

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 21 August 2007

**Report Title** Kenilworth Nursery School - Construction of a Single Storey Building to Create a Children's Centre with Associated Facilities

**Summary** This application is for the construction of a single storey building and associated facilities to be used as a children's centre at Bertie Road, Kenilworth.

**For further information please contact** Mohammed Nasser  
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**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Planning application registered on 23/01/07.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

- Other Committees  .....
- Local Member(s)  Councillor J Whitehouse – No comments as at  
(With brief comments, if appropriate) 7 August 2007.
- Other Elected Members  Councillor D Shilton – No comments as at  
7 August 2007.  
Councillor J Whitehouse – No comments as at  
7 August 2007.  
Councillor A Cockburn – No comments as at  
7 August 2007.
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

- Chief Executive  .....
- Legal  I Marriott – comments incorporated.
- Finance  .....
- Other Chief Officers  .....
- District Councils  Warwick District Council – No objection.
- Health Authority  Environmental Health – No objection.
- Police  Police Architectural Liaison Officer – No comments received.
- Other Bodies/Individuals  Kenilworth Town Council – No comments received.  
Ecoline (Ecology) – No objection.  
Severn Trent Water – No objection subject to condition.

**FINAL DECISION**

**YES/NO** (If 'No' complete Suggested Next Steps)

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Regulatory Committee - 21 August 2007

### Kenilworth Nursery School - Construction of a Single Storey Building to Create a Children's Centre with Associated Facilities

#### Report of the Strategic Director for Environment and Economy

#### Recommendation

That the Regulatory Committee authorises the grant of planning permission for the construction of a single storey building to create a Children's Centre with associated facilities at Kenilworth Nursery School, Kenilworth subject to the conditions and reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

Application No : W694/07CC006

Received by: The Strategic Director for Environment and Economy on: 23/01/2007.

The Proposal : Construction of a single storey building to create a children's centre with associated facilities. [Submitted under Regulation 3 of the Town and Country Planning Regulations 1992.]

Site & Location : 0.25 ha of land at Kenilworth Nursery School, Bertie Road, Kenilworth [Grid ref: 289.716].

See plan in **Appendix A**.

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#### 1. Application Details

- 1.1. Planning permission is sought to construct a single storey, self contained building of traditional construction with a partially covered external play area, situated in the rear grounds of Kenilworth Nursery School. This building would be used as a training and health centre by the local community.
- 1.2. The building would be constructed in a traditional manner with aluminium window frames providing a narrow profile and a brick base and cedar cladding to the upper parts of the building. Also, a covered walkway linking the new building

to the existing nursery is proposed. The materials chosen look to provide longevity and the potential to recycle.

- 1.3 The new building would cover an area of 162 square metres (16 metres long and 11 metres wide) and be 5 metres tall at its highest point. The building would consist of an entrance foyer and reception area, administration office, training kitchen, seminar room, meeting room and adult toilet facilities and a separate adult disabled toilet.

## 2. Consultations

- 2.1 **Warwick District Council** – No objections raised.
- 2.2 **Kenilworth Town Council** - No comments received.
- 2.3 **Warwick District Council (Environmental Health)** - No objections raised.
- 2.4 **Severn Trent Water** – No objections subject to a condition. The condition being that:

‘The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewerage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing’.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 2.5 **County Museum (Ecology)** – No objections. However it has been recommended that:-
- (i) A scheme for the provision of bat and bird boxes to be erected on suitable trees/structures within the site to mitigate for the loss of trees to accommodate the proposals.
  - (ii) Work should avoid disturbance to nesting birds. Site should be checked prior to work starting by an experienced ecologist.
- 2.6 **Police Architectural Liaison Officer** – No comments received.
- 2.7 **Councillor J Whitehouse** – No comments received as at 7 August 2007.
- 2.8 **Councillor D Shilton** – No comments received as at 7 August 2007.
- 2.9 **Councillor A Cockburn** – No comments received as at 7 August 2007.

