

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01879/FPA
FULL APPLICATION DESCRIPTION:	Nursery extension (2no. classrooms with associated hard landscaping)
NAME OF APPLICANT:	Mrs J Smith
ADDRESS:	Ox Close Nursery School, Ox Close Crescent, Spennymoor, Co Durham
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to Ox Close Nursery School, located to the west of Ox Close Crescent, Spennymoor. The school is enclosed by private playing fields and yard areas to the north and west and shares the site with Ox Close Primary School to the immediate south.
2. Vehicular access to the site is secured via a driveway to the immediate south east of the Nursery building which links with Ox Close Crescent to the east. This drive is also utilised by Ox Close Primary School. Pedestrian access to the site can be secured along this driveway or directly from the aforementioned footpath to the east.
3. The proposals involve the erection of a single storey flat roof extension to the southern end of the nursery building, comprising 2no. classrooms, secondary classroom space and WC facilities. The extension would occupy part of an area of existing yard space and would include a small extension of this yard to the south.
4. Vehicular access to the site from Ox Close Crescent to the south east would remain unchanged although an additional 3no. off-street parking spaces would be provided adjacent to the nursery.
5. The proposed extension is required as a result of an increased demand for Nursery places. An additional 16no. pupils are expected, taking maximum pupil capacity from 78no. up to 94 no. pupils. The required staff level for the nursery once extended would be 3no. full-time staff and 8no. part-time staff. This represents a slight increase from the existing 3no. full time staff and 5no. part time staff.
6. Subject to the receipt of necessary approvals it is intended to provide the additional accommodation and facilities by September 2016.
7. This application is being reported to the Planning Committee in accordance with the Councils Scheme of Delegation following a request from Cllr Kevin Thompson who has

expressed concerns over the impact of the proposed works on traffic/highway safety in the surrounding area.

PLANNING HISTORY

8. There have been a number of planning applications on the Nursery School site over the years, although there is no planning history directly relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
17. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
18. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
19. *Policy E15 - Safeguarding of Woodlands, Trees and Hedgerows* - expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
20. *Policy H18 – Acceptable uses within housing areas* – permits community facilities in housing areas where they do not significantly harm the living conditions for nearby residents and where they are appropriate in scale to the character of the housing area.
21. *Policy L11 – Development of new or improved leisure and community buildings* – supports improvements to existing community facilities providing no resulting harm to the living conditions of nearby residents, development is appropriate in location to the scale and character of the surrounding area, and adequate provision for car parking and access is provided.

RELEVANT EMERGING POLICY:

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Spennymoor Town Council* – Has no objections to the proposals but acknowledge that there are significant parking issues around Ox Close and express a desire to work closely with Durham County Council to resolve these issues.
24. *The Highway Authority* – Has no objections to the proposals from a highways point of view
25. *The Coal Authority* – Has no objections, subject to the imposition of a condition concurring with the recommendations of the Coal Mining Risk Assessment submitted in support of the application.
26. *Sport England* – Identify that the proposed development does not fall within the statutory remit for this consultee.

INTERNAL CONSULTEE RESPONSES:

27. *Arboriculture Section* – Identify that some existing vegetation close to the nursery building could be compromised during construction. It is recommended that these trees be protected throughout the course of development.
28. *Drainage Section* – Offer no comment regarding flood risk associated with this development. Any surface water discharge should be dealt with in accordance with The Building Regulations 2010.
29. *Ecology Section* – Raise no objections. Any tree works should be carried out outside of the bird breeding season.
30. *Noise Action Team* – Raise no objections in terms of the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990, subject to sensitive site operations. Such details can be referred to by informative.
31. *Contaminated Land* – Recommend that as this development constitutes a change of use to a more sensitive receptor, any approval should be subject to a condition ensuring the submission of a scheme to deal with contamination.

PUBLIC RESPONSES:

32. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. No responses have been received in response to this consultation and publicity exercise.

APPLICANTS STATEMENT:

33. The proposed Nursery extension is required as a result of an increased demand for Nursery places with an expected 16no. additional pupils, taking maximum pupil capacity up to 94 no. pupils. The required staff designated for the nursery once extended would be 3no. full-time staff and 8no. part-time staff.
34. The new room is to rehouse existing children on roll to release a current existing classroom for 8no. new two year olds. The other teaching room is also for existing children, giving them a quiet space and designated room to develop speech and

language. Where the room is to be split in two, this will be space used for existing children on roll to give them the opportunity for small group support.

