

Detached single storey building for use as a Children Centre and nursery at The Downs CEP Primary School, Walmer DO/10/637

A report by Head of Planning Applications Group to Planning Applications Committee on 7th September 2010.

Application by the Kent County Council Property Group for the construction of a detached single storey building for use as a Children Centre and nursery at The Downs CEP School, Downs Road, Walmer, Deal (Ref: DO/10/637)

Recommendation: The application be referred to the Secretary of State for Communities and Local Government and subject to his decision planning permission be granted subject to conditions.

Local Member(s): Julie Rook and Kit Smith

Classification: Unrestricted

Site

1. The Downs CEP School is located to the south west of Walmer in a predominantly residential area. The school is located close to the Walmer Science College. A Public Footpath runs between the two school sites from Salisbury Road through to Downs Road.
2. The main vehicular access to The Downs CEP School is via Downs Road via separate access and exit gates. There is also access onto the school field from Salisbury Road. The main vehicle access for the Walmer Science College is in Salisbury Road but there is also an emergency access gate and field gate adjacent to the entrance to the Downs CEP School.
3. This planning application relates to a proposal for a new Children Centre and nursery on playing field land to the rear of the Downs CEP School at the boundary between the school field and the footpath which runs between the Downs School and the Walmer Science College. The proposal would use the vehicular access within the Downs School and extend the car parking provision within the Downs School site. It would also use an existing access into the Walmer Science College field in order to provide an emergency access to the proposal.
4. A site plan is attached.