## 3. Representations

- 3.1 Two letters from local residents objecting to this application on the following grounds:-

- (i) Lack of on street parking resulting parking problems.
- (ii) Increased amount of vehicular traffic to the site.
- (iii) Lack of Landscaping surrounding the site is unacceptable.

## **4. Observations**

### **Site and Surroundings**

- 4.1 Kenilworth Nursery School covers 0.25 ha of land off Bertie Road to the south of Kenilworth town centre. The existing nursery school is a single storey building set back away from the road. The proposed building would cover an area of 162 square metres, with a partially covered external play area to the north of the proposed building.
- 4.2 The development site is set back away from Bertie Road with the existing nursery school partially hidden from view by existing landscaping from the road. Adjacent to the eastern boundary is a Doctors Surgery that fronts directly onto Bertie Road.
- 4.3 The application site is bounded to the west by residential properties to the east by a small cul-de-sac of four properties, and to the rear of the site is a public footpath.
- 4.4 At present the entire site apart from the front of the site is enclosed by a 2.4 metre green security fence. At the front of the site is a 1.5 metres wooden open post fence which is partially screened by some existing landscaping. Access to the site is currently via a pedestrian gate in the wooden open post fencing on the frontage of Bertie road and this access will remain for the proposed development.

### **Visual Impact**

- 4.5 The development would be located on open land on the site to the rear of the doctors surgery. The proposed building would not be visible from Bertie Road. On the eastern boundary of the site to Bertie Court, there is substantial existing landscaping that would screen the building from view in Bertie Court.
- 4.6 The proposed building itself has a brick base and cedar cladding on the upper sections of the external walls. Coupled together with the aluminium framed windows and panels, these design features help to integrate the building into its surroundings.

### **Impact on Neighbour Amenity**

- 4.7 Residents from two properties have objected to the proposed development because the building itself would intrude on the visual amenity of their properties However there is already extensive landscaping that would screen the proposed development from Bertie Court.

## Parking and Traffic Issues

- 4.8 Residents of Bertie Road and Bertie Close have also raised concerns over the increase in traffic generated by the Children's Centre. As the proposed building is to be used as a health centre for the majority of its time traffic would be distributed throughout the day.
- 4.9 The residents of Bertie Road and Bertie Close have also raised concerns over the lack of parking for the proposed building. However, directly opposite to the proposed site is a large pay and display car park (approx 150 spaces) that would be easily able to cope with the demands placed on it by users of the Nursery and proposed building.
- 4.10 Further there would not be a major rise in car journeys to the site as the services are only likely to be used by the existing users of the site and many of these are to be local residents, who can easily access the site by foot or by public transport.
- 4.11 This application accords with Policy T.4 – The Impact of Development on the Transport System from the Warwickshire Structure Plan 1995-2001 to; 'promote and protect local day to day shops and services which are within easy walking distance of housing ...'
- 4.12 Planning Policy Guidance Note 13 (PPG 13, published 2001) allows for facilities to be provided within towns without parking provision. Policy TR7 of the adopted local plan would require the provision of parking to standards fixed in 1990 on site, nearby or through payment to the District Council to provide public parking. Since the publication of PPG 13 this approach has wholly out of date.
- 4.13 In addition, Policy DP8 – Parking of the emerging local plan relating to parking provision states the following:-
- 'Development will only be permitted that makes provision for parking which does not encourage unnecessary car use; has regard to the location and accessibility of the site by means other than the private car; does not result in on-street parking detrimental to highway safety; and takes account of the parking needs of disabled car users, motorcyclists and cyclists'.
- 4.14 Although as explained above no parking is provided on the site there is existing parking provision within the vicinity. Given the obsolescence of policy TR7, greater weight should be attached to the emerging plan policy.
- 4.15 The school is located within a built up area and the proposal would enhance facilities for local residents and therefore, contributes to a sustainable community.
- 4.16 The approved redevelopment scheme for Talisman Square may affect the availability of car parking locally. As part of the approved redevelopment scheme approximately 300 car parking spaces will be provided on the land opposite to the nursery school on Bertie Road. However, these spaces will be

located within a privately managed rather than a pay and display car park, and so may potentially not be available for general public use as access to the car park will be at the discretion of the operators of the new shops.

