



**5 January 2020**

**Agenda Item: 5**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**ASHFIELD DISTRICT REF. NO.: 4/V/2020/0733**

**PROPOSAL: RETENTION OF MODULAR BUILDING WITH RAMPED ACCESS AND CANOPY (PERMISSION 4/2010/0325) FOR USE AS A CHILDREN'S CENTRE AND LIME TREES DAY NURSERY**

**LOCATION: THE LIME TREES NURSERY, KIRKBY WEST (CHILDREN'S CENTRE), SUTTON MIDDLE LANE, KIRKBY-IN-ASHFIELD, NG17 8FX**

**APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES AND THE LIME TREES NURSERY**

### **Purpose of Report**

1. To consider a planning application for the retention of a Children's Centre building used by a community group as a day nursery at The Lime Trees Nursery, Sutton Middle Lane, Kirkby-in-Ashfield. The key issue relates to the siting and appearance of the building and its suitability to be retained permanently. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. The application site is on part of the former Greenwood Primary & Nursery School, which converted to become an Academy in September 2016, and is located on the west side of Sutton Middle Lane 1.3km to the north-west of Kirkby in Ashfield town centre. The site is located within residential estate development at the end of a cul-de-sac which continues as a public footpath to the north (Plan 1).
3. The application site is a roughly triangular in area and lies on the southern boundary of the school with its own pedestrian entrance from Sutton Middle Lane. Residential properties lie to the south. A modular building with a *stoneflex* clad finish and pitched roof, with a canopy and ramped access to the side, stands on the site with outdoor play areas to the east and south. When built, the modular building construction is understood to have had a design life of 40 years. The site is enclosed by Heras fencing on the road frontage, timber

fencing separating it from the school and palisade fencing on the southern boundary.

4. The building is used by a local community group which operates as a Community Interest Company (a social enterprise that exists to benefit a community) and provides Early Years Education and Childcare on behalf of Nottinghamshire County Council.
5. The adjacent Greenwood Academy school day core teaching hours are 08:50-15:15 hours. School-Keep-Clear and junction protection parking restrictions are in place in proximity to the application site (Plan 2).

### **Planning History and Background**

6. Planning permission was granted in September 2010 (Ref 4/2010/0325) for the erection of a Children's Centre and external works for a period of 10 years. A condition attached to the grant of the permission required six parking spaces in the school car park (not in the application site but in the control of the applicant at the time) to be dedicated for use by the Children's Centre. The parking spaces were intended to be used by staff and visitors to the Children's Centre. Hours of use were restricted to 08:00-18:00 on Monday-Friday, 08:00-13:00 Saturday with no use permitted on Sunday or any Public or Bank Holiday.
7. The building has been used by The Limes Trees Nursery since 2016 to deliver pre-school places for Nottinghamshire County Council. The nursery has capacity for 26 children and operates during term-times between 08:30-15:30 hours on weekdays. No provision was made in the Academy lease to require car parking to be retained for use by the Children's Centre/nursery. Since being used independently of the adjacent school site the nursery has operated without off-street parking.
8. Operating in a Covid impacted environment, 10 children currently attend the pre-school with five of those arriving by car. All five have siblings attending the adjacent Greenwood Primary & Nursery School. All staff members at The Lime Trees Nursery arrive by car and park on the highway.

### **Proposed Development**

9. Planning permission is sought to retain the building (footprint 15.5m x 7.5m), canopy and ramped access. A condition survey supporting the application identifies the need for minor electrical work, but no work being required to the structure or external appearance of the building.
10. No off-street parking is proposed for service vehicles, staff or parents of children attending the nursery. The applicant draws attention to the staggered start/finish times between the Greenwood Academy and the proposed use.

11. Three full-time staff are currently employed, and the facility has capacity for 26 child places. The proposed hours of use of the nursery are 08:30-15:30 Monday-Friday during school term-time.
12. The supporting statement explains that offering places to children at this site enables partnership working. The Centre is purpose built, well-resourced and has the advantage of being on the Greenwood Primary campus, offering the opportunity for joint working and quality transitions.
13. There is added value in that the Centre can provide opportunities for parents to benefit from adult learning, targeted family support, and building home learning environments and modelling excellent childcare practice for parents delivered at the Kirkby East children's centre (The Summit Centre), a public sport and leisure complex to the north of Kirkby-in-Ashfield town centre.

