

DCSE0009/1676/F DCDS/091843/F - PROPOSED DORMITORY ACCOMMODATION WITH DINING AND RECREATIONAL UNIT IN ASSOCIATION WITH CONTINUED USE OF LAND AS A CHILDREN'S NURSERY SCHOOL AND KIDS CLUB, TOGETHER WITH APPROVED LEISURE, RECREATIONAL, EDUCATIONAL AND CULTURAL USE (DIVERSIFICATION OF EXISTING USE) AT CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORD, HR9 5Q

For: Mr G Mitchell per Graham Frecknell Architects, 9 Agincourt Street, Monmouth, NP5 3DZ

Date Received: 31 July 2009

Ward: Kerne Bridge

Grid Ref: 358663,218813

Expiry Date: 25 September 2009

Local Member: Cllr J Jarvis

Introduction:

The Southern Area Planning Sub-Committee considered this application on 30 September 2009 and resolved to refuse the application contrary to the Officer's recommendation. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The Members of the Southern Area Planning Sub-Committee expressed concerns in relation to the perceived incompatibility of the children's nursery and health and spa facilities with particular reference to the potential risk to children associated with unrestricted access by adults and the sale of alcohol. It was considered that this was contrary to Policy DR2 of the Herefordshire Unitary Development Plan. During the debate the Committee was advised that the appropriate control for managing these concerns was through separate legislation (Ofsted licensing in terms of the acceptability of the children's nursery and the Council's Regulatory Committee in relation to the granting or otherwise of a premises licence for the health and spa facility). It was also advised that these two uses had co-existed at the site for many years and that the current application did not alter the way in which this long established arrangement operated.

In addition Members were concerned about the highway safety implications of the proposal. It was openly acknowledged that the access onto the B4324 was substandard but the proposal involves a commitment to reduce the number of nursery children from the potential 30 that the premises is currently licensed for to 10. This reduction would offset any traffic generated by the dormitory accommodation which in any event would be likely to generate traffic outside the times when the nursery traffic would be at its peak. This approach together with the formalisation of a Travel Plan is considered acceptable by the Traffic Manager.

The Head of Planning and Transportation is concerned that these reasons for refusal might not be defensible if challenged and accordingly the application was referred.

Since the consideration of the application at the Southern Area Planning Sub-Committee the applicant has provided details of their existing Ofsted licence demonstrating that the necessary authority has been obtained in relation to the operation of the nursery. This has been separately verified as an active licence by your Officers.

The applicant has also sought to amplify the proposal explaining that the dormitory building is intended to provide overnight accommodation to support families and groups using the health and spa facilities. Examples of group events include Hen Parties, Teen Parties, Mothers and Daughters and Glamorous Grans and the provision for overnight stays would enhance the current offer and potentially reduce the amount of traffic entering and leaving the site.

The applicant has also explained that this diversification is a response to changing Government legislation which threatens the viability of the existing children's nursery. The enhanced health and spa facilities are seen as an important tourism opportunity in the applicant's supporting statement.

1. Site Description and Proposal

- 1.1 The site is located in an elevated position on the steep south-west facing slope of Leys Hill, Ross-on-Wye. It is accessed from the U70408 road that climbs from Kerne Bridge onto Leys Hill. The site is located in the open countryside and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 The site comprises a broad strip of land that follows the contours around Leys Hill, to the south-east of the U70408 road. The main driveway runs along the lower edge of the site, serving an existing children's nursery, gym and swimming pool building, which are grouped with the applicant's house towards the rear of the site. There is a tarmac parking area to the front of the buildings and a hard surfaced tennis court lies on terraced ground in the central part of the site. The remainder of the site comprises open grassed areas, which contain scattered, predominantly semi-mature trees. The site is fairly well screened by surrounding woodland and trees but there are long distance views into the site from the hills to the south-east.
- 1.3 This application proposes a single storey stand-alone dormitory building 19.8 metres x 10 metres, 2.7 metres to eaves, with an enclosed roof terrace that will be positioned between the main group of established buildings and a multi purpose sports area and to the rear of a car parking area. The two dormitories will provide accommodation with en-suite bathrooms, each providing 6 beds and a shared living room, dining area and kitchen. An external performance area to the side of the dormitory building is also proposed. It is proposed to cut the building into the slope with the ground floor slab level set at 97.30AOD to tie in with the existing level of the parking area.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST2	-	Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty
Policy RST13	-	Visitor Accommodation