- 4.17 However, even if access to this new car park is denied, the fact remains that this facility is located in an edge of town centre location where the local plan and PPG13 – Transport permit the provision of facilities without on site car parking to encourage the use of transport modes other than the private car. Thus, even if the Talisman Square redevelopment scheme is implemented and use of their car park is denied to users of the nursery school, this development is still considered to be acceptable in this location.

## **5. Environmental Implications**

### **Trees and Amenity Value**

- 5.1 The proposal includes the felling of 7 trees on the southern boundary of the site in order to accommodate the new building on the site. Whilst the removal of these 7 trees maybe detrimental to nesting birds and/or bat habitation it is felt that the existing landscaping present would be sufficient to overcome those concerns
- 5.2 To overcome the issue of displaced bats and birds the County Ecologist suggests a condition for the provision of bat and bird boxes to be erected on suitable trees/structures within the site to mitigate for the loss of trees to accommodate the proposals.

### **Ecology**

- 5.3 The nursery school site is considered to be of some limited significance in ecological terms. The site contains some established trees and shrubs to the rear of the site (along the southern boundary) and these areas offer potential for nesting birds and bats.

## **6. Conclusion**

- 6.1 The proposed development accords to the relevant policies in the development plan. It is considered that the benefit of the increase in services offered to the local community as a result of the development, outweigh any possible negative environmental, visual and neighbourly impacts.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

7 August 2007

**Regulatory Committee - 21 August 2007**

**Kenilworth Nursery School - Construction of a Single Storey Building to Create a Children's Centre with Associated Facilities**

**Application No: W694/07CC006**

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

**Reason:** To comply with the provisions of section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details submitted with the application reference W221/07CC017 and in accordance with the approved plans comprising plans Reference Numbers 2278/03A and 2278/05A and details approved in accordance with the conditions attached to this planning permission, unless these conditions require or allow or the County Planning Authority agrees in writing to any modifications.

**Reason:** In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

3. No development shall take place until samples of the materials/bricks/tiles to be used in the construction of external walls and roof of the building hereby permitted have been submitted to and approved in writing by the County Planning Authority. This development shall then be carried out in accordance with the approved details.

**Reason:** In order to ensure the satisfactory appearance of the completed development.

4. Prior to the commencement of development a scheme for the provision of bat and bird boxes to be erected on suitable trees/structures within the site shall be submitted to, and agreed in writing by the County Planning Authority. The scheme of bat and bird box provision shall thereafter be implemented in accordance with the approved scheme.

**Reason:** In order to ensure the proposed development limits any negative effects on the local bat and bird population on site to minimum.



5. Prior to the commencement of development a scheme for the protection of trees to be retained on site shall be submitted to, and agreed in writing by the County Planning Authority. The scheme of protection shall thereafter be implemented in accordance with the approved scheme.

**Reason:** In order to ensure continued tree protection and visual amenity.

### **Development Plan Policies Relevant to this Decision**

#### **Warwickshire Structure Plan 1996 - 2011**

- (i) Policy T 4 – The Impact of Development on the Transport System. This policy seeks to ensure that all development has adequate onsite parking facilities.

#### **Warwick District Local Plan. Adopted Written Statement - April 2005**

- (ii) Policy TR7 – Adherence to Car Parking Provision. This policy seeks to ensure that adequate parking provision is created and maintained.

#### **Warwick District Local Plan – 1996 - 2011**

- (iii) Policy DP8 – Parking. This policy seeks to manage new and existing parking facilities within Warwick District.

### **Reasons for the Decisions to Grant Permission**

The development hereby permitted is in accordance with the relevant provisions of the development plan and there are no contrary material considerations sufficient to justify refusal of planning permission. Although the development does not make provision for on site car parking the development is considered to accord to policy DP8 – Parking and PPG 13 – Transport which permit the approval of developments without on site car parking provided they are constructed in sustainable locations.

**Note:** The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.