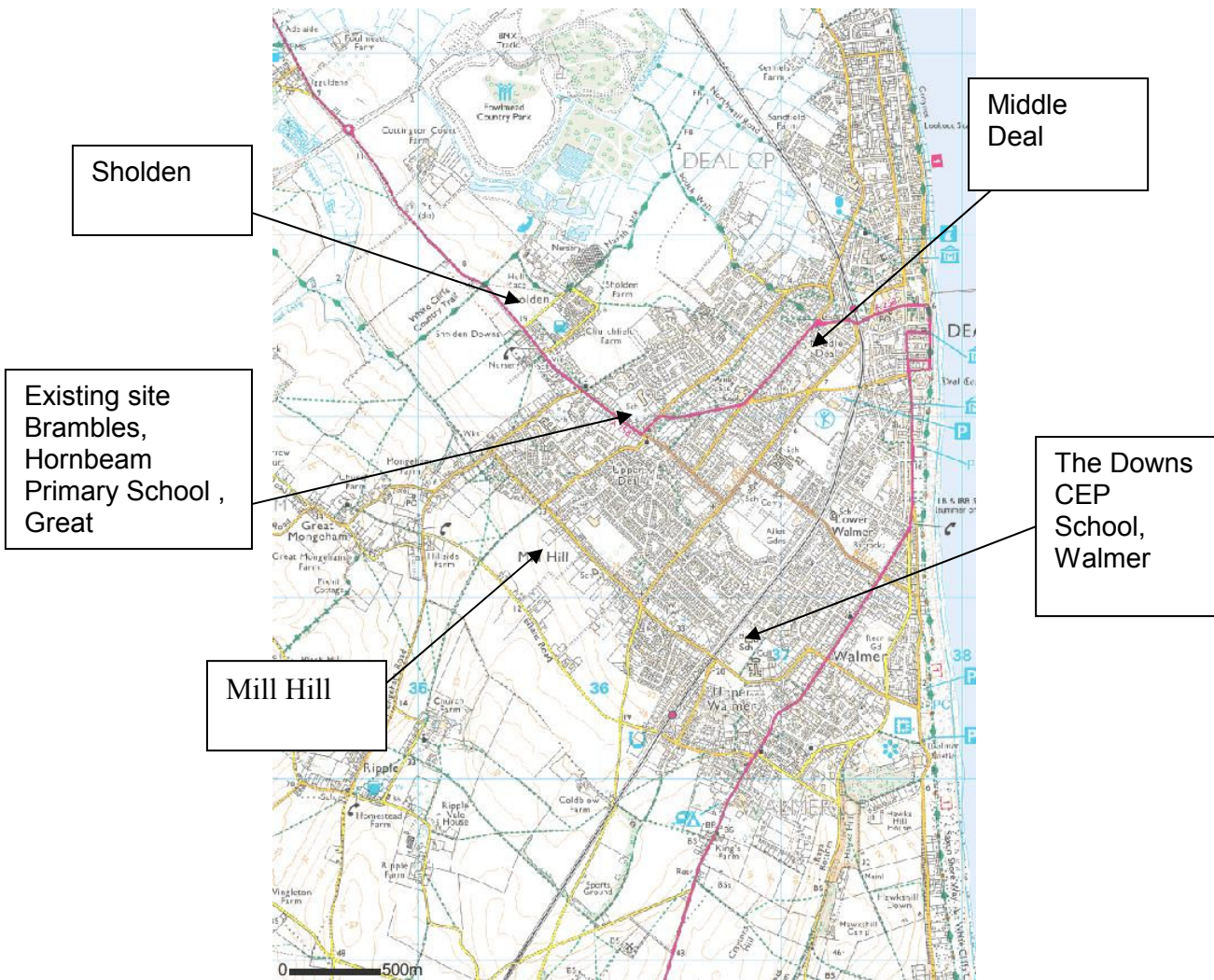
Background

5. There has been a number of planning applications relating to the school in recent years. Most recently, permission was granted in 2009 and 2010 for a covered walkway at the school (reference D0/09/1141 and DO/09/259), in 2008 for a canopy (DO/08/1249) and alternations to the entrance facade (DO/08/1089).

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6. In September 2002, permission was given for extension of playgrounds and for additional car parking at the Downs School (DA/01/764) although the school did not complete the works to extend the car parking area. Permission has also previously been given for a new access road and small car park from Downs Road at the Walmer School (DO/01/86) using the same access that the applicant now proposes.

Location Plan



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Proposal

7. The proposal is for the construction of a new detached single storey building at the eastern edge of the Downs CEP School playing field near to the fenced boundary of the playing field with the Public Footpath which runs between the Downs CEP School and the Walmer Science College. Two thirds of the building would be used as a Children Centre (Blossom) and a third as a private day nursery (Brambles). Both uses would operate during term time only and between the hours of 8am to 6pm Monday to Friday. The Children Centre would provide crèche space, consultation rooms including a medical room, staff room, family therapy room, school room and counselling room, toilet facilities, kitchen and hard safety external play space and it is proposed that, together with outreach strategies, it would serve a catchment area of at least 600-1200 0 to 5 year olds and beyond. The day nursery would provide term time only day care for 26 children between the ages of 2 and 5. It would provide activity space, kitchen, toilet facilities and hard safety external play space.
8. The building would be constructed with a cedar (or similar) timber clad finish in similar style to the new Downs CEP School main entrance permitted in 2008 (DO/08/1089). Windows and doors would be double glazed white anodised aluminium, exposed timber rafters to the eaves with black guttering and down pipes. The roof eaves would be low and form an overhang to the front/east elevation. The roof pitch would be shallow with grey concrete / slate finish tiles. The main entrance to the building would face the footpath beneath the roof eaves. The roof overhang would, together with further "hit and miss" style fencing provide screening, security and shelter for a buggy park. A cycle park for up to 6 bicycles and a buggy park is proposed at the entrance to the building along with a bin store along the front elevation. It is proposed that the building would meet as a minimum the BREEAM rating of Very Good.
9. The building would be surrounded by separate fenced play areas for the children centre and day nursery and the whole area would be fenced from the school playing fields with a 2m high boundary fence. Internal fencing would be 1800mm high with planting between the two. Double gates would be installed within the boundary fence of the public footpath to provide access to the entrance footpath to the building. Similar gates would be installed in the boundary fence opposite these to allow an emergency access from the emergency vehicle path. These gates would only be used in the event of an emergency.
10. Amendments to the existing school car parking layout, including an automated barrier and a drop off zone are proposed to accommodate the proposed 10 new spaces for the Children Centre and Nursery and to allow segregation of car parking areas for between the school and the proposal. 8 bays (including 2 disabled bays) would be formed in an existing grass bank at the front of the school between the vehicular exit gate and a pedestrian access gate and 4 spaces would be formed in an area of the school currently used as a school bin store. Redundant timber sheds would be removed to provide a new fenced and gated area for refuse. The existing access arrangements for the school allow for a separate access and exit gate to be used and it is proposed that a one way traffic plan would be introduced to assist traffic flow. A new pedestrian gate is also proposed to allow access from the Downs CEP School car park to the footpath. All access to the proposed building would be on foot via the existing footpath. A new pedestrian access from the footpath to the

