

1. **Application No :** 09/02078/FULL1 **Ward :**
**Chelsfield And Pratts
Bottom**

Address : Cannock House Day Nursery Hawstead **Conservation Area:NO**
Lane Orpington Kent BR6 7PH

OS Grid Ref: E: 548916 N: 164185

Applicant : Childbase Nurseries Ltd **Objections: YES**

Description of Development:

Demolition of existing nursery buildings and erection of detached part one/two storey nursery building, associated play areas car parking, cycle parking and refuse store.

Proposal

This application was deferred by Members at the 17th December meeting in order for the applicants to address the following matters:

- the inclusion of the proposal to revert the area currently used for the existing nursery back to a walled garden within a section 106 agreement, as it would form a major part of the special justification for allowing the new nursery building, without which it may be considered inappropriate development in the Green Belt
- improvements be considered to the relationship between the new building and neighbouring properties in order to protect residential amenity
- consideration be made to restricting the proposed operating hours, particularly in relation to the outdoor play areas.

In response to this, the applicants have:

- agreed to include the proposal to revert the area concerned back to a walled garden within a section 106 agreement
- reinforced the boundary treatment to include additional screen planting, which could include more mature planting to provide immediate screening to the play area (request that details of the screening be conditioned if permission granted)
- removed the rear balustrade, and confirmed that the flat roof area would only be used for regular maintenance of the roofs
- confirmed that the operational hours of the nursery will be 8am to 6pm, while the use of the outdoor play areas will be restricted to between 9am and 5pm.

The previous report, suitably updated, is repeated below.

- It is proposed to demolish the existing nursery buildings in the western part of the site, and build a new day nursery located further into the north-eastern part of the site. It would be mainly single storey with a small first floor element in the centre of the building containing a staffroom and associated facilities. The floorspace contained within the new building would be slightly less than that of the buildings to be demolished (604sq.m. as opposed to 690sq.m. existing).
- The existing nursery accommodates up to 136 children between the ages of 3 months to 5 years, while the replacement nursery would accommodate up to 120 children between the ages of 6 weeks and 5 years. The numbers of staff would remain the same. The opening times would be 08.00 hours to 18.00 hours Mondays to Fridays.
- The existing car park (shared with the adjacent Browns School) would be retained and laid out to accommodate 59 car parking spaces and 4 cycle spaces, while the existing access would be widened to enable coaches to access the site.
- The application is accompanied by an Acoustic Assessment and an Arboricultural Report, in addition to other supporting information.

Location

Cannock House Day Nursery is located adjacent to Cannock House School and Browns School, and occupies a site of 0.55 hectares within the Green Belt. To the east of the site is a recent development of detached houses known as Home Farm.

The existing nursery buildings and the proposed replacement nursery all lie within the historic curtilage of Cannock House which is a Statutory Listed Building.

Comments from Local Residents

Letters of objection were received to the application from several residents in Home Farm, whose main concerns are summarised as follows:

- noise and disturbance from new building and play areas which are nearer properties in Home Farm (acoustic assessment is deficient) – the proposed noise barrier would not give adequate protection
- overlooking from first floor of building and roof terrace
- inappropriate development in the Green Belt, and no very special circumstances seen to justify the proposals
- replacement nursery should be built on the existing site, further away from neighbours
- access onto Hawstead Lane needs to be further improved (eg. greater sightlines)
- noise, disturbance and pollution during building works
- loss of trees
- detrimental impact on badgers on the site.

Comments from Consultees

The Council's highway engineer raises no objections to the proposals, so long as the overall numbers of children using the nursery and after-school club would not increase (as indicated within the application). The proposed widening of the access gate, and improvements to the car parking layout would improve on the current situation.

Drainage comments suggest that as it is proposed to drain the surface water to soakaways, and the foul water to a septic tank or cesspool, the application should be referred to the Environment Agency. Also, an oil interceptor would be required for the surface water drainage due to the number of car parking spaces. No comments have been received from the Environment Agency, although they considered the previous similar proposals submitted under ref. 09/00142 to be of low environmental risk.

