

28th April 2015**Agenda Item:6****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/15/00240/FULR3N****PROPOSAL: ERECTION OF A PREFABRICATED BUILDING FOR USE AS A 30
PLACE PRE SCHOOL NURSERY****LOCATION: LAND TO THE REAR OF MEMORIAL HALL, MARSH LANE, FARNDON,
NEWARK****APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES****Purpose of Report**

1. To consider a planning application for the siting of a prefabricated building to enable the relocation of the village pre-school currently housed at St Peter's Primary School onto a new site at the rear of the Memorial Hall. The key issues relates to the principle of built development on the village playing fields and related impacts on its sporting and recreational function and the access and traffic issues. The recommendation is to grant planning permission on a temporary basis, subject to conditions.

The Site and Surroundings

2. Farndon village is situated on the south-western edge of Newark between the River Trent and the A46. Centrally positioned are playing fields covering approximately 4 hectares, between Marsh Lane and Fosse Road, which are owned and maintained by the Parish Council. The Memorial Hall fronting Marsh Lane is the property of its own charitable body. The hall has a small, barrier controlled, car park to the front which leads, via another barrier, down the side of the building to the open expanse of the playing fields behind. There is a hard surfaced area to the rear of the hall used informally as a ball court or for car parking, this being in the western corner of the fields and set adjacent to the cemetery. In the northern corner is a children's play area. Over in the eastern and southern corners are the cricket clubhouse and the bowling clubhouse and green respectively. The fields are laid out for senior and junior football pitches and for summer cricket. They are registered as a Queen Elizabeth II playing field, with Fields in Trust whereby the land is protected from development by a Deed of Dedication. Any such development or changes to the site requires the separate permission from Fields in Trust in addition to any planning approval.

3. The application site is an area of the playing field (appearing to form part of a junior or 5-a-side football pitch) to the rear of the Memorial Hall, between the hard surfaced area and the children's playing area, along the north-western boundary of the fields (see Plan 1). As well as the Memorial Hall, the site bounds on to the rear garden of No. 50 Marsh Lane, with further residential properties along Marsh Lane backing onto the remainder of the field. The boundary comprises of dense hedge, in part growing over a close-boarded fence. Two small trees are close by, one of which is positioned on the edge of the playing fields adjacent to the application area. The site is level ground and mapped as being on the border of Flood Zones 1 and 2.

Proposed Development

4. The application proposes to relocate a pre-school nursery, currently housed at St Peter's Primary School in the village, to new temporary accommodation sited on the parish playing fields. The arrangement between the third party operator of the pre-school and the Primary School has ended and the space is shortly to be required by the school. The County Council's Early Years Team has worked with the pre-school to ensure it can continue, which has led to the proposal for it to be housed within a new temporary prefabricated classroom at this alternative site.
5. The pre-school would operate between the hours of 08.30-15.30 Monday to Friday with a morning and afternoon session each catering for up to 30 children. There are currently 43 children attending in total. It is expected that the nursery would continue to serve predominantly local families within walking distance. Eight members of staff are currently employed and would be retained.
6. The new temporary building would be sited adjacent to the existing hard surfacing to the rear of the hall and approximately 2-3m from the boundary fence. It would be set within a securely fenced external play area extending to the rear of No.50 Marsh Lane (see Plan 2). The fencing would be 2.1m high green mesh type with an access gate leading from the existing hard surfacing.
7. The building itself would be single-storey, approximately 3.2m high, sat on concrete pads or piers some 200mm off the ground. It is indicated that a ramp could provide suitable access, although no details have been provided. Measuring 15m by 12m it would provide two classrooms, as well as ancillary toilets, staff kitchen and a sensory/quiet room. Each classroom would have its own external door leading to the outside play area, which would be to the rear of No. 50 Marsh Lane on the north-east side. The building would also have a single door each on the north-western elevation and south-eastern elevation (see Plan 3).
8. The building would have cream/white rendered panels with a blue upper trim and grey membrane roof. The two classrooms would have a high degree of glazing, with white upvc window units, on the north-east elevation looking out onto the proposed play area. Other smaller windows would be present on all other elevations.

9. No details of the external surfacing have been provided, although it is indicated that a mix of hard and soft (possibly rubber crumb or AstroTurf type) surfacing would be laid around the building and in the play area. Details of foul drainage have not been finalised, but a nearby connection is available. Roof water would be directed to a soakaway.
10. Revisions to the application have provided that the vehicular access to the rear of the Memorial Hall is made available for staff car parking and for parents to pick up/drop off children. This has been agreed in discussions with the Parish Council and the charitable body responsible for the Memorial Hall.

Consultations

11. Newark and Sherwood District Council –No objection

Does not wish to raise any objection to the application provided that Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan Policies.

12. Farndon Parish Council - No objection

The Parish Council has been approached by Farndon St. Peter's Early Years, a local charity providing Early Years and after school care for Farndon children. Their current premises at Farndon St Peter's Primary School, where they are occupying a class room, is under threat due to the expansion of the school. The school has informed Farndon Early Years that they would not be able to erect a building in the school grounds. The only viable land within the village envelope where new Early Years accommodation could be situated seems to be the playing fields which have only recently been protected in their entirety with Fields in Trust.

