

**5g 3/11/0423/FP - Construction of Pre-School Nursery including single-storey building, site access, car park, boundary fencing, landscaping and associated works at Cox's Gardens, Elizabeth Road, Bishop's Stortford for The Blues Pre-School Nursery**

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**Date of Receipt:** 28.03.2011

**Type:** Full –Minor

**Parish:** BISHOP'S STORTFORD

**Ward:** BISHOP'S STORTFORD - CENTRAL

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102)
3. Prior to the first occupation of the approved development, the access roads and parking areas within the site shall be provided and thereafter maintained in accordance with the approved plans.

**Reason:** To ensure that the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

4. Materials of construction (2E113)
5. Hours of working - plant and machinery (6N053)
6. Cycle Parking Facilities (2E293)
7. Green Travel Plans (3V272)

**Directive:**

1. You are advised to contact Hertfordshire Highways at Highways House, 41-45 Broadwater Road, Welwyn Garden City, Herts SG7 3SP, tel: 01992 356343, with regard to the carrying out of any works on any footway, carriageway, verge or other land forming part of the highway.

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies

of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, TR2, TR7, TR4, TR13 and LRC1. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (042311FP.NB)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located at the southern end of the Cox's Gardens cul-de-sac and is within the built up area of Bishop's Stortford. The site currently consists of a hard surfaced area of land which is secured by a locked gate to prevent public access. A group of trees separate the site from the adjoining land to the east which comprises of undeveloped land that appears to previously have been used as a playing field.
- 1.3 Mature trees and landscaping provide some screening of the site from the neighbouring residential properties to the south and west, however the flank of the neighbouring dwelling known as Glendale to the west is clearly visible from within the site. Fencing is the only boundary treatment that is currently in place in-between the site and the neighbouring dwellings to the north in Cox's Gardens.
- 1.4 The application site as well as the neighbouring residential street, Cox's Gardens, was previously occupied by the Havers Infants School. The reserved matters for planning permission were granted in 2006 for the construction of the 27 dwellings that now form Cox's Gardens, whilst the application site and the adjoining field were left undeveloped and were intended to be used by the Richard Whittington Primary School.
- 1.5 The current application seeks permission for a single storey building that would be used as a pre-school, together with an associated access, fencing and landscaping.
- 1.6 The existing Blues pre-school is located on the Bishop's Stortford High School site, on London Road. The applicant has explained that should the current appeal against the refusal of permission for the residential development of the existing High School site be allowed then the Pre-school will need a new site to relocate to. However, the applicant states that should the appeal be dismissed and the existing school site is not developed then the High School will need to use the existing pre-school for additional classrooms. Therefore, regardless of whether the appeal in relation to the Bishop's Stortford High School site is successful or not,

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the Blues School will need to relocate to a new site.

- 1.7 The applicant has stated that it is anticipated that the pattern and level of use of the pre-school would be broadly the same as that at the existing site in London Road. The existing Blues pre-school provides early years education for up to 80 children aged 2 and a half to 5 years. The pre-school offers 24 places for the morning sessions from 9.10am to 12.10pm and 16 places in the afternoon from 12.20pm to 2.50pm, however later sessions are available on Tuesdays and Wednesdays. The pre-school employs 9 members of staff and there is 1 member of staff to every 6 children at the site, which results in a minimum of 4 staff members working at any one time.
- 1.8 The proposed building would occupy a floor area of 153sqm. The building would be single storey, with a pitched roof reaching an eaves height of 2.5 metres and a ridge height of 4 metres. The access to the site is proposed to continue off of Cox's Gardens and hard surfacing is proposed to lead from the south and east of the access with 8 car parking spaces provided within the site. The building would be orientated to face north and would retain distances of 10 metres to the north boundary, 12 metres to the southern boundary and a minimum of 5.5 metres to the west boundary of the site.
- 1.9 A Travel Plan has been submitted with the application which states that 15 out of 24 children in the mornings are driven to the existing pre-school and 12 out of 16 are driven in the afternoons. The document states that out of the 8 staff members 6 drive to the current site. Whilst the percentage of children attending the pre-school who have less than 0.5km to travel to the pre-school will decline, the percentage of children who have less than 1km to travel to the pre-school will increase from 56% at the current pre-school site to 74% for the proposed new site. The Plan states that the proposal site is more centrally located within the built up area of the town which is likely to increase the number of children within easy walking distance to the pre-school.