No objections are raised to the proposals from Thames Water

Waste Services raise a query with regard to the position of the bins which may be difficult to access due to the position of the car parking spaces. This could be resolved by way of a condition.

Environmental Health raise no objections to the proposals from a statutory noise nuisance point of view, so long as the recommendations of the noise report are implemented in full and permanently maintained.

Objections are raised to the proposals from the West Kent Badger Group on the basis that there is a reasonable likelihood of a protected species (ie. badgers) being adversely affected by the proposed works, and they consider that environmental and ecological surveys should be carried out prior to determination. However, the Council's Countryside Services Officer has visited the site, and has confirmed that there is no evidence of the presence of badgers, their setts or any foraging routes on the site.

With regard to tree issues, the Council's Tree Officer concurs with the findings of the Arboricultural Report, and no objections are thus raised to this aspect of the proposals.

From an Urban Design perspective, no objections are seen to the demolition of the existing nursery buildings, which could reinstate a more open feel that existed with the previous walled garden in this location, and although the design of the building appears rather basic, the use of quality materials, as indicated, provides an acceptable solution for a new building in this location.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies:

- G1 The Green Belt
- BE1 Design of New Development

BE8 Statutory Listed Buildings
NE7 Development and Trees
T3 Parking
C7 Educational & Pre-School Facilities

Planning History

A previous application for a similar proposal (ref. 09/00142) was withdrawn prior to determination, in order to address concerns raised by the Council.

Conclusions

The main issues in this case are the principle of the development, given the site's location within the Green Belt, and the impact of the proposals on the open character and visual amenities of the Green Belt, and on the amenities of the occupants of nearby residential properties.

With regard to Green Belt policy, the proposed day nursery use would not fall within the permitted uses outlined in Policy G1, and therefore, would comprise inappropriate development in the Green Belt, and would, by definition, be harmful to the Green Belt. Very special circumstances, therefore, need to be demonstrated that would clearly outweigh the harm caused by reason of inappropriateness.

The site, along with the adjacent school sites are already used for educational/pre-school purposes, and the proposals would involve an improvement in the standard of nursery accommodation by removing prefabricated and often unconnected buildings, and replacing them with a single purpose-built building that would function more efficiently and take up a smaller footprint and overall floorspace than the existing buildings to be demolished. Although part of the building would be two storey, this has been confined to the central area and designed to keep the overall bulk, and therefore impact on the Green Belt, to a minimum, particularly as it is set further back into the site.

The replacement building would be located further away from the Listed Cannock House, thus improving the setting of this building, and it is the landlord's intention to restore the land currently occupied by the existing nursery buildings back to the former formal garden. Although not originally part of the proposals, the applicants have now agreed to include this within a section 106 agreement.

Members may, therefore, consider that very special circumstances have been demonstrated to outweigh the harm caused by reason of inappropriateness in this case, and that the open and rural character of the Green Belt would not be unduly affected.

With regard to the impact on residential properties in Home Farm, the nursery building would be located approximately 54m from the nearest residential property known as The Dower House, although their main amenity area would

be close to the nursery's outdoor play areas. However, a 2m high close-boarded timber fence is proposed along the northern and eastern boundaries of the site which would help to alleviate noise disturbance, as confirmed by the Council's Environmental Health Officer. The applicants have also now included reinforced boundary screening and planting, which could include mature planting to the play areas in order to protect residential amenity.

The plans originally submitted showed a door in the rear elevation of the first floor staff room leading out onto a roof terrace, however, this has since been revised to show only a window, thereby preventing access to the terrace area, and the applicants have now removed the balustrading and confirmed that the flat roof area would only be used for maintenance of the roofs, in order to prevent loss of privacy to neighbouring properties. Furthermore, the first floor windows would be some distance away from properties in Home Farm, and would be screened to some extent by the pitched roofs of the single storey elements of the building.