Farndon Parish Council have decided to support Farndon St Peter's Early Years in their efforts to build an Early Years provision on the edge of the playing fields but at the heart of the village.

It was found that the benefits to the young people of the village outweighed the loss of a relatively small area of playing field, which is no longer used by a junior football team for their football practice. Early Years provision in Newark is approximately 3 miles away. The Parish Council would like to keep early years provision in Farndon as the provision further afield could not easily be accessed by the most vulnerable groups.

The building will not have any impact on the sports clubs using the field and have very limited impact on members of the public accessing the open space for recreational use. It is likely that more children will be using the adjacent play area as parents will take their children after sessions. The preschool itself is hoping to utilise the playing fields and play area with the children. Early Years will educate children to lead a fit and active life style and create jobs for local people and opportunities to learn and play for local children.

13. Sport England – No objection

Sport England has considered the application in the light of the NPPF (in particular paragraph 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'. Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies.

The application proposes the construction of a pre-fabricated building, along with a hard surfaced playground, for use as a nursery. The proposed building would be located on the playing field between an existing car park and play area. The submitted information suggests that this area is not considered to be the main part of the playing field area or used formally for pitch based sports. Whilst it is agreed that the proposal does not affect the cricket pitch area or the area used for adult football, there is evidence that the area is used for junior football (worn goal mouth areas and goal posts) and the area can accommodate a 5-a-side pitch (37m x 27m.) which keeps players off the main pitch area and wicket during more informal/kick about occasions.

The recently adopted Newark and Sherwood District Council Playing Pitch Strategy identifies that the issues at this site relate to the need to improve changing facilities and improve the football pitch drainage and that future demand cannot be accommodated on the site with current supply of youth pitches.

Both the Football Association and the England and Wales Cricket Board have advised that the location of the proposed facility does not impact on the main pitch areas.

*Whilst the proposal does not specifically conform to one of the exceptions to our policy, evidence suggests that as long as the 37m x 27m pitch can be relocated, without impacting on the main pitch area, Sport England does not wish to raise an objection to this application, **subject** to a condition being attached which secures the replacement and repositioning of the goals and the marking out of a 5-a-side pitch measuring 37m x 27m (with a 3m safety margin all around).*

14. NCC (Highways) Newark & Sherwood

The revised plan has now included the means of access from Marsh Lane within the red line of the application site. The further information now provided suggests that a set of keys to the barriers is to be made available to gain access to the application site. Also, it has been agreed between the Parish Council and the Memorial Hall Charity that the rear area is to be used for staff parking and by parents dropping off/picking up. No parking spaces nor a dropping off area have been demonstrated on the plan. These agreements are informal and could be removed at any time, leading to considerable on street parking in the vicinity.

The agent has confirmed that there are 8 members of staff, of which only 2 will drive to work, and that there are currently 43 pupils.

It is usual and reasonable for a development of this type to provide suitable access and parking arrangements for staff and visitors and if the above agreement is the only option, then this should be legally binding.

15. **NCC (Road Safety)** -have not responded, any comments received will be orally report.

16. **NCC- Archaeology** – raises no concerns.

17. **NCC (Reclamation)**-

There has been no contaminated land assessment of the site as the applicant is of the opinion that there has been no previous development across the area of the proposed development; however the Design and Access Statement would appear to contradict itself and all that has been provided is an opinion, which is not substantiated by any form of documentary evidence.

Independent enquiries have revealed this being undeveloped land is probably the case; however this information should have been provided by the applicant particularly given that the site is to be utilised by nursery school children.

There probably are no issues related to land contamination at this site, particularly given that the development is a prefabricated building which will require only minimal ground disturbance.

There are no reasons to object to this planning proposal; however it is recommended that a standard precautionary condition requiring a watching brief for possible contamination be attached.

It is also commented that the site lies in proximity to potential archaeological sites and defers to the County Archaeologist as to whether a watching brief for such remains is needed.

18. **Environment Agency Midlands Region**

This site falls in Flood Zone 2, so standing advice can be applied.

19. **Police Force Architectural Liaison Officer**

Having viewed the local crime and disorder situation, the officer has no concerns with the application.

20. **Severn Trent Water Limited, the County Archaeologist, Western Power Distribution and National Grid (Gas)** have not responded, any comments received will be orally reported.

Publicity

21. The application has been publicised by means of two site notices and 22 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

22. A total of 38 individual responses in support of the application have been received along with 4 individual objections. All but ten of the responses are from Farndon addresses and many are from parents or relations of children attending, or formerly attending, the current facility.