### **2.0 Site History:**

- 2.1 In 2005 Outline Planning Permission was granted for residential development on the land to the north of the site under lpa reference 3/04/1055/OP.
- 2.2 In 2006 the Reserved Matters for the residential development were approved under lpa. reference number 3/06/1236/FP.
- 2.3 Prior to the residential development of Cox's Gardens to the north, the

site was previously used as a part of the Havers Infants School.

**3.0 Consultation Responses:**

- 3.1 Sport England has no objection and has commented that the former playground is not (and was not) a sports facility therefore its loss would not be detrimental to school or community sports facility provision. It is noted that the development would not appear to encroach onto the adjacent playing field or be prejudicial to its use. In this instance Sport England is satisfied that the proposal only affects land incapable of forming a playing pitch or part thereof and therefore does not affect existing pitch provision on the site.
- 3.2 The County Development Unit has submitted comments that if approved the permission should be granted subject to conditions regarding waste minimisation.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions that relate to construction and access details, details of cycle facilities and the submission of a Green Travel Plan. County Highways have commented that the site is in a sustainable location, an appropriate level of on-site car parking is provided and importantly the school has indicated a commitment to sustainable transport with the submission of a Green Travel Plan which has been prepared with their advice and guidance. The site takes access from a recently constructed residential estate road where the properties have off road parking facilities, parking is not restricted along the length of Cox's Gardens and the development provides for parent parking and drop off area within the confines of the site. Consequently there is no technical reason to justify an objection on parking grounds but I do acknowledge that any there may be amenity issues to be considered. In conclusion, given the sustainable location, on-site vehicle provision, green travel plan and the fact that the scheme is a relocation of an existing enterprise with a consequent transfer of traffic movements rather than generating new traffic movements onto the network, the highway authority do not wish to restrict the grant of permission.

**4.0 Town Council Representations:**

- 4.1 Bishop's Stortford Town Council has no objection.

**5.0 Other Representations:**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

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5.2 9 letters of representation have been received which can be summarised as follows:

- Large volume of traffic will be entering and leaving the area four times a day which would be a risk to children, families, playing areas and the nature reserve;
- The existing road is narrow and congested with residents parked on the kerb to allow access;
- Further traffic will add to the existing congestion and will block access for emergency vehicles;
- The application is seen as an attempt to remove an obstacle to the proposed schools merger going ahead;
- Construction works will have a negative impact due to traffic, noise, vibration, smells, fumes, dust and grit;
- Loss of privacy to neighbouring dwellings;
- Further congestion could be caused if the building is used for evening and weekend events;
- The travel plan submitted is ill conceived and the majority of people will drive;
- The pre-school could attract more vandalism;
- Chain link fencing will appear ugly;
- Wear and tear to the road.

A letter has been received from the Blues Pre-School which states that local residents were invited to attend an information evening on the 10<sup>th</sup> March. The evening demonstrated that an important concern for residents was the traffic and congestion that the development would result in. Therefore following the meeting a survey was carried out in Cox's Gardens which showed that two cars were regularly parked on the west side of Cox's Gardens with very little traffic movement

### **6.0 Policy:**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

ENV1	Design and Environmental Quality
TR2	Access to New Developments
TR4	Travel Plans
TR7	Car Parking Standards
TR13	Cycling-Facilities Provision (Non-Residential)
LRC1	Sport and Recreation Facilities

**7.0 Considerations:**

- 7.1 The site is located within the built up area of Bishop's Stortford where new development is acceptable in principle. However, the application site is located on land that is designated within the Local Plan for use for sport, recreation and open space.
- 7.2 The principle considerations in this case relate to Policy, whether the loss of the existing open space is justified and the acceptability of the proposed access and parking.

Use

- 7.3 Policy LRC1 states that proposals which result in the loss of indoor and outdoor sports, recreation and open space facilities, will be refused unless suitable alternative facilities are provided or it can be demonstrated that the facility is no longer needed.
- 7.4 The applicant argues within their Planning Statement that the development complies with the requirements of Policy LRC1 as there is no education or community need for the site and there is an overriding need for the pre-school. It is stated that since the Havers School left the site in 2006 the application site has remained vacant and unused. Whilst the adjacent grass playing field can be used by the Richard Whittington School there is no requirement for the application site to be used by any of the local schools. The applicant argues that the small size of the site means that it is unsuitable in its own right for organised sporting use and its only conceivable use would be for a children's equipped play area. Reference is made to existing play areas that are located 400 metres to the north of the site in Waytemore Road and 200 metres to the South East of the site in Lower Park Crescent. Officers have consulted the Council's Environment Manager on the application and have requested comments in respect of whether they consider there to be a need in the local area for the site to be used for recreational purposes and their comments will be reported to Committee Members prior to the commencement of the meeting.
- 7.5 Having regard to the size of the site and the comments that have been received from Sport England, Officers consider that the development of the application site would not result in a loss of recreation and open space that is required to meet a local need. Furthermore, the development of the site would not hinder the use of the adjacent larger site for recreational use. Officers therefore consider that the proposed development would not conflict with the aims and objectives of Policy LRC1.

