

PLANNING COMMITTEE – 12 July 2018

REPORT OF THE OFFICERS

Background papers, if any, will be specified at the end of each item.

AGENDA ITEM No. 5

5 DEFERRED APPLICATIONS

5.1 **CH/2018/0247/FA** (*Case Officer: Emma Showan*)

CHANGE OF USE TO A NURSERY (USE CLASS D1)

The Great Barn, Blackwell Hall Lane, Latimer

Matter for consideration

- 5.2 Additional information received following the decision at 14th June Planning Committee to defer the application pending more information in regards to highway safety and the requirements for nursery outdoor space provision.
- 5.3 Planning application CH/2018/0247/FA was considered by Members at the Planning Committee of 14th June 2018. (Committee Report is attached as **Appendix FP.01**).
- 5.4 Committee deferred its decision to allow Officers to consult with Buckinghamshire County Highways Authority on the usability and safety of the proposed access and to consult with Buckinghamshire Early Years Children's Services on the requirements for outdoor space.
- 5.5 The Highways Officer has provided additional comments in regards to the proposed access onto Blackwell Hall Lane (attached as **Appendix FP.02**). The comments confirm that the requisite visibility splays are achievable in both directions onto Blackwell Hall Lane, commensurate with Manual for Streets Guidance, and that the access point serving the site would allow for the simultaneous two-way flow of vehicles. In terms of the trip generation, the Highways Officer has confirmed that the existing office would have the potential to generate in the region of 38 vehicular movements (two-way) per day, with the proposed nursery having the potential to generate in the region of 97 vehicular movements (two-way) per day, resulting in an increase of 59 movements per day. Nonetheless, the Highways Officer has concluded that having assessed the planning application with a view to the requirements of the National Planning Policy Framework (NPPF), in particular Paragraph 32 which states that: 'development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe', then, in the Highway Officer's opinion, the increase in movements associated with the site is not considered to result in a severe impact.
- 5.6 The Highways Officer has also provided comments on the junction between Blackwell Hall Lane and Latimer Road (attached as **Appendix FP.03**). Although this is not within the application site, Members' expressed concern about the intensification of use of this junction. The Highways Officer has subsequently confirmed that adequate visibility splays are achievable from the junction of Latimer Road and Blackwell Hall Lane and that no collisions have been recorded at this junction. As such, the Highways Officer has raised no new objections to the proposal.
- 5.7 The Early Years Commissioning Manager at Children's Services, Buckinghamshire County Council has also confirmed the outdoor space requirements for a nursery (attached as

Appendix FP.04). It is stated that whilst there are no specific regulations relating to outside space, there is an expectation that children are able to 'free flow' between inside and outside spaces. It is confirmed that Ofsted could register a provider who does not have their own outside space providing there is evidence of how the children could 'access the outdoor environment' and the Early Years Commissioning Manager has stated that as a Local Authority, they would not recommend a nursery that could not provide any outdoor space.

- 5.8 The Applicant has confirmed (attached as **Appendix FP.05**) that although no formal playground will be provided, the intention is that the children will have the opportunity to undertake 'outdoor activities' whilst supervised in the over 200 acres of pasture land which surround the barn. The children would be supervised to explore the fields, woods and river area and the approach would be to take the children on regular 'outings' to explore their surroundings as opposed to having a formal 'free flow' system. The Applicant has also stated that they do not have a free flow system at their other existing nursery, Ashridge Day Nursery and this does not appear to have been an issue (although it is noted that this nursery is located in another District).

