



Planning Report for 2021/0409



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Report to Planning Committee

Application Number:	2021/0409
Location:	Redhill Pavilion Thornton Avenue Redhill Nottinghamshire
Proposal:	Conversion and alteration of pavilion building for use as a childrens' day nursery, including access improvements, 10 car parking spaces and formation of a pedestrian path.
Applicant:	Happy Munchkins Day Nursery
Agent:	Planning And Design Group
Case Officer:	Bev Pearson

This application has been referred to Planning Committee by the Planning Delegation Panel to allow the impact of the development upon the openness of the Green Belt and highway/public safety to be considered.

1.0 Site Description

- 1.1 The application site comprises a former sports pavilion and groundsman cottage which is currently derelict and in a state of disrepair. The building is single storey in height, predominantly brick built with a flat roof. Surrounding the site the area is mostly grassed with an access driveway. The front boundary of the site occupies several mature trees as well as a thick hedgerow.
- 1.2 The site is washed over by the Nottingham-Derby Green Belt and is bounded by tall hedgerows with fields surrounding the site. The site is located to the north of Thornton Avenue and is accessed via a bridleway which is hard surfaced and leads to a farm approximately 300m to the north. It is understood that the property has an agreed right of way over the byway which is owned by the farm. Approximately 120m to the SE are residential properties situated along Thornton Avenue.

2.0 Relevant Planning History

- 2.1 **2020/0108** - planning permission was refused in November 2020 on the grounds that the proposed development would include the change of use of agricultural land and engineering works to create a car park and pedestrian footpath in association with the proposed nursery together with the erection of a palisade fence around the proposed planning unit which are by definition inappropriate development within the Green Belt and harmful to its openness. No very special circumstances or other material considerations would outweigh

such harm and therefore the proposal would be contrary to the aims of Section 13 of the National Planning Policy Framework (2019) and LPD12 of the Gedling Borough Council Local Planning Document (2018).

3.0 Proposed Development

- 3.1 Planning permission is sought for change of use of the building to a day nursery (Use Class E as identified in the Town and Country Planning (Use Classes) Order 1987 (as amended) along with the erection of extensions, fencing and the change of use of surrounding agricultural land to a car park. The nursery would provide places for 54 children aged 0-4years, separated into three rooms – baby care, toddler and pre-school.
- 3.2 In terms of alterations to the building, the building is proposed to be renovated with changes to the existing fenestration providing additional glazing, as well the addition of a palette of materials to clad the building including zinc, timber and concrete render to improve the insulation of the building.
- 3.3 Other additions to the building include the erection of a polycarbonate canopy to the rear elevation (west) of the building covering an area of approximately 59m². Outdoor play areas would be created to the east and west of the building.
- 3.4 The proposal also seeks to include a crushed stone pedestrian access from the edge of the footpath on Thornton Avenue to the site which would run to the inner edge of the hedgerow running along the side of the bridleway. The entrance to the footpath would have a 2.4m high palisade gate with a low height.
- 3.5 Surrounding the site, the application proposes 2.4m high palisade fencing.
- 3.6 The application has been accompanied by a Design and Access Statement which outlines the benefits of the proposal – it will meet the requirement for children to experience the outdoors and meets the Early Years Learning; provides an opportunity for childcare facility providing indoor and outdoor learning; provides the largest childcare and only preschool facility in the area and it will operate 5 days a week and maintain a good level of activity at the site.
- 3.7 Confirmation has been received that the proposed opening hours would be between 07.30 and 17.00 Monday to Friday.

4.0 Consultations

- 4.1 Neighbouring properties were consulted and a site notice and press notice was placed on 13th May 2021. Following three weeks of consultation 22 representations. Comments are summarised as follows:-

Previous concerns expressed in relation to the 2020 application are reiterated.

