

Name of Applicant	Proposal	Plan Ref.
Mr Alan Lowe	<p>Proposed extensions to nursery and variation of condition 1 of planning permission granted under application 14/0993 to increase the number of children who can attend the nursery at any one time to 81.</p> <p>Mereside Farm Childrens Nursery Mereside, Peterbrook Road, Majors Green, Solihull, Worcestershire B90 1HZ</p>	16/0844

Councillor Turner has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers

RECOMMENDATION: That planning permission be **Refused**

Consultations

Wythall Parish Council Consulted 04.11.2016

Objection. Green Belt. Overdevelopment of the site. Further child spaces would result in more movement of vehicles on and off the site.

Highways Department- Worcestershire County Council Consulted 04.11.2016

Has No Objection to the grant of permission.

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 04.11.2016

I have had a look at the property history and cannot see any complaints about anything. Obviously there is the potential for increased noise from additional traffic and children but I would say it will be up to the business owners to ensure noise from the commercial operation is controlled as far as possible so as not to cause any nuisance to the nearby neighbour.

Regarding the proposed demolition / construction activities, in order to minimise any nuisance during these phases the applicant should refer their contractor to the WRS Demolition and Construction Guidance and ensure it recommendations are complied with.

Social Services Early Years and Childcare Service Consulted 04.11.2016

Views awaited.

Letter from Babcock Prime Education Services submitted with the application and dated 24/08/2016:

Mereside Farm Children's Day Nursery provides full day care for children ages 3 months to 5 years. This contributes to Worcestershire County Councils Statutory duty under the Childcare Act 2006 (section 6) to secure sufficient childcare for working parents. There

will be a need for more child places all over Worcestershire with the increase of the free nursery entitlement from 15 hours to 30 hours in September 2017.
Mereside is the only nursery in the ward of Wythall East.

Solihull Council Consulted 04.11.2016

No objections.

Letter from Solihull Metropolitan Borough Council Children's Services and Skills submitted with the application and dated 05/10/2016:

I understand that you are now seeking planning permission for the expansion of your childcare premises in order to support the Government initiative to provide extended childcare for working families and I would like to support this application.

Your bid to provide additional childcare for 3 and 4 year olds of eligible working families has been included as one of the bids submitted to the Education Funding Agency on behalf of Solihull Council. If successful Mereside Farm Nursery will form part of Solihull Council's response to the requirement to provide an extended 30 hour offer from September 2017. Without the development of this accommodation the additional places offered would be restricted and may not meet the demand from families living in the area.

Parks & Green Space Development Officer Martin Lewis Consulted 04.11.2016

I have no issues with the proposals, subject to conditions relating too:

Any proposed landscape, car park or external building lighting needs to be either PIR activated (as appropriate) or timed, and appropriately designed to prevent light pollution or spill, as such this element should be subject to design approval to minimise potential disturbance of potential bat/bird/mammal forage or roosting sites and routes.

In line with the NPPF, to ensure developments result in a 'net gain' for biodiversity - enhancement of the local ecology and its opportunities shall be require through the provision of suitable Schwegler (or similar approved) bird and bat boxes on and around the buildings proposed to provide roosting opportunities suitable for species likely to be using the local urban environment such as house sparrows, finches, tits, starlings etc. Boxes should be located in warm locations where they will receive full/partial sun in a variety of orientations to receive a range of climatic conditions. The boxes must be at least 3 metres above ground to prevent disturbance from people and/or predators. Exact locations and types should be determined and agreed with an ecologist.

Site clearance or tree/shrub/undergrowth removal to take place outside the bird nesting season - (March - August inclusive) - or otherwise under the direction of a suitably qualified ecologist or ecological clerk of works.

Publicity

4 neighbouring properties were consulted 4.11.2016 (expires 25.11.2016)

Site notice posted on 7.11.2016 (expires 28.11.2016)

1 objection has been received from the adjoining property to Mereside Nursery.

- Concern over the impact of the nursery expansion on their amenities through: increase in noise levels and increase in volume of traffic.

- Concern over the impact of the proposed extension on the character of the semi-detached Victorian properties and in particular the original Victorian Wall between the two properties.

Councillor L. J. Turner

Regarding the above application I request that it be sent to the Planning Committee for discussion if there is any chance that Officers are minded not to approve.