Access and Parking

- 7.6 The application proposes to use an access off of Cox's Gardens and would make a provision for 8 parking spaces within the site. Officers acknowledge that the proposed development would increase the level of traffic using the existing residential cul-de-sac and that this may give rise to a degree of congestion and disturbance to the existing residents. However, County Highways have commented that the site is within a sustainable location and the proposal would result in a transfer of traffic movements, from the existing pre-school site, rather than generating new traffic movements onto the surrounding highway network.
- 7.7 Having regard to the comments that have been received from County Highways, the findings within the Travel Plan that the proposal site is more centrally located with the likelihood of children walking to the site increasing compared to the existing site and subject to the condition that is recommended to require a Green Travel Plan to be submitted, Officers consider that the use of the proposed access for the intended use and the level of parking that is proposed is acceptable. In addition, whilst it is acknowledged that the proposals will result in additional traffic movements on the road, these are not considered to be so substantial to be either prejudicial to the safe use of the road or to be in excess of its capacity.

Design

- 7.8 The proposed building is single storey in height and is of modest proportions. The proposed building is considered by Officers to meet the expectations for a high standard of design set out within Policy ENV1. The proposed building is sympathetic in terms of its height, scale, size and design in relation to the character and appearance of the surrounding area.

Neighbour Amenity

- 7.9 Concerns have been raised by local residents that the proposed development would result in a loss of privacy to neighbouring properties. Fencing and a hedge row which each reach a height of 1.5-2metres in height provide some screening of the north and east boundaries of the site with neighbouring residential properties. The southern site boundary with neighbouring residents is planted with more substantial and taller trees and hedging. The proposed building allows a minimum space of 5.5 metres to the western boundary of the site and 10 metres to the northern and southern boundary. The proposed building is single storey and its windows would reach a maximum height

of 2.2 metres, having regard to the building design and height, the distances that would be retained to the boundaries of the site with neighbouring properties and the screening that is in place at the existing site Officers do not consider that the proposed development would give rise to an unacceptable degree of overlooking.

- 7.10 Whilst it is acknowledged that during the construction works inevitably there would be some impact upon neighbour occupiers in respect of noise, dust and other disturbances, this would occur for a temporary period of time and therefore would not have an unacceptable impact upon neighbouring occupier's amenities. A condition is recommended to restrict the hours of use of plant and machinery at the site in order to seek to minimise the impact that the construction works would have upon the amenities of neighbouring occupiers.
- 7.11 Officers acknowledge that the development of the site and the introduction of a new use would inevitably have some impact upon the neighbouring occupiers. However, the degree of impact that the proposed development would have upon the amenities of the neighbouring occupiers is not considered to be unacceptable in this instance and would not be sufficient to warrant the refusal of the current application.

#### Other Matters

- 7.12 The concerns that have been raised by local residents in respect of the link between the current application and the proposal to relocate the existing schools and develop the High School site, where the existing pre-school is located, are duly noted. Members will recall that one of reasons for the refusal of the recent application made for residential development at the existing High School site was that the proposal would have resulted in the loss of the Blues Pre-School without the provision of appropriate replacement facilities. Members are advised that the current application should be considered upon its own merits having regard to the Development Plan. The consequences of the approval of the current application are outlined within a subsequent report to Committee Members in respect of the current appeal that has been received against the refusal of planning permission for the new schools and the residential development of the existing school sites.

### **8.0 Conclusion:**

- 8.1 Officers consider that the development of the application site would not result in a loss of recreation and open space that is required to meet a local need and that therefore the proposed development would not



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conflict with the aims and objectives of Policy LRC1.

- 8.2 Having regard to the comments made by County Highways, the proposed access and parking provision is considered to be acceptable in this instance.
- 8.3 Having regard to the above considerations, it is recommended that planning permission is approved subject to the conditions at the head of this report.