The proposals are not, therefore, considered to have a significantly harmful impact on the amenities of nearby residents, subject to safeguarding conditions.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/00142 and 09/02078, excluding exempt information.

as amended by documents received on 25.11.2009 01.02.2010

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT

and the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACA08 Boundary enclosures - implementation
 ACA08R Reason A08
- 4 ACB01 Trees to be retained during building op.
 ACB01R Reason B01
- 5 ACB02 Trees - protective fencing
 ACB02R Reason B02
- 6 ACB03 Trees - no bonfires
 ACB03R Reason B03
- 7 ACB04 Trees - no trenches, pipelines or drains
 ACB04R Reason B04
- 8 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 9 Details of a surface water drainage system which shall include an oil receptor (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority

before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

- 10 ADD02R Reason D02
ACD04 Foul water drainage - no details submitt
ADD04R Reason D04
- 11 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 12 ACH18 Refuse storage - no details submitted
ACH18R Reason H18
- 13 ACH27 Arrangements for construction period
ACH27R Reason H27
- 14 ACH30 Travel Plan
ACH30R Reason H30
- 15 The flat roof area of the single storey element of the proposals shall not be used as a balcony or sitting out area and there shall be no access to the roof area apart from regular maintenance of the roofs.
ACI14R I14 reason (1 insert) BE1
- 16 ACI17 No additional windows (2 inserts) first floor building
ACI17R I17 reason (1 insert) BE1
- 17 ACJ12 Use as day nursery/playgroup (5 insert) 6 weeks 5
120 8am 6pm
ACJ12R J12 reason
- 18 ACK04 Demolition of existing building (see DI0
ACK04R K04 reason
- 19 The use of the outdoor play areas of the day nursery hereby permitted shall be limited to Mondays to Fridays inclusive between the hours of 9am and 5pm.
ACJ12R J12 reason

20 **Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- G1 The Green Belt
- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- NE7 Development and Trees
- T3 Parking
- C7 Educational & Pre-School Facilities

The development is considered to be satisfactory in relation to the following:

- (a) the Green Belt policies of the development plan
- (b) the relationship of the development to trees to be retained

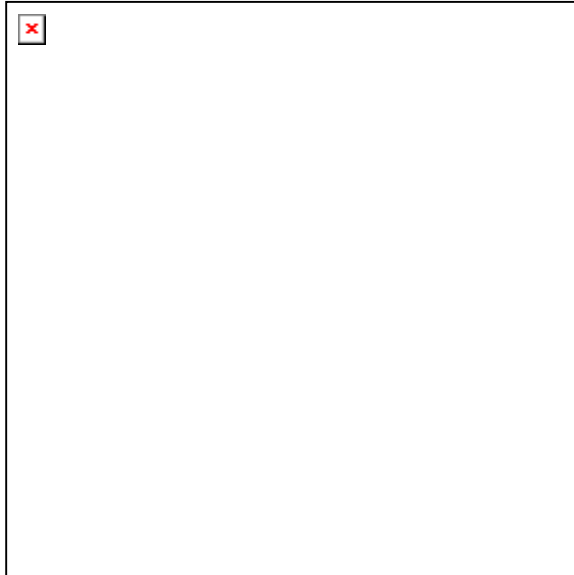
- (c) the impact on the amenities of the occupiers of nearby residential properties
- (d) the setting of the nearby Listed Building
- (e) the transport policies of the development plan

and having regard to all other matters raised, including neighbours concerns.

Reference: 09/02078/FULL1

Address: Cannock House Day Nursery Hawstead Lane Orpington BR6 7PH

Proposal: Demolition of existing nursery buildings and erection of detached part one/two storey nursery building, associated play areas car parking, cycle parking and refuse store.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661