

APPLICATION: MA/10/0092 Date: 20 January 2010 Received: 22 January 2010

APPLICANT: Mrs S SCott

LOCATION: NETTLESTEAD VILLAGE HALL, MAIDSTONE ROAD, WATERINGBURY, MAIDSTONE, KENT, ME18 5ET

PARISH: Nettlestead

PROPOSAL: Erection of single storey pre-school to rear of Village Hall (Resubmission of MA/09/1903) as shown on drawing number(s) 0922_P_01, 02, 11, 12, 13, 14, supported by a Design and Access Statement and Planning Statement received on 22 January 2010 and letter with enclosed Wateringbury Village Hall bookings schedule and letter from Nettlestead village Hall received on 3 February 2010, letter received on 17 February 2010, e-mails received on 23, 24, 25 and 26 February 2010 and letter received on 3 March 2010, drawing nos. 0922P_P_11, letter and material samples being wall render (Alsecco Miratect/S/2810), English Larch horizontal tongue and groove wall cladding, Marley Eternit Heather roof tile received on 22 March 2010.

AGENDA DATE: 29th April 2010

CASE OFFICER: Janice Tan

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Nettlestead Parish Council
- Councillor Annabelle Blackmore and Cllr Rod Nelson-Gracie have requested that the application be reported for the reason set out in the report. (Cllr Verral verbally requested that the application be reported to committee as he wished to support the application and was advised to confirm in writing but no such written confirmation has been received.)

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV23, ENV28, ENV30,
The South East Plan 2009: CC1, CC4, CC6, W2, C4, S3, SP1, SP5, AOSR7
Government Policy: PPS1, PG2, PPS4, PPS7

1. HISTORY

MA/09/1903	Erection of single storey building for use as pre-school	REFUSED and appeal currently lodged.
MA/92/1671	Erection of single storey side and rear extension and provision of additional car parking area to the rear	GRANTED
MA/85/0342	Side extension	GRANTED
MA/77/0864	A storage building for Youth Club equipment	GRANTED

2. CONSULTATIONS

3.1 **Nettlestead Parish Council** were consulted. They wished to see the application approved and they agree with the applicant's evidence concerning alternative premises and reiterated their comments made on the previous refused application as follows:

- It has public support from within Nettlestead village, and from the parents whose children currently attend Kiddliwinks pre-school.
- It has the full support of the Village Hall Committee which has agreed to lease a piece of their land to enable the proposal to go ahead.
- There is a demonstrated need for a pre-school in Nettlestead.
- The proposed building does not impinge on any other property.
- The visual impact is small, and the one tree which requires to be removed will be replaced by three others.
- The proposal will improve the amenity for the children, and for users of the village hall.
- If the application is not approved, the pre-school will have to move to another site away from Nettlestead, resulting in a loss of this vital village amenity for pre-school children and the local residents who are employed there.

3.2 **Maidstone Borough Council Environmental Health** were consulted and they raised no objections.

3.3 **Maidstone Borough Council Landscape Officer** was consulted and raised no objections subject to a condition imposed requiring an Arboricultural Implication assessment to be submitted to ensure no damage to the retained trees occurs during the construction phase.

3.4 **Kent County Council Highway Services** were consulted and raised no objections subject to informatives as stated at the end of the committee report.

3.5 **Kent County Council Education** was consulted but no response was received. However, the Local Planning Authority approached the Early Years and Childcare

Operations Unit to obtain surveys carried out by Kent County Council of pre-school facilities in Nettlestead which is contained in Appendix A of this report.

3. REPRESENTATIONS

4.1 A letter from Ann Widdecombe MP has been received in support of the application, stating the following:

"I have been advised that whilst the application is on land designated as green belt, the Parish Council has no objections and it is on that basis that I offered my support.