Parking, Highway and Pedestrian safety

- The bridle way is used to access Bestwood Country Park and does not have a pavement

- There would be an increase in the volume of traffic on Thornton Ave
- Thornton Ave is sole access to Hammonds Farm which uses large HGVs and farm vehicles and equipment along the lane
- The width of the road is insufficient to let 2 cars pass – vehicles have to mount the pavement which has legal implications and damages the footpath
- A traffic survey has been undertaken which has shown 1278 farm vehicle movement over 5 days 37% of which were large vehicles – this would be worse in peak farming season
- Thornton Avenue does not meet the minimum road width set out by the HSE or Manual for Streets
- There is no turning point on Thornton Ave – turning vehicles would have to use existing private driveways
- The proposal would increase traffic movements and pedestrian footfall with often speeding vehicles – impacts on pedestrian safety
- Conflict between pedestrians and vehicles mounting the pavement
- There are no disabled parking spaces which breaches the Equality Act
- There is insufficient off street parking provision on site (this has been reduced from 13 to 10 spaces) leading to on street parking on Thornton Avenue and the bridleway causing congestion and disruption
- Impact on air quality from increased number of vehicles and slowing vehicles
- There is limited visibility for vehicles exiting the site
- There is insufficient warning signage nor any road markings on Thornton Avenue
- The existing speed bump is not fit for purpose
- There is limited space for two vehicles leaving or entering Thornton Avenue from the A60 leading to blockages of the highway
- The A60 is already congested following the introduction of 30MPH speed limit – additional traffic will exacerbate this
- The pedestrian footpath would encourage parking on Thornton Avenue
- A detailed independent Traffic Impact Report from a highway expert or traffic survey should have been undertaken by the highway authority
- The entrance to the pedestrian access is an unauthorised turning circle for traffic resulting in conflict
- There would be damage caused to the highway by additional by traffic
- Applicant is looking to increase number of children to 100

Green Belt

- The palisade gates and fencing together with the crushed stone surfacing will be an intrusive and incongruous feature
- The building should not be extended given that it is in the Green Belt

Other Matters

- The proposal would impact on the physical and mental health of local residents
- Increase noise nuisance from additional vehicles
- Loss of privacy
- There are sufficient childcare facilities in the area - Redhill does not need larger nursery capacity

- The catchment area of the nursery has a school which already has a pre-school facility
- Removal of tree and hedgerow to facilitate access to the site is unnecessary
- Misleading photographs and inaccurate information regarding the closure of the scout hut and the existing field gate have been submitted
- 10 parking spaces infers fewer staff than previously proposed which would fall short of government guidelines for staffing levels
- There is no detail of the means of disposal of foul sewage or waste
- The building has not previously been used as an educational establishment
- There is a discrepancy over opening hours between the Design and Access Statement and the application forms
- The Council should consider the long term the sustainability and viability of the nursery
- No street lighting is proposed which raises personal safety issues
- There would be an impact on ecology
- Proposal is out of keeping with the area
- The proposal would result in devaluation of nearby properties
- The building is beyond repair at reasonable costs - There is substantial asbestos on site
- There is a potential for future expansion of the nursery
- The field opposite the site is prone to flooding
- The current application ignores previous reasons for refusal

4.2 Nottinghamshire County Council Highways and Public Rights of Way – have been consulted. No highways objections are raised to the revised proposal subject to conditions in relation to the surfacing of the pedestrian access path and the car park and the provision of visibility slays as shown on the submitted plans. 10 no. parking spaces as proposed are acceptable to serve the site. Public Rights of Way have raised no objection to the revised scheme.

4.3 Gedling Borough Council Scientific Officer – has been consulted and advises no immediate concerns subject to an informative regarding asbestos removal and low NOx boilers and conditions requiring the provision of electric vehicles charging points and the submission and written approval of a Construction Emissions Management Plan.

4.4 Gedling Borough Council Conservation and Heritage Officer – has been consulted and has no further comment to those previously raised with regards to the poly carbonate roof to the side extension, low level fencing being timber post and rail and a more sympathetic design of the gate at the entrance to the footpath where it meets the road.

