

Item No.	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	13/02741/FUL Yattendon	6 <sup>th</sup> February 2014. Extension of time To 21 <sup>st</sup> March 2014.	Erection of shed. Orchard Day Nursery Everington Bungalow Everington Hill Yattendon  Mr Andrew Webber

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02741/FUL>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT planning permission**

**Ward Member(s):** Councillor Virginia Von Celsing

**Reason for Committee determination:** Ward Member called in due to long and contentious planning history and local objections.

A Committee determination is also required due to number of representations received.

**Committee Site Visit:** 17<sup>th</sup> March 2014.

#### Contact Officer Details

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## 1. PLANNING HISTORY

<b>136265</b>	Change of Use from residential to Day Nursery Approved 21.02.1990
<b>141835</b>	Extension to Day Nursery (conservatory) Approved 22.03.1993
<b>142688</b>	Relaxation of Condition 2 of Application number 136265 to increase the number from 16 to 21 children Approved 14.07.1993
<b>151226/FUL</b>	Removal of Condition 3 of planning permission 141835 and removal of Condition 2 of planning permission 142688. Approved 01.10.1997
<b>08/00521/FUL</b>	Retrospective application for the erection of a log cabin for use as an educational classroom for the under 5's and variation of planning restriction to allow a maximum of 24 children to attend at any one time Approved 01.09.2008
<b>10/01769/CERTP</b>	Shed – Not lawful development - 04.07.2010

## 2. PUBLICITY

Site Notice Expired:	10 <sup>th</sup> January 2014
Neighbour Notification Expired:	9 <sup>th</sup> January 2014

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

**Parish Council:** OBJECT - is situated in an Area of Outstanding Natural Beauty. The construction using Galvanised Green Steel is not in keeping with the neighbouring properties and is in the direct site line of other properties.

There is a history of actions taken without planning permission and change of use, on this property. In view of this the application should be considered by the Planning Committee.

The construction will be sited on part of the area currently used for parking and turning and is likely to increase the congestion at the entrance.

In 1990 the Fire Brigade said that the bridge over the River Pang was considered too weak to allow the Fire Brigade to attend the Nursery / the properties.

The Parish Council support the Objections made by the immediate neighbours.

**Highways** The existing parking area is not shown on the submitted plans therefore I need to be certain that there will be no loss of the parking area as a result of the proposed shed.

Submit a revised plan showing the existing parking area in relation to the proposed shed.

**Highways (cont)** Following receipt of the revised plan - From the information provided this proposal does not affect the existing parking provision. No objection.

**Tree Officer** The proposed shed will not have an impact on any trees, but it is not clear what base will be used, if any. If a concrete base is required then a designated mixing site away from the Root Protection Area of any trees will be required as well as a storage area, which should be detailed in an Arboricultural Method Statement

Conclusion - I have no objection.

Following receipt of an Arboricultural Method Statement - The information supplied via email by Andrew Webber on Tuesday 18<sup>th</sup> February 2014 is sufficient to fulfil the Condition, as it clearly states that the shed will be placed on existing slabs. The concerns were the type of base (not previous noted) and the effect it would have on the RPA's of adjacent trees, through mixing and storage of materials.

**Environmental Health**

Have no comments to make.

**Education – Early Years Team**

The Orchard is a setting I support. I would be happy to support this application due to their commitment to continually improve the provision for the children in their care. They are dedicated to ensuring children access the grounds outside and the local area on a daily basis. An extra shed would help them with the limited storage they currently have.

**3.2**

**Representations**

Total 12

Object: 12

Support: 0

Summary of Comments:

- The existing business should not have been allowed in this location which was originally residential. If facilities insufficient here the business should be relocated.
- The reason for the application appears to be for the growth/expansion of the business and for commercial gain.
- There is a history of disregard for planning rules at the site. This includes increasing pupil numbers without permission, increasing parking at the site and removing trees and an existing earth bund. An existing log cabin was granted permission retrospectively and a further shed has been erected without permission. The log cabin was subsequently used as a classroom. Given the previous history there are concerns that this shed will be used for something other than what is applied for.
- The expansion of facilities will lead to greater pupil numbers. This will in turn lead to an increase in noise.
- An increase in pupil numbers will lead to highways and parking issues. Inappropriate due to existing narrow drive with dangerous entrance. The shed itself will cause a loss of parking/turning area within the site.
- The site is within the Area of Outstanding Natural Beauty (AONB) where there is a presumption against development. The further expansion of buildings on the site has an impact on the AONB.
- The design and materials for the shed are out of keeping and unsympathetic to the surrounding area and buildings. The proposal is out of keeping with the AONB
- Proposal increases the footprint of buildings on an already overdeveloped site.
- The facilities for which the shed is required can be carried out in the existing building.
- The application states that no groundworks are required but the proposal will require electricity, water and drainage.
- The application refers to an existing hardstanding but there is none in this location.
- The proposed shed would be in close proximity to and in the clear view of neighbours. Due to the size and scale it will present an

unpleasant view for neighbours and will create a visual intrusion to the detriment of neighbours' outlook.