23. On receipt of amended information showing the relocation of the 5-a-side football pitch and the opening up of vehicular access, two of the original objectors responded again with further points of objection as detailed below.
24. Those in support of the application make the following points:
- a) Value of the facility / fear of losing it
 - i. The nursery is an asset to Farndon and provides an excellent/vital service to local parents and their children. Children learn invaluable skills and make important friends and relationships with other pupils and staff. It provides a stepping stone to full time education at the main school.
 - ii. The population of the village warrants such a facility and it would be wonderful to keep this service as part of village life.
 - iii. It would be a huge loss to the village if it could not move/ Fear that the nursery would have to close.
 - iv. It is a fantastic opportunity for a well-run, respected nursery.
 - v. The pre-school has helped with community cohesion.
 - vi. The village wants to promote the learning and development of the children of the future. Children deserve this opportunity to learn, play and socialise.
 - b) The proposed location is ideal
 - i. The setting is brilliant / beautiful / perfect / ideal. It would be a safe and enjoyable local environment
 - ii. The relocation to the playing fields is a brilliant idea and will benefit the community hugely.
 - iii. The proposed location is secluded from public view. It would become part of a large playing field area which could become a much more communal space for the village. The park would be used far more than it is at present.
 - iv. The site is ideally placed near the school enabling safe walking for children that are moving supervised between the two whilst maintaining strong links with the school. Ideal location for parents dropping off children at both the nursery and the school.
 - c) No alternative locations
 - i. The school premises are no longer available and there are no local alternatives available after an exhaustive search for sites.
 - d) No conflict with playing field

- i. The facility is needed in the village and if they are unable to remain at the current school site, it is felt that the playing field is large enough to accommodate them as well as the recreational/sporting needs of the village. Room for everybody and nothing taken away.
 - ii. The proposed area will make good use of a relatively unused area of the playing fields. The playing field is a public area and full use of it must be made.
- e) An accessible location
 - i. Not all parents are fortunate to have access to transport so are not able to take their children elsewhere and would be disadvantaged. There are no other such facilities in the village so it would make life more difficult by having to travel further to find quality and affordable childcare.
 - ii. If the application is not supported there will be a lot of 2-5 year old children with nowhere to attend without means of transport.
 - iii. There is car parking on site so this would not cause an issue for on road parking.
- f) Economic benefits
 - i. Existing staff would be affected / possible loss of jobs.
 - ii. Working parents whose children attend the facility may not be able to find alternative local and affordable childcare and may have to give up work.
 - iii. The nursery helps attract new families to live in the village thereby helping sustain shops, pubs etc. Farndon is a fantastic family village.
- g) Other - The position will not be over bearing on any neighbouring properties.

25. The objections received are on the following grounds:

- a) Principle of development on a playing field.
 - i. Three objectors raise principle objections to development on the playing field. They state that a prefabricated building in any part of the playing field would contradict the purpose of the playing field and that the field is being eroded for other uses. The recreation ground has just gained Fields in Trust status to prevent building on the land.
 - ii. Two objectors question why the development cannot be sited at the school, where it would be more obviously suited. It makes more sense to locate the building on one of two football pitches at the school. Children would integrate better with the school in preparation for when they attend proper.
- b) Impact on/from pitches

- i. The planned positioning would be where there are permanent goals (5-a-side football) at the moment, which are used by lots of children, especially during the spring and summer.
 - ii. One of the 5-a-side goals has recently been removed from the proposed development area, which is premature to the determination of the application. It is a very popular facility and should be re-sited should planning permission be granted. (Although the objector states their view that it should not be permitted.)
 - iii. The relocated 5-a-side pitch will be right next to the new nursery and footballs are bound to end up in the nursery area. Players will climb the fencing to retrieve them putting them and the nursery children at risk.
 - c) Road safety
 - i. One comments states that it will not be safe for children with the extra vehicles moving around the car park. Children need to be able to enjoy the fields safely.
 - d) Other
 - i. One objector states that the area has recently been modernised and could now be a waste of money.
 - ii. One comments that there is a strong risk of vandalism to the site.
26. Councillor Mrs Sue Saddington has been notified of the application.
27. The issues raised are considered in the Observations Section of this report.

Observations

Background

28. This application seeks to provide alternative premises on a new site for an existing pre-school in Farndon. Farndon St Peter's Early Years, as it is formally titled, is currently accommodated in a room at St Peter's Primary School in the village and has recently become a charitable incorporated company separate to the school. Due to space requirements and pressures at the school, the pre-school has been served notice on its lease and is required to vacate the site at the beginning of July this year. In order to continue with its services it therefore needs to find alternative accommodation as a matter of some urgency. The County Council's Early Years Team has therefore worked with the providers in drawing up the present proposal.
29. Currently the pre-school caters for 43 children aged between two and four, of which all but five live in the village and will likely progress in due course to St Peter's Primary School. From September, numbers are expected to be broadly the same. Eight members of staff, six of which currently reside in Farndon, are employed to run two sessions per week day.

30. The applicants have explored the possibility of staying at the primary school site within a new facility, however the site is highly constrained in terms of flood risk and it is purported that there is insufficient space without involving loss of recreational space for the school. A search exercise was therefore undertaken exploring what alternative sites or facilities may be available within the village which has resulted in the current proposal.

