

REPORT UPDATE

Application No: WA/37/11/

Reason for the Update / Changes

Reason for Update/Changes:

A travel plan has now been submitted and is currently being assessed by County Highways.

Officers Comment:

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

WA/37/11/

PLANNING APPLICATION REPORT

REF NO: WA/37/11/

LOCATION: Land Adjacent to Walberton Village Hall
The Street
Walberton

PROPOSAL: Single storey pre-school. Resubmission following WA/12/11. (This is a Departure from the Development Plan)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to relocate the preschool playgroup from its current location within the Village Hall to a purpose built site directly behind the hall.

The existing pre-school at the Village Hall opens on Monday to Friday mornings, for 36 weeks per year. It is open for 15 hours per week for 3 and 4 year old children, and 12 half hours per week for younger children, from the age of 2.

The new pre-school will operate additional opening hours to cover 'wrap around care', i.e. Breakfast and Afterschool Clubs and holiday clubs.

The pre-school is registered with OFSTED and can accommodate up to 42 children.

Children will be dropped off and picked up at the car park adjacent the village hall.

SITE AREA	0.059 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Some trees to be removed including a mature hybrid Black Poplar, semi-mature stand of English Elm, mature Lombardy Poplar and Elder.
BOUNDARY TREATMENT	Wire fencing and hedgerow with trees to the boundary. Open recreation field adjacent.
SITE CHARACTERISTICS	The site is directly to the rear of the Village Hall which is currently grassed with a basketball hoop and hard standing.
CHARACTER OF LOCALITY	The Village Hall is brick and flint with a tiled roof. The site is located in the heart of the village. Adjacent is the village school and on the other side is the recreation ground.

RELEVANT SITE HISTORY

WA/75/87	Erection of new village community hall	Approve Cond 17-02-1988
WA/12/11/	Single storey Pre-school (This is a departure from the development plan)	Withdrawn 25-02-2011

REPRESENTATIONS

Representations received:

Walberton Parish Council

Support as of positive benefit to the local community.

9 letters of support:

This is a fantastic use of the currently under-used area, the village playing field, the area is overgrown grass and not a usable space. The basketball area is not used. The preschool is

oversubscribed and cannot currently accommodate these children. The site is adjacent to the village primary school. Ofsted requires an outside play area which the pre-school does not currently have. The new build fits in with the existing village hall. It will be a community asset. It is close to the village centre. This will provide all round provision for children. The school provides excellent provision for under 5s. It helps the local economy and local employment.

3 letters of objection:

The village does not need another building on the recreation ground. The existing facility is sufficient. Extending or altering the pavilion or village hall would be better. This is a business, but the statement states that charitable status is being sought, however the building will be on public land. What happens if numbers drop? What will be the traffic impact on this extended proposed use. It contravenes PPG17 that recreational land should not be built on. It means the removal of the basket ball facility. The plans for the Holly Tree pub were refused because the site, like this is outside the Development Plan. The facility could take another 47 children which would mean significant number of car trips.

Comments on Representations received:

Comments on Parish Council Comments:

Noted.

Comment on others:

Noted. The application has to be considered on its merits. The applicant has put forward a need case. A bigger purpose made facility is required that will also enable longer hours. In addition to the existing hours of operation, the proposal is to run pre and after school clubs and holiday clubs. Whilst a commercial concern, the proposal is for a community benefit and the applicant is looking to apply for charitable status to secure the necessary funding for the building. There are no objections from County Highways on traffic grounds. Children will be dropped off and picked up on the Public Car park adjacent the village hall. It is not considered that the land in question is playable pitch space and therefore it would be in accordance with PPG17. Similarly, the basket ball court is not considered to be of significant community benefit to merit retention.

CONSULTATIONS

Sport England South East
West Sussex - Listed Building
WSCC Local Development Divis.
Parks and Landscapes
Council's Arboriculturalist
Environmental Health
Southern Water Planning
Engineers (Fluvial Flooding)
Playschool Registration Unit

Consultations responses received:

DISTRICT ENVIRONMENTAL HEALTH:

No comment.

COUNTY HIGHWAYS:

The previous application WA/12/11 raised no objections. The plans do not appear to clarify the parking capacity survey and Travel plan previously requested.

COUNTY ARCHAEOLOGY:

No change to previous comments to WA/12/11 - the site lies just outside of known 18th century or earlier settlement core of Walberton. With regards to unknown archaeological remains a single storey building of modest plan should not involve very substantial or extensive foundations or associated ground disturbance that would cause major damage to any remains.