- Further comments received from an existing objector on receipt of additional information/amended plans (in summary)
  - The Applicants personal circumstances are not a planning matter. Alternative arrangements could be used for laundry (such as a laundry service) and suitable recycling operations could be made for commercial operations if domestic collection not suitable.
  - The Applicant chose to previously expand the business, should now seek alternative premises or cut down numbers rather than seek further development.
  - Parking for the mini bus will be affected, leading to a loss of parking/turning space in the car park.
  - The Applicant has suggested screening the shed with wooden fencing, this will add to footprint and visual impact.
  - Storage of frozen food not previously mentioned.
  - Applicant may be in breach of permission to operate with only 24 children.

#### **4. PLANNING POLICY**

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 (WBCS) and the saved policies in the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007) (WBDLP)
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
  - CS10 Rural Economy
  - CS13: Transport
  - CS14: Design Principles
  - CS19 Historic Environment and Landscape character
- 4.4 The following policies from the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007) are relevant to this application:
- HSG1: The identification of Settlements for Planning Purposes
  - ENV27: Development on Existing Institutional and Educational sites in the countryside.

#### **5. DESCRIPTION OF DEVELOPMENT**

- 5.1 The Orchard Day Nursery is a small nursery school providing day care for children aged between 1 and 5 years old located in the countryside between Yattendon and Hermitage. The application seeks planning permission for the erection of a shed in the grounds of the nursery. The shed measures 2.2 metres wide by 2.2 metres in depth and 2.3 metres in height. The shed would be constructed from an olive green coloured galvanised steel a

sample of which has been supplied. The shed would be located between the existing log cabin building with smaller shed attached and the designated mini bus parking bay to the south east of the main nursery building and car park. Planning permission is required for this relatively small structure as it does not comply with the criteria of the General Permitted Development Order in this instance.

- 5.2 The shed would be used for storage. For example for laundry equipment (a washing machine and tumble dryer) a freezer and for recyclable waste bins. The Applicant has confirmed that existing electric, water and drainage services are located within one metre of the proposal and are therefore easily accessible. The shed is a purpose built structure that comes with all the plumbing and electrical fittings installed. It is also well insulated and therefore ideal for the Applicants purposes. It will be installed on a small existing paved area.
- 5.3 The Applicant states the shed is required due to insufficient space for storage of such equipment in the nursery's kitchen which also serves as the office. Previously laundry was undertaken off site, at the Applicants home, but this is no longer possible due to a change in his circumstances. The shed would also provide space for recycling bins which is not undertaken at present due to insufficient space.
- 5.4 The Applicant has confirmed that there is no planned expansion of the nursery as a result of this proposed shed. The number of children attending will not increase. The Applicant states that he has in fact signed a legal document in conjunction with neighbours to ensure that the number of children attending the nursery can not be increased.
- 5.5 An amended Block Plan was submitted to show the location of all existing buildings on the site.

## **6. APPRAISAL**

The main issues raised by this proposal are:

- 6.1 The principle of the development;
- 6.2 The impact of the proposal on the character and appearance of the area;
- 6.3 The impact on the residential amenities of neighbours;
- 6.4 The impact on parking provisions and highway safety;
- 6.5 The presumption in favour of sustainable development.

### **6.1 The principle of the development**

- 6.1.1 The site lies outside of any settlement boundary as defined in policy HSG1 of the WBDLP. In planning terms it is therefore classed as being in the countryside. Policy ENV27 of the WBDLP which relates to existing educational sites in the countryside makes provision, within appropriate limits and having regard for the character of such sites and their wider setting, for development required by such uses to continue at a reasonable level and scale of operation.

