

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	30 June 2010
Title:	Applicant: Hampshire County Council Construction of a new single storey stand alone 26 place private pre-school together with associated external works at Burghclere County Primary School, Church Lane, Burghclere (Application No. BDB/72245) (County Council Ref: BAE 032)
Reference:	1630
Report From:	Head of Planning and Development

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1. Executive Summary

- 1.1. Central Government is funding the provision of PVI's (Private, Voluntary and Independent) pre-school buildings on a national basis and forms part of the Government's national strategy for childcare. Hampshire County Council currently has a building programme for dealing with 16 of these developments at various schools within the County; some of the sites already having been granted planning consent.
- 1.2. The PVI buildings have been based around an off-site "modular" form of construction previously used on the successful Children Centre buildings which the County Council dealt with. The shell units are manufactured off site and then brought to the requisite school site, finally being positioned on concrete footings or slab. The exterior of the buildings are clad in appropriate wall and roofing materials. Although these buildings are modular by design, they are permanent structures.
- 1.3. Planning consent is required to construct a single storey stand alone 26 place independently run PVI (Private, Voluntary and Independent) Pre-School building and associated external works within the existing grounds of Burghclere Primary School, Church Road, Burghclere.

- 1.4. Issues: Effect of the development, Local Plan policies, letters of support, objections from Basingstoke and Deane Borough Council, Burghclere Parish Council and, an objection from a local resident.
- 1.5. Reason for decision: It is considered most weight should be given to development plan policies; Policies D8 (Rural Exceptions), E1 (Development Control) and C7 (The Protection, Enhancement and Replacement of Existing Leisure and Community Facilities or Open Spaces) within the Basingstoke and Deane Borough Local Plan Review 2006 (Adopted July 2006) – see Integral Appendix C. The proposed development accords with these policies in that the proposed building's design and exterior materials would not detract from the character of the rural settlement, its use would meet a genuine local need for early education of children and, it will replace an existing facility in the village. Taking into account all considerations, on balance, there is no substantive reason to withhold planning permission.

2. Site and proposal

- 2.1. The existing Burghclere Primary School fronts on to a local road, Church Lane, Burghclere (as shown on the attached plan); north of the School buildings on the opposite side of Church Lane are houses. West of the school is the former school house (now in private ownership) and the existing school playing field which, on its northern, western and southern boundaries has tall hedging. The northern boundary of the playing field also contains mature trees. A purpose built footway with gates from the playing field's northern boundary links into the hard play area at the back of the school. This footway which also allows passage of the grounds maintenance vehicles to service the school, links into Church Lane and adjoins an open plot of grassland which is, according to County Council records, highway land. South of the school playing field is agricultural land. Close to the western playing field boundary is a wooded area with a public footpath passing through it.
- 2.2. There are no car parking spaces at the School so staff and visitors, including parents, have to park on Church Lane.
- 2.3. The proposed single storey pre-school building of approximately 115 square metres internal floorspace and which will be of the modular type as described above, is to be positioned on the school playing field but close to the northern boundary. This area of the playing field is in use in the summer for rounders and cricket training but these activities will be relocated elsewhere on the site. Taking into account the Victorian school buildings and neighbouring buildings, the proposed pitched roof of the pre-school building will be slated to match that of the nearby school swimming pool changing rooms. The outer walls are to be a reddish brick with horizontal timber weather boarding. In addition to the building it is intended to provide a small playground zone to incorporate a play equipment store, shade canopy, sand pit and some growing beds. The existing boundary fence on the northern side will be retained and extended with a 1.3 metre high similar fence to create a new inner security line for the

school, but also provide pedestrian gates into the playing field, whilst enabling the pre-school to have access throughout the day.

