

P/13/0917/OA

MRS A VULLIAMY

PARK GATE

AGENT: PLANNING
DEVELOPMENT
REGENERATION

OUTLINE APPLICATION FOR 150 PLACE CHILDREN'S NURSERY, ACCESS, PARKING
AND AMENITY AREA

69 BOTLEY ROAD PARK GATE SOUTHAMPTON HANTS SO31 1AZ

Report By

Richard Wright x2356

Introduction

This application has been called onto the Planning Committee for members to determine at the request of Councillor Mr Bayford.

Members will recall that this application was considered at the previous Planning Committee meeting on Wednesday 18th December 2013 where it was resolved to defer determination in order for Members to visit the site. A site visit was conducted on Wednesday 8th January 2014.

Site Description

The application site is located to the west of Botley Road (A3051) and includes the residential curtilage of the dwelling at 69 Botley Road, which lies within the designated urban area, and a larger section of land to the rear, which falls outside of the urban area within the countryside.

The boundary of the urban area effectively runs along the rear boundaries of the properties on the western side of Botley Road, the application site straddling the urban/countryside edge.

To the north of the dwelling at 69 Botley Road is a recently constructed care home, whilst to the south is a public house, The Village Inn.

Close to the frontage of the site and on the opposite side of Botley Road runs Duncan Road providing access to Swanwick railway station. Park Gate local centre is located approximately 150 metres to the south of the site.

Description of Proposal

Planning permission is sought for a children's nursery with a capacity for 150 places. The application is submitted in outline form meaning permission is sought to establish the principle of development along with the means of access. All other matters of scale, appearance, layout and landscaping are reserved to be considered at a later date.

The submitted planning statement explains that it is intended to initially change the use of the existing dwelling to provide accommodation for back office staff, staff welfare accommodation and temporary kitchen and storage areas. A single storey extension to the dwelling would be demolished to make way for turning space for delivery vehicles.

The submitted site layout shows an area within which a new building would be erected.

This area is wholly within the designated urban area. An illustrative section shows a two storey scale building, described in the planning statement as a purpose built oak/timber framed structure of 'rural character'. The building would be capable of being constructed in two sections/phases.

The first phase of the development would involve the use of the existing dwelling on the site as explained above along with the first section of the new nursery building. The associated car parking facilities, amenity area and access improvements would also be carried out at this stage. The second phase of the development would take place once the business had grown and would provide accommodation to replace the space being used in the existing dwelling for ancillary office, welfare and storage purposes. The application is not explicit over whether it is intended to demolish the remainder of the existing dwelling during or after this second phase or whether it would be the applicant's intention to put the building to some other use.

Each of the two phases would provide space for 18 babies (with 6 staff), 24 toddlers (8 staff) and 32 pre-schoolers (4 staff). When complete therefore the nursery could potentially cater for up to 150 children at the premises any one time. In practice the applicant expects the nursery would operate at 80% capacity.

The development involved with the associated parking and amenity facilities would take place on the larger section of the site which lies beyond the urban area within the countryside. A 30-space car park is proposed with adjacent 1.8 metre high boarded fencing, whilst the remainder of that part of the site would be used as a garden area ancillary to the nursery.

The application seeks approval for the means of access to the development. Access is proposed via the existing vehicular crossover to Botley Road which would be improved to provide a 6 metre wide, two-way entry/exit. The access road would continue into the site along its southern boundary to the car park at the rear.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

Fareham Borough Local Plan Review

DG4 - Site Characteristics

C18 - Protected Species

Relevant Planning History

The following planning history is relevant:

<u>P/13/0709/CU</u>	CHANGE OF USE OF LAND TO RESIDENTIAL GARDEN REFUSE 07/10/2013
<u>P/13/0144/OA</u>	ERECTION OF TWO DETACHED DWELLINGS (OUTLINE APPLICATION) REFUSE 23/05/2013
<u>P/12/0807/FR</u>	FULL RENEWAL OF PERMISSION FOR ERECTION OF 5 DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS TO EXISTING DWELLINGS WITHDRAWN 08/10/2012
<u>P/09/1024/FP</u>	PROPOSED DEED OF VARIATION OF PLANNING OBLIGATION (LA1451) RELATING TO P/09/1024/FP PERMISSION 17/02/2010
<u>P/09/0538/FP</u>	ERECTION OF 5 DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING. ALTERATIONS TO EXISTING DWELLING. REFUSE 01/09/2009
<u>P/07/1565/OA</u>	ERECTION OF FIVE DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING (OUTLINE APPLICATION) OUTLINE PERM 29/01/2008

