

MEETING:	PLANNING COMMITTEE
DATE:	1 SEPTEMBER 2010
TITLE OF REPORT:	<p>DMS/101334/CD - REPLACE EXISTING PRE SCHOOL NURSERY MOBILE ACCOMMODATION WITH A NEW MOBILE IN SAME LOCATION, AND PROVIDE SIGNAGE AT PEDESTRIAN GATE ENTRANCE. AT HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT</p> <p>For: Mr Sanders per Mr S Pugh, Herefordshire Council Property Services, Franklyn House, 4 Commercial Road, Hereford, HR1 2BB</p>

Date Received: 1 June 2010

Ward: Tupsley

Grid Ref: 353058,239757

Expiry Date: 17 August 2010

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 The application proposes the removal of the existing pre-school nursery and replacement with a larger mobile classroom occupying much the same area. The site is at the corner of Hampton Dene and Church Road, with playing fields extending to the west and the main school building found immediately to the north. The existing main pick-up/drop off point is off Church Road, through which direct passage will be obtained to the pre-school classroom. The application also refers to the erection of a sign beside the gate, advertising the 'Little Acorns Kindergarten' for which a separate application for Advertisement Consent is required.
- 1.2 The proposed unit divides into two classrooms. The footprint measures 12m square with covered balcony facing towards Hampton Dene Road. It is a flat roofed classroom, not dissimilar to the one immediately adjacent.
- 1.3 The application is by the Council to which Sport England has objected on the basis that it results in the loss of an area capable of forming a playing field. If Committee does not propose to refuse the application it will be necessary to consult the Secretary of State.

2. Policies

2.1 Herefordshire Unitary Development Plan:

DR1	-	Design
DR3	-	Movement
CF5	-	New Community Facilities
CF6	-	Retention of Existing Facilities
RST4	-	Safeguarding Existing Recreational Open Space

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

3. Planning History

- 3.1 HC940263JZ - Provision of double mobile classroom unit for 5 years. Approved 3 August 1994
- 3.2 SC990076QZ - Formation of pedestrian access gate to Hampton Dene Road. Approved 7 May 1999
- 3.3 CE1999/2139/F - Erection of single-storey classroom extension. Approved 20 September 1999
- 3.4 CE2002/2411/F - Formation of additional play area. Approved 1 October 2002
- 3.5 CE2008/0614/F - Proposed cycle shelter. Approved 23 April 2008
- 3.6 CE092177/CD - Remove existing 2 mobile classrooms and make good with hard/soft landscaping and provide 2 new classrooms in new location. Approved 5 November 2009

4. Consultation Summary

Statutory Consultees

- 4.1 Sport England: Sport England objects to the proposal on the basis that it results in the loss of land capable of forming a playing field and does not accord with any of the exceptions criteria. Subsequently Sport England officers have acknowledged that the current proposal clearly has less impact on the playing field than the extant permission, particularly now that the proposal is for a temporary period and that the land will be restored to playing field after a period of 5 years. Nonetheless, their objection is maintained.

Internal Council Advice

- 4.2 Traffic Manager: As the majority of children at the nursery will have siblings at the adjacent school, the traffic generation for the nursery will be low and therefore is considered acceptable.

5. Representations

- 5.1 Hereford City Council: No objection provided the permission is limited to 5 years.
- 5.2 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The application promotes an improved, replacement community facility within the confines of an existing educational establishment. Policy CF5 makes specific reference to day nurseries as a use that might be defined as a community facility. It states that new or improved community facilities will be permitted where they are appropriate in scale to the needs of the local community and reflect the character of the location and are located within the area they serve. Facilities should not significantly impact upon the amenity of adjoining residents and should incorporate safe and convenient pedestrian access together with appropriate car and cycle and operational space.
- 6.2 It is my view that this application accords with all of the relevant requirements as described above.

- 6.3 The main unresolved issue revolves around the Sport England objection to the development on the basis that it would result in the loss of part of a playing field and would not accord with one of their exceptions where such losses can be justified. Unitary Development Plan Policy RST4 acts to prevent the loss of public and private open spaces with recreational value, including playing fields associated with schools. The presumption is that development that would result in the loss of such area will not be permitted unless there is clear excess of outdoor playing space provision and/or open space in the area or alternative provision of at least equivalent community benefit is provided.
- 6.4 In this case the planning permission granted on 5 November 2009, which gave permission on a permanent basis for the siting of two mobile classrooms in a position that clearly has a greater impact on the playing field than the current proposal. This is a position acknowledged by Sport England, who were, incidentally consulted at the pre-application stage and had no objection. Notwithstanding the fact that Sport England consider the current proposal an improvement over the existing valid planning permission (which would not be implemented were this permission approved), their objection is maintained.
- 6.5 In this context it is my opinion that the key issue is the fact that the extant 2009 permission is capable of implementation and would be materially worse in terms of its impact upon the playing field. In this case it is my view that the Sport England objection gives the extant permission, and its impact upon the playing field insufficient weight. I consider that the provision of an enhanced community facility, which in itself makes provision for suitable outdoor play space for infants, should be accorded more weight and subject to a condition restricting implementation of the extant 2009 permission. I would recommend that approval be granted.