- 2.4. Except for removal of a small area of young and low quality undergrowth copse near the proposed building, the trees and hedging are to be retained and protected during the building works. The clearing of the understorey will enable the ground to be used as a shared space for nature study and soft play. Some small scale replanting would be carried out to mitigate the loss of the small coppice.
- 2.5. The existing pre-school currently operates from the local village hall approximately 130 metres away to the west. Once the new pre-school building becomes operable, the village hall accommodation will be available for other community activity as the existing pre-school will operate from the new building. Therefore in terms of children attending pre school in the locality will not change.
- 2.6. There is no parking at the primary school at all and there is no opportunity to introduce any on-site. Accordingly all parking is on the road, nevertheless Church Lane is a relatively quiet road and there is capacity for road side parking for staff.
- 2.7. In terms of sustainability, although a BREEAM assessment is not required for this project, the proposed pre-school building will incorporate a range of sustainability features. The timber is from well managed sustainable sources (Forest Stewardship Council certified), the building will have a super insulated building envelope. Lighting will be low energy type with photocell and time clock control, heating by way of electric air source heat pump, external paved surfaces will be permeable, and consideration is being given to the use of solar, or photovoltaic panels for pre-heating of hot water and some small power provision.

3. Development plan

- 3.1. Basingstoke and Deane Borough Local Plan Review 2006 (Adopted July 2006) shows the site as land in the Countryside and outside the Settlement Policy Boundary for Burghclere but, adjoining the Burghclere Primary School. It is considered that the proposed development accords with Policies D8 (Rural Exceptions), E1 (Development Control) and C7 (The Protection, Enhancement and replacement of Existing Leisure and Community Facilities or Open Spaces).

4. Consultations

- 4.1. **Basingstoke and Deane Borough Council** has objected, the grounds of which are:

“1. The proposal would result in the creation of a new private educational use in the Countryside for which insufficient justification has been provided for a

development of this nature. Accordingly the proposal would be contrary to advice contained in Planning Policy Statement 7 – Sustainable Development in Rural Areas, Planning Policy Statement 1 – Delivering Sustainable Development, and, Policy D8 (*Rural Exceptions*) of the Basingstoke and Deane Borough Local Plan 1996-2011. “

“2. The proposed development is not supported by sufficient highways and transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway. As such the proposal is contrary to policies E1 (*Development Control*), A1 (*Car Parking*) and A2 (*Alternatives to the Car/Public Transport*) of the Basingstoke and Deane Borough Local Plan 1996-2011. “

“3. The proposed development by virtue of its ill-proportioned and top heavy appearance is considered to result in a harmful impact on the character of the area and accordingly is considered to be contrary to the advice contained in Planning Policy Statement – Sustainable Development in Rural Areas, Planning Policy Statement 1 – Delivering Sustainable Development, and Policies E1 (*Development Control*), and E6 (*Landscape Character*) of the Basingstoke and Deane Borough Local Plan 1996-2011.”

“4. Development of the nature and scale proposed would add to the infrastructure needs of the local area and should therefore make due contribution to help meet those needs. No information has been provided to otherwise indicate that adequate provision has been made in the application to ensure that those requirements would be met should planning permission be granted. The submitted proposal therefore fails to meet the requirements of Policies C1 (*Section 106 Contributions*) and A2 (*Alternatives to the Car/Public Transport*) of the Basingstoke and Deane Borough Local Plan 1996-2011; the Council’s Guidance Note S106 Planning Obligations and Community Infrastructure and the Supplementary Planning Guidance Basingstoke Environment Strategy for Transport (BEST); in addition to Circular 05/05 Planning Obligations advice.”

4.2. **Burghclere Parish Council** “generally welcomes the provision of purpose built facilities for the pre-school as it will substantially improve the facilities in the village but are of the opinion that the location is inappropriate and flawed on the following grounds:

- (i) the proposed location will exacerbate the already possibly dangerous parking problems in the vicinity of the primary school at peak times. If this proposal does go ahead the Parish Council will require a condition that the parents delivering and collecting children together with the staff should use the village car park accessed off Harts Lane;
- (ii) the loss of play and recreational space within the confines of the school is not acceptable as the provision of playing fields and the like should be increased not decreased as school children need

more exercise not less. The proposal will result in the loss of 600square metres of playing grounds;

- (iii) the location of the proposed building is outside the “Village Envelope”;
- (iv) the proposal appears to provide for the removal of young copse and understorey. The Parish Council believe that this was originally planted to provide a screen to the playing field.“