4.5 Sport England - have been consulted and advised that the loss of any sports facility should be considered against Paragraph 97 of National Planning Policy Framework (NPPF).

5.0 Assessment of Planning Consideration

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the

purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

6.0 Development Plan Policies

6.1 The following national and local policies are relevant to the application.

6.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework (NPPF) (2019) is relevant and the National Planning Practice Guidance (NPPG). The NPPF sets out the national objectives for delivering sustainable development. Sections 8 (Promoting healthy and safe communities) Section 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 13 (Protecting the Green Belt) are particularly relevant to the consideration of this application.

6.3 The Gedling Borough Council Aligned Core Strategy (ACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:-

- Policy 3: The Green Belt establishes the principle of retaining the Nottingham Derby Green Belt.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

6.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy LPD 12: Reuse of Buildings in the Green Belt provides that the re use of building in the Green Belt would not be inappropriate providing the proposal preserves the openness and does not conflict with the purposes of including land within it and providing the building is of permanent and substantial construction and could be re used without the need for major alteration, adaptation or reconstruction.
- Policy LPD 13: Extensions to buildings in the Green Belt establishes that a 50% increase in the floor space of buildings through their extension or alteration would be considered a proportionate addition to a building in the Green Belt.
- Policy LPD 19: Landscape character and visual impact provides that new development should not result in a significant adverse visual impact or significant adverse impact on the character of the landscape.
- Policy LPD 32: Amenity - planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- Policy LPD 57 - Parking Standards specifies that planning permission for residential and non-residential development will be granted where development proposals meet the relevant requirements for parking provision.

- Policy LPD 58 – Cycle Routes, Recreational Routes and Public Rights of Way sets out that new development should not prejudice existing public rights of way.
- Policy LPD 61 – Highway Safety states that planning permission will be granted for development which does not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.
- Appendix D – Requirement for Parking Provision in Residential and Non Residential Development

7.0 Planning Considerations

The main issues for consideration in relation to the proposal are the principle of the development, the impact upon the character of the area, amenity and highway matters.

Background

- 7.1 This is a resubmission of a previously refused application (2020/0108).
- 7.2 The revisions to the previous scheme are summarised as follows:-
- Removal of the extension of the curtilage of the site into the adjacent agricultural field to the north west to provide 13 space car park by virtue of relocating the car parking (providing 10 spaces) area to the front of the building;
 - Reduction in the width of the proposed pedestrian access from Thornton Avenue to the proposed nursery site from 1.8m to 1.5m and its relocation to behind existing hedgerow;
 - The siting of the 2.4m high palisade fencing behind existing hedgerow.

The Principle of development

- 7.3 The comments received from Sport England are noted. The site has been vacant for some time and has previously been used as residential accommodation. It is considered that it does not form part of a sports facility and as such assessment against paragraph 97 of the NPPF would not be relevant in this instance.
- 7.4 The proposed building is located within the Nottingham-Derby Green Belt where development is considered to be inappropriate unless it falls within one of the exceptions listed in paragraphs 145 and 146 of the NPPF. Inappropriate development is by definition harmful to the Green Belt and should not be approved unless there are very special circumstances.
- 7.5 The proposal seeks to reuse the building as a nursery, along with associated extensions and alterations to the building. Paragraph 146 of the NPPF and Policy LPD12 of the LPD consider the reuse of buildings to be an appropriate form of development providing the building is of permanent and substantial construction.
- 7.6 The proposal also includes a change of use of agricultural land and engineering works to form a pedestrian footpath to be associated with the proposed nursery.

Changes of use of land are not considered appropriate within the Green Belt by the NPPF unless it is in connection with outdoor sport or recreation, or for cemeteries and burial grounds (paragraph 146 of the NPPF).

