

<u>No:</u>	BH2018/02440	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Foredown Woods Foredown Allotments Portslade Thornbush Crescent BN41 2GW		
<u>Proposal:</u>	Change of use from an area of land at Foredown Woods to an Education Facility (D1) to operate as a pre-school, with associated structures and operations (Part Retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	18.10.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	13.12.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Bee In The Woods Kindergarten Foredown Woods Foredown Allotments Thornbush Crescent Portslade BN41 1DD		

A representation has been received from an officer working in the City Development & Regeneration.

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Block Plan	002	B	24 October 2018
Location Plan	-	-	23 November 2018
Proposed Drawing	003	A	24 October 2018
Proposed Drawing	004	A	24 October 2018
Proposed Drawing	-	-	20 June 2019

2. The use hereby permitted shall not be operational except between the hours of 08:30 and 15.30 on Tuesdays to Fridays only.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3. The number of children attending the pre school use hereby permitted shall not exceed 16 at any time.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. No amplified music equipment shall be used in the premise hereby approved.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

5. Within 3 months of the date of the permission hereby approved, a written Management Plan should be produced showing how the area is managed, including details of staff supervision, layout of area showing types of play areas (e.g. quiet, wet, sand areas, planting, etc). The Management Plan must be submitted in writing to the Local Planning Authority. The agreed scheme shall be thereafter retained for the duration of the approval with any amendments made when necessary. The use hereby approved shall be in accordance with the Management Plan.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. Within 3 months of the date of the permission hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, suppliers, neighbours, other agencies, emergency services, interest groups and stake holders). The use hereby approved shall be in accordance with the submitted Travel Plan.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13, CP15 and CP21 of the City Plan Part One.

7. Within 3 months of the date of the permission hereby approved, details of buggy and scooter parking facilities for the use by the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of children's buggies and scooters are provided to comply with policies TR7 and HO26 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

8. Within 3 months of the date of the permission hereby approved, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
Schools, academies and nurseries
 - i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
 - ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group;
 - iii. Use of the BHCC STP guidance documents to produce and annually review the STP
 - iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
 - v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team;
 - vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers;
 - vii. A commitment to reduce carbon emissions associated with nursery and school travel;
 - viii. Initiatives to increase awareness of and improve road safety and personal security;
 - ix. Evidence of dialogue and consultation with neighbouring residents and businesses;
 - x. Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.
3. The applicant is advised to contact the Council's School Travel Team (travel.planning@brightonhove.gov.uk 01273 292357) at their earliest convenience to avoid delay and obtain all necessary free advice and information to help satisfy the requirements of condition 6.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to Foredown Woods in Portslade. The site is located in a woodland in North Portslade. The area of land is located at Foredown Allotments and Woods with the allotments to the north of the site and row of properties to the south. Access to the site is from one access point to the north eastern corner via a pathway.
- 2.2. Planning permission is sought for the change of use from an area of land at Foredown Woods to an Education Facility (D1) to operate as a pre-school, with associated structures and operations (Part Retrospective).
- 2.3. During the course of the application the opening hours have been amended and further reports have been submitted (Transport and Ecology).

3. RELEVANT HISTORY

- 3.1. **PRE2018/00161**- Pre-School in the woods- Closed 16.08.2018.

4. REPRESENTATIONS

- 4.1. **Twenty nine (29)** letters of representations have been received objecting to the proposal for the following reasons:
 - Too close to boundary
 - Additional traffic and parking issue
 - Noise
 - No ecological survey
 - Affecting the wildlife
 - Disregard for residential amenity
 - Waste issue
 - Contamination risk
- 4.2. **Ten (10)** letters of representations have been received in support of the proposal for the following reasons:
 - Improved the site
 - Sustainable
 - Learning through nature
 - Strengthen community
 - Outdoor learning and activities
 - Good for mental health
 - Perfect setting
 - The sky is the limit
 - Great teachers
 - The area would not cause disturbance
 - Noise levels low
 - Looking after our precious planet as a community
 - offering a safe, healthy and exploratory outside space for children
 - Positive education and learning experience
- 4.3. **Councillor Atkinson supports** the proposal, a copy of the letter is attached.