4.3. In addition, the Parish Council consider there was an error on the submitted plans in that the site area included land of the school house, which is privately owned and land in the control of the Parish Council. *(The land referred to by the Parish Council fronts on to the public highway, Church Lane, and is open grass with trees on its southern boundary with the existing school playing field.)* “The land mentioned above has been utilised and controlled by the Parish Council and was used for street parties for various celebrations. The Parish Council believe it now has the status of a “Village Green” and therefore should not be part of the proposal.” Furthermore, the Parish Council has also commented that the proposed development provides access to the site over the land described above. “Whilst the Primary School may have utilised the footpath *(indicated grey colour on the plans)*, this has been by prescription rather than stated right and by the construction of the new facility, from a legal point of view, the footpath cannot be intensified without the consent of the owners of the land that we believe is the Parish Council. The Parish Council are of the opinion that the facility should be located on land in their ownership adjacent to the village car park and not the primary school for the reasons stated above.”

4.4. **Sport England** considers the proposed pre-school development would not interfere with the existing mini soccer pitch and therefore have no objection to the works subject to a condition regarding improvement and maintenance of the playing field drainage.

4.5. The **Highway Authority** comments that it is noted no extra parking will be provided, instead making use of the on-street parking in Church Lane. Church Lane generally is a lightly trafficked road, and the likely parking increase through the construction of the PVI Pre-School is expected to be minimal. There are no highways and transport objections to the application subject to conditions.

4.6. The **Environment Agency** has no objection in principle subject to all precautions must be taken to avoid discharges and spills to the ground both during and after construction.

4.7. **The local Member, Councillor Thacker**, understands there are “concerns about parking in Church Lane that will arise once the pre-school opens.” Councillor Thacker also comments that if this can be resolved “I have no objection”.

5. Representations

- 5.1. One letter of objection received from a local resident concerned at parking problems and that this development would cause further problems for local residents. In addition, the objector is concerned at the noise etc of the works for the building site.
- 5.2. Sixteen letters were received supporting the proposal offering such comments as the proposed pre-school “will forge even stronger links with Burghclere Primary School”, “a much needed facility to replace the existing one”, “benefit to the local community and secure the future of local education in the village.”

6. Commentary

- 6.1. The existing primary school buildings are an established facility within the defined Settlement Policy Boundary (SPB) for Burghclere. However the proposed PVI pre-school will be on part of the existing school playing field which is outside of, but adjoining the SPB, and therefore in the defined countryside where restrictions on development normally apply. The adopted Basingstoke and Deane Borough Local Plan 2006 has a policy D8 (Rural Exceptions) which takes into account certain types of development that would not necessarily be approved in the countryside. This Policy would allow planning permission to be granted where the Council (*Basingstoke and Deane Borough Council*) is satisfied it will meet a genuine local need such as affordable housing, health, education, a similar community need or to provide small scale employment premises. The development should also complement the character of the rural settlement. On that basis it is considered the development accords with this aspect of the development plan.
- 6.2. The objections from the Basingstoke and Deane Borough Council are noted. One such issue refers to the design of the new building being “ill proportioned and top heavy appearance and therefore considered to have a harmful impact on the character of the area.” However, the design has taken into account the pitch of not only the main school building, but also the nearby school swimming pool changing rooms, the latter having a slated roof. The exterior of the new building will be of a reddish fair faced brick, slates for the roof and, timber weatherboarding. This is considered to be in keeping with the character of the surrounding area, and therefore is compliant with Policy D8 (Rural Exceptions).
- 6.3. Regarding the objection that the proposed development is not supported by sufficient highway and transport information, it is acknowledged that the site for the PVI Pre-School is too small to accommodate car parking on site. This is because the land-take for the development would affect the primary school’s playing field pitch if parking were to be provided on site. Moreover, there is no parking at the school and parking is carried out on Church Lane. However, after consideration of the highway issues, the Highway Authority has not raised any highway or transportation objections to the proposal. Site

inspection also has verified that during the day there is adequate on-street parking capacity.