Conclusion

- 5.9 The Highways Authority has confirmed that they consider the access to be acceptable and that the residual cumulative impact of the development would not be severe, in line with the requirements contained in Manual for Streets Guidance and the NPPF. The Early Years Commissioning Manager has confirmed that there is no set standard for outdoor space provision for nurseries, although it would be unlikely that a nursery would be acceptable where there is no opportunity to access the outdoor environment. In respect of this, the Applicant has confirmed that they do not intend to have a formal outdoor playing area but rather the children would be supervised on regular 'outings' to explore their surroundings. The intention is to make the most of the pasture land and wood land surrounding the premises.
- 5.10 Given that no formal outdoor area is proposed and that the majority of the nursery's activities would take place within the Great Barn, it is not considered that the proposal would have a detrimental impact on the openness of the Green Belt or on the Chilterns Area of Outstanding Natural Beauty. It is noted that no additional hardstanding or play equipment would be erected as part of the application. In addition, it is not considered that the supervision of children on 'outings' on Green Belt land would result in a change of use of the land, as it would remain primarily in agricultural use. No new objections are therefore raised in regards to the principle of the change of use, the impact of the proposal on the Listed Building or the impact on neighbouring amenity. The Highways Authority has also confirmed that they consider the proposal to be acceptable given its impact on the local highway and the safety of the proposed access. As such, in light of the additional information, the Officer recommendation remains as per the previous report.

Recommendation

Conditional permission

1. C108A General Time Limit

2. The use of the nursery building hereby permitted shall only take place only between the hours of 7:00am and 19:00pm on Monday to Friday, and at no time during weekends or bank holidays.

Reason: To protect the amenities of neighbouring properties.

3. No external lighting shall be fixed to the buildings or installed within or around the site unless first agreed in writing by the Local Planning Authority.

Reason: In order to maintain the rural character of the locality.

4. The Nursery building hereby permitted shall only be used for nursery purposes and for no other purpose(s) [including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

Reason: Other uses would have different operational and parking requirements and would need to be assessed in terms of preserving the character and appearance of the area and any impact on highway safety.

5. No part of the development shall be occupied until an amended scheme for parking and manoeuvring has been submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority. The approved scheme shall be implemented prior to occupation of the development and shall thereafter be permanently maintained.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the back line of footway and a point 45 metres along the back line of footway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public footway for the safety and convenience of pedestrians and users of the access.

7. Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority for a one-way system to include signage, lining and details of enforcement. The approved scheme shall be implemented prior to occupation of the development and shall thereafter be permanently maintained.

Reason: To minimise danger and inconvenience to users of the accesses and the adjoining highway.

8. Prior to occupation of the development a Travel Plan Statement shall be submitted to and agreed by the Local Planning Authority. The approved Travel Plan Statement shall be implemented upon first occupation of the development.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and local transport policy.

9. This permission relates to the details shown on the approved plans as listed below:

- SITE PLAN
- MEZZANINE FLOOR LAYOUT
- GRD FLR Plan
- TQRQM18037205237178
- GREAT BARN LAND

Background papers: None

6 ITEMS FOR NOTING

6.1 NEW PLANNING AND ENFORCEMENT APPEALS

2014/00014/AB - Appeal against without planning permission, the material change of use of the Land from agriculture (sui generis) to equestrian (sui generis), the erection of a stable block, a hay barn and two field shelters, the construction of an associated concrete hardstanding and the formation of an associated hardcore hardstanding, Land on the north side of Timberley Lane, **Kings Ash**

CH/2017/1648/FA - Change of use of land to a mixed use as a residential caravan site for two gypsy families with a total of up to 3 caravans (including no more than one static caravan), and for the keeping of horses. Laying of hardstanding and provision of means of foul drainage (retrospective), OS Parcel 2814 opposite Tiles Farm, Asheridge Road, **Asheridge**

2017/00224/AB - Appeal against without planning permission the material change of use of the Land from agriculture to a sui generis mixed use for the keeping and grazing of horses and a residential caravan park for occupation by gypsies and travellers by the stationing of a mobile home and two touring caravans in residential occupation on the Land and integral to the Unauthorised Use the installation of lighting and operational development comprising the erection of close boarded fencing and gates, OS Parcel 2814 opposite Tiles Farm, Asheridge Road, **Asheridge**