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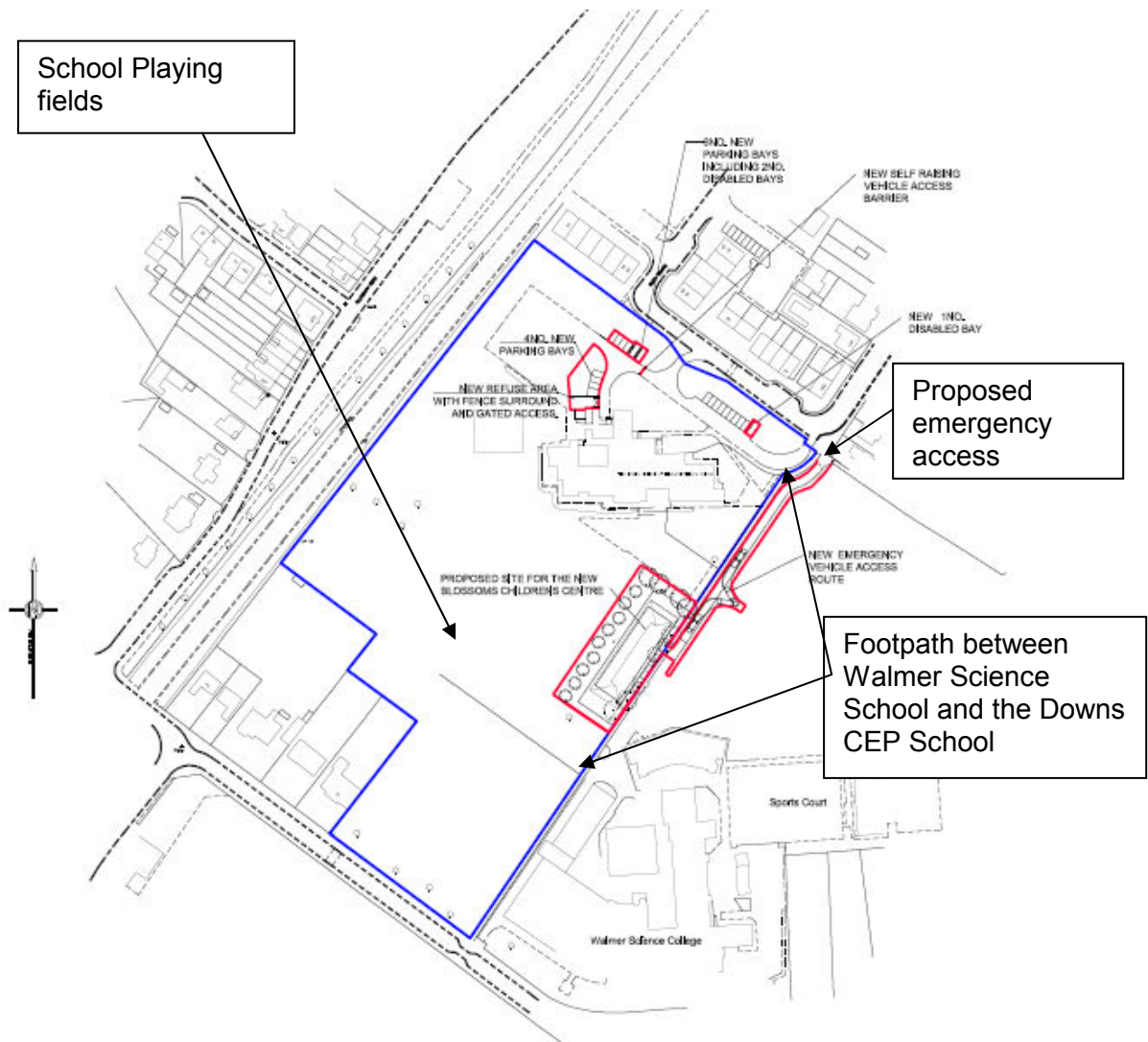
south elevation would be created to provide the entrance from the footpath to the building.

