

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, B90 1HZ,</p>	16/1163

RECOMMENDATION: That planning permission be **Refused**.

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

Consultations

Wythall Parish Council Consulted 12.12.2016

Objection. Same comments as for the previous application number 16/0844.- 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 12.12.2016

No Comments Received To Date

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 12.12.2016

No Comments Received To Date

Social Services Early Years And Childcare Service Consulted 12.12.2016

Two Letters of support from Babcock Prime Education Services submitted with the application dated 24/08/2016 and 24/11/2016:

...the government's pledge (although shared by all parties) to increase employment and as per the Childcare Bill 2015, free childcare for 3 & 4 year olds will increase from 15 to 30 hours per week with effect from September 2017. The bill's prime intention is that the government want the 30 hours entitlement to have a real impact on the lives of families, supporting parents who wish to work, or to work more hours, to be able to do so all year round.

The Nursery has been selected as one of four projects that have been put forward to the Department of Education for funding based on its ability to provide a substantial amount of new "free places", as the criteria for selection was primarily based on the ratio of local

availability of places: requirement for those free places. I would like to reiterate our support for this nursery and their planning application, which will assist both Worcestershire and Solihull Councils requirement to be able to provide and sustain these free childcare places, confirming that it is envisaged that there will be a shortage of availability in highly populated areas, so the success of this application will greatly assist both the Local Authorities meet their sufficiency duty and also offer a great facility / placement for many children. I would also confirm that Mereside Farm Children's Nursery is the only Nursery located within the ward of Wythall East.

Solihull Council Consulted 12.12.2016
No Comments Received To Date

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 12.12.2016
No Comments Received To Date

Worcestershire Wildlife Trust Consulted 12.12.2016
No Comments Received To Date

Publicity

4 neighbouring properties were consulted 12.12.2016 (expires 2.01.2017)
Site notice posted on 14.12.2016 (expires 04.01.2017)

1 representation has been received to date. This is from the adjoining property to Mereside Nursery, referring to their objection in respect to the previous application 16/0844.

- 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 Consulted 12.12.2016

Regarding the above application I request that it be sent to the Planning Committee for discussion rather than being assessed under Delegated Powers.

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 effect on the amenity of the green belt. Except for the adjoining neighbours there is no visual impact on nearby residents, and now that the proposed walkway link between buildings has been set down, the impact on the neighbours will be negligible.
- 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.
- 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

16/0844	Proposed extensions to nursery and variation of condition 1 of planning permission granted under application 14/0993 to increase the number of	Refused	08.12.2016
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	children who can attend the nursery at any one time to 81		
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.

This is a resubmission of an application that was called in and refused by the Planning Committee in December. This application has been slightly amended but the nature of the application is substantially the same as the previous application.

Green Belt

Some information has been submitted by the applicant which indicates that the original outbuilding was at one time larger than it is now. The information has been taken from the 1st edition OS map and has been plotted on the block plan submitted with the application. The accuracy of this information is unknown. It is however important to note that if a building or part of a building no longer exists; it can no longer be taken into consideration when assessing extensions to buildings or new buildings in the Green Belt. As once a building or part of a building has gone, it has gone.

As such in this case it is the Officers opinion that the original buildings that can be taken into consideration as part of the assessment of this proposal is the sections of the buildings that existed on the site pre 1948 and are still present on the site now. This would include the un-rendered section of the former outbuilding and the former farm house building.

The Councils 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.

The proposed extension would however be replacing an existing outbuilding located along the boundary with the neighbouring property, which does already breach the 45 degree line. It is also noted that the height of the proposed extension has been reduced by approximately 0.9metres from the previously refused scheme. 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.

Bats

A bat survey has been submitted to the Council. This shows that the site has been used by bats in the past but is no longer available because of works carried out by a third party. The ecologist who has carried out the survey has recommended a package of mitigation measures, which combine to allow the development to proceed in line with the law and guidance. Worcestershire Wildlife Trust did look at the bat survey as part of the previous application and did not raise any objection to the proposal, subject to conditions covering the recommendations in the bat survey report.

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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