## Consultations

14. **Ashfield District Council** – Object to a grant of permanent permission. A time-limited consent is acceptable. An improved design should be sought for a permanent solution.
15. *Ashfield District Council raise concerns in respect of the impact on the character and appearance of the streetscene and the impact on the amenity of neighbouring properties. There are concerns in respect of the siting of the building in a prominent location forward of the main school building including materials that are not consistent with surrounding buildings. Activities associated with out of school hours use are likely to involve children playing outside and noise emanating from the building. There is concern that the building in this location may be potentially detrimental to the amenity of neighbouring residential properties as a result of increased noise levels.*
16. Ashfield District Council has subsequently confirmed that their Environmental Health Officer has received no noise complaints related to The Lime Trees Nursery.
17. **NCC Highways Development Control** – No objection. There is no parking within the site. Highways Development Control is not aware of any reported injury accidents on the highway outside the nursery/Children's Centre. In coming to this conclusion, the Authority has considered issues of pedestrian access and safety.
18. **Via Project Engineer (Noise)** – No objection. *While noise from outdoor activities may be audible at the nearest receptors, given the context of the wider use of the [adjacent school] site and operating hours consistent with that of the school, it is not anticipated that will be any significant adverse noise impacts at the nearest noise sensitive receptors. It is noted that since the nursery started in September 2016, no noise complaints have been received from the neighbours.*

## Publicity

19. The application has been advertised by site notice and neighbour notification in accordance with the County Council's Adopted Statement of Community Involvement.
20. Councillor John Knight has been notified of the application.
21. No representations have been received.

## Observations

22. Ashfield Local Plan Review (ALP) Saved Policy ST1 *Development* will allow proposals (amongst other criteria) where they will not adversely affect the character, quality, amenity or safety of the environment; and will not adversely affect highway safety. The building subject of this application is of a modular construction, and although of greater scale the external finish is not dissimilar to garages, garden buildings and community buildings which are often seen on contemporary residential estates. When determining planning application 4/2010/0325 a 10-year time-limited consent was granted having regards to the design, external appearance and type of construction of the modular building. Now that the building is *in situ* the construction in terms of its appearance is considered to be acceptable. Notwithstanding the concern raised in the representation received from Ashfield District Council, the building is set back from the frontage of the houses to the south and is well screened from the road by a hedge and planting. The development is considered to be acceptable in terms of its character, quality and amenity in compliance with ALP Saved Policy ST1 *Development*.
23. Children's Centre modular buildings of similar external finish, although of flat roof construction, have been granted permanent approval elsewhere in the county (for example at Coppice Farm Primary School, Arnold - 7/2009/1082 built around 2010) in a move away from brick building in a period of limited budgets. The projects were the beginning of a move to a standardised form of modular construction widely used on school sites which is a time and cost-effective building method.
24. The development has been operating since 2016 without off-street car parking and this has not given rise to highway safety issues. The staggered school and nursery start/finish times will spread the impact of on-street parking. A greater traffic issue is likely to be generated by activity at the school, particularly at school start/finish times. However, vehicle parking near the school is controlled through existing highway parking restrictions, and without complaint or incidents having been reported, the continued use of the site offering Early Years Education and Childcare is considered to be acceptable and again in compliance with ALP Saved Policy ST1 *Development*.
25. The proposed hours of use of the nursery are stated in the application. However, longer hours of use were specified in the 2010 grant of planning

permission and have not given rise to complaints. It is recommended that the hours of use of the building and site are restricted to 08:00-18:00hrs Monday to Friday; 08:00-13:00hrs on a Saturday, with no use permitted on a Sunday, Bank or Public Holiday, as previously approved. Should the applicant wish to extend the permitted hours of use, the merits of such a proposal including the impacts on the amenity of neighbouring properties that may arise, can be considered through an application to vary recommended Condition 1.

### **Other Options Considered**

26. 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**

27. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

28. The development is secured by perimeter fencing.

#### Data Protection and Information Governance

29. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

#### Human Rights Implications

30. 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 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Public Sector Equality Duty Implications

31. The ramped access provides suitable disability access to the building.

### Safeguarding of Children and Adults at Risk Implications

32. Safeguarding will be the responsibility of the operator. The perimeter fence provides appropriate site security.

### Implications for Sustainability and the Environment

33. The development will allow the retention of an asset supporting the local community.

### Implications for Service Users

34. The proposal will allow the continued provision of pre-school places for Nottinghamshire County Council.
35. There are no Financial or Human Resources implications.

### **Statement of Positive and Proactive Engagement**

36. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

37. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [RHC 16.12.2020]**

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments [RWK 07.12.2020]**

There are no specific financial implications arising directly from the report.

### **Background Papers Available for Inspection**

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

### **Electoral Division and Member Affected**

Kirkby North                      Councillor John Knight

Report Author/Case Officer

David Marsh

0115 9932574

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

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