11. The proposed emergency vehicle access would average a 5m width, incorporate a turning area and would be finished with topsoil and seeded. The existing school cycle path within the Walmer Science College grounds would be maintained. This access would also be used as a construction access to the site and so would be the first stage of the development proposal. Temporary fencing would be provided between the access and the cycle path and a banksman would be employed to manage the flow of traffic during the construction phase of the proposal. The access would not be used for construction purposes during peak pedestrian times of 8am – 9.15am and 3pm and 3.45pm during the school term time.
12. The proposal would involve the removal of 5 trees along the boundary of the site with the footpath. However, existing mature trees would be retained and the applicants propose additional planting to screen the north and west elevations at the boundary with the school playing fields.
13. An application site location plan showing the proposed site layout and model illustrations together with photographs of existing views are attached.

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Application Site Location Plan and Proposed Site Layout



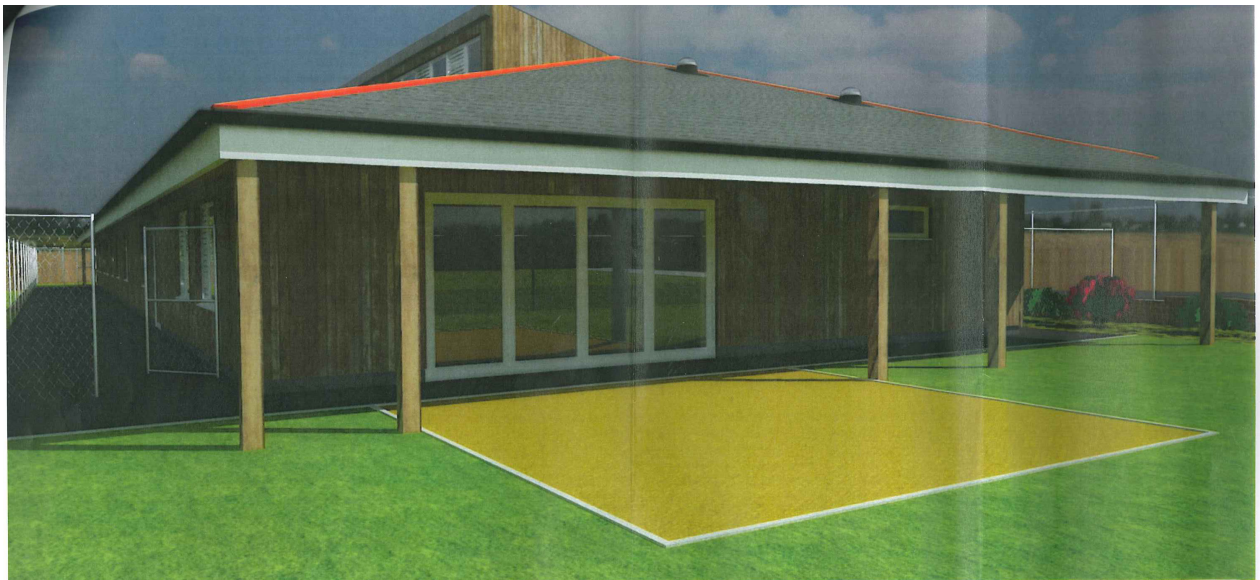
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Figure 1 – 3-D Model illustration of proposal from footpath looking at the southern and eastern elevation.