DISTRICT ENGINEERS:

It is noted that the proposal for Surface Water disposals via soakaway. Design of the soakaway should be based on BRE365 and submitted for approval prior to commencement of works on site. Monitoring of water table levels over the winter period together with soil percolation tests will be required to enable the design to be carried out.

DISTRICT PARKS AND GREENSPACES:

Given that the site is outside the built up area boundary consideration must be given to reducing the visual impact of the development in this rural location. Views from the car park will be unaffected, however it will be visible from the recreation field. Some landscape planting is incorporated along the west side of the building, no enhancements are proposed to the east.

Policy Area 5 aims to protect public open space and children's play facilities. The amount of open space will not be significantly reduced, however the basketball area will be removed. This should be compensated for.

With regard to trees, it is noted that the resubmission shows a reduced sized building, however, the landscaping proposal has not been updated to reflect this. A number of trees are proposed to be removed including a black poplar. It is the most prominent tree on the public open space and has the potential for bats. The proposed planting does not compensate for this. If the building were relocated, this would remove the problem.

Ecology - The Phase 1 habitat survey did not identify particular habitats of interest within the site but concludes that there was potential for protected species such as bats and reptiles. Additional surveys should be carried out at the appropriate time of year.

DISTRICT ARBORICULTURALIST:

The Downy Black Poplar tree has been identified on the tree consultants report as category A, which is a tree of high quality with a remaining span of 50 years. This tree can be seen from the recreation field. It has bat potential. It is a native tree providing good forage for bats. The tree is growing on clay soil. It is a high water demanding species and can potentially exacerbate shrinkage/expansion of clay soils. The NHBC recommend deep and special foundations for built structures to counteract heave once the tree has been felled. If the tree is to be felled a compensatory tree should be sought. A line of Downy Black Poplar located 3m to the east of the footpath is suggested.

SPORTS ENGLAND:

The proposal does not result in the loss of or prejudice the use of a playing field as defined in Article 16(1) Town and Country Plans (Development Management Procedure) (England) Order 2010. However it appears that there would be the loss of a tennis court. Therefore the equivalent replacement should be sought. Sports England require to know the extent of the loss and the proposed replacement.

Further to the above response and confirmation that there is no loss of a tennis court or other

sporting facility, then no objections are raised.

SOUTHERN WATER:

No objection. Comments as previously, this would require a formal application for a connection to the public sewer. The Council's drainage engineers should comment with regard to soakaways adequacy.

CONSERVATION AREA ADVISORY COMMITTEE:

No comment.

Comments on Consultation responses:

Comments noted. The proposal does not result in the loss of any playing field or tennis court. The site is a piece of vacant land to the rear of the Village Hall with a small basket ball court on a small piece of land. The landscaping to the east is limited in order to keep the play area for the children visible, it also is similar to that of the village hall along the footpath. Whilst the poplar tree does offer some visual amenity from the field, it is not a true Black Poplar, a rare native species, but a hybrid Black Poplar, and the provision of this needed community facility is considered to be of more value. Replacement trees have been detailed in a landscape submitted with the application. A Travel Plan has been requested and if it is deemed acceptable there will be no requirement by way of a planning condition. The recommendation currently details a travel plan. Car parking will remain unaltered with the public car park adjacent being used.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Within a Designated Conservation Area
Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPS3	Education and Skills
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
	GEN30	Protection of Species
	AREA5	Protection of Open Space

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPG17	Sport and Recreation
PPG13	Transport
PPG9	Nature Conservation

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be 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."

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built up area boundary where development is not permitted unless a strong justification for a countryside location is put forward.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that the proposal is for a community benefit, on community village parish land. The community benefit of a full time preschool group, located in its own building, adjacent to the village school and village hall outweighs any marginal loss of a Greenfield site.

CONCLUSIONS

PRINCIPLE:

The site lies outside the built up area boundary on parish land directly behind the existing village hall. The proposal is for a single storey building solely for the purpose of providing a preschool permanent venue. Whilst development outside the built up area is not permitted unless necessary for the needs of agriculture, an exception is made for exceptional circumstances where there is a strong justification for a countryside location.

