

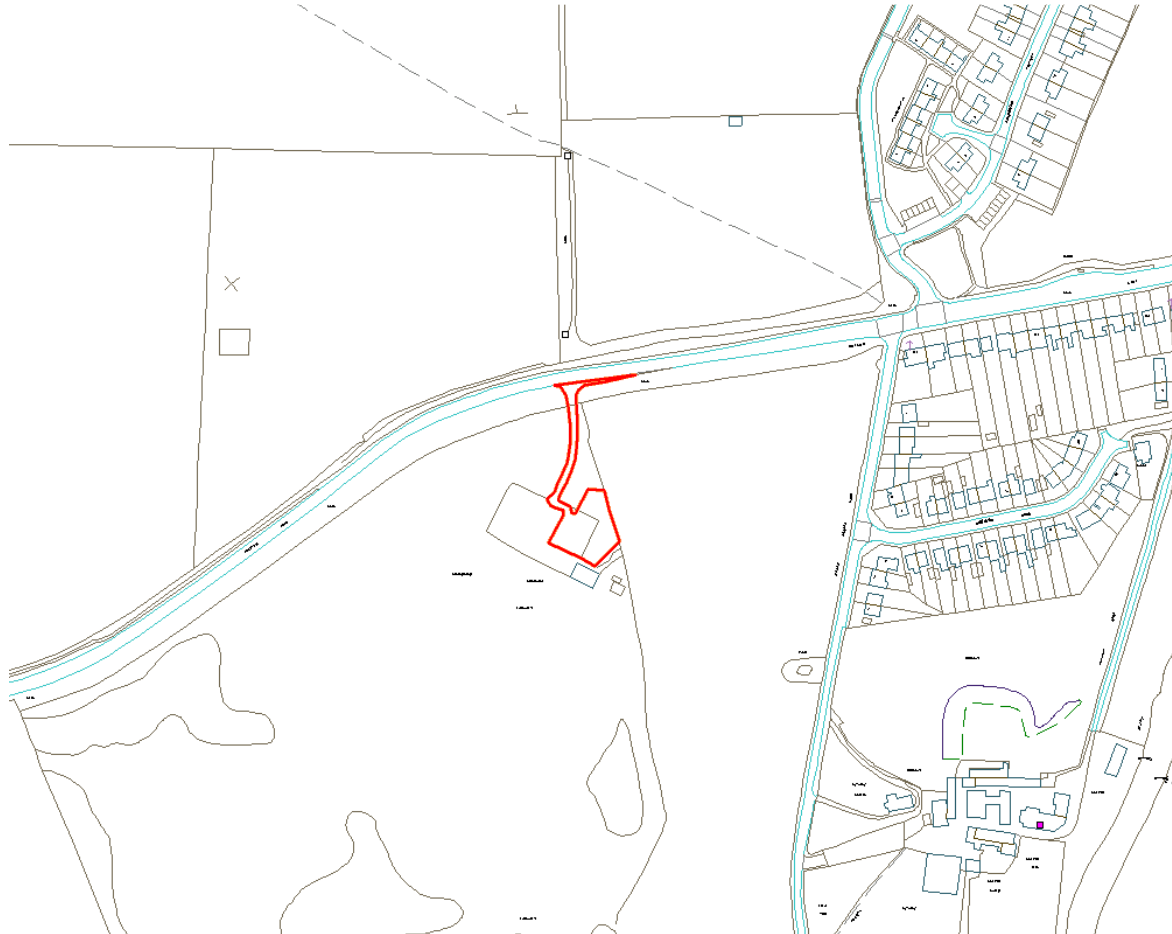
Reference: 11/00890/FUL

Date submitted: 29.11.2011

Applicant: Mrs S Faulkener

Location: Children's Day Nursery, Asfordby Road Sports Grounds, Asfordby Road, Melton Mowbray

Proposal: Modular building and change of use of land to nursery



Introduction :-

The application seeks planning permission for the erection of a modular building and the change of use of land to be used for and in connection with a children's day nursery within the open countryside.

The site currently forms part of Asfordby Sports Grounds which includes a golf course, club house, car park and caravan site. The application proposes to use a small part of the site to erect a new building and outdoor play area for a children's day nursery. The site is accessed from Asfordby Road which serves the existing facilities. This purpose built early years facility is proposed to replace the Egerton Park Nursery and out of school club which was refused planning permission in October 2010 and upheld at appeal.

It is considered that the main issues relating to the proposal are:

- **Impact on the open countryside**
- **Sustainability**
- **Design**
- **Impact on neighbouring properties**

The application is presented to Committee as it represents a departure from the Development Plan.