Consultations

Director of Regulatory & Democratic Services (Contaminated Land) -

A condition is no longer required for sampling soil on site. There is no documented potential for contamination on site or on neighbouring land to the north and the imported soil mentioned in the design and access statement was sub soil stripped from the neighbouring land to the north and did not include any demolition waste.

Director of Regulatory & Democratic Services (Environmental Health) -

A previous noise report for this site suggested that the overall external daytime noise level to the rear of the site, which is dominated by traffic noise from the M27, compared poorly with the recommended ideal of 55dB(A) (WHO guidelines) for school (nursery) playgrounds, prior to the erection of the nearby five storey building [Hamble Heights care home]. I had previously asked for the acoustic impact of this building on the external daytime noise level to be assessed and where it fell short of the ideal target, for appropriate remedial measures to be recommended. This assessment has not been undertaken. Also in this case, the area in which the children may play might extend beyond the large building next door. Therefore, I would suggest that the average daytime noise level in all the play areas needs to be assessed and remedial measures implemented as appropriate. Any new nursery building to also be built so as to provide for a reasonable internal noise environment having regard to appropriate standards such as the WHO guidelines for Community Noise.

Although background noise levels are relatively high in this area, I am of the opinion that noise from the external play areas may be subject of complaint to this department by the proprietors of the nearby public house and/or care home. During the summer for instance people having weekday lunch in the pub garden may be affected by noise from children and complain to the management. Complaints from the care home may be less likely as there is

a car park between the play area and the facade on that side. However, we are aware of complaints associated with children's nurseries in the Borough and how far the noise can travel. Limiting the number of children using the garden at any one time may help to resolve such issues.

Director of Planning & Environment (Landscape Architect) -

I have looked at the site layout plan and I am concerned at the proposal for a garden and car parking outside the urban area. There is no doubt that conversion of countryside to garden use does introduce urbanising elements such as security fencing and garden structures and equipment. I commented on an earlier application for a residential garden on this area but the current proposal is a garden and car parking related to commercial use as a children's nursery and I think the impact on the countryside will be much greater than a residential garden, firstly because thirty car parking spaces are included and are likely to be well used and active (and may also require lighting) and secondly because equipment in the garden is likely to be heavily used throughout the day and of a larger scale than domestic garden equipment.

Director of Planning & Environment (Strategic Planning) -

The proposed car park in the western part of the site is contrary to Policies CS14 & CS17 of the Core Strategy.

Director of Planning & Environment (Ecology) -

In summary, the site provides a small area of habitat suitable for reptiles. It is proposed to retain suitable alternative areas of habitat within the developed site (as shown on the site plan within the report), into which any animals can be persuaded to move via habitat manipulation. As such, I'm satisfied with regards to impacts of the scheme on any reptiles. The building has been inspected (and additionally inspected closely using an endoscope), and it has been concluded that the building to be demolished has negligible bat potential. As such I have no further concerns with regards to bats.

In any consent, a condition should secure a full and detailed reptile mitigation scheme (to be submitted with any reserved matters application) setting out the proposed reptile mitigation in line with the measures outlined within the ecology report, and based upon updated assessments of the site. This shall include details of the proposed reptile habitat which shall be retained and maintained throughout the construction and operational life of the development.

The tree in the north west corner of the site has been found to have bat potential. The current plans show that this tree will be retained within the developed site. However, it has been recommended that any lighting avoids illumination of this habitat feature.

[Recommended conditions concerning lighting scheme and reptile mitigation strategy, recommended informative concerning bird nesting].

Natural England -

It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the

environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

Director of Planning & Environment (Highways) -

The Transport Statement submitted with the application indicates that vehicle turning activity is likely to be significant and at peak times, greater than a vehicle per minute. Such high levels of additional vehicular activity would be detrimental to traffic conditions given the nature of Botley Road, the location and standard of the access and visibility and its position relative to the other accesses and junctions within the immediate area. There is also a relatively low risk that short term parking could occur on Botley Road which would also present road safety concerns.