Principle of development

31. The application should be determined in accordance with the relevant policies within the Development Plan, comprising the Newark and Sherwood Core Strategy (CS) and the Allocations and Development Management Policies Development Plan Document (A&DMP DPD). Material considerations pertinent to the application include the National Planning Policy Framework (NPPF), particularly with regards to community facilities and measures to protect playing fields at paragraphs 70 and 74 respectively.
32. The Core Strategy identifies Farndon as a rural or other village which is only expected to see small scale growth over the plan period. Development proposals should therefore be assessed first against Spatial Policy 3 (Rural Areas).
33. SP3 offers support for local services and facilities in such rural communities. Development proposals however should be considered against the following criteria:
- Location - new development should be within the main built-up areas of villages, which have local services and access to the Newark Urban Area, Service Centres or Principal Villages.
 - Scale - new development should be appropriate to the proposed location and small scale in nature.
 - Need - new or replacement facilities to support the local community.
 - Impact - new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network.
 - Character - new development should not have a detrimental impact on the character of the location or its landscape setting.
34. In principle the proposed location is considered to be centrally positioned within the built up area of Farndon and accessible in terms of walking to the site from much of the village. There is a demonstrative need to retain this popular community service, yet it remains a small scale facility primarily serving the needs of children and parents living in the village. In terms of its character and impact, the proposal involves developing a small scale modular classroom building and play area at a discreet location which would make walking to the site a viable option. Of primary consideration though, is that the proposed site is

on part of the playing field and encroaches onto a 5-a-side football pitch. Therefore whilst the site is considered a sustainable option, and there is a very clear need to retain the play school locally, the principle of development on this site is largely to be determined by consideration against Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) and the requirements at paragraph 74 of the NPPF in terms of the acceptability or otherwise of development on a playing field.

Site selection and principle of development and impact on playing fields/pitches

35. The main consideration in this application is the acceptability or otherwise of the proposed built development upon a playing field and its sports pitches.
36. The pre-school has provided supplementary information to illustrate the extent to which they looked for suitable alternative sites in the village. Enquiries were made for seven sites, either undeveloped land or existing houses potentially suitable for conversion. Prohibitive costs as well as constraints, notably the extent of the flood risk across the village, have ruled out these sites leading to the preferred location at the playing fields.
37. Policy SP8 states that the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities. The proposed development would also, however, result in the loss of 533 sq.m of the village playing field and it is relevant that SP8 advises that the *loss* of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that:
 - *The continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its usability and the identification of a potential future occupier; and*
 - *That sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost; and*
 - *There is sufficient provision of such facilities in the area.*
38. In general the Government via paragraph 74 of the NPPF makes it clear that existing open space, sports and recreational land, including playing fields, should not be built on unless an exception is considered to apply. The Planning Authority should be satisfied that either:
 - the open space has clearly been shown to be surplus to requirements;
 - or the loss of space would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
 - or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

39. The statutory consultee in this case is Sport England, who are guided by both the NPPF and its own planning statement concerning applications for development on playing fields. It is the policy of Sport England to oppose the granting of planning permission whereby development proposals would lead to the loss of, or prejudice the use of, all or part of a playing field, unless one of six exemptions are deemed to apply.
40. In the present case, the site area currently forms part of a 5-a-side mini football pitch situated between the ball court and children's play area. This pitch measures 37m by 27m and has a set of goal posts, although one is currently broken and has been removed by the Parish Council. To the south-east of the mini pitch is an adult sized football pitch, which overlaps with a summer cricket pitch.
41. The proposed pre-school site, along with its fenced grounds would require some 533 sq. m of this part of the field and which would extend 20m from the north-western boundary onto part of the 5-a-side pitch. The touch-line to the senior football pitch is between 58-62 m from the boundary.
42. In order to satisfy Sport England, it is proposed to move the 5-a-side pitch nearer to the senior pitch, maintaining its size at 27 x 37m and with a 2m run off all-round. This would leave a sufficient gap of 14m between the touch-lines of the mini pitch and senior pitch. Whilst the goal posts would be moved, it would be for the Parish Council to choose, should they wish, to replace the currently broken post and/or mark out the new pitch.
43. Sport England have confirmed the proposed arrangement would be acceptable (notwithstanding the reference to a 3m run off in their consultation response) and require that the re-provision of the pitch should be subject to a planning condition, should permission be granted. Subject to this the proposed development would therefore ensure that there would be no loss of formal sports pitches.
44. It should be noted that the Parish Council do not consider the 5-a-side pitch to be formal in the same way as Sport England consider the matter. It is stated that it is no longer used by junior football teams for practice (and only one goal is currently in place), nevertheless Sport England identify that it can be considered a pitch as evidenced by worn goal mouths and that the recent District Playing Pitch Strategy identifies a shortfall in local provision. It is also evident that the pitch and goal(s) is open for all to use for general football 'kick-around'.
45. In several of the public representations received it is stated that there is in effect space for everyone to continue to enjoy and use the playing fields as well as room to accommodate the pre-school. Certainly the playing fields at 4 hectares are well sized, but equally the sports provision is also needed and the space is valued by those raising objections. The area which would be lost is marked for a mini football pitch, but equally can be used by anyone for general recreation and enjoyment. Whilst the football pitch can be moved, a small area (533 sq. m) of available playing field space would nevertheless be no longer publicly accessible as the nursery would sit within a securely fenced area.