4.4. **Councillor Hamilton** supports the proposal. It is noted that Councillor Hamilton is not the Ward Councillor.

5. **CONSULTATIONS**

5.1. **Natural England:**

Based on the plans submitted, Natural England considers that the proposed development will not have a significant adverse impact on statutorily protected sites.

5.2. **Ecology:**

The information provided is satisfactory and the proposals are unlikely to have a significant impact on biodiversity.

5.3. **City Parks:** No Comment

5.4. **Sustainable Transport:** Further Information- 5/11/2018

The Highway Authority recommends that further details are provided before the Highway Authority can make a final decision regarding this application. It is therefore recommended that the following information be provided prior to determination:

- Details of proposed pedestrian and vehicular access arrangements
- Details of the proposed car parking provision
- A site plan showing the proposed buggy and scooter parking

No objection following further information- 11/02/2019

5.5. Following further information -no objection subject to conditions.

5.6. **Arboriculture:** No objection

The Arboricultural team does not object to the proposal as long any management of the woods, with regards to felling pruning or planting trees is with close co-operation of the ranger's service.

5.7. **Environmental Health:** No objection

The Environmental Protection Team has had a complaint from a neighbour objecting to the existing use in respect of the noise from the children on the site. The complainant also refers to other noise from the site such as wood chopping.

5.8. The application refers to 16 children between the ages of 3 and 7 attending. A yurt, which is the main accommodation, will provide only a limited level of sound insulation from the noise of children inside. A picket fence enclosing the active areas of the site is to be a distance in excess of 25m from the closest neighbours.

5.9. The recommended regime for a nursery is the free flow from inside to external play areas. It is therefore difficult to assess the numbers of children who will be outside playing at any time and the likely noise level they will create.

- 5.10. I recommend that an acoustic/noise management plan prepared by a competent acoustic consultant is required. This may result in a recommendation that the overall numbers are restricted to avoid unreasonable disturbance to neighbours.

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP16	Open space

Brighton & Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO26	Day nurseries and child care facilities

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, the impact on the character and appearance of the site and local area, the effect on residential amenity, and highways implications.

Principle of development

Open Space

- 8.2. The application site at Foredown Woods is designated as open space. Policy CP16 (Open Space) of City Plan Part One seeks to safeguard, improve and improve access to the City's open spaces. The only permanent structure within the development is a shed and some fencing and therefore there would not be a significant loss of open space. The provision of a pre-school would ensure the open space is used effectively. The proposal would not result in the loss of open space and would make more effective use of the space in line with City Plan Policy CP16.

Urban Fringe

- 8.3. The only permanent structure within the development is a small shed and therefore no conflicts would be raised with City Plan Policy SA4. A forest school at this location would comply with objective 3 of the policy by "encouraging opportunities for multi-functional uses such as, appropriate recreation and cultural experience, new allotments and local food production and biodiversity conservation and enhancements".

Provision of pre-school

- 8.4. Local Plan Policy HO26 applies. This policy states that planning permission will be granted for day nurseries or other day care provision for children where five criteria are met, including provision of outside area, accessibility, adequate storage for buggys/ pushchairs, and not being of detriment to neighbour amenity or the local highway.
- 8.5. The application site would provide for sufficient outdoor space and the site would be accessible for its users. Transport and amenity impact are discussed below. No specific concerns are raised with regard to compliance with the policy criteria.

Design and Appearance

- 8.6. The site houses one shed which is used to store education materials, a compost toilet and a parachute shelter attached to trees, an event shelter and a bell-tent used for activities with some fencing. The shed has been sensitively installed within the woodland and is appropriate within the surroundings and the activity structures and compost wc are temporary.

These structures, including the fencing raise no concerns and would not be significant or prominent within the surrounding woodland.