A highway objection is therefore raised to this application on the ground that the development would be likely to generate a significant level of additional turning vehicle movements on Botley Road to the detriment of highway safety and free-flow traffic conditions.

Planning Considerations - Key Issues

i) Recent planning history

Planning permission was granted on 17th February 2010 for the erection of five detached dwellings with associated car parking & landscaping and alterations to the existing dwelling. This permission related entirely to the land within the urban area. The planning permission was implemented with the provision of services to the site, however no construction of the dwellings themselves has yet begun. Members may recall that at the previous committee meeting held on 20th November this year it was resolved to alter the trigger concerning the payment of public open space contributions secured through a section 106 agreement in relation to this permission to be due upon occupation of the units.

An outline planning application for two detached houses on land to the west of 69 Botley Road was refused permission on 23rd May 2013. Members considered that there was no justification or overriding need for development of this nature in the countryside outside a settlement boundary. The two dwellings would be visually intrusive in this countryside location and fail to respect the landscape setting. Furthermore insufficient information had been submitted in respect of the impact of the development on ecology.

On 12th August this year an application to change the use of the land to the west of 69 Botley Road to residential garden (P/13/0709/CU) was refused under Officer delegated powers on the grounds that it would fail to relate to the established garden areas and be disproportionate to the existing curtilage, harmful to the character, appearance and function of the countryside. An appeal has been lodged against the Council's refusal to grant permission and is currently being considered by the Planning Inspectorate on behalf of the Secretary of State.

ii) Principle of development and visual impact within urban area

The erection of the new nursery building is proposed to take place on the residential curtilage of 69 Botley Road wholly within the urban area. In itself the use is supported in principle through Core Strategy Policy CS6 (Development Strategy) which seeks to focus development on previously developed land within the defined urban settlement boundaries. It is also in alignment with Core Strategy Policy CS9 (Development in the Western Wards &

Whiteley) which explains that development will be permitted within the Western Wards and Whiteley settlement boundaries where it contributes towards "local facilities for business, leisure, culture or community facilities".

The area shown on the submitted site plan for the new building covers a significant portion of the part of the site within the urban area. The area would allow for the erection of a large structure which, along with the existing dwelling and hardsurfaced access, would potentially have a considerable effect on the visual appearance of the streetscene. Notwithstanding, the footprint for development would not be out of keeping with the pattern of development in the immediate surrounding area, taking account of the extent of the care home building to the north and the public house to the south both of which have reasonable sized car parking areas within the urban area also. Matters of the scale, layout and appearance of the building are all reserved and therefore, should outline permission be granted, the Council would be able to control these fundamental aspects pertaining to the visual impact of the development.

iii) Principle of development and visual impact within countryside

The application proposes development taking place outside of the urban area on land to the west of 69 Botley Road, namely the 30-space car park and garden area. This is the same parcel of land where the two planning applications submitted earlier this year were refused.

Core Strategy Policy CS14 (Development Outside Settlements) sets out that "built development outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure".

Core Strategy Policy CS17 (High Quality Design) requires development to be designed to "respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials". It also expects that development will "provide appropriate parking for intended uses taking account of the accessibility and context of the development and tackling climate change".

Car parking ancillary to a children's nursery is not considered to have an overriding need for a countryside location and no justification for such has been provided by the applicant. Furthermore, a well used and active car park would introduce significant numbers of vehicle movements into this countryside location.

The car park would be considerable in size with Officers estimating it to occupy in excess of 600 m². The submitted planning statement sets out the intention for the car park to be constructed using permeable materials in the form of 'TDP Porous Pave' which would "ensure the natural appearance of this area during all the times when cars are not present". Officers are of the view however that such materials would inevitably have a visual impact as well there being the appearance of associated fencing, signage, markings, lighting and other forms which would have an intrusive and urbanising visual effect. The parking area would also carry with it the unacceptable visual impact of cars and other vehicles themselves which would be present on the site for a considerable time during the day, five days a week. It would be enclosed by a 1.8 metre close boarded fence having the effect of subdividing this plot of land and adding to the disruption to the countryside.