- 6.4. The Borough Council consider there has not been the justification for the creation of this development within the countryside. Central Government, as part of its national strategy for early years and childcare, has allowed local authorities to decide where such PVI pre-schools can be located. In doing so, the County Council had to look at the various school sites where such a facility could easily be accommodated. Unfortunately the Burghclere Primary School site is relatively small and so the only available area to locate the new development is on part of the existing school playing field. As mentioned previously, the current adopted Borough Local Plan includes a specific policy D8 which is designed to meet this problem of small development in the countryside but which is close to the rural settlement.
- 6.5. The Burghclere Parish Council's objections are noted, In response to the issue about the proposal would exacerbate the parking problems at peak times, it is acknowledged that it is possible there may be additional vehicles. However, the Highway Authority has considered the likely implications of the proposed development and as mentioned previously, has not raised any objection. The Parish Council's request that in the event permission is granted, a condition should be included so that parents delivering and collecting children together with the staff would use the village car park accessed off Hart Lane. Although this request is noted, such a planning condition cannot be implemented as it is outside of the control of the applicant and application boundary.
- 6.6. Regarding the Parish 's further comments; (a) Loss of playing / recreational space at the school - it is understood before this application was first submitted, discussions were held with the school and there is sufficient area left for the school to make full use of the area that is left. (b) Proposed building is outside the "Village Envelope" – This is acknowledged and has been discussed previously in response to the Borough Council's objection under the Policy issues. (c) Removal of young copse and understory – this is necessary in order to provide sufficient area to accommodate the new Pre-School. However it will not remove the mature trees on the site's northern boundary and it is considered the relatively small amount of low quality undergrowth to be removed would not detract from the overall natural features of the site.
- 6.7. The Parish Council has also indicated that the area of land in front of the site and immediately adjoining the boundary of the site but fronting onto Church Lane, has been controlled and utilised by the Parish Council over many years. They also mention that they believe it has the status of a "Village Green". Therefore it should not be built on or be part of the proposal. In addition, the Parish Council mention that whilst the Primary School has utilised this particular footpath as an access to its site, this has been by prescription rather than a stated right. Therefore, according to the Parish Council, the footpath can not be intensified without the consent of the owners and this they believe to be the Parish Council. County Council records

indicate that this disputed area of land is confirmed as being part of the highway. In addition, access over this land has been for at least 20 years and as such has a registerable prescriptive right. This access was improved in 2001 including a new link path within the school grounds as a safer route to the school, a scheme that was assisted by a financial grant from the Parish Council.

- 6.8. The objection from the local resident about problems of parking has been noted and it is accepted that there may be a slight increase of traffic at certain times of the day when the school and Pre-school are operating together. However, the Highway Authority took this into account and has not raised an objection.
- 6.9. It is noted that 16 letters of support have been received which is a positive indication there is a need for this improved facility within the village.
- 6.10. In summary, it is acknowledged that the site is outside the defined Settlement Policy Boundary for Burghclere, however, it is not against policy as it accords with Policy D8 (Rural Exceptions) which allows such relatively small scale developments. The objections have been noted and responded too and there are no objections from the Highway Authority, Sport England and the Environment Agency. Taking into account all considerations, on balance, there is no substantive reason to withhold planning permission.

7. Recommendation

- 7.1. That planning permission for the construction of a new single storey stand alone 26 place private pre-school together with associated external works at Burghclere County Primary School, Church Lane, Burghclere (Application No. BDB/72245), be granted subject to the conditions in Integral Appendix B.

Links to the Corporate Strategy

Hampshire safer and more secure for all:	yes
Maximising well-being:	yes
Enhancing our quality of place:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Construction of a new single storey stand alone 26 place private pre-school together with associated external works at Burghclere County Primary School, Church Lane, Burghclere. (Application No. BDB/72245) (Site Ref: BAE 032)

Location

Planning and Development,
Environment Department
Elizabeth II Court West (first floor)
Hampshire County Council
Winchester

CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning act 1990.