35. Regarding the issue of traffic problems outside of the school gates, start/end times will be staggered to minimise disruption.
36. The proposed extension would be in keeping with the existing building to ensure the external aesthetics are fluent. Internal fixtures, fittings and decorations will also closely match the existing to ensure the children feel comfortable in both the new and old building.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, scale/design of the proposed development, impact on neighbouring amenities, highway safety, arboriculture impact, ecological impact and coal mining legacy.

The principle of the development:

38. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant.
39. The application site is an established Nursery School located within the Spennymoor residential settlement, immediately adjacent to Ox Close Primary School. The proposed works would see an increase in the level of classroom provision to cater for increased pupil numbers. The nursery is located within an accessible and sustainable location close to the Town Centre and neighbouring residential areas. As such the proposed development is considered acceptable in principle in accordance with Policies H18 and L11 of the existing local plan and the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

40. Part 7 of the NPPF and saved policies L11 and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new community related developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent development and the local setting of the site.
41. The proposed works would comprise a classroom extension to the existing nursery building, measuring 9.5m x 9.3m and 2.5m in single storey, flat roof height. This extension would attach directly to the south of the existing nursery structure, being slightly subordinate in height, respecting the existing flat roof design. Materials to be used would comprise brown facing brickwork with felt roof sympathetic to the existing nursery building adjacent.

42. The proposed extension would therefore be of a scale, design and massing which respects the existing nursery building, not appearing out of place in its surroundings, occupying a small area of enclosed yard space adjacent to the access road serving the site and Ox Close Primary School.
43. This application is considered to satisfy the provision of Part 7 of the NPPF and saved policies L11 and D1 of the Sedgefield Borough local Plan.

Impact on neighbouring amenities:

44. Saved policies H18, L11 and D1 of the Sedgefield Borough Local Plan together seek to ensure that new developments take account of a sites relationship to adjacent land uses and activities. Development of this nature must not be seen to significantly harm the living conditions for nearby residents.
45. The proposed nursery extension would be constructed to the south of the existing Nursery school building. The closest residential properties are located on Mayfields some 36m to the north east and Ox Close Crescent 65m to the east. The development would be substantially screened from neighbours by intervening buildings and landscaping on land around the site. It is therefore considered that the development is sufficiently separated and screened from residential properties not to result in any adverse residential amenity impacts in that regard.
46. The proposed development would result in a small increase in classroom numbers but this nursery has coexisted with neighbouring residential opportunities for some time, with the nursery to operate only during daytime hours. As such there would be negligible impact on the residential amenity of the nearest residential properties with the application considered to satisfy the provisions of saved policies H18, L11 and D1.

Highway safety:

47. Saved policies L11 and D3 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for a satisfactory means of access and parking provision showing regard to the number and type of vehicles using the development. Improvements to existing community facilities should be encouraged where they ensure provision for car parking and access. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
48. Highway safety concerns have been raised by a local member concerning existing traffic/congestions problems on Ox Close Crescent caused by users of the school and nursery site. These concerns have been acknowledged by the Town Council which does not object to the application but expresses its desire to address these issues with the County Council.
49. The proposed extension would result in an expected 16no. additional pupils (taking maximum pupil capacity up to 94 no. pupils), with a resulting 3no. full-time staff and 8no. part-time staff. There are currently 6no. on-site parking spaces serving this nursery site including 1no. disabled space. The maximum permitted number of on-site car parking spaces in relation to the 94no. pupils, 3no. full time staff and 8no. part time staff is 9no.
50. In view of some concerns raised with regards to the impact of off-site car parking relating to this site and the neighbouring Primary School site, the highway authority request that the full 9no. spaces be achieved, with an additional 3no. spaces to be

provided on site. Plans have been amended to this effect, showing 3no. additional parking bays adjacent to the nursery building served from the main site access. These spaces would occupy an area of incidental grassland containing 2no. trees adjacent to the proposed nursery extension and it is recommended that a condition to be included requiring these spaces to be provided prior to the first occupation of the nursery extension.

51. Whilst it is acknowledged that use of the nursery and adjacent school in combination with residential parking demand does result in congestion on the surrounding highway network at busy times, particularly on Ox Close Crescent, this is an existing situation, which the proposed development would not significantly effect. The highway authority are satisfied with the applicants attempts to improve on-site parking provision for staff and to help mitigate the existing congestion problems. Subject to the imposition of a condition to secure the delivery of the additional 3no. on-site parking places, there are no highway objections to these proposals, with this application considered to satisfy the provisions of the NPPF and saved policies L11 and D3 of the Sedgefield Borough local Plan.
52. Section 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst there would be additional vehicular traffic associated with the proposals at the dropping off/picking up times, it would be very difficult to demonstrate that the cumulative impact of the development would be severe in this instance.