The garden/amenity area represents a material change in the use of the land. Whilst it

would theoretically be possible to have a garden with no physical structures present, in reality a nursery garden would be expected to have various paraphernalia and equipment such as for example climbing frames, slides, swings and even outbuildings within which to store toys and other play things. Given that the nursery is proposed to accommodate up to 150 children at one time the amount of equipment and extent of its physical spread across this area of countryside could be considerable. Furthermore large parts of the garden area are likely to be landscaped and maintained in a way which gives the appearance of a 'residential' garden.

To summarise this particular issue in respect of the development proposed outside the urban area, it is the view of Officers that the proposal is contrary to Policy CS14 in that the car park would be an inappropriate form of built development within the countryside for which there would be no justification or overriding need. The visual effect of the the car park and the new focus of activity it would bring to this countryside location would be harmful to its landscape character, appearance and function.

The proposal is also found to run contrary to Policy CS17 in that the physical nature of the development in the countryside and the ancillary uses which would be facilitated would fail to respect or respond positively to the surrounding area. The land associated with the proposed nursery use draws no relationship with the depths of plots in the immediate vicinity of the site. The site proportions would not reflect the surrounding pattern of development and thus also detracts from the character of the area.

iv) Effect on residential amenity

The proposed new building would stand a sufficient distance away from the adjacent care home to the north so as not to adversely affect the light to or outlook from that property subject to the scale of the structure which is a reserved matter. Similarly, should outline permission be granted, consideration of any potential overlooking arising from the erection of the new building would be undertaken when matters concerning the scale, appearance and layout of the building were submitted.

The creation of access through the site to the rear where the proposed car park would be located would involve a new focus of vehicular activity close to the southern boundary of the site. Notwithstanding, Officers are satisfied that there would be no adverse effect on the living conditions of neighbours given the adjacent premises to the south is a public house.

Concern has been raised by the Director of Regulatory & Democratic Services (Environmental Health) over the potential for noise and disturbance from children playing in the nursery garden. Notwithstanding the comments received, Officers are of the view that the garden area is large and in places quite some distance from the adjacent care home and public house, furthermore any potential adverse impact in this regard could be satisfactorily controlled by imposing reasonable planning conditions.

v) Highway safety

The Director of Planning & Environment (Highways) has raised concerns over the number of vehicle movements generated by the proposal at peak times of the day and the likely impact on highway safety and the free-flow of traffic on Botley Road:

"The Transport Statement submitted with the application indicates that vehicle turning activity is likely to be significant and at peak times, greater than a vehicle per minute. Such

high levels of additional vehicular activity would be detrimental to traffic conditions given the nature of Botley Road, the location and standard of the access and visibility and its position relative to the other accesses and junctions within the immediate area."

Furthermore, as a vehicular crossover as opposed to a kerbed bell mouth access, the proposed exit/entrance is considered inadequate for the intensity of use at peak times. Such a poor standard of access would compound the detrimental effect on the safety and convenience of highway users.

The proposal is considered to be contrary to Policies CS5 (Transport Strategy & Infrastructure) & CS17 (High Quality Design) in that it would generate a significant number of additional vehicle movements on Botley Road which by virtue of the points set out above would adversely affect the safety and operation of the highway.

vi) Ecology

The applicant has submitted supporting information in the form of an ecological constraints survey. The comments received from the Director of Planning & Environment (Ecology) are summarised above.

In light of the additional information provided and the comments above from the Council's ecologist, Officers are satisfied that the potential impact of the development on protected species and habitat is known and that, were the application found to be acceptable in all other regards, such matters could be controlled satisfactorily by condition.

vii) Summary

Officers acknowledge the demand for nursery facilities of this type and the employment opportunities it can create.

The considerable scale of the proposed facility would however require extensive car parking and associated garden areas to be located within an area defined as countryside where development is normally strictly controlled. The extension of the facilities into the countryside would be contrary to policy, harmful to visual amenity and would not respect the key characteristics of the area.

The proposed access design along with the likely level of car movements into and out of Botley Road, particularly during the peak period, would be harmful to the convenience and safety of users of the highway.