Hours of Work

2. Construction works at the site shall only be from 0800 hours to 1800 hours Monday to Friday, between 0800 hours and 1700 hours on Saturday and no working on Sunday or public holidays.

Reason: In the interest of amenity of occupiers of nearby properties.

External Materials

3. Before the development is commenced details including a sample of the proposed external facing bricks to be used shall be submitted to the Local Planning Authority and approved in writing.

Reason: To secure a satisfactory development.

Tree Protection

4. Before the construction of the development is commenced, the trees on the site's boundary shall be protected from damage by the erection of sturdy metal fencing such as "Heras" type or similar. Such protective measures shall be retained for the duration of the construction works.

Reason: To retain the natural features of the site.

No access to the development by contractors

5. There shall be no access to the development site by any traffic associated with the construction (ie. no delivery vehicles, no contractor's vehicles nor plant and machinery) in the morning between 0830 and 0900 and in the afternoon between 1500 and 1530 hours on normal school days.

Reason: In the interests of public safety and to avoid traffic conflict at the times of day when pupils are arriving at and departing from school.

Discharges and spills

6. Measures shall be taken to avoid discharges and spills to the ground both during and after construction.

Reason: Environment Agency directive.

Hard and soft landscape

7. The proposed hard and soft landscaping including the new fencing in connection with the development, shall have been provided before the new Pre-School is brought into use.

Reason: To secure a satisfactory development.

Prevention of mud on the highway

8. Measures shall be taken during the construction period to prevent mud and spoil from vehicles leaving the site and being deposited on the public highway. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil from being deposited on the public highway. In the event any mud and spoil is deposited on the highway, it shall be cleaned off on each day of working.

Reason: In the interest of highway safety.

Construction delivery vehicles reversing out of the site

9. In the event that a long wheel based lorry has to reverse out of the site on to the public highway, such reversing shall only be carried out with the aid of a banks man.

Reason: In the interest of highway safety.

School Travel Plan

11. Within three months from the commencement of use of the new pre-School building, a travel plan is to be produced in writing and agreed by the Local Planning Authority. The agreed Travel Plan is to be implemented within three months from the date of approval.

Reason: In the interests of highway safety and to promote sustainable travel.

*Annexe to Reason for Conditions
(as required by Article 22 of the Town and Country Planning
(General Procedure) Order 1995 – as amended)*

Basingstoke and Deane Borough Local Plan Review 2006 (Adopted July 2006)

Policy D8 (Rural Exceptions)

As an exception to the general protection of the countryside adjacent to rural settlements, planning permission will be granted for development which the Council is satisfied will meet a genuine local need such as affordable housing, health, education, or similar community need or to provide small-scale employment premises. Development proposals should complement the character of the rural settlement and the character of the surrounding landscape and not be harmful to the rural environment.

Policy E1 (Development Control)

Proposals for new development will be permitted provided that they are of a high standard of design, make efficient use of land, respect the amenities of neighbouring occupiers, and do not result in inappropriate traffic generation or compromise highway safety. All development proposals should therefore:

- (i) respond to the local context of buildings in terms of design, siting, density and spacing, and reinforce attractive qualities of local distinctiveness;
- (ii) provide a landscape scheme where appropriate enabling the development to successfully integrate with the landscape and surrounds, and not result in the loss of, or have, a potentially adverse impact on protected trees;
- (iii) not generate traffic of a type or amount inappropriate for roads, properties or settlements in the locality, and provide safe and convenient access for all potential users, integrating into existing movement networks and open spaces;
- (iv) incorporate features to minimise the energy consumed in the construction and future use of the building, conserve water and minimise water use.

Policy C7 (The Protection, Enhancement and replacement of Existing Leisure and Community Facilities or Open Spaces)

Proposals for the redevelopment, replacement or improvement of existing leisure and community facilities or public open space and private open space, will be permitted provided that:

- (i) the replacement or improved facilities will be at least equivalent in terms of quality and accessibility, and there will be no reduction in the overall capacity of leisure facilities and/or open spaces in the development to accommodate demand; or
- (ii) The proposed development will be of sufficient benefit to the community to outweigh the detriment caused by the loss of the existing facility.