COUNTRYSIDE POLICY:

PPS7 SUSTAINABLE DEVELOPMENT IN RURAL AREAS:

The Government objective in this policy is to protect the open countryside for the benefit of all. It also promotes sustainable development focusing most development in, or next to, existing towns and villages. The policy also seeks to ensure that local economies are diverse thriving rural enterprises that provide a range of jobs. Therefore Local Planning Authorities should support countryside based enterprises and activities which contribute to rural economies. In this case the proposal is for the expansion of local preschool childcare facility to meet demand. Currently they operate Monday to Friday mornings for 36 weeks a year within the Village Hall. The business employs 12 local people. It is proposed to expand the business to full day care including after school provision, breakfast and holiday clubs. They currently have a waiting list of 67 children. The site is in the centre of the village, adjacent to the village school and a shopping parade therefore centrally located. It is therefore considered that the proposal is in accordance with the objectives of PPS7.

GEN3 PROTECTION OF THE COUNTRYSIDE

Outside the built up area the countryside will be protected for its own sake and development will not be permitted unless necessary for agriculture, forestry or the extraction of minerals or deposit of waste. The policy goes on to state that development may be allowed in exceptional circumstances where there is a strong justification to meet the needs of the local economy. The proposal is on community land which belongs to the Parish Council. The preschool currently operates within the Village Hall. Currently the preschool have to set up and pack away equipment on a daily basis, which is not sustainable. Removing the preschool to its own building would free

up the Village Hall in the mornings for other community activities which currently cannot take place. It is therefore considered that the proposal accords with this policy.

SOUTH EAST PLAN S3: EDUCATION AND SKILLS:

This policy advocates that Local Planning Authorities should work with partners to ensure the adequate provision of pre-school, school and community learning facilities. The policy encourages mixed use approaches that include community facilities alongside formal education facilities. It is therefore considered that the proposal is in accordance with this policy as it is adjacent to the Village Hall and Primary School.

PPG17: PLANNING FOR OPEN SPACE, SPORT AND RECREATION:

This policy seeks to maintain an adequate supply of open space and sports and recreational facilities. Paragraph 10 states that not all open space and recreational land are of equal merit and some may be available for alternative uses. Paragraph 16 states that local authorities should weigh any benefits offered to the community against the loss of open space that will occur. Any proposed development should take account of and be sensitive to the local context.

In this case the small piece of land to the rear of the village hall would appear to have a limited role in terms of play provision and more readily lends itself to the expansion of built facilities. The new building has been sited to allow the provision of a small gap should there be proposals for the expansion of the village hall in the future. While it is accepted that the basketball facility will be displaced this could be relocated to another piece of the recreational field if required. It is therefore considered that the proposal is in accordance with policy and Sport England have raised no objection.

AREA 5 - PROTECTION OF OPEN SPACES:

This policy seeks to protect public open space. Unrelated development will not be allowed. Exceptions to this policy will only be granted where there is an essential social need and where the amount of open space is not significantly reduced. It is considered that the site is not usable open space as it is a small narrow space between the footpath and recreation field and directly to the rear of the village hall. Therefore it is considered that the proposal is in accordance with this policy.

ECOLOGY AND PPS9 BIODIVERSITY:

The Government is committed to protecting biodiversity by protecting certain species.

The Applicant has provided an Ecology Habitat Survey report. The report concludes that there are no habitats of interest within the site or its immediate surroundings. The mature tree on site is a hybrid Black poplar tree and not a true Black Poplar tree. There is some potential for bats and reptiles along the western boundary and it is recommended that separate surveys are undertaken prior to development indicating any necessary mitigation.

JUSTIFICATION:

The pre-school group is well established since 2003. It opens Monday to Friday mornings for 36 weeks per year (term time) for children 2 - 4. The business employs 12 local people. There are also children attending with special needs.

There is no other pre-school or nursery facility in the Parish. Neither is there any after school care, breakfast clubs or holiday clubs. There is a waiting list of 67 children and a demand for the

above-mentioned additional facilities. The school cannot expand at the village hall as the hall has other commitments and also a waiting list of other clubs and societies who would like to use the hall.

As the school operates in the village hall, at the start of each day, time has to be taken to set up and at the end of the day pack away equipment. With a dedicated building the classrooms would be set up permanently. The layout also allows for the childrens toilets to be located directly off the classrooms for child protection in accordance with national guidelines. The proposed new pre-school building would enable the school to provide an extended service providing day child care as well as breakfast, after-school and holiday provision in line with government objectives for pre-school and school children.

The Parish Council have leased the land to the school as they fully support the facility which would free up the hall to accommodate other users. The proposal is therefore considered to be in accordance with GEN3 paragraph 1.11 with regard to permitting development outside the defined built-up area will only be allowed in exceptional circumstances or where there is a strong justification, as there would be a strong community benefit derived from this new pre-school building.