Figure 2 – 3-D Model illustration of west elevation of the proposal, showing part of north elevation.



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Figure 3 – View of existing emergency access to the Walmer school field and footpath which runs alongside the site.



Figure 4 – View across school field from Salisbury Road field gate toward location of proposal and the existing boundary with footpath and Walmer Science College beyond.



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Planning Policy

14. The Development Plan policies contained in the **Dover District Council Adopted Core Strategy 2010** and summarised below are relevant to consideration of the application:

Policy DM25 Seeks to protect open space from proposals for development unless specific circumstances exist, such as there is no identified deficiency in public open space or in the case of a school site the development is for educational purposes and the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Policy DM11 Seeks to manage the location of development in relation to increases in travel demand and developments that would generate high levels of traffic in urban areas would need to be well served by a range of means of public transport.

Policy DM13 Encourages provision for parking to be informed by Kent County Council Guidance SPG4.

Policy DM17 Seeks to manage the impacts of development and provide adequate safeguards against possible contamination in the groundwater source protection zone.

Policy DM16 Seeks to protect the character of the landscape.

15. In addition, National planning policy PPS1 Delivering Sustainable Development and PPG17 Planning for Open Space, Sport and Recreation is relevant to consideration of this application.

Consultations

16. **Sport England** objects to the proposal in the context of playing fields policy which states that “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, or land last used as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies”. The reason is that “Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities”. As a result of this objection, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the County Planning Authority will need to consult the Secretary of State at the Government Office South East if Members do not propose to refuse this application for planning permission. *This is discussed further below.*

Dover District Council does not object to the principle of the development, although advises that further views of Sport England should be obtained, consideration be given to highway safety and that a landscaping scheme should seek to replace the five trees which would need to be felled.

The **Divisional Transportation Manager** raises no objection, subject to amendments to the application (*which have since been made*), to provide a turning area within the parking drop off area and clarification relating to the parking of

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delivery vehicles when delivering to the nursery and school. They suggest a number of conditions relating to turning space, layout, and details of parking arrangement for construction vehicles, parking, cycle and footpath provision and prevention of deposit of mud on the road during construction.

The KCC Biodiversity Team raises no objection as the site appears to have limited potential for wildlife. However they would like to see further information about the possibility of roosting bats to be present within trees which would need to be removed at the site. They also make recommendations in relation to the impact of lighting on roosting bats if they are present at the site.

Walmer Parish Council positively supports the proposal.

Local Member(s)

17. The local County Member(s), Julie Rook and Kit Smith were notified of the applications on the 14th July 2010.

Publicity

18. The application has been advertised by the posting of site notices at three locations and the individual notification of a number of neighbouring properties.

Representations

19. Neighbour representation has been received querying whether the development is really necessary, particularly as if permitted there would be three childcare settings close together in one road; expressing concerns that Downs Road and Salisbury Road are already very busy roads and about difficult access, parking on both sides of the road and a perception that additional impacts that would cause more chaos and disruption and a concern about increased impact from traffic in Owen Square. However, further information from the applicant has been provided about these aspects and I am satisfied that there are now no objections from neighbours regarding the proposal.

Discussion

20. This application is being reported to the Planning Applications Committee because of the objection to development of part of the playing field from Sport England.
21. Decisions on planning application proposals are required to be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant development plan policies are set out above and require proposals to be acceptable in terms of the site, context, design and impacts. In my opinion, the main determining issues for this application relate to the need for the facility and the acceptability of the site given that the location is on playing field land. However, the design, access and amenity impacts of the proposal are also important and these matters are discussed in more detail below.