Arboricultural impact:

53. Saved Local Plan Policy E15 seeks to ensure that new developments retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.
54. The proposed works would occupy an area of existing enclosed yard space to the south of the nursery building. A small amount of vegetation is planted along the walled enclosure of this yard area which would be lost to facilitate the minor extension of this yard area. This vegetation is not protected and could be removed at any time.
55. Outside of the enclosed yard to the east are 2no. trees which would also be removed to facilitate the proposed works. Arboricultural officers consider one of these trees (a beech) to be an attractive feature when accessing the site from the south and east with its retention desirable. However this tree is not protected and its removal would secure much need on-site parking provision which in turn could help alleviate parking concerns on the adjacent Ox Close Crescent. On balance, although regrettable, the harm arising from the loss of this tree is far outweighed by the overall benefits of the scheme in terms of highway safety improvements through the provision of 3no. additional on-site parking spaces.
56. In order to help mitigate the loss of existing on site vegetation, approval is recommended subject to a condition requiring replacement planting around the site. Subject to adherence to this condition, this application would be considered to satisfy the provisions of Parts 7 and 11 of the NPPF and saved policy E15 of the Sedgefield Borough Local Plan.

Ecology:

57. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. Prior to submitting the application, the applicant has discussed the proposed works with officers from the

Councils Ecology section who advise the existing building presents a very low bat risk due to its construction. If the adjacent Beech tree is to be felled, this should be felled outside of the bird breeding season or subject to a check for breeding birds by a qualified ecologist. Subject to the above, no objections are raised with the application considered to satisfy the provisions of Part 11 of the NPPF with respect to impact on protected species and local ecology.

Coal Mining:

58. Part 11 of the NPPF seeks to ensure that new development is appropriate for its location, preventing unacceptable risk from pollution and land instability. The application site falls within a defined development high risk area where there may be coal mining features and hazards which could impact the proposed development. The application has been submitted alongside a Coal Mining Risk Assessment (July 2016) which recommends that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy. The report also recommends that gas monitoring is carried out during these works. The Coal Authority raises no objections to the proposed works subject to the imposition of a condition concurring with the outcomes of this report.

CONCLUSION

59. The principle of extending this existing nursery site to provide additional classrooms is considered acceptable given its sustainable location within the heart of an existing residential area and existing Nursery school grounds. Careful consideration has been given to the scale and design of the proposed development, its relationship to surrounding residential uses, highway safety implications, ecological impacts, arboricultural constraints and coal mining legacy in the area. Consideration has also been given to the issues and concerns expressed by a local member and the Town Council with regard to highway safety and congestion in the surrounding area with it acknowledged that there are some existing difficulties. However, on balance, the benefits of this scheme which would include the provision of 3no. additional on-site parking spaces, are considered to outweigh the concerns raised. In view of the foregoing this application is recommended for approval subject to the imposition of suitable planning conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. Time limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

(00)2 General proposed drawing, received 09 June 2016

(00)3C Proposed site plan, received 11 July 2016

Reason: To define the consent and for the avoidance of doubt in the interests of proper planning.

3. Materials to match

Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing nursery school building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

4. Parking spaces

The extension hereby approved shall not be brought into use until the 3no. additional on-site parking spaces as detailed in approved plan ref: (00)3B Site plan, received 11 July 2016 have been provided.

Reason: To alleviate parking concerns in the area in accordance with saved policy D3 of the Sedgefield Borough Local Plan.

5. Landscape details

No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, replacement planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the visual amenity of the area and to comply with policies E15 and D1 of the Sedgefield Borough Local Plan.

6. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policies E15 and D1 of the Sedgefield Borough Local Plan.

7. Contaminated land

No development shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall

be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

8. Coal mining

No development shall commence until each of the following has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Coal Authority:

The submission of a scheme of intrusive site investigations for approval;
The undertaking of that scheme of intrusive site investigations;
The submission of a report of findings arising from the intrusive site investigations;
The submission of a scheme of remedial works for approval; and
Implementation of those remedial works.