DESIGN AND VISUAL AMENITY - AFFECTS ON CONSERVATION AREA:

The proposal is single storey of semi-circular design, timber clad with a meadow (green) roof. The design is similar to that approved for GreenPower at Fordingbridge Engineering WA/16/09. It will be sited directly to the rear of the Village Hall and will not be viewed from within the street scene or within the Conservation Area. This application is reduced in scale from the previous application (WA/12/11) at the Parish Council's request in order to allow some land for possible Village Hall extension.

The proposal is for a sustainable building which is specifically designed to maximise solar gain and reduce heat loss, with low embodied energy. The roof will be a wildflower meadow which would be planted on soil from the building and foundations which would reduce run-off and provide thermal insulation.

SUSTAINABILITY:

The site is located in the centre of the village close to existing facilities and residential properties where there is opportunity to walk to the Preschool. The primary school is also adjacent to the site as are the village shops. Therefore the site is in a sustainable location. A travel Plan is also conditioned.

TREES:

It is proposed to remove a large hybrid Black Poplar tree which is situated on the footprint site. The arboriculturalist report identifies that the tree is fully developed with some damaged wood. There appears to be a woodpecker resting hole on one of the damaged boughs. The Council's Arboriculturalist has commented that the tree should be replaced with another of the same species and that this should be in area 3 metres east of the footpath. However it has since being confirmed that the tree is a hybrid and there is not considered a need to replace as set out by the Council's Arboriculturalist. It is regrettable that this tree is to be removed but in view of the overriding community benefit and its limited visual amenity from the streetscene, the loss of the tree is considered to be acceptable. Unfortunately a replacement tree 3 metres to east of the

footpath cannot be conditioned as this area is outside of the application site and the control of the applicant. However, a detailed landscaping scheme has been submitted with the application for replacement trees within the site.

It is proposed to plant a new hedgerow of native species on the west boundary. This will be the subject of a landscape condition.

HIGHWAY ISSUES:

The site is located adjacent to the village hall where there is a public car park to the front. It is considered that these spaces will be satisfactory for the dropping off and picking up of children. The increased use, including afternoons, pre and after school dropping off times will be the subject of a Travel Plan.

DRAINAGE:

The council's engineers have raised no objection subject to the soakaway details being submitted to the local planning authority for approval prior to commencement of works. These details should include monitoring of water table levels over the winter period together with soil percolation tests. A condition has been included to deal with this.

SUMMARY:

It is considered that the proposed new building for the village pre-school playgroup is of sufficient community benefit to be considered an exception to local plan policy GEN3 which prohibits development in the countryside. It is considered that the community benefits outweighs the disadvantage of the loss of a small area of community land (public open space). It is therefore recommended that the application is approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans drawing numbers 01, 02, 30, 31, 32,

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (LLD303/03). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall commence until a travel plan detailing objectives, transport modal splits, measures to encourage access to the site by non-car means, and monitoring shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To encourage non-car modes of travel to the site in accordance with the principles of sustainable development detailed in PPS1, PPS7 and PPS13..

- 6 No development, or tree felling shall take place until details indicating how suitable provision will be made for bats'owls' habitats contained within an updated Ecological and Phase 1 Habitat Survey have been submitted to and approved by the Local Planning Authority and such habitats shall be secured/provided before development commences and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats/owls to ensure that a habitat remains for them during and after development in accordance with policies GEN30, DEV2 of the Arun District Local Plan.

- 7 The development shall not proceed until details of the proposed surface and foul water drainage system have been submitted to and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with the associated building works.
No building shall be occupied until the foul drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

- 8 INFORMATIVE:

The soil on the site is clay. The Downy Black Poplar is a high water demanding species which when removed has the potential to exacerbate shrinkage/expansion of clay soils. The NHBC recommend deep and special foundations for built structures within the trees zone of influence to counteract heave once the tree has been felled.

- 9 INFORMATIVE:

A formal application for connection to the public sewerage system is required in order to service this development. For further advice please contact Atkins Ltd, Anglo St James House, 39A Southgate Street Winchester, SO23 9EH (Tel 01962 858688) or

www.southernwater.co.uk.

10 **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: S3

LOCAL PLAN: GEN3, GEN7, GEN12, GEN20, GEN30, AREA5

NATIONAL POLICIES: PPS1, PPS7, PPG9, PPG13, PPG17

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.