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Need considerations

22. The need for this proposal should be considered both in relation to the development of a Children Centre and a private day nursery. Kent County Council has been working toward the establishment of Children Centres across the County and this proposal falls into phase 2 of the Children Centre agenda serving families in more and less disadvantaged areas. It is intended that such centres will build upon existing private, voluntary, independent or statutory services for children and families. The applicant has previously sought permission for a similar proposal at the Hornbeam Primary School, Great Mongeham, Deal. However, that planning application was refused (Planning Application Committee, 21st March 2009) and the applicant says that this is the only other site that they have been able to identify within this catchment area.
23. This proposal is intended to serve the wards of Middle Deal and Sholden, Mill Hill, part of Sandwich and part of Walmer. The applicant has provided information showing that these Wards would provide a catchment of 1018 children aged between 0 and 4 (based on 2009 health authority GP registration data). The data indicates that the majority of children that the Centre would serve appear to be located in the Mill Hill Ward and the Middle Deal and Sholden Ward. However, the applicant also says that it is intended that Children Centres would provide local services within "pram pushing distance" of a community and so to reach families further afield in this catchment area; outreach services would also be provided from the Centre.
24. The applicant has provided deprivation ranking information for the wards that the Centre would serve and the information indicates that the Centre would serve the most disadvantaged ward within this catchment as well as the less disadvantaged areas. The applicant uses this information together with the number of children within the catchment to demonstrate that such a facility is needed within the area in order to provide local accessible services to families in the area.
25. Neighbour representation has indicated a concern that another day care nursery might not be necessary as there are already two in Downs Road. The private day care nursery is currently located at Hornbeam Primary School at Great Mongeham, Deal. However, this nursery will no longer be able to use the site which is in the process of being sold. The number of private nursery spaces in the area would not be increased as a result of the proposal.
26. The proposal therefore includes an extension to the range of educational activities that exist at the site Downs CEP School. National Planning policy (PPS1) seeks to encourage socially inclusive communities and mixed use approaches that include community facilities alongside formal educational facilities and shared use of public buildings links to this objective. It links also to other sustainable development objectives such as making effective use of resources, making facilities accessible to all sections of society and developing and shaping healthy sustainable communities.
27. Based on this information, I am therefore satisfied that the need for the facility has been demonstrated.

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Acceptability of site location on school playing field

28. The building would be located on land which is currently part of the Downs CEP School playing field and designated as open space. It concerns an area of the school playing field which is 30m wide and 66m long, within which the proposed building and associated outdoor play space would be sited.
29. National planning policy (PPG17) seeks to protect playing fields from development unless the proposed development only affects land which is incapable of forming a playing pitch or part of one. Sport England objects to the proposal, as it would lead to the loss of part of a playing field and because based on the information provided within the application; their view is that the proposal does not meet one of the specific circumstances where an exception to policy can be made. The policy seeks to prevent the reduction of opportunity for participation in sporting activities as a result of the loss of playing field land to development.
30. There are 5 specific circumstances where Sport England will make an exception to their policy. The circumstances which are most relevant to this proposal include where there has been a carefully quantified and documented assessment of current and future needs demonstrating that there is an excess provision and that the site has no special significance to sport (E1); where it affects land which is incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any part of the playing pitch (E3); that the playing field which would be lost would be replaced with an equivalent or better quality arrangement (E4).
31. In this proposal, the applicant has sought to rely on exception E4 by re-arranging the existing marked pitch further to the west of the playing fields utilising existing unmarked field space, thus replacing the lost pitch area prior to the commencement of the development. The applicant says that there is currently approximately 22,747m² of grass open space for the 420 pupil capacity at the site. They suggest that there is sufficient space (21,487m²) for the number of pupils even with the loss of 1,260m² which would result from this development proposal, and that the playing space available at the site would still exceed the ratio requirement per pupil at this site. The applicant refers to DfES Circular 3/99 which states that a requirement of 20,000m² would be expected for a Primary school with pupil capacity of between 401 and 500 children and the playing field provision for the school would still exceed the ratio requirement per pupil. However, Sport England's policy seeks to protect all parts of the playing field, not just those that are currently laid out as pitches, and to guard against the loss of any part of the playing field. In this proposal, whilst the pitch layout can be re-arranged, an area of the playing field would still be lost as a result of the proposal.
32. However, national planning policy should be set within the context of the needs of local communities, and an assessment of local needs and existing provision of open space and playing fields. The Dover District Council Green Spaces Strategy (2004) indicates that there is not a shortfall of open space in this area. Local Development Framework Policy DM25 also seeks to protect open space and as there is not a shortfall of open space provision in the locality, the development is akin to an educational purpose and there is no overriding visual amenity interest, environmental role, cultural importance or nature conservation value, the development is in accordance with development plan Policy DM25.