- 7.7 Given the above, the development as a whole is inappropriate. The merits of each part of the development, and a full assessment against planning policy is discussed in the sections below.

Impact on the openness of the Green Belt

- 7.8 The proposal would bring back into use a redundant building which, in principle, is considered to be an appropriate form of development by paragraph 146 of the NPPF and Policy LPD12 of the LPD providing the building is of permanent and substantial construction; I have no evidence before me that that would suggest the building was not of sound construction although no feasibility study or conservation method statement confirming this has again been submitted, as required by Policy LPD 12 of the LPD. Given the issues discussed later in this assessment, it was considered unreasonable to ask the applicant to undertake additional work for the application, incurring additional expense for the applicant. However I note that again from visiting the site and assessing the plans, much of the building is to be retained with very limited rebuild or demolition which suggests that the building is capable of conversion.
- 7.9 Paragraph 146 of the NPPF does however caveat this acceptability by stating that this form of development is considered to be appropriate providing it preserves the openness of the Green Belt. As such, whilst the principle of the change of use of the building is considered to be appropriate development within the Green Belt, the associated works and development proposed to facilitate this change of use need to be assessed in terms of their impact upon the openness of the Green Belt.
- 7.10 Turning first to the proposed extensions to the building, there is a small extension to the rear of the main entrance proposed, along with the erection of a canopy to the rear of the building, which, whilst it would be open-sided, would still result in additional built form and useable floor area and such needs to be taken into account. The external floor space of the existing building is 376m² and the proposed additions would add a further 69m² to the building, equating to an 18% increase in floor space. Policy LPD 13 of the LPD allows extensions to buildings within the Green Belt providing they do not cumulatively result in more than a 50% increase in floorspace over the original building. This is reflected in Paragraph 145 of the NPPF which states that extensions could be considered appropriate development provided extensions are proportionate to the host building.
- 7.11 The extensions would be single storey in nature and would sit subservient to the host building. The additions would be visible from the wider landscape, particularly to the rear, however they would be read within the setting of the existing building, with some infill built form and as such, I consider the proposed extensions to the building to be appropriate within the Green Belt.
- 7.12 Turning next to the proposed change of use of agricultural land to facilitate pedestrian access, this would materially alter the appearance of the land within

the Green Belt and would result in the partial loss of open land, which Green Belt policies seek to preserve. With the proposed footpath measuring 100m in length and 1.5m in width, this would still result in a considerable length of hard bound surfacing bounded by knee high fencing to the field boundary. Whilst I appreciate that the pedestrian access path would be sited behind existing hedgerow and would not accommodate additional structures (with the exception of the aforementioned fencing), the addition of circa 150 sq.m of hard surfacing, albeit bound crushed stone would detract from the rural appearance of the setting of the site, urbanising the landscape and thus resulting in harm to the Green Belt; the proposed use could also attract further structures or associated paraphernalia in the future, further damaging the setting.

- 7.13 Furthermore, although the proposed car parking area to the front of the building would fall within the curtilage of the site, this would result in an existing green landscaped area being replaced by circa 293 sq.m of hard surfacing which would further urbanise the appearance of the site.
- 7.14 The principle of the change of use of the tract of land and associated engineering works to facilitate the pedestrian path and the provision of the car park to the front of the building would introduce 443 sq.m of hard surfacing to the detriment of the Green Belt setting of the site and would therefore be harmful and contrary to the aims of Green Belt Policy.
- 7.15 In addition to the above, the proposal also seeks to install a 2.4m high metal palisade fence around the entire site as well as entrance gates to the front of the site and pedestrian access as shown on the submitted layout plan. The current boundary treatments are natural and reference the traditional field boundaries surrounding the site; the addition of palisade fencing, although set behind the existing hedgerow, would be a permanent physical structure where there is currently none and in my view be inappropriate for the rural setting, again urbanising the site and going against the aims of local and national Green Belt policy.
- 7.16 For the purposes of the Town and Country Planning Act 1990 (as amended) the term building includes any structure or erection and therefore includes fences. Fences and gates are not listed as exceptions for the purposes of paragraph 145 of the NPPF. I therefore consider that the installation of the fencing and gates would be inappropriate development for the purposes of paragraphs 145 and 146 of the NPPF. The development, because of its inappropriateness would, by definition, be harmful to the Green Belt and I am of the view that substantial weight should be given to that harm.
- 7.17 It is acknowledged that the use of the site as a day nursery does require additional security for the safety of the children, and as such fencing for security purposes could in the case of this proposal use be considered a very special circumstance in line with Section 13 of the NPPF. However it is considered that there are more appropriate boundary treatment options that could be explored to provide sufficient security and as such I remain of the view that the proposed fencing submitted with this application would not be appropriate within the Green Belt setting.