Relevant History:-

90/00673 Proposed Tally Ho Band Room granted 30.11.90

Planning Policies:-

PPS 1: Delivering Sustainable Development - The guidance says that planning should promote sustainable and inclusive patterns of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

PPS4 ‘Planning for Sustainable Economic Growth’ – The guidance states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development including rural areas. Policy EC11 states that in determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local planning authorities should:

- weigh market and other economic information alongside environmental and social information
- take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- consider whether those proposals help to meet the wider objectives of the development plan

PPS7 ‘Sustainable Development in Rural Areas’: The principles for permitting rural economic development is now contained within the PPS4 however PPS7 is still relevant and contains advice on determining applications in rural areas and sets out national planning policy in relation to development in rural areas. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

Adopted Melton Local Plan (saved policies)

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Melton LDF Core Strategy: seeks to protect the countryside and limits development to small scale for employment and leisure purposes.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – The Highway authority raised an objection to the proposal as the site is out of the main confines of the town, and does not have a very good footway serving it, therefore the proposed site is likely to deter pedestrians and encourage car borne journeys which would be	The development is proposed to be accessed from an existing access of the A6006 Asfordby Road. The existing access serves the golf course and recreation ground and lies outside the built up area of the town. The Highway Authority raised concern with regards to the location and sustainability of the

<p>undesirable. The existing site access serving the site is not wide enough for two vehicles to pass and the access track leading down to the car park is only single width, which given the potential increase in traffic, particularly at peak times, is considered insufficient.</p> <p>Amended comments were then received stating that after having confirmation from the applicant that access alterations can be carried out. That whilst they still have concerns about the sustainability of the proposal, in light of the fact that the access can be improved to the benefit of highway safety they are prepared to recommend approval subject to the imposition of the conditions</p>	<p>proposal, which is addressed below, and the suitability of the access.</p> <p>The highway authority advised that amendments could be made to the access to enable two vehicles to pass and that the existing gate would need to be removed as it impeded the access. They would also wish to see the access drive widened for at least the first 10 metres behind the highway boundary to ensure that opposing vehicles can pass clear of the highway, hard surfaced and a pedestrian route provided separate to the driveway, so that any parents that do walk to the site do not have to share the access drive with vehicles. The applicant confirmed their willingness to undertake these improvements and the highway authority have removed their objection in light of the improvements and the highway safety gain of the proposal.</p> <p>There is a large parking area on the site and whilst part of the building is on the existing parking area it is considered that there would still be ample parking provided.</p> <p>The highway authority is satisfied with the improvements to the access, subject to condition. It is considered that the access is acceptable and would be satisfactory in terms of highway safety.</p>
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Representations:

The application has been subject to a site notice and press notice and neighbouring properties consulted. As a result no letters of representation has been received to date.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>The proposed development is located with the designated open countryside where there is a general presumption against development except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, under Policy OS2.</p> <p>PPS1 strongly supports the location of development within existing settlements and requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. The guidance supports development that reduces energy emissions and climate change but the emphasis is on locations which reduces the need to travel by private car.</p>	<p>The proposed day nursery is to be situated on the edge of the town within the designated open countryside. The site currently operates as a sports ground and golf course and there is also a caravan site. There is a general presumption against development in the open countryside and as such this application represents a departure from the development plan and exceptional circumstances are required to allow a development contrary to the national and local development framework.</p> <p>The site is on the edge of the town envelope for Melton Mowbray but some distance from the main centre. However, the site is not considered to be so far detached from a large residential area to the west of the site. The site is considered to be in close proximity to a large residential area of the town, is situated on one of the main routes into Melton Mowbray and is served by public transport. Its</p>

<p>PPS 4 states that planning applications for economic development in rural areas should be supported by the Local Planning Authority where development supports the vitality and viability of market towns.</p> <p>Policy EC11 states that in determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local planning authorities should:</p> <ul style="list-style-type: none"> • weigh market and other economic information alongside environmental and social information • take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and • consider whether those proposals help to meet the wider objectives of the development plan 	<p>location is not considered wholly unsustainable to be able to warrant a refusal.</p> <p>A children’s day nursery is also likely to have a broad catchment area as their customers are not restricted to a single area. The site is also in close proximity to Asfordby Hill Primary School and the applicant has stated that the school has welcomed the proposed facility and may be of benefit to the parents in this school. Therefore the proposed edge of town location is not likely to add to overall trips or travel distances as these journeys would already be taking place to the existing location.</p> <p>The application is also proposing to relocate a successfully run nursery which is required to relocate due to failure to obtain planning permission. The facilities proposed are considered to be of benefit to the town and in this location the nursery is able to offer a more “rural setting” to allow for outdoor activities and walks which are part of the Early Years Curriculum.</p> <p>The applicants have stated that this new early years setting will replace an existing business which would otherwise face closure with the loss of 9 jobs. Relocation to this site enables the company to keep all existing staff and to create up to a further 3 more full time positions and 4 more part-time positions.</p> <p>The nursery will be able to provide term time nursery places for 26 children, pre-school places for 24 children and out of school club for 32 children. However, the full capacity of the facility is 50 children,</p> <p>The proposal is not considered to be in accordance with Policy OS2, however, it is considered to be in a sustainable location and its function will be of benefit to Melton Mowbray in accordance with PPS4.</p>
<p>Impact on the character and appearance of the open countryside.</p>	<p>The proposed site is within the existing sports ground and golf course and is to occupy part an unused section of car park and will also enclose an area of grass between the car park and an established hedgerow which separated the car park area and part of the golf course.</p> <p>The building is proposed to be sited in close proximity to the existing club house and in this respect the impact of the building on the open countryside is minimised. The two buildings relate well to each other and whilst in the open countryside, the building is to be sited on part of the car park area and it is not considered that the development would adversely impact on the character and appearance of the open countryside.</p> <p>It is not considered that this building would be harmful in this location and relates well to the existing use on the site.</p>