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33. Given this local context and considering the specific location, existing use and dimensions of this proposal within the school playing field, it would appear that the applicant may be able to provide information which demonstrates that other exceptions (such as E1 and/or E3) may apply, and in so doing seek to resolve the objection from Sport England. However, this information has not yet been provided within the application which is to be determined.
34. On the basis of the information provided, the application appears to go against the national policy contained in PPG17 seeking to protect playing fields so as not to reduce opportunity for participation in sporting activity. However, the proposal does not go against local policy contained in Policy DM25 regarding Dover's open spaces. In determining this application consideration needs to be given as to whether to give more weight to the national policy contained in PPG17 or to the local development plan policy and the local context. Given that Dover District Council and other consultees do not object to the proposal, and issues arising from neighbour representations have been resolved, my recommendation to Members is to give more weight to the local context.

Design issues

35. There are three design aspects to the proposed development to consider – the building, the access and the car parking provision and amendments. The building design being single storey and situated along a boundary close to other larger scale development within the Walmer Science College does not create any visual amenity issues which cannot be screened by the additional landscaping proposed. However, the visual appearance of the proposed building is not unappealing and the development does not need to be shielded from local or wider view in my opinion. In particular, the building design and materials proposed would be similar to other recent amendments to the entrance of the Downs CEP School and in my opinion would not be out of context in this location.
36. The proposal seeks also to re-establish an emergency access to the Walmer Science College which would form the temporary construction access to the site together with the permanent emergency access. Permission has already been granted for an emergency access in this location and although there are some differences within this proposal, such as a turning area and the formation of gates within the fencing to allow access to the site, the principle of an emergency access has already been accepted in planning terms.
37. Amendments to car parking provision and layout within the Downs CEP School would extend the existing car parking arrangement further west of the car park exit on land which is currently grassed. The car parking is set back from the fence line toward the school and a green area with planting between the car park and Owen Square would remain. In my view, the reconfiguration of the car parking layout and provision of additional car parking and parking controls in this area is not a significant visual impact. The principle of additional car parking at the school has previously been accepted in planning terms, although this proposal provides a different configuration to that previously approved.
38. Other policies (such as DM16) require development to be well designed and to respect the site and its surroundings. I am satisfied that the site and design of the proposal is appropriate to the surroundings (as discussed above) and that the proposed uses are akin to the educational use that already exists at the site.