- 7.18 The NPPF does state that where there are very special circumstances identified for a proposal that these may outweigh the harm to the Green Belt. Although the applicant has outlined the benefits of the proposal in the submitted Design and Access Statement detailed in the Proposal Section at 3.6 of this report, these do not in my opinion demonstrate any very special circumstances that the LPA should give weight to and whilst I note the applicant seeks a larger premises to grow the nursery business, there has been no justification provided as to why the business needs to be located in the pavilion rather than alternative sites and therefore this would not in my view represent a very special circumstance.
- 7.19 Similarly, the improvements to the building and the appearance of the site although welcomed are not considered to be so exceptional or exemplar in terms of design and appearance that they would outweigh the harm identified above.
- 7.20 Taking this into account I am of the view that the revised proposal although results in a reduction in the proposed curtilage of the site, the relocation of the proposed car parking area to the front of the building and associated surfacing and the relocation of the proposed footpath from Thornton Avenue with its revised surfacing materials together with the erection of the palisade fencing and gates would be inappropriate forms of development in the Green Belt and would fail to meet the aims of Section 13 of the NPPF or LPD12 of the Local Planning Document. Whilst there is some merit in bringing the building back into use and improving the sites appearance within the Green Belt, I do not consider the benefits of the scheme to outweigh the harm upon openness of the Green Belt that local and national planning policy seek to preserve. There have been no very special circumstances demonstrated that would be considered to outweigh such harm to the Green Belt.

Impact on the character and appearance of the area.

- 7.21 The character of the area is predominantly rural, and whilst I am mindful that the edge of the built up area of Redhill sits 120m to the SE of the site, the site is very much read within the back drop of the surrounding fields rather than the urban setting relatively close by. The existing building is isolated and well screened by hedgerows, to the front which I understand would be retained. However it would be difficult to enforce that this hedgerow is retained in perpetuity and should not be a determining factor in concluding the development is acceptable.
- 7.22 The site is currently derelict and therefore a proposal to improve its appearance is welcomed in principle and I am of the view that the proposed alterations and extensions to the existing building would improve the appearance of the building within the immediate area and would be subservient in scale to the host building. I note that Council's Conservation and Heritage Officer previously expressed concern with regards to the use of some of the proposed external materials, namely the polycarbonate roof to the open side extensions and the design of the gates. These remain to be as previously proposed. Had the proposal been acceptable in all other respects, I would have entered into discussions with the applicant with a view to better improve the appearance of the building. However given the strength of the Green Belt policy issues noted

above amendments have not been sought in order to avoid any additional abortive costs to the application as these would not have outweigh these Green Belt concerns.