	<p>The proposal also relates to the proposed change of use of a small part of the site to an outdoor play area. This will occupy what is currently an area of grass land which forms part of the setting of the recreation land. The application proposes a child friendly garden with includes gym, picnic tables, play house, sand and water tables, digging areas, climbing frames, bridge and benches. Some of the proposed structures are temporary but some will be permanent. The play area is proposed to be enclosed by a 2 metre high wooden fence which is to be sited within the hedgerow boundary and underneath the canopy of 2 large trees. Therefore an assessment on the impact of the fencing and play equipment on the open countryside needs to be made. The site at present is fairly open with natural boundaries of hedgerows and trees. Views of the play equipment themselves will be obscured by the proposed fence and due to the size and scale of the equipment is unlikely to be harmful. The erection of a 2 metre fence will visually change the appearance of the site and could be considered a “domestic” feature in the landscape. However the fence will be screened by the existing hedgerow, the fall of the land to the south from the highway and storage buildings. The main impact of the fence will be from the east across the golf course from Sysonby Grange Lane. However, it will be read with the two buildings behind it, existing hedgerows and trees and storage building. The fencing will only be around a small area of the site and when considered against the backdrop of the existing structures and the benefits that the scheme will provide it is consider that the proposal would only have a limited adverse impact on the designated open countryside.</p> <p>It is not considered that the size and design of the building would have a detrimental impact on the character and appearance of the open countryside. The external play structures and fencing are not considered to be harmful enough when weighed against the benefits of the scheme to warrant a refusal</p>
<p>Impact on adjoining residential properties</p>	<p>The site is situated to the west of the built up area of Melton Mowbray and some distance from the residential properties on Sysonby Grange Lane. To the north, south and west is designated open countryside, golf course/recreation ground. The proposed building would be some 160 metres from the nearest residential property and separated by a road and golf course.</p> <p>Therefore, it is considered that due to the location of the proposal, existing use on the site and distance separations that the proposal is unlikely to have an impact on the residential amenities of adjoining properties.</p>
<p>Design</p>	<p>The proposed building is a six bay modular building with a flat roof. The building is simple in appearance and is to have timber walls. The building is to be sited in close proximity to the existing club house on the site which is also timber</p>

	<p>clad.</p> <p>The proposed design is considered acceptable for its purpose and in keeping with the existing buildings on site.</p>
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Conclusion:

This application seeks planning permission for a Children’s Day Nursery and associated garden area. The principle of the use in the open countryside is not considered to be supported by Policy OS2 of the adopted Melton Local Plan and as such this application represents a departure from the development plan and exceptional circumstances are required to allow a development contrary to the national and local development framework. The proposal is considered to be in a sustainable location and is to provide childcare facilities for the town. The proposed development has an acceptable access and improvements to the access are considered to be a highway gain. The building is considered to be appropriate in design and in keeping with the existing structure on the site. The location of the building in close proximity to existing structure is considered to be acceptable and would not have an adverse impact on the character and appearance of the open countryside. Therefore, it is considered that the benefits of the scheme, the day care facility, employment and the learning environment it will offer, highway gain and limited impact on the open countryside are considered sufficient to warrant a departure from the development plan in this instance. Accordingly the proposal is recommended for approval.

RECOMMENDATION:- Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. Prior to the commencement of development details of the proposed fencing to the secure play area shall be submitted to and approved in writing by the Local Planning Authority. This shall include style, material and staining/colour. The fence shall be constructed in accordance with the approved details.
4. The premises shall be used for a Children's Day Nursery and for no other purpose (including any other purpose in Class D1, of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
5. Before building works commence on the proposed building, the existing vehicular access serving the site from Asfordby Road, shall have been widened to a minimum width of 6 metres for a minimum distance of 10 metres behind the highway boundary (back of verge) and shall have been surfaced in tarmacadam, concrete or other similar hard bound material. Once these improvements have been carried out, the access shall thereafter be permanently so maintained.
6. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.
7. Before the proposed Nursery is first brought into use, a separate footpath access shall be provided from the road to the building, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. Once provided, the footpath shall thereafter be permanently maintained fully in accordance with the approved details.
8. Before the proposed Nursery is first brought into use, the overflow grassed car parking area shall have been positively signed on site in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority. Once the signing has been provided, it shall thereafter be permanently so maintained in accordance with the approved details.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. To preserve the surrounding visual amenity.
4. To ensure that the use remains compatible with the site and surrounding area.
5. To enable two vehicles to pass within the access clear of the highway.
6. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
7. In the interests of pedestrian safety.
8. To ensure that sufficient car parking remains available for the use of both the Nursery and Sports Ground.

Officer to contact: **Mrs Jennifer Wallis**

23rd January 2012