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Access issues

39. The application relies on the vehicular access and car parking facilities currently provided at the Downs CEP School and does not introduce an additional vehicular access to the building other than for temporary construction work and for emergency purposes. All access between the Downs CEP School and the Children Centre and nursery would be on foot via the existing footpath. Access impact considerations therefore relate only to the impact of additional users of the existing site, and consideration of the impact of the proposal to re-instate an existing emergency access and gates within fencing on either side of the footpath leading to the entrance to the proposed building.
40. Neighbour representation originally expressed concern about the access, parking and congestion in the vicinity of the school site along Downs Road, Owen Square and Salisbury Road and in particular, that this proposal would add to existing congestion. However, the number of additional users generated by this proposal is limited to specific times of day within term time only. The school has a capacity of 420 but current pupil enrolment of 390 and the proposal needs to be considered within this context. Whilst the catchment area of the proposed Children Centre includes families with children between 0 and 5 from a number of wards, it is expected that only a small number of families would use the facility at once and that on average it could be expected that approximately 25 would visit the Centre in one day, by appointment. A total of 3 full time staff would work within the Children Centre with further visiting staff during the day. Within the nursery 6 full time staff would work at any one time and there would be a maximum of 26 children places within term time only. The applicant has provided information that suggests that visitors to the site are expected to be from the local community, and therefore by foot rather than car. An Outreach service would be provided in conjunction with the Centre to reach those families further afield.
41. The area is generally well served by a range of means of transport and the proposal appears to allow a choice of transport modes in that there is provision for cycle racks, buggy's, car parking (in the Downs CEP School) and pedestrian access via Public Right of Way (PROW). Bus routes run nearby and the train station is also nearby.
42. The Divisional Transportation Manager did not raise any objection in relation to the proposals in relation to generation of additional traffic movement and impacts on the highway network, I therefore conclude that the impacts of the proposal on highway and access matters are acceptable in planning terms and that matters relating to parking and access within the site can be adequately controlled by appropriate planning condition.

Amenity issues

43. The location of the proposal within the site has been designed to spread along and close to the fenced boundary so as to limit the impact on the school playing field. Whilst well screened from the Downs Road there are currently uninterrupted views towards the proposal location from residential property across the Downs CEP School playing fields to the edge of the playing field and the footpath where views are broken up by existing planting, fencing and Walmer Science College buildings.

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However, these are relatively long views within which the proposed building would be seen in the wider context of other modern buildings and suburban development.

44. The applicant proposes to remove 5 trees which have been assessed as trees of low quality and value, from the edge of the site along the line of the Public Footpath, in order to allow the building to be constructed. The applicant says that this would also introduce light to the site and encourage greater use of the Footpath. Some mature trees would be retained and further planting would be introduced which once established would help to screen the development. The Biodiversity Group raises no objection to the proposal but would like to see further information about the possibility of roosting bats being present within trees which would need to be removed at the site. The applicants have informed me that this work is already in progress.
45. Given the overall site context comprising existing single storey school buildings at the site, I am satisfied that there are no adverse amenity impacts from the siting and design of the proposed building and that the amenity aspects of the proposal could be dealt with by condition.

Conclusion

46. Given consideration of the site, context, design and impacts, I conclude that the proposal would be acceptable in this location. However, given the Sport England objection, should Members support my views expressed in paragraph (34) above and decide against refusal of this application, the County Planning Authority is required to consult the Secretary of State at the Government Office South East and not grant planning permission until the Secretary of State has first considered the application. The Town and Country Planning (Consultation) (England) Direction 2009, requires that the Authority may only proceed to determine an application once the Secretary of State has had an opportunity to consider whether to call in the application for his own determination.

Recommendation

47. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government, and SUBJECT TO his decision, PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including:

- the standard time condition;
- the development be carried out in accordance with the submitted details and plans;
- the hours of use to be between 0800 and 1800 hours during the term time;
- the provision and maintenance of designated vehicle turning and drop off areas and vehicle and cycle parking arrangements at the site prior to occupation of the building;
- the provision and maintenance of the cycle and footpath to Walmer Science College;
- precautions to guard against transfer of mud to the highway during construction;
- the submission of further details regarding native species to be planted as part of the landscaping scheme; and

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- the submission of the findings of the assessment of the potential for roosting bats at the site prior to the removal of any trees at the site.

Case officer – H Mallett	01622 221075
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Background documents - See section heading
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