46. It is also apparent from representations received that staff and parents consider its setting within a green playing field, would be wholly advantageous to the development of the children, who whilst having their own securely fenced play area, may, with supervision, make use of the wider environment. The Parish Council also hope that the recently re-fitted children's play park would also be used more by children with their parents before and after the sessions.
47. Assessing the situation against SP8, in terms of the 5-a-side pitch, this would be re-provided in an adjacent position of the same quality and size, thereby meeting the second criterion. In terms of the loss of access to the general public, given the small area affected on what is a much larger area of playing fields, it is considered that there would be sufficient public open space provision remaining, thereby meeting the third criterion in SP8.
48. Against the requirements in the NPPF, the re-provision of the 5-a-side pitch meets the requirements at paragraph 74, and given that neither Sport England, Newark and Sherwood District Council nor the Parish Council raise any objections, it is considered that the area is surplus to local requirements.
49. Turning now to the related issue regarding Fields in Trust (FIT) status, the Parish Council as landowner is required to gain approval from FIT to vary the Deed of Dedication which protects the land from development in order to grant a lease to the pre-school. In a letter of response from FIT dated 13th January 2015, such an approval is given subject to:
- The Parish Council relocating the five-a-side football pitch elsewhere on the playing field;
 - The Parish Council entering into a Deed of Dedication in respect of 6,683sq yards of riverside meadow and picnic area as offered in compensation by the Parish Council.
 - FIT reserve the right to revoke or revisit their consent if the above has not been acted upon within a 1 year period.
50. As noted, an area of riverside amenity land is being offered to compensate for the loss of part of the playing field land. The riverside land is already publicly accessible amenity space, but which will now receive FIT protected status. It must be recognised that despite these provisions there would still be a net loss of a small area of publically accessible land and therefore the removal of a small area of the playing field should be balanced against the need to retain the pre-school and the important role it plays in the development of local young children.
51. At this point it is worth noting that the permission sought is for the siting of a building of a temporary nature and construction (along with fencing and external works). It is normal practice by this Authority to use temporary planning permission (typically of 3 or 5 years duration) for such structures. Given also that its development would result in some loss of the publically accessible playing field, should Members wish to grant planning permission, a temporary period for an initial 5 years would temper this loss of the field area somewhat and in that time it may be possible for the pre-school to search again for any more suitable premises or locations for a more permanent base. In principle

planning terms therefore, the need and desirability of retaining the pre-school in the village is considered to outweigh the small and temporary loss of playing field available to the wider community.

Traffic, Access and Parking

52. The applicant considers that the relocation of the pre-school would not generate notable levels of car-borne journeys to and from the facility. This is mainly on the basis that the pre-school serves a very local need - almost entirely for children residing in the village - which is not expected to materially change. Out of the current 43 children attending, all but five currently live in the village and, given the central and accessible proposed location, it is expected that parents and their children will wish to walk to the new site when possible. Clearly, however, the reality at many schools and nurseries is increasingly a trend towards peak car journeys and the inevitable short term disruption this can cause. With that in mind the pre-school along with the Parish Council and the Memorial Hall charity have reached agreement to permit access to the rear area of hardstanding for parents to drop off and pick up by car. It is also agreed that the area be made available for staff parking, although currently six out of eight members of staff live within the village and would be likely to walk to work. The area of hardstanding is already used for car parking in relation to football matches and parish events, as supervised and controlled by the Parish Council. This management would therefore continue, but with the pre-school being given additional keyed access. It should be noted that the car park to the front of the hall is not part of the application, as it will continue to be needed for the day-to-day functioning of the hall.
53. NCC's Highways Officer initially raised an objection to the non-provision for staff and visitor parking, but following the above agreement does not object, but cautions that unless legally secured, the parking agreement would remain informal and could be removed at any time by one of the land owners. This could then lead to considerable on-street parking on Marsh Lane. A suitably worded planning condition could provide such a safeguard so that access for the preschool is provided.
54. In terms of the responses received, many of those in favour support the new location, with some parents pointing out that the site is still close to St Peter's Primary School and so will remain convenient for parents with a child at both establishments. A broader point is made that not all parents are able to have access to a car and so if the facility were to relocate out of the village altogether then this would present difficulties and disadvantage these residents. One objection received cites a safety concern for when vehicles may be moving around the car park. Given the low vehicle speeds necessary to travel through the barriers and along to the rear area, this is not expected to be a particular safety issue, particularly as children would be supervised by parents when entering/exiting the facility, although the matter would be monitored as the site gets established.
55. Spatial Policy 7 (SP7) requires development proposals to assist in minimising the need for travel, provide safe, convenient and attractive accesses for all, provide appropriate and effective parking and servicing provision and ensure

that that the safety, convenience and free flow of traffic using the highway is not adversely affected. The application is considered to offer suitable access and parking and is sustainably located in the centre of the village and serving a very local need, thereby helping to reduce the need to travel by car and meets the requirements of Policy SP7 in terms of sustainable transport and access. This is subject to the inclusion of a condition requiring the access arrangements to be made and kept available whilst the preschool is open.