Officers consider that the harm caused by the proposal is of such significance that it outweighs any benefits which might arise. The application is therefore recommended for refusal.

Recommendation

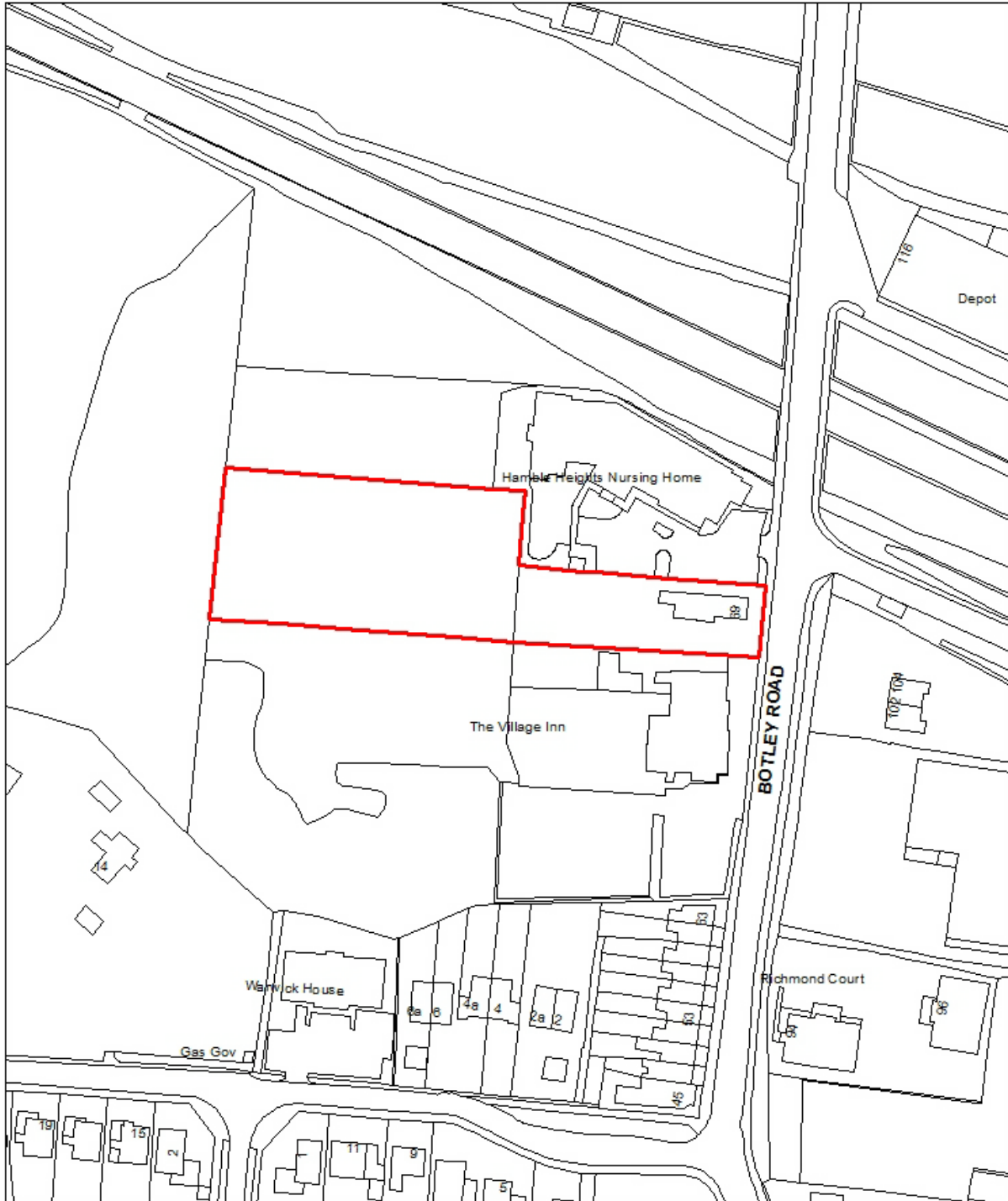
REFUSE: Contary to policies CS5, CS14, CS17 of the adopted Fareham Borough Core Strategy: development in countryside unacceptable in principle; visual harm to landscape character, appearance and function; fails to respect and respond positively to key characteristics of surrounding area; detrimental to highway safety and convenience.