3. Planning History

3.1	SH871537PF	Change of use into children's nursery school and extension to form playroom	-	Approved 16.12.87
	SH870168PF	Extension to provide additional living accommodation	-	Approved 25.01.88
	SH881381PF	Extension to form leisure and recreation room for pre-school age children	-	Approved 05.10.88
	SH940484PF	Relaxation of conditions to allow for use of premises for recreational and cultural purposes	-	Approved 07.09.94
	SH960425PF	Extension to provide additional space for recreational and cultural activities	-	Approved 01.11.96
	SH960841PF	Permanent provision of kids club	-	Approved 11.12.96
	SE1999/3239/F	To apply for permanent kids club use and to consolidate all extant planning consents for educational leisure, recreational and cultural facilities for children and adults	-	Approved 17.09.00
	DCSE2006/3912/F	9 timber lodges, tourist reception building and covered extension to fitness suite	-	Refused 24.01.07
	DCSE2007/0479/F	6 timber lodges and covered extension to fitness suite	-	Withdrawn
	DCSE2007/2263/F	4 timber lodges for holiday use – in association with continued use of land as children's nursery school and kids club together with approved leisure, recreational, educational and cultural use. Proposed covered extension to	-	Refused 11.09.07

fitness suite

DCSE2007/3491/F Aqualand proprietary cover over terrace to additional space for fitness suite - Approved 09.01.07

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager initially recommended refusal, commenting that: "It has not been demonstrated how there will not be an increase in vehicular traffic movements from the site. I am concerned about the access onto the unclassified 70408 as well as the junction onto the B4324. Traffic movements are critical to assessing highway safety."

Subsequently the applicant has agreed in principle to a condition limiting the number of children attending the nursery to off-set any traffic generated by the proposed dormitory accommodation. Subject to conditional control and the formalisation of a Travel Plan, no objection is raised.

4.3 Conservation Manager: Landscape: considers the visual impact of the proposal would be fairly minimal.

4.4 Ecologist: No objection.

4.5 Children and Young Persons Directorate: "It is felt that the safety of the nursery children could be compromised should this application be approved and the dormitory accommodation built on the same site as the nursery provision. Holidaymakers and other personnel using these additional areas may have access to areas designated for the provision of Early Years Education and childcare at the Children's Adventure Training School (CAT'S). The provider is required to inform OFSTED of this change to the use of the site and would probably therefore be visited to re-inspect the premise. We would expect OFSTED to share the same concerns."

5. Representations

5.1 A Design and Access Statement has been submitted with the application:

- CATS was conceived in 1986 as a nursery school, but with the benefit of subsequent planning permissions has developed as a family centre providing a range of educational, leisure, recreational and cultural facilities;
- The centre has operated for 52 weeks of the year since 1987;
- Diversification is necessary as a reaction to Government initiatives (EYES and Sure Start);
- It is envisaged that the diversified use will result in a reduction in traffic with consequential reductions on residential and local amenity impacts;
- The existing buildings, together with natural and man made features are a part of the existing landscape;
- The applicants live and work on the site and are well placed to understand the site's constraints and opportunities;

- The applicant have a vested interest in ensuring that the tranquil qualities of the site and the quality of the landscape remains unharmed;
 - The proposal has been formulated having regard to the AONB;
 - The proposal may be seen as a mixed use. Mixed uses bring opportunities for sustainable development. The plan is that the people occupying the accommodation do so in association with the provision of some child care;
 - The proposed unit is comparatively small in scale with a total floor space of 200 square metres;
 - The building has a eaves height of 2.7 metres and a maximum height of 3.4 metres;
 - The site cannot be seen because of very mature planting;
 - Due to the maturity of the existing landscaped grounds the impact of the proposal on the AONB is considered to be minimal;
 - The use, construction and finishes of the building is considered most appropriate for the site, set against a backcloth of wooded slopes to the east;
 - The proposal will not result in an increase in traffic. The nursery is to be reduced from 30 children to 10 only.
- 5.2 Walford Parish Council comment that “after a long debate with representatives from the public, the Parish Council decided, after a large majority vote, to ask that planning consent should not be given to the application. The chief concerns of both the council and the public were:
1. The use to which the proposed building would be put.
 2. Planning creep that may lead to activities that would not fit in with the stated use.
 3. The increase of unwary traffic on a very difficult access road.
 4. It was noted that concerns had been expressed over the status of licensing in relation to site activities. It was asked that these are evaluated and reported back on to the Walford Parish Council.”