Impact on Amenity:

- 8.7. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.8. The application states that there would be a maximum of 16 children between the ages of 3 and 7 years of age attending the pre-school and the proposed opening hours are Tuesday-Friday 8.30am to 3.30pm. A condition is recommended restricting the number of opening hours and numbers of children.
- 8.9. There have been objections from neighbouring residents with regards to noise and disturbance and the environmental health team have recorded one complaint in respect of the noise from the children on the site.
- 8.10. The nearest residential properties are the properties of Warrior Close to the south of the southern camp. These properties are in close proximity to this space which is used by the pre-school and therefore the use is likely to result in noise from the children playing. It is noted that the opening hours have been amended to exclude Saturday opening hours and the proposed opening hours noted above are expected of this type of use. Appropriate conditions have been attached to restrict the opening hours, the number of children and to restrict the omission of amplified music.
- 8.11. The Environmental Health officer has recommended an acoustic report to be submitted, however given that the pre-school operates outside this is not considered to be reasonable or necessary. A condition has been attached to secure details in the form of a management plan to detail how the site will be managed and where the types of activities will be situated. This would ensure that the type of play which could produce noise is situated furthest from the residential properties. This condition will address the lack of an acoustic report and provide the assurance of amenity.
- 8.12. No amenity harm has been identified from the permanent shed/ fencing and temporary structures.
- 8.13. The development is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Arboriculture:

- 8.14. The change of use will have limited effect on the trees that grow within the woodland area as very limited pruning/removal of any trees has occurred. The ambition is to manage a section of the wood to allow educational play and to enhance the woodland in biodiversity terms with only some minor pruning works having been carried out. Any future felling, pruning or tree

planting should be with close co-operation of Brighton and Hove City Council Ranger's Service which should be encouraged.

Ecology:

- 8.15. Policy CP10 (Biodiversity) of City Plan Part One will apply to this proposal. The policy states that all development proposals;
- a) Provide adequate up-to-date information about the biodiversity which may be affected;
 - b) Conserve existing biodiversity, protecting it from the negative indirect effects of development, including noise and light pollution;
 - c) Provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and
 - d) Contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development;
- 8.16. The proposed development lies within Foredown Allotments Local Wildlife Site (LWS or Site of Nature Conservation Importance), designated for supporting a habitat mosaic of broadleaved woodland, rough grassland, scrub, hedgerows and pond. There are multiple records of protected and notable species from the site and surrounding area. However, given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or on any notable or protected species. The site has installed bug hotels, bird boxes and stag beetle towers and the developer has been working closely with the City Parks Ranger on litter clearance and woodland management and a long term management plan is being created in partnership with the City parks department. The Council's Ecologist officer has no objection subject to the implementation of the of the management plan via condition.

Sustainable Transport:

- 8.17. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity. The application is not proposing changes to the existing vehicle access arrangements onto the adopted (public highway from the allotment.
- 8.18. The site is outside of a controlled parking zone so there is free on-street parking available. The applicant is proposing 1 car parking space within the allotment car park. The proposed level of car parking (one space within the allotment car park) is in line with the maximum standards.
- 8.19. Most schools, academies and nurseries in Brighton and Hove have a School Travel Plan that is a document that sets out a package of measures and commitments tailored to the needs of the development which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, suppliers, neighbours, other agencies, emergency services, interest groups and stake holders) to the benefit of all

concerned. A condition is attached for a Standard Travel Plan to be submitted and the Children Buggy and Scooter Parking condition.

- 8.20. No cycle parking is proposed and to be policy compliant for this development with 3 staff the minimum cycle parking standard is 1 parking spec in total (1 for staff and 0 for visitors). A condition is attached to the permission requesting this.

Conclusion:

- 8.21. The development would encourage opportunities for recreation, learning and cultural experiences for pre-school children within the community with the site providing a resource for a pre-school educational use.
- 8.22. The physical and temporary structures within the site have been sensitively installed and would not be significant within the surrounding woodland with no identified amenity harm.
- 8.23. The development is acceptable in regards to transport, arboriculture and ecology terms subject to recommended conditions.
- 8.24. It is noted that there are residential properties within close proximity to the space which is used by the pre-school and therefore the use is likely to result in noise from the children. However, the opening hours have been amended to exclude Saturdays and the proposed opening hours are expected of this type of use and appropriate conditions have been attached to mitigate this.
- 8.25. Overall, it is considered that the scheme would deliver substantial benefits, and with recommended conditions, the identified noise is not considered significant as to warrant refusal of the application. Approval is therefore recommended subject to the conditions set out in Section 1.

9. EQUALITIES
None identified