Design and appearance

56. Core Policy 9 is concerned with sustainable design and seeks development of a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that built development should reflect the character of the surroundings in terms of scale, form, materials and layout. Policy DM5 also states that 'backland development' will only be approved where it would be in-keeping with the general character of the area and would not set a precedent for similar forms of development, which would be harmful to the established character and appearance of the area.
57. The proposed building would be made up of temporary mobile units, assembled to form the required internal space, including two classrooms. Its external appearance would therefore reflect its mobile and temporary nature and would be quite plain, with a flat roof and white render walls. The addition of a blue colouring to the upper trimming as well as around the doorways, would provide some visual interest.
58. Whilst the form and materials would not reflect the brick-built residential properties in the area it would be sited off the highway to the rear of properties and therefore would only be seen in the context of the playing field. In this setting it would appear not unlike the pavilions or stores which are to be found elsewhere on the field. The 2.1m high green mesh fencing which would be erected to secure the facility would not look out of place and is commonly used at schools and sporting facilities.
59. With regards to whether this would amount to 'backland development', whilst it is to the rear of the Memorial Hall from Marsh Lane, the field is a large open area with multiple points of access and therefore does not fit with the usual definition of such. It is not considered to create any precedent for further development on the site, given that the Parish Council have made an exceptionable allowance for this pre-school to move to the site, so as to safeguard its immediate future in the village. Long-standing proposals to rebuild the cricket pavilion remain and it is clear that this and any other possible development would have to go through the same Fields in Trust and Sport England approval process that this development has had to go through.
60. There would be no impact on the nearby small trees. One tree is beyond the playing field boundary fence, whilst the tree on the edge of the field would be 16m away from the footprint of the proposed building and 4m beyond the proposed fence line. Construction activity would avoid this area.

61. Internally the classrooms would have good levels of natural light from full height windows along the north-eastern elevation, there would also be all the necessary ancillary accommodation including a disabled toilet. It is expected that as the building would be raised up off the ground that an external ramp will be required and this can be subject to a planning condition. Details of the external play surfacing are also subject to a recommended condition. Subject to this, the facility would be a suitably accessible and adaptable learning environment broadly according with Core Policy 9 and DM5.

Residential amenity

62. Policy DM5 requires development to have regard to its impact on the amenity or operation of surrounding land uses and avoid causing an unacceptable reduction in amenity, including overbearing impacts, loss of light and privacy to neighbouring uses.
63. The proposed site lies to the rear of the Memorial Hall, but also the first of several residential properties backing onto the playing fields. No 50 Marsh Lane is a detached property with a rear garden extending some 18m to the boundary which is a close boarded fence overgrown by climbing vegetation. The outdoor play area formed within the new fencing would be directly to the rear of this property. The proposed pre-school building would be positioned adjacent to the Memorial Hall some 2m back from the boundary fence, so some 20m from the property and positioned away from its rear elevation. Due to the solid nature of the boundary and the single storey nature of the building, there should be no overlooking or loss of privacy. This and other neighbouring properties may experience additional noise from children when playing in this outdoor area, however the site is directly adjacent to an existing and popular children's play park and the land forms part of a long established playing field, so that such residents should already be familiar with such activity. Further, the proposed hours of operation from 08.30-15.30 (Monday to Friday) should limit additional impacts.
64. Whilst access and traffic has been considered above, it is apparent that the size, nature and sustainable location of the proposed development would assist in limiting the associated car-borne travel which could otherwise occur, thereby minimising the short term impact of parents arriving and departing by car.
65. The pre-school would not prevent the full use of the surrounding play area and sports pitches, indeed the play area is likely to be complementary to the pre-school.
66. On assessment, therefore it is considered that there would be no unacceptable reduction to the amenity of neighbouring residents or to the ability to enjoy and use the remaining playing fields and the application accords with Policy DM5 on this matter.

Flood Risk

67. The risk of flooding has evidently influenced the pre-school's choice for the new site. Firstly it was a factor in inhibiting the pre-school remaining at the St Peter's Primary School site in a new building. Secondly, it shaped the site search exercise undertaken when assessing alternative village locations, leading to the playing fields as the preferred choice. In effect this process has accorded with the sequential approach in the NPPF whereby development (particularly of a more vulnerable nature such as education establishments) should be directed to areas at less risk of flooding.
68. The majority of the field is shown to be at the lowest risk of flooding (Flood Zone 1), the application site area is indicatively shown as on the edge of Flood Zones 1 and 2, as such the Environment Agency raise no objection, noting their standing advice. The proposed building would be a temporary construction raised up off the ground on piers or stilts and would therefore not affect the permeability of the ground below or increase the flood risk elsewhere. Potentially external play surfacing may result in some loss of permeability, and whilst the final choice of surfacing has not been decided, the rubber crumb or Astroturf type finishes being considered typically do not have an impact. Surface water drainage from the roof would be directed to a soakaway within the grounds, whilst it is understood that a foul water connection is likely to be made through adjacent land which is part of the Memorial Hall. It is understood that the Memorial Hall charity are agreeable to this.
69. Part of the available standing advice is to ensure suitable emergency planning includes consideration to the risk of flooding and it is recommended that, whilst there is a low risk, an informative to the applicant should explain it would be prudent for the pre-school to factor in this consideration to their contingency plans.