- 7.23 Alongside the changes to the building to provide the day nursery, there is the proposed change of use of a tract of agricultural land to the south west of the nursery to facilitate the provision of the pedestrian access which would extend development associated with the building into the surrounding fields. This would alter the appearance of the immediate area, encroaching upon the surrounding countryside and could, in the future, potentially lead to the need for associated paraphernalia or street furniture which would somewhat further erode this rural landscape, including the use of fencing. The current building is hidden behind a thick hedge, thus limiting the longer distance views of the site from the open countryside. The proposed pedestrian access, along with the proposed 2.4m high palisade fencing would introduce more urban features to the landscape which would detract from the rural landscape and in turn harm the Green Belt.
- 7.24 Furthermore it is proposed to fell a substantial mature tree to the front of the building to facilitate the provision of the car park. It is considered that this tree currently contributes to the visual amenity of the site.
- 7.25 As such, there is merit in the improvements to the building, the associated infrastructure and change of use of the land required to accommodate the pedestrian access, the loss of the tree and the new use for the site, would have a harmful impact upon the character of the area and wider rural landscape.

The proposal is therefore considered to not accord with Section 12 of the NPPF (2019), Policy 10 of the ACS (2014) and Policy LPD 19 of the LPD (2018).

Impact on Neighbouring Amenity

- 7.26 The site is located some 120m from the nearest neighbouring properties which I consider to be a sufficient distance to mitigate any overshadowing, overlooking and overbearing impacts the proposal may have on the nearby properties.
- 7.27 I am mindful that the proposed use would involve an increase in noise levels upon those experienced in recent years since the pavilion ceased to be used. However, the noise and activity created by the nursery and access to it would be during acceptable working hours Monday – Friday. Due to the separation distances, I would not consider the noise or activity levels likely to have an adverse impact upon the amenity neighbouring properties, however this does not outweigh the issues regarding the Green Belt.
- 7.28 Taking this into account it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of nearby properties in accordance with Section 12 of the NPPF (2019) and Policy LPD 32 of LPD (2018).

Impact upon the Public Right of Way

- 7.29 Paragraph 98 of the NPPF requires planning decisions to protect and enhance public rights of way and access. This is backed up by Policy LPD58 of the LPD

which states that planning permission will not be granted for development proposals which would prejudice the continuity of existing cycle routes, recreational routes and existing public rights of way unless the proposal includes an alternative route which is no less attractive, safe or convenient for public use or there are substantial wider benefits.

- 7.30 The site is accessed via a bridleway which is a public right of way, owned by the farm to the north of the site. Therefore, the site is not directly served by a public highway.
- 7.31 It is accepted that the lane is used by vehicles, and as noted by members of the public, this includes HGVs and tractors, however as a right of way, the public users of the lane are those on foot, horse or bicycle and they have a legal right of way of the land. People do also have a right to drive over the bridleway to access their land or property, although the lane is not maintained by a public body (in this case Nottinghamshire County Council) to a standard that is suitable for vehicles to travel along.
- 7.32 To this end, as the bridleway is not an adopted highway for vehicular use, it would be difficult to enforce any speed restrictions or safety measures to ensure the safety of users with a legal right to use the bridleway.
- 7.33 The proposed use is likely to introduce up to around 200 additional car movements along the track 5 days a week (assuming each child is dropped off and collected individually, plus staff) which has raised concerns from members of the public who are concerned with the impact this would have upon Thornton Avenue.
- 7.34 The Highway Authority, including Road Safety officers have assessed the proposal as the Local Planning Authority's qualified advisors on highway matters, including impact on Thornton Avenue and have concluded that the proposal is acceptable.
- 7.35 I accept that there is some limited visibility along the lane owing to thick and tall hedgerows, and in places the lane is not wide enough for vehicles to pass. The application now proposes a visibility splay at the vehicles access to the site and a pedestrian access which would run behind existing hedgerow along the edge of the bridleway connecting the nursery to the pavement on Thornton Avenue.
- 7.36 Both the Highway Authority and Public Rights of Way have assessed the proposal and are satisfied that the revised location of the pedestrian access offers pedestrians attending the nursery a safer route to the site, away from vehicular traffic.
- 7.37 It should be noted that the proposed pedestrian access would not be a public right of way and as such, members of the public would still be using the bridleway along with vehicles attending the proposed nursery. This has been considered by both the Highway Authority and the Rights of Way Team, as the Local Planning Authority's qualified advisors in this matter, who have concluded that they raise no objection to the amended scheme, subject to conditions.