Background Papers

P/13/0917/OA

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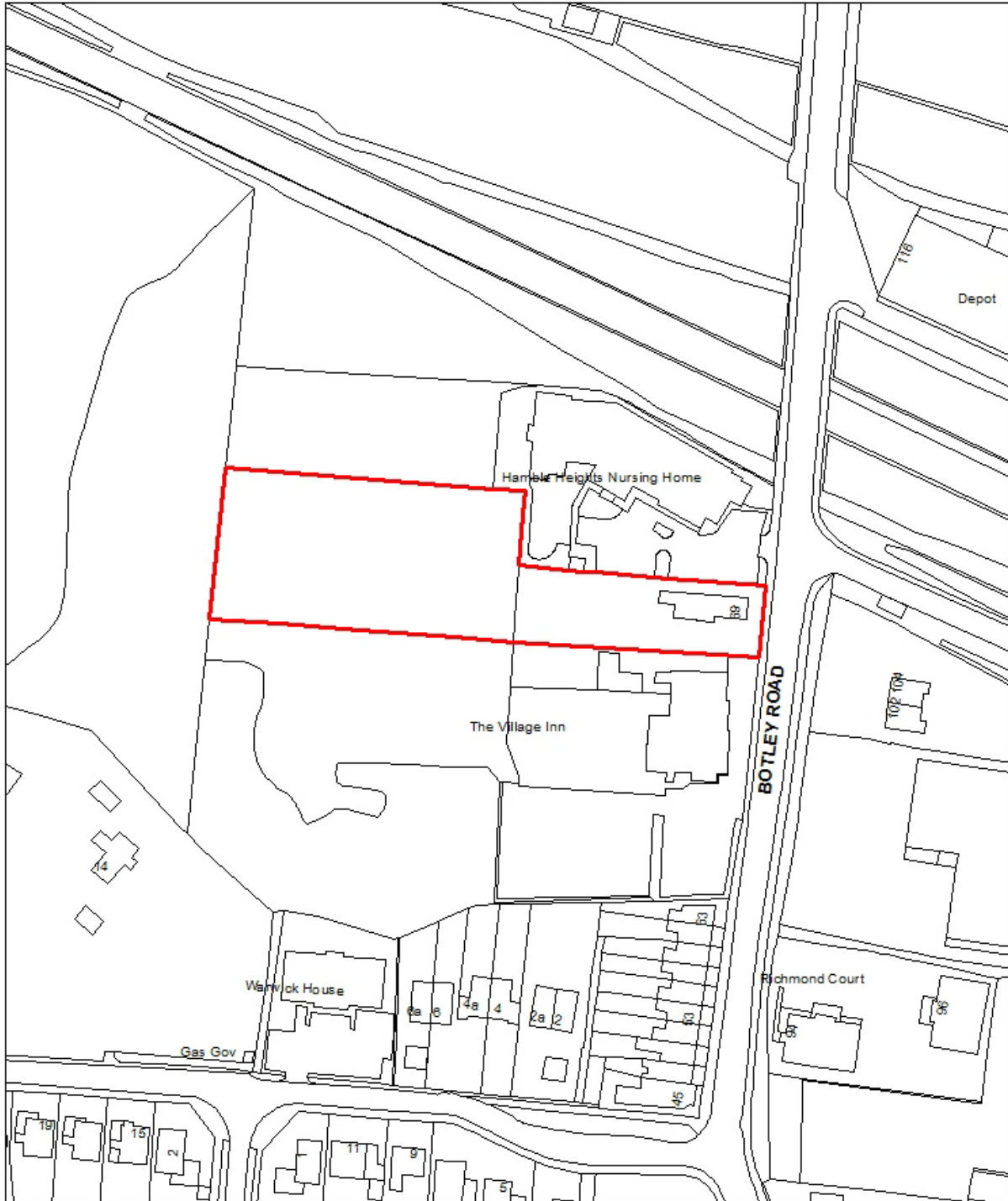
69 Botley Road
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