Potential Contamination

70. The application site has not been previously developed, having been open fields before the formation of the playing fields as part of the expansion of the village in the latter part of the 20th Century and on that basis no surveys or desk top risk assessment for possible ground contamination has been submitted. The proposed nursery building would involve only minimal ground works to form the piers upon which the building would sit, along with any service connections. NCC's Reclamation Officer in his comments though, rightly takes a precautionary approach, given that the end users are considered a high risk age group and requires a condition for construction works to be undertaken vigilantly for any unexpected contamination and for details of how any such materials would be remediated, although the chances of such an occurrence remain low and the site is considered suitable.

Employment

71. The nursery employs eight members of staff and these positions would continue at the new site. Representations in support of the application state the risk to these positions should the facility have to close.

Conclusions

72. The main consideration in this case is balancing the removal /loss of a portion of the wider playing field in order to relocate and safeguard a pre-school which is valued by the local community and which is otherwise at risk of being lost to the village due to the expiration of its current lease. There is an identified need for the early years' provision it provides and the location has been chosen after a search for available sites within the village and taking into account other constraints such as the risk of flooding.
73. Against the considerations of Policies SP3 and SP8 the chosen location is considered sustainable and accessible and the facility would remain a small scale pre-school serving a very localised area, thereby avoiding the generation of excessive car-borne traffic. The development would impinge on a junior football pitch, however this can be moved and replaced in an adjacent position at the same standard, thereby preserving the sports pitch provision. A small area would though still be made unavailable for more general recreational use, but it is considered that there is sufficient remaining provision across 4 ha of playing fields.
74. The development would not lead to any unacceptable impacts on amenity for residents or the users of the remaining playing fields and the proposed building would be accessible and adaptable for its use. Its appearance would not be out of keeping with the setting and is not considered to create a precedent for development other than that which may be ancillary to the use of the playing field. The proposals are considered to accord with Core Policy 9 and Policy DM5 on matters of design and amenity. Amendments have been sought to provide for staff car parking and for parents to be able to drop off/collect children, thereby minimising on- street impacts, yet not prejudicing sustainable travel options.
75. The National Planning Policy Framework seeks to secure and deliver the social, recreational and cultural facilities communities need and plan positively for the provision of shared space and facilities and protect valued facilities from loss. The proposed development can be supported on the basis of a temporary grant of planning permission as per the recommendation below.

Other Options Considered

76. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

77. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are

described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

78. As set out in the report the proposal seeks to retain this popular and valued local facility which is otherwise at risk of closing without finding alternative accommodation. Should planning permission be granted the pre-school along with staff and children would move to the new site which is located nearby. The pre-school has secured a short extension to their current lease at the school to permit construction and site set-up works so that disruption can be minimised. Clearly if permission was to be refused, the pre-school has little to no alternative within the village and may have to move to Newark or close altogether.

Financial Implications

79. The proposal has secured a grant from Nottinghamshire County Council to ensure the continuation of early years provision in an area which has been assessed to require additional support. However this has no bearing on the assessment of the merits of the application.

Equalities Implications

80. The pre-school would be an accessible and inclusive facility serving local children and parents. Its continuation at a new site would ensure that its valued early years' provision would continue to benefit the local community and the life chances of children.

Crime and Disorder Implications

81. Some representations received cite a perceived risk of vandalism or break-in to the proposed facility, given that the site is not overlooked by properties and is on openly accessible playing fields. Measures though have been included to minimise the risk as much as practically possible in this location, including the provision of a 2.1m high mesh fence all-round and the provision of high security windows and doors to the building to render the development vandal resistant. The Police Architectural Liaison Officer has been consulted and has not found there to be any particular known problem or risk to the proposed development. The proposals have therefore taken into account the issue of crime and disorder in accordance with Policy DM5.

Human Rights Implications

82. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the removal from general public benefit of a portion of a community playing field. However,

this small loss of a wider area is clearly outweighed by the wider benefits the proposals would provide in terms of retaining a community pre-school in the village which is otherwise at risk of closure or a move away from the community. Members need to consider whether the benefits outweigh this loss and reference should be made to the Observations section above in this consideration.

Safeguarding of Children Implications

83. As an established preschool, the safeguarding of its pupils attending the facility is of paramount importance to the operators. This has been considered when selecting the preferred site. The facility would have a secured building and play area, whilst opportunities for supervised use of the wider playing fields is a possibility.