Para 72 of the NPPF (whilst discussing schools but relevant here as this is an educational establishment) advises that in order to meet the needs of existing and new communities Local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

## **6.2 The impact of the proposal on the character and appearance of the area**

- 6.2.1 This part of Everington Hill contains a small cluster of residential properties and the day nursery in an otherwise mostly rural landscape. The nursery site is approached via a long driveway and is located to the south of the residential properties. Further south of the nursery site is open land with the M4 motorway beyond. The proposed shed is located towards the southern boundary of the site between an existing larger log cabin classroom building, with smaller shed attached and the designated mini bus parking area. It will not be visible from the highway to the north nor will it be highly visible from any other public viewpoint.
- 6.2.2 The proposed shed is of a typical pitched roof design and will be relatively modest in scale given its dimensions. In order to make an informed judgement regarding the proposed materials a sample was requested. The sample shows that the shed will be constructed in galvanised steel of a muted olive green colour. The colour is considered appropriate to the rural area. Consequently. The materials are, on balance, considered acceptable given the modest scale of the proposal.
- 6.2.3 The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Para 109 of the NPPF confirms the need to protect valued landscapes. The proposal will be partially screened by the existing larger log cabin building and by natural screening to the boundaries of the site. Land to the rear of the site rises upwards towards the M4 motorway. Given the scale of the proposal and the location near to existing buildings it is considered that the proposal would not be significantly more visually intrusive to the wider landscape area. Consequently the impact on the AONB is not considered significantly harmful. The Applicants offer to screen the shed with fencing is not considered necessary.  
Furthermore Policy ADPP5 of the WBCS states that small, local businesses will be supported, encouraged and protected within the AONB, providing local job opportunities and maintaining the rural economy.
- 6.2.4 Given the modest scale of the proposal and its proposed location it is not considered to contribute to any significant overdevelopment of the site. It is considered to be reasonable in proportion to the size and nature of the existing establishment.
- 6.2.5 The Applicant has confirmed that there is no intention to increase the number of children attending the nursery as a result of the proposal. The shed is required only to meet the operational requirements of the nursery.
- 6.2.6 The Tree Officer has confirmed that the proposal will not affect any existing trees at the site.

## **6.3 The impact on the residential amenities of neighbours**

- 6.3.1 A core principle of the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3.2 The proposal will be located over 35 metres away from Everington Cottage and over 40 metres away from Everington Barn, the immediate neighbours. Given the nature and location of the proposal it is therefore not considered to have any affect on light or loss of privacy to the occupants.
- 6.3.3 The main concerns of neighbours relate to a potential increase in noise, resulting from an

increase in children attending the nursery and the affect of the proposal on their outlook.

- 6.3.4 With regards to an increase in noise the Applicant has confirmed that there will be no increase in the number of children attending the nursery at any one time. It is likely that the proposed use of the shed will in itself generate some additional noise given that it will contain laundry equipment. The Council's Environmental Health Team were therefore consulted but had no comments to make.
- 6.3.5 With regards to an affect on outlook, given the modest scale of the proposal and the distances involved to the immediate neighbouring properties, this is not considered to be significantly harmful. For the same reasons the proposal is not considered to have any overbearing affect.

#### **6.4 The impact on parking provision and highway safety**

- 6.4.1 The Highways Officer has confirmed that the proposal does not affect the existing parking provision and has no objection to the proposal.
- 6.4.2 The concerns of neighbours relate to a potential increase in children attending the nursery and the affect on parking and increased traffic movements. As previously stated there is no intention to increase numbers.

#### **6.5 The presumption in favour of sustainable development**

- 6.5.1 The NPPF has introduced a presumption in favour of sustainable development which in para 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Given the scale of the proposal it makes a small contribution to the economy in terms of supporting the operational needs of the nursery and in the social role in terms of supporting a local service that reflects a community need.

With regards to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal would respect the prevailing pattern of development. For the above reasons it is considered that the development is supported by the presumption in favour of sustainable development.

### **7. Conclusion**

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, having regards to the clear reasons to support the proposal as outlined above the development proposal is considered to be acceptable.

### **8. Full Recommendation**

**DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the following conditions:

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026) should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawings titled: Dimensions of Proposed Shed and Roof Plan of Proposed Shed; received on 12<sup>th</sup> December 2013, an amended Block Plan; received on 22<sup>nd</sup> January 2014, the Parking Plan; received on 29<sup>th</sup> January 2014 and the Arboricultural Method Statement; received on 18<sup>th</sup> February 2014; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

3. The materials to be used in this development shall be as specified on the application form and the sample of steel from Capital Coated Steel Ltd, colour: LG S2704 olive green; received on 24<sup>th</sup> January 2014. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

#### **Informatives:**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

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