RECOMMENDATION

- a) **The Committee does not propose to refuse this application, and**
b) **a consultation is undertaken with the Secretary of State, as required by the Town and Country Planning (Consultation) (England) Direction 2009**
c) **subject to the Secretary of State notifying the Council that it is not intended to issue a direction in respect of the application the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the conditions as set out below, and any other conditions considered necessary:**
1. **F18 Temporary permission.**
 2. **B06 Implementation of one permission only.**
 3. **B01 Development in accordance with the approved plans.**
 4. **H30 Travel Plans.**

INFORMATIVES:

1. **N15 Reason(s) for the Grant of PP/LBC/CAC.**

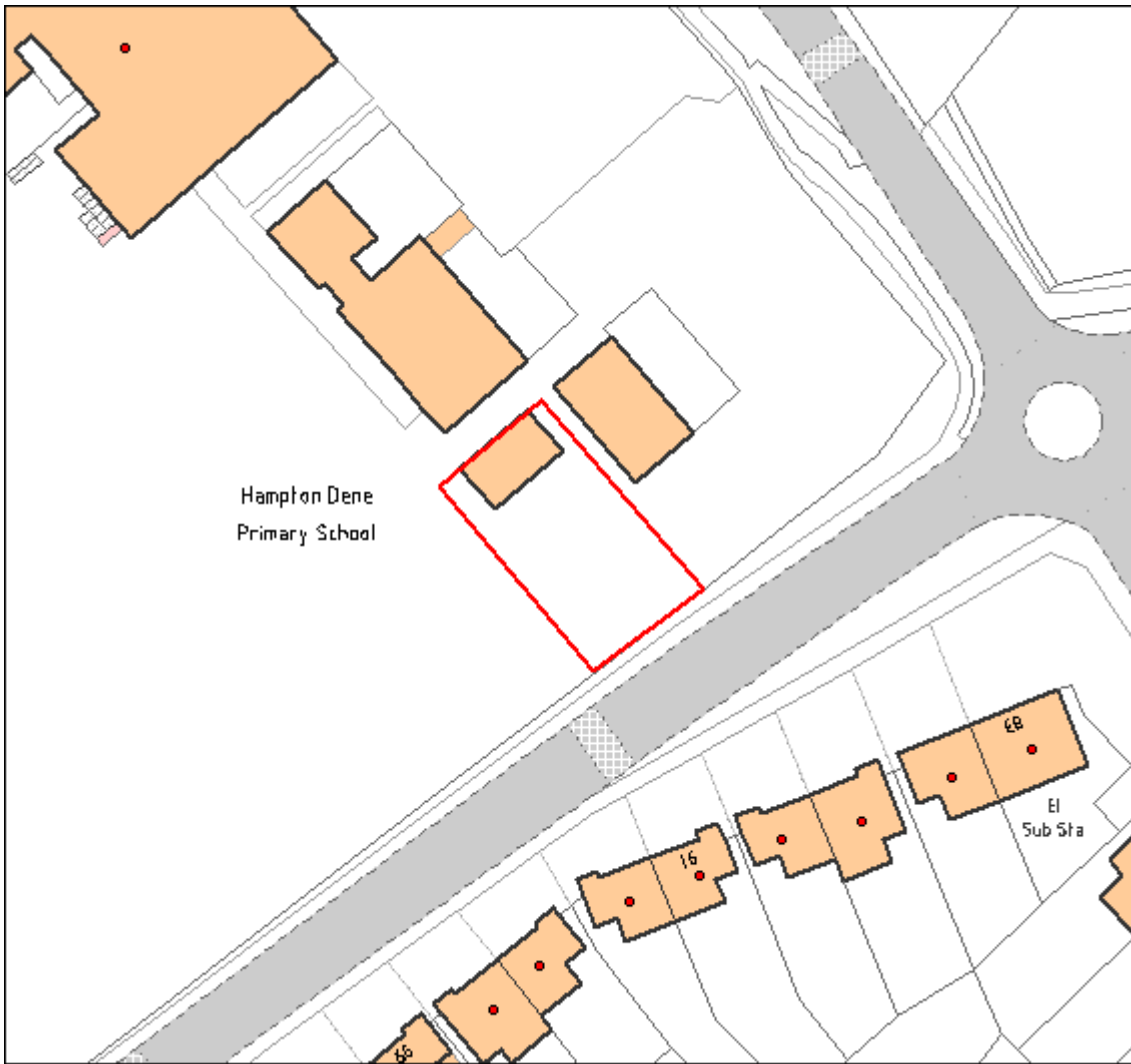
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/101334/CD

SITE ADDRESS : HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT

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