- 7.38 I do note the concerns raised that the proposed pedestrian footpath could raise issues of personal safety during the winter months when drop off/pick up times are likely to be in the dark as there is no lighting proposed along the access (which would have separate implications from a Green Belt perspective) and as such it does raise the issue as to practicality of this access for parts of the year.
- 7.39 Section 8 of the NPPF does seek for developments to be accessible and safe, so that there is no crime, or fear of crime, arising from a development. However, as the access is not likely to be used outside of typical working hours, I do not consider that this issue to be a reason for refusal.
- 7.40 Given the above, on the basis of advice offered by Nottinghamshire County Council as the Highways Authority and Public Rights of Way the proposal is considered unlikely to have any significant detrimental impact upon safety of users the public right of way.
- 7.41 The proposal is therefore considered to accord with Section 9 of the NPPF and Policies 58 and 61 of the LPD (2018)

Impact on the public highway

- 7.42 Section 9 of the NPPF and Policy LPD61 require developments to ensure that there is no detrimental impact upon the public highway. As detailed above, the site itself is not accessed directly via an adopted highway, however in order to gain access to the bridleway, vehicular traffic must travel along the adopted section of Thornton Avenue and thus there would be an impact upon the public highway.
- 7.43 With regards to comments raised in relation to traffic surveys given the nature and scale of the proposed development and amount of traffic it would generate the Highway Authority has confirmed that a traffic survey would not be required in this instance. A nursery of this scale would only generate circa 12 movements in the peak hour. Surveys are only required for increases of vehicle movements of more than 30.
- 7.44 Aside from the above, the proposed parking area for the nursery would provide a limited number of parking spaces for parents, carers and staff to park (6 full time staff and 4 part time staff would be employed) which has raised concern from local residents that this would lead to vehicles being parked on the bridleway during peak times, blocking it for users, although it should be noted that the car parking provision exceeds the requirements set out in Appendix D of the Local Planning Document for non-residential development which is one space per member of staff plus one additional space for shift changes. The development provides 10no. car parking spaces and it is envisaged that 10no. staff (6 full time, 4 part time) would be employed at the site. The Highway Authority have confirmed that given the scale of the development and the amount of parking spaces provided no disabled space would be required. Consequently no concerns have been raised with regard to the level of parking provided.
- 7.45 It is noted that the Highway Authority have been consulted on the proposal and have raised no objections. There are no Traffic Regulation Orders along

Thornton Avenue to prevent any members of the public parking on this public highway. Furthermore Thornton Avenue is an established highway which serves Hammonds Farm. The Highway Authority has advised that the carriageway width along Thornton Avenue is between circa 4.6 and 4.8m which is sufficient to allow two cars to pass.

- 7.46 With regards to vehicles exiting the site a splay is shown on the submitted drawing which will provide appropriate visibility for vehicles.
- 7.47 Concerns have been raised with regards to potential damage to the public highway through increased traffic usage. It is considered unlikely that the traffic resulting from the development will damage the public highway, given that most of the users will arrive either by car or foot. If damage is being caused by existing HGV's this is something that will need to be reviewed by the Highway Management Team as an existing network management issue.
- 7.48 Thornton Avenue is accessed via the A60 (Mansfield Road), which is a main route into Nottingham, It is accepted that vehicular traffic at this junction would increase however the Highway Authority remain satisfied that the junction is to an acceptable standard to accommodate the additional traffic and as such raise no objection to the proposal.
- 7.49 The proposal is therefore considered to accord with Section 9 of the NPPF and Policies LPD 57 and 61 of the LPD (2018).

