daniel Westcott in his application for this case to be heard by the Planning Committee seem to include, with respect, extraneous information and some unfounded assumptions. Whether or not Mrs. Flores is "environmentally aware and does not own a car" is irrelevant to the case. The 'belief' that reports of parents parking outside the property is to do with St. Martin's School is unfounded and without evidence. Parents taking children to St. Martin's School park at the junction of Welholme Avenue and Bargate Avenue and have been doing so during the entire fifteen years that we have lived at Weelsby Road. It is certainly the case that parents and grandchildren drop off children at the kerb at 1B and they have been observed arriving three at a time in taxis and cars for Saturday events such as the recent Christmas fête. Drivers delivering supplies to the business also park on the double yellow lines outside the property and across the cycle lane. The growth of this commercial business causes great concern due to the increased traffic at drop-off and pick-up times on a very busy thoroughfare with merging lanes off the traffic lights at Nuns Corner.

Taking into account the extra information that was submitted by one of Mrs. Flores' employees on 02/12/23, we must respond by stating that whether or not Mrs. Flores is a good teacher and whether or not the children 'thrive' in the setting is not relevant. What is relevant is that the proposed nursery is a commercial business in a domestic setting close to a busy road. Contrary to what Cllr. Westcott says in his application, the business brings intrinsic problems of noise pollution and considerably increased traffic and the setting is therefore not an 'excellent' one.

At this point, we would also like to bring attention to the fact that the business at 1B is not childcare. It operates as a nursery with a teacher to deliver learning to children in accordance with a government identified curriculum and we note that Cllr. Westcott does, in fact, refer to the business as a 'nursery'. The proprietor is also selling food to children which means that there are attendant issues of food hygiene which should be regulated by the council although we understand that this may be a separate issue for a different department.

We take on board that the council regards the drainage problems to be a private matter between the neighbours but we would once again raise concerns about domestic drains being used for business purposes. The problem is not to do with the extra water supply but with the waste products associated with children's toileting being put down the toilet and blocking drainage. With many visiting parents and employees, Mrs. Flores is no more able to control what is being put down the toilet than she is able to control where people park.

There is one more serious issue which has arisen due to animals being kept on the premises for the entertainment of the children. We have a considerable number of rats running in from next door where they are able to access the animal feed provided there. Councillor Westcott is welcome to visit us to see the large rat holes that have been chewed into the fence on the boundary shared with Mrs. Flores. Although the council may also regard this as a private matter, there are, of course, the associated health risks to small children due to rat urine which we hardly need to point out.

We wish to repeat our objections to the plans to run a nursery business at 1B in the strongest possible terms.

Yours sincerely,

Dr. Donna Cox and Mr. Richard Smith

27.02.2023