Human Resources Implications

84. There are eight members of staff employed at the current site, all of which would be retained and would move with the pre-school should planning permission be granted.

Implications for Sustainability and the Environment

85. There are minimal environmental impacts. An adjacent young tree would not be impacted. The development will be at a low risk of flooding and will be raised up off the ground. The prefabrication of the building has some sustainability benefits in terms of minimising resources.

Statement of Positive and Proactive Engagement

86. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

87. It is RECOMMENDED that temporary planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 14/04/2015]

Comments of the Service Director - Finance (SES 14/04/15)

The financial implications are set out in the report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Divisions and Members Affected

Farndon and Muskham - Councillor Mrs Sue Saddington

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.

RECOMMENDED PLANNING CONDITIONS

1. This permission shall be for a temporary period only expiring on 31 July 2020, at which time the building hereby approved shall be removed from the site unless a renewal of this planning permission has been previously granted by the County Planning Authority (CPA) for its retention. The site shall be restored to its previous condition as a playing field on the removal of the modular building, fencing and any surfacing by 30 October 2020 or such other date as may first be agreed in writing by the CPA.

Reason: The development hereby permitted is considered unsuitable for permanent retention on account of its construction and design.

2. Unless otherwise agreed in writing by the CPA, the development hereby permitted shall be carried out and thereafter maintained in accordance with the following plans and documents:
 - a) Completed planning application forms and certificates, received by the CPA on 12th January 2015, with additional certificate B received 26th March 2015.
 - b) Design, Access and Planning Supporting Statement, dated January 2015 and received by the CPA on 12th January 2015.
 - c) Drawing No.4475 (40) 401 'Proposed Elevations', dated 5th January 2015 and received by the CPA on 12th January 2015.
 - d) Drawing No.4475 (30) 301 'Proposed Floor Plan', dated 5th January 2015 and received by the CPA on 12th January 2015.
 - e) Drawing No.4475 (20) 201 Rev C 'Site Plan- Memorial Hall Playing Area', dated and received by the CPA on 26th March 2015.
 - f) Specification for green mesh fencing received by the CPA on 21st January 2015.

Reason: For the avoidance of doubt and to define the permission.

3. No development shall be undertaken until and unless the 5-a-side junior football pitch is first relocated in the position and dimensions as shown on approved drawing No.4475 (20) 201 Rev C. This shall be undertaken by the moving and re-positioning of the goal posts so to enable a pitch measuring 37m by 27m (with 2m run off on all sides) to be playable.

Reason: The development cannot commence until the pitch has been relocated so to ensure that all at times during construction and operation of the facility that there would be no loss of sports pitches at the site in accordance with Spatial Policy 8 of the Newark and Sherwood Core Strategy and paragraph 74 of the National Planning Policy Framework.

4. Prior to the commencement of the development hereby permitted, a scheme for the provision of surface and foul water drainage works shall have been submitted to and approved in writing by the CPA. The drainage works shall thereafter be carried out in accordance with the approved details.

Reason: The development cannot commence until a suitable means of disposing of the foul and surface water has been identified to ensure there would be satisfactory drainage in accordance with Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies DPD.

5. A watching brief for any unexpected ground contamination shall be maintained during construction/installation works.

a) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the CPA.

b) If any such contaminated material is found, an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, and submitted to the CPA for its approval in writing.

c) Following completion of the measures identified in the approved remediation scheme a verification report must be prepared and submitted to the CPA for its approval in writing.

Reason: To ensure that the site is safe for its intended purpose.

6. Prior to their installation, details and specific locations of any external lighting proposed around the building shall have been submitted to and approved in writing by the CPA.

Reason: To protect residential amenity and to accord with Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies DPD.

7. Prior to the first occupation of the development, hereby approved, details of suitable ramped access into the building shall be first submitted to the CPA for its approval in writing.

Reason: To ensure the facility would be accessible to all users in accordance with Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies DPD.

8. Prior to the first occupation of the development, hereby approved, details of any external hard or soft surfacing around the building shall be first submitted to the CPA for its approval in writing.

Reason: In the interests of design and visual amenity in accordance with Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies DPD.

9. The development hereby permitted shall only operate between the hours of 08.30 to 15.30 Monday to Friday. The pre-school shall not operate on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect residential amenity and to accord with Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies DPD.

10. The preschool hereby approved shall not operate unless access for staff car parking, servicing, and for parents to pick up/drop off children, in accordance with approved plan No.4475 (20) 201 Rev C, is made available to the rear of the Memorial Hall for the life of the development.

Reason: In order to provide appropriate parking and servicing access in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy and to prevent unacceptable levels of on-street parking, likely to cause danger to other users of the highway.

Notes to applicant

1. The pre-school is advised to consider the risk from flooding within its emergency/contingency planning. The Environment Agency operates the Flood Warnings Direct service which the pre-school may wish to sign up to if it has not already done so. Further information is available at: www.gov.uk/sign-up-for-flood-warnings