Reason: The application site falls within a coal mining high risk area. The Coal Authority concurs with the recommendations of the submitted Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

9. Tree works

Any tree felling must take place outside the bird breeding season (March to end of August).

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns raised during the consultation and publicity period were forwarded to the applicant and satisfactorily resolved during the statutory determination period.

BACKGROUND PAPERS

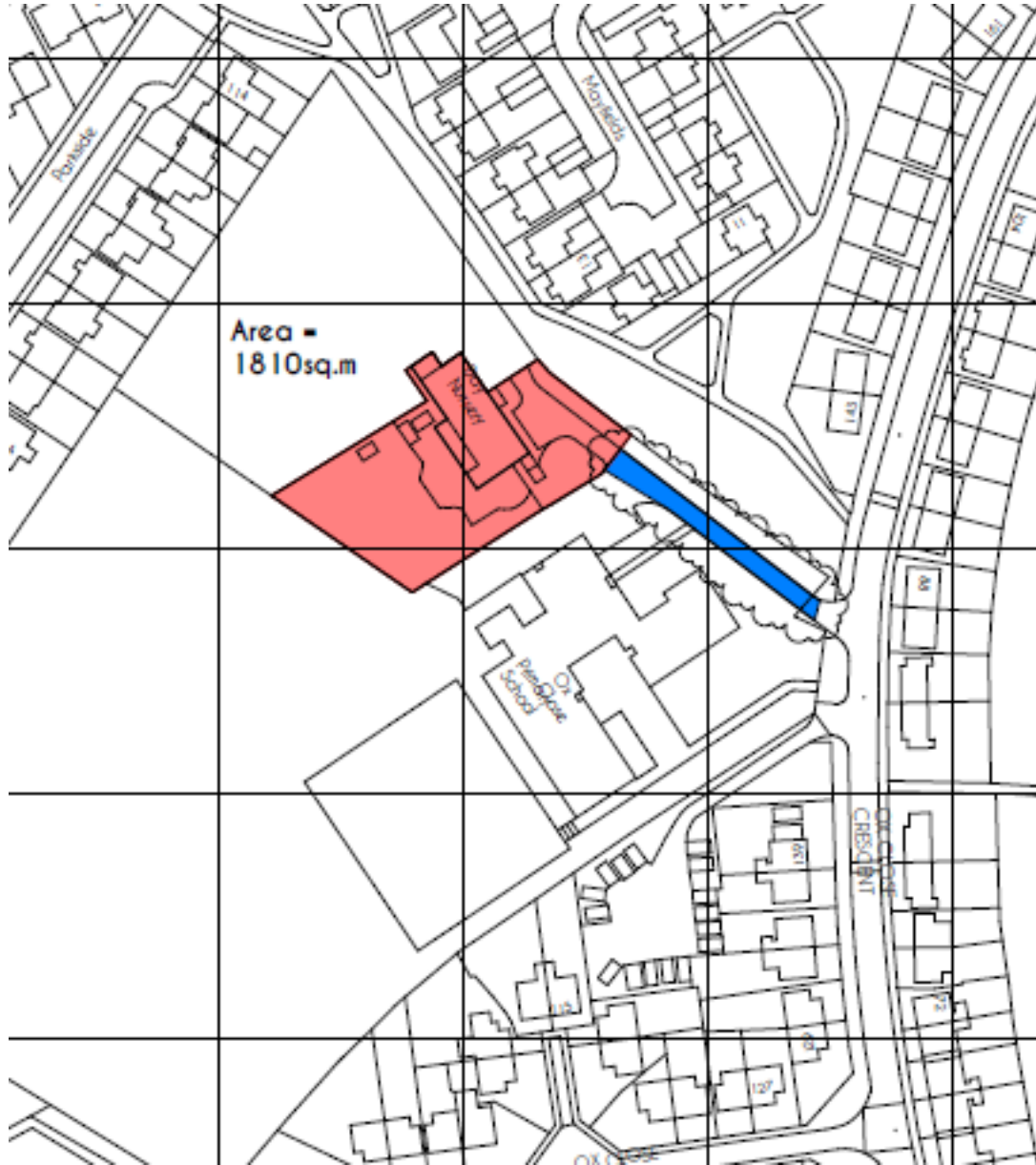
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory responses from the Highway Authority and The Coal Authority

Internal responses from Landscape/Arboriculture, Drainage, Ecology, Environmental Health (Noise) and Contaminated Land.



Planning Services

Nursery extension (2no. classrooms with associated hard landscaping)

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Comments

Date 21 July 2016