2017/00224/AB - Appeal against without planning permission, operational development comprising of the laying of hardstanding and the construction of a timber pergola structure, OS Parcel 2814 opposite Tiles Farm, Asheridge Road, **Asheridge**

CH/2017/0999/VRC - Alterations, single storey side/rear extension and conversion of garage to elderly relative's annexe - Removal of Condition 3 of planning permission CH/1994/1274/FA, 7 Oxford Street, **Lee Common**

CH/2017/1524/AV - Temporary non-illuminated advert on hoarding (for temporary period expiring May 2018), The Grange (Former Holy Cross Convent), Gold Hill East, **Chalfont St Peter**

CH/2017/1552/FA - Redevelopment of site incorporating a two storey extension to each of two existing dwellings, construction of four additional dwellings with associated car ports, parking, landscaping and alterations to existing vehicular access, 274 & 274A Chartridge Lane, **Chesham**

CH/2017/1826/FA – Vehicular access and hardstanding for two cars, 78 Gladstone Road, **Chesham**

CH/2017/1956/FA – Erection of a detached garage (retrospective), 2 Leachcroft, **Chalfont St Peter**

CH/2017/2174/FA - Subdivision of the plot at No 6 Warrender Road and construction of two detached dwellings to the rear with a new vehicular access and parking, 6 Warrender Road, **Chesham**

CH/2017/2316/FA – Single storey side extension, 109 Latimer Road, **Chesham**

CH/2018/0083/FA - Demolition of garage and conservatory, erection of part single/part two storey side rear extension, hipped to gabled roof extensions with front and rear rooflights and rear dormer window to facilitate habitable accommodation in roofspace, Kingswood, 6 Batchelors Way, Amersham

6.2 APPEAL DECISIONS

CH/2016/0446/FA - Demolition of existing cottages and construction of single dwelling with associated landscaping, access and parking area, 1 and 2 Hawridge Vale Cottages, Hawridge Vale, **Hawridge**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (30.05.2018)

6.3 APPEALS WITHDRAWN

CH/2017/0171/FA - Demolition of three houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Redevelopment of the site to provide 45 residential dwellings (29 houses, six maisonettes and six flats) with associated landscaping, tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of the Old Red Lion (62 High Street) from office to residential (4 x flats). Ground floor building line amendment to southern elevation of The Old Red Lion (700mm). Amendments to Forge Cottage on Missenden Mews to relocate the front door and parking space and provide private amenity space within the site, Land at the Rear of The Old Red Lion, High Street, **Great Missenden**

Officer Recommendation: Refuse Permission

Committee Decision: Refuse Permission

Appeal Withdrawn (29.05.2018)

6.4 CONSENT NOT NEEDED

CH/2018/0442/HB – Outbuilding-garage, Snells Farm, Snells Lane, **Little Chalfont**

6.5 WITHDRAWN APPLICATIONS

CH/2018/0404/FA - Erection of dwelling (Plot 1), Plot 1 Berton House, 30 Deanway, **Chalfont St Giles**

CH/2018/0405/FA - Erection of dwelling (Plot 2), Plot 2 Berton House, 30 Deanway, **Chalfont St Giles**

CH/2018/0406/FA – Erection of dwelling (Plot 3), Plot 3 Berton House, 30 Deanway, **Chalfont St Giles**

CH/2018/0647/FA - Two storey rear extension, alteration of existing vehicular access, 13 The Row, The Hill, **Winchmore Hill**

CH/2018/0715/HB - Repairs and the addition of buttresses to the brick boundary wall, St Mary's Church, Bury Lane, **Chesham**

CH/2018/0833/SA - Application for Certificate of Lawfulness for proposed single storey rear extension, 3 The Bramblings, **Little Chalfont**

6.6 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

Appended for your consideration are lists of applications submitted under the Town and

Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

AGENDA ITEM No. 7

7 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 8

8 REPORTS ON ALLEGED BREACHES OF PLANNING CONTROL

AGENDA ITEM No. 9

9 EXCLUSION OF THE PUBLIC

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act