My reasons are:

- The Childcare Act 2016 requires Councils to make arrangements to extend childcare support to 30 hours per week for 38 weeks of the year, for 3 and 4 year olds, to support working families. There is a shortage of child nurseries in the Wythall / Solihull area which have the required capability to meet the new demand, and that have good drop off and parking facilities such as is the case at Mereside. I consider these factors to be very special circumstances.
- There would be minimal affect on the amenity of the green belt. Except for the adjoining neighbours, who have not objected to my knowledge, there is no visual impact on nearby residents.
- There will be a small increase in traffic movement along the entrance road but not sufficient to be a problem and for very limited amounts of time.
- There appears to be different opinion on the size of the original building footprint according to which of two older maps are taken to be relevant.
- The application has the approval of the agency providing childcare on behalf of Worcestershire County Council.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS1 Green Belt Designation
 DS2 Green Belt Development Criteria
 DS13 Sustainable Development
 S19 Incompatible land uses
 S31 Development at Educational Establishments
 C27 Re-Use of Existing Rural Buildings
 C27C Extensions to Converted Rural Buildings

Emerging Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP4 Green Belt
 BDP12 Sustainable Communities
 BDP19 High Quality Design
 BDP21 Natural Environment

Others:

SPG4 Conversion of Rural Buildings
 NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

14/1016	Discharge Section 106 Agreement dated 29.12.1994 and attached to Planning Application: 93/0988	Approved	05.06.2015
14/0993	Variation of Condition 3 of Planning Permission granted under Application Reference: 2000/0279. Condition 3 states: The number of children attending the day nursery use hereby approved shall not exceed 22.	Approved	05.06.2015
14/0489	Discharge of Section 106 Agreement dated 29.12.1994 and attached to Planning Application: 93/0988	Withdrawn	18.07.2014
14/0362	Removal of Condition 3 of Planning Permission granted under Application Reference: 2000/0279. Condition 3 states: The number of children attending the day nursery use hereby approved shall not exceed 22.	Withdrawn	18.07.2014
14/0361	Removal of Condition 5 of Planning Permission Granted under Application Reference: 93/0988. Condition 5 states: This permission shall enure for the benefit of the applicants V. Featherstone and B. Cusworth only.	Approved	23.07.2014
08/0971	Proposed conversion of existing outbuilding to office and wc for use in connection with children's nursery.	Approved	14.01.2009
B/2000/0279	Change of use of Mereside Farm from residential dwelling to day nursery in conjunction with existing Mereside Day Nursery.	Approved	19.06.2000
B/1993/0988	Conversion of redundant buildings to children's day nursery	Approved	09.01.1995
B/19597/1990	Conversion of stable to living accommodation.	Refused	08.10.1990

Assessment of Proposal

Mereside Nursery is situated in the Green Belt.

In 2014 applications were submitted for this site to remove restrictions on the number of children that could attend the nursery at any one time from 46 to 62 children.

This current application is to extend the existing buildings on the site and to vary condition 1 of planning permission granted under application 14/0993 to increase the number of children who can attend the nursery at any one time from 62 to 81.

Green Belt

The Council's records indicate that the original outbuilding was extended back in the 1980s. This extension was to create a double garage and is shown to have increased the floor space of the original outbuilding by approximately 47 square metres.

The current proposal is for two separate extensions to the nursery buildings. One being a link extension between the original farm house and the outbuilding and the other is a linear extension at the end of the existing outbuilding. These extensions would increase the floor space of the original buildings by approximately 114 square metres.

Cumulatively, the existing and proposed extensions would increase the floor space of the original buildings by approximately 161 square metres, which would equate to an overall increase of 82%.

The proposal does also include the removal of an existing outbuilding which is situated within the footprint of one of the proposed extensions. This outbuilding has a floor space of approximately 10 square metres. When this is offset against the total increase in floor space, the percentage increase would equate to 77%.

An increase of this size is not considered to be a proportionate to the original building. As such, it is considered that the proposal would amount to inappropriate development in the Green belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF sets out that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Very Special Circumstances

Very special circumstances (VSCs) have been put forward by the applicant in this case. These VSCs relate to the introduction of the Childcare Bill and the new provision for providing working parents with the entitlement for an additional 15 hours of free childcare for their three and four year olds. Solihull Council have put Mereside Children's Nursery forward to the Department for Education as a nursery that could help it offer additional childcare to working parent families in the area, however only if it were to carry out a funded project and extend its current buildings and facilities. The current extensions that have been proposed would enable the nursery to offer up to 42 three and four years olds 30 hours of child care, whereas currently it appears that the nursery would only be able to offer 30 hours of childcare to approximately 13, three and four year olds.