5.3 27 letters of objection have been received

- This is a commercial development within a quiet residential area in the Wye Valley Area of Outstanding Natural Beauty (AONB) inappropriate to the local area.
- It will have a detrimental visual impact on the AONB.
- Any increase in business must represent an increase in traffic.
- The road is narrow and dangerous.
- There have been numerous crashes at the junction with the B4234.
- The development represents further unsustainable expansion of the site.
- The existing site is out of place, out of character and does not represent or serve the local community.
- This is a hotel development in all but name.
- Noise pollution and disturbance is inevitable.
- Increase light pollution.
- CATS was originally a traditional small stone cottage and has grown enormously over the past 22 years.
- Adverse impact on ecology.
- Children and unknown adults being at the same location is surely dangerous.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford, and prior to the Sub-Committee meeting.

6. Officer’s Appraisal

- 6.1 The main considerations in this application are whether there is an adverse impact on the Wye Valley Area of Outstanding Natural Beauty, whether the proposal is in keeping with the character of the existing building and its surroundings in terms of scale, mass, siting, design and materials and whether there is an adverse impact on the highway.
- 6.2 The site is located within the Wye Valley Area of Outstanding Natural Beauty. The primary purpose of designation of these areas is to conserve and enhance their natural beauty. The most relevant policy with regard to the AONB is Unitary Development Plan Policy LA1.
- 6.3 In addition, the pressure for recreation related development within the AONB merits a specific policy within the Herefordshire Unitary Development Plan – Policy RST2. Whilst AONB designation allows recreation proposals to be accommodated where such developments do not compromise the landscape quality, it is important that precedence is given to the principal aim of conserving and enhancing the natural beauty of the area.

Policy RST2 reads as follows:

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, the conservation of the unique character and qualities of the landscape and of biodiversity and geological interests will have precedence over the development of facilities for recreation, sport and tourism. In particular such developments must:

- respect and be in keeping with the inherent distinctiveness of the local landscape;
 - be small-scale and constructed from appropriate materials; and
 - make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB.
- 6.4 Council policy therefore places paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy RST2.
- 6.5 The first policy issue is whether the development respects and is in keeping with the inherent distinctiveness of the local landscape. Given that the site is already used as a leisure facility and the existing landscape character is that of amenity land associated with the leisure facilities, development of the scale proposed, is considered to be acceptable. There is very limited change to the landscape character of the site. The proposal is not considered to have an undue effect on the rural quality and character of the AONB.
- 6.6 The second policy issue is whether the development is small scale and constructed from appropriate materials. The proposed is for a small-scale low building that is positioned on the west side of the CATS complex, aligned along the contour and set into an existing bank.
- 6.7 Insofar as the visual impact of the proposed building is concerned, the building will be read against the background of the existing bank and screened by large mature trees to the south of the site. It is considered cutting the building into the bank will assimilate the building into to the site. The eaves height of the dormitory will be no higher than the eaves height of the existing CATS buildings, and on a similar contour. In this respect it is considered the dormitory building will be viewed as a low-key structure that will not have a discernable impact on the acknowledged visual qualities of the area. Accordingly, it is not considered the proposal will cause harm to the character or

quality of the landscape and the proposal is considered acceptable having regard to policy LA1. No objection, subject to conditions, is raised by the Conservation Manager in relation to the impact of this proposal on the landscape quality of the AONB.

- 6.8 The third issue is whether the development makes a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB. There is an existing commercial use on site. This proposal is for additional facilities that will be used in connection with the established leisure activities of the site and in this respect the policy requirement is met.
- 6.9 Representations have been received in respect of the suitability of the highway network to accommodate the proposed building. While, the Traffic Manager has requested further information the applicant has said traffic movements from the site will decrease. This is in reaction to the change in Government policy concerning childcare, which takes effect from 2010 requiring schools to be open from 8.00am until 6.00pm. As a consequence to this change the applicant intends to reduce the nursery registration from 30 children to 10 children only thereby reducing the amount of traffic visiting the site. Notwithstanding the comments of the Traffic Manager it is understood that subject to a condition that limits the number of children attending the nursery to 10, together with the level of traffic that will be generated by this proposal, the level of traffic visiting the site will be lower than existing. Consequently it is not considered the proposal will lead intensification in use and therefore there is no additional impact on the highway network.
- 6.10 Representation has also been raised concerning noise. The dormitory is to be located adjacent to a multi-purpose sports area which is not subject to conditions that limits hours of use or activities. Given this situation it is not considered the proposal would cause significant loss of amenity of the area through noise nuisance.
- 6.11 So far as the comments from the Children's and Young Persons Directorate are concerned, whilst the safety of children is a concern it is for the owner/operator of the site to manage and regulate visitors. The site already attracts children to the site, attending the nursery, and adults visiting the site's leisure facilities without apparent conflict or complaint.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 C01 Samples of external materials**
- 3 G04 Protection of trees/hedgerows that are to be retained**
- 4 I51 Details of slab levels**
- 5 H30 Travel plans**
- 6 I33 External lighting**
- 7 Prior to the first use of the dormitory accommodation hereby approved, the applicant shall provide registration details of the nursery limiting the number of children attending to no more than 10 at any one time and it shall thereafter be restricted in accordance with these details.**