Other Matters

- 7.50 In response to local representations received noted in the consultation section of this report which are not covered in the main body of the text:-
- 7.51 Notwithstanding previous decisions on the site this is a revised proposal which has to be assessed on its own individual merits.
- 7.52 Devaluation of properties is not a material planning consideration
- 7.53 If any proposals were to come forward for a future expansion of the nursery should permission be granted then these would require a fresh planning application and would have to be assessed on their own merits.
- 7.54 Details of disposal of foul sewage and waste management could be conditioned should permission be granted.
- 7.55 The nature and ecological quality of agricultural use of the tract of land to facilitate the provision of the pedestrian access is not considered to have any significant ecological value.
- 7.56 The cost of repairing and converting the building would not be a material planning consideration.
- 7.57 The site falls within Flood Zone 1 which has a lowest probability of flooding.
- 7.58 The removal of asbestos would be dealt with under separate HSE legislation

- 7.59 In terms of need I note that although no information has been provided to support the increase in numbers of children attending the nursery this would not be a material planning consideration.
- 7.60 The number of staff required to be employed would depend on the number and ages of the children. The nursery operator would be required to meet any set staffing level standards.
- 7.61 The condition of the existing speed bump is on private land. How it is maintained would be a matter for the landowner.
- 7.62 In relation to road signage and markings, the Highway Authority has not raised any issues or a requirement for such signage etc resulting from the proposed development.

8.0 Conclusion

- 8.1 It is accepted that the principle of the re-use of the building to a nursery is considered to be an appropriate form of development within the Green Belt, and the proposed alterations and extensions to the building would improve the overall appearance of the building whilst remaining proportionate to the original building in line with paragraph 145 of the NPPF and LPD 12 of the LPD.
- 8.2 However, in order to facilitate the use, the application proposes the change of use of a tract of agricultural land to the south of the building and associated engineering works to provide a pedestrian footpath extending some 100m, as well as the erection of a 2.4m high fence and gates. It is also proposed to provide a car park on the landscaped area to the front of the building
- 8.3 These changes are, by definition, considered to be inappropriate development within the Green Belt and thus considered to be harmful to the openness of the Green Belt and are not in this instance outweighed by the proposed improvements to the building, nor any requirement for a larger nursery premises.
- 8.4 Whilst I note that the proposed pedestrian footpath has been so sited to address the concerns raised with regards to the public right of way, it is not considered that the merits of this footpath would outweigh the harm upon the openness of the Green Belt.
- 8.5 Given the above, I do not consider the proposal to comply with Section 13 of the NPPF, nor Policy LPD12 of the Local Planning Document and there are no merits of the scheme which would outweigh the harm identified. The proposal is a departure from the development plan and there are no material considerations that would warrant such a departure.

9.0 Recommendation: That the Borough Council refuses planning permission on the following grounds:-

Reasons

- 1 The proposed development would include the change of use of agricultural land and engineering works to create a pedestrian footpath in association with the proposed nursery along with the erection of a palisade fence with gates around the proposed planning unit. These forms of development are, by definition, inappropriate development within the Green Belt and therefore would be harmful to the openness of the Nottingham-Derby Green Belt. There are no very special circumstances or other material considerations that would outweigh this harm and therefore the proposal would be contrary to the aims of Section 13 of the National Planning Policy Framework (2019) and policy LPD12 of the LPD (2019).
- 2 The proposed development by virtue of the creation of a pedestrian footpath in association with the proposed nursery along with the erection of a palisade fence with gates around the proposed planning unit and the loss of the mature tree to the front of the building would result in an undue impact on the rural character of the site and immediately surrounding landscape area. The proposal would therefore be contrary to Section 12 of the NPPF (2019), Policy 10 of the ACS (2014) and Policy LPD 19 of the LPD (2018).

Notes to Applicant

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. It is not considered that any suitable alterations could be made to the scheme to address the Borough Council's Green Belt concern

You are advised that as of 16th October 2015, the Gedling Borough Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website.