Mereside Children's Nursery is noted to be the only nursery in the Wythall East Ward. Although, it is noted that this ward is situated at the edge of the Solihull Conurbation and within close proximity to the Birmingham Conurbation and the main settlement of Wythall. These areas all have nurseries within them.

Although both Solihull and Worcestershire County Council are in support of the proposal to extend Mereside due to the number of places it would be capable of providing, no clear information or evidence has been provided to indicate that the number of child places could not be provided by the other nurseries within the neighbouring urban areas, if they were to put forward expansion projects. Furthermore, such circumstances could be repeated on any site within the Green Belt across the District.

On balance therefore, although the proposal could benefit the local community by helping to provide more nursery places in this area, it is not considered that any very special circumstances have been put forward or exist that would outweigh the presumption against inappropriate development and the harm that the proposal would have on the openness of the Green Belt.

Appearance and Design

The proposal is to extend the building with two separate extensions. One would be a rear extension to the former farm house which would partly link onto the outbuilding and the other would be a linear extension onto the end of the former outbuilding and garage.

The link extension would be flat roofed, with a fully glazed side elevation, which would form the link between the two buildings. The glazed element would be the most visible element of the extension from within the application site.

Generally extensions to rural outbuildings which detract from the original character and form of the building would not be acceptable. In this case, it is considered that the design, appearance and location of the proposed extension would not be detrimental to the character and appearance of the original buildings and as such could be acceptable.

The other extension would be a linear extension and would follow the form and layout of the existing building. It would be set down and appear subservient to the existing building. As such it is not considered that it would detract from the character and appearance of the building.

Amenity

The proposed rear extension to the former farm house has been set in by approximately 0.3metres from the boundary with the neighbouring property. It would extend out along the boundary by approximately 6.5metres. The neighbouring property has a window which serves their kitchen within the rear elevation of their property. The proposed extensions would breach the 45 degree line when taken from this window.

However, the proposed extension would be replacing an existing outbuilding located along the boundary with the neighbouring property, which does already breach the 45 degree line. Also, the height of the proposed extension has been kept as low as possible, with a flat roof design. As such it is not considered that this element of the proposal would

have an unacceptable impact on the existing amenities of the occupiers of the neighbouring property.

Members will note the Worcestershire Regulatory Services have stated that there would be potential for there to be increased noise from additional traffic and children. I have also received an objection from the owner of the adjoining property in regards to the impact on the nursery on their amenities in terms of noise and traffic.

From this I accept that the existing nursery does already have an impact on the amenities of the neighbouring property. However it is considered that increasing the size of the nursery and allowing more children to attend at any one time would serve to impact further on their amenities. As such, it is considered that this proposal would be detrimental to the existing amenities of the neighbouring property.

Conclusion

The proposal would represent inappropriate development within the Green Belt which would by definition be harmful to the openness of the Green Belt. The benefits of the scheme put forward as VSC by the applicant are not sufficient to clearly outweigh the substantial weight which should be given to the harm to the Green Belt and therefore cannot justify the development. The proposal would also affect the amenities of the adjoining occupiers. Overall therefore it is considered that the proposal would be contrary to policy.

RECOMMENDATION: That planning permission be Refused.

Reasons for Refusal

- 1) The proposal would result in the addition of disproportionate additions to the original buildings, which would reduce the openness of the Green Belt. The proposal would therefore amount to inappropriate development in the Green belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF sets out that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is not considered that the Very Special Circumstances that have been put forward in this case would outweigh the harm that the proposal would have on the Green Belt. The proposed development is therefore considered to be contrary to Policy DS2 of the Bromsgrove District Plan, Policy BDP4 of the Emerging Bromsgrove District Plan and the NPPF.
- 2) The proposed development would be detrimental to the amenities of the adjoining residential property by virtue of noise disturbance. The application is therefore contrary to Policy DS13 of the Bromsgrove District Plan, Policy BDP1 of the Emerging Bromsgrove District Plan and the NPPF.

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