Reason: To maintain appropriate control over the trips generated by the use and ensuring the safe and free flow of traffic on the highway so as to conform with Policy DR3 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 N19 Avoidance of doubt - Approved Plans**
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC**

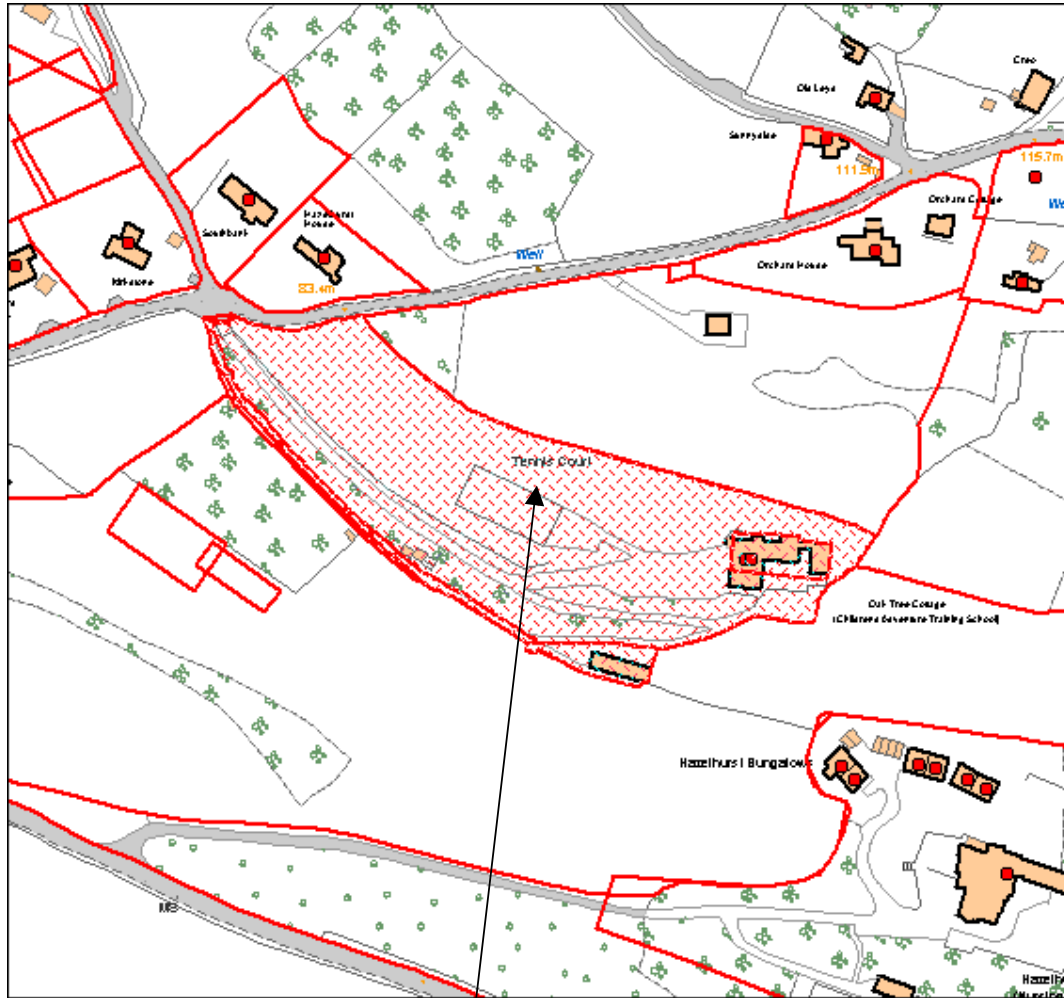
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1676/F DMDS/091843/F

SITE ADDRESS : CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORD, HR9 5Q

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