4.2 *There is a huge demand for the Pre-School and there is clearly a great deal of support for a new purpose-built facility. Over the past 40 years the Pre-School has been supported by residents of the community and at present it provides care for 29 families."*

4.3 23 Representations of support were received including, the letter from Ann Widdecombe, one from Cllr Annabelle Blackmore and one from Cllr Nelson-Gracie making the following comments:

- The proposed development would enhance an existing thriving pre-school which has been operating in Nettlestead Village Hall for many years. The village hall now needs refurbishment and up-dating in order to meet the standards expected of such an establishment.
- Not only would the new premises be customised for the use as a pre-school, it would free up the existing village hall for more social events in the village.
- "Nettlestead Hall Committee would benefit from the ground rental of the proposed new building which would enable them to update the facilities in the village hall."
- "The proposed building, being adjacent to the playfield and adventure playground, is the perfect location for this proposal as is the convenience of adequate parking or for parents to walk there."
- The new building would provide breakfast club and after school facilities for many children who attend Wateringbury School allowing some parents to return to work.
- The proposed development is a fine example of a community seeking to care for children while their parents are working.
- "The benefit to the community from this application is quite substantial and should not be overlooked, even though this extension does not fall within the boundary permitted."
- The area where the building will be situated is next to the railway line so it is unlikely to cause damage to the flora and fauna.

- The existing pre-school runs out of the village hall which is falling apart and can no longer fully support the demands of the Early Years Foundation Stage, in the way that staff and parents would like.
- "Should the pre-school close it will be a great loss to the village."
- Children need to have a safe and dedicated space designed especially for them where they can be nurtured, encouraged and supported through their early years.
- Staff time could be more efficiently utilised developing the children's learning plans and organising activities to enhance their learning than physically unpacking and packing the pre-school away.
- Children's work could be displayed which builds up their self esteem and they could be offered a chance to work on long term projects, particularly craft or growing projects.
- The new building would hardly be visible from the road, is utilising land that has no purpose at present and it would not overlook any properties. It would have a minimal impact on the existing environment.
- "It would be an asset having a building there as during the week there would be some one in the building between the hours of 8am-6pm, this will help to discourage vandalism and anti-social behaviour."
- If the facilities are not available through the pre-school then parents will be forced to take their children away from the school and may even move away from the area resulting in decline in all areas of community life including job losses at the pre-school. Once a place starts to drop in population, it is very hard to maintain any appeal to newcomers as facilities dwindle even further.
- The development is about the survival of a community and the rights of its children.
- The pre-school has given support to children moving on to primary school education.
- Given that the proposed development would share the existing village hall car park, the walking bus provided by the pre-school to the local primary school would help to reduce the amount of cars using the local school's parking area.

4. CONSIDERATIONS

5.1 Site and surroundings

5.1.1 The application site lies on the east side of Maidstone Road opposite the defined boundary of the settlement of Nettlestead. It is located within the open countryside. Both the village and the application site are designated as Metropolitan Green Belt, as defined in the Maidstone Borough-Wide Local Plan 2000. The Green Belt boundary is the Medway Valley Railway line to the east of the site.

- 5.1.2 Wateringbury village lies some 500m to the northeast of the application site where the Church of England Primary School and Wateringbury Railway Station are located. Wateringbury Village Hall is approximately 1090m northeast, along Maidstone Road, at its junction with the A26 Tonbridge Road.
- 5.1.3 The application site encompasses the site of the existing Nettlestead Village Hall, including its vehicular access from Maidstone Road and 35 car parking spaces. It also includes the northern part (some 450m²) of the recreation ground that lies to the south of the existing village hall. There is a grass embankment from the car parking area at the south side of the hall leading up to a public open space approximately 1m higher than the car parking level. The public open space is maintained as a lawn area as a recreation ground with a fenced children's play area. The recreation ground level gently falls in a southwest direction meeting the parking level to the east and rear of the village hall. The ground level gently rises in a southwest direction across the length of the recreation ground. Part of the site is also scrubland
- 5.1.4 To the north of the application site is a field shielded from view by the mature hedgerow trees that form the north boundary of the site. To the east lies a wooded embankment that descends to the Medway Valley railway line.

5.2 The proposal

- 5.2.1 The application proposes to construct a detached single storey pre-school building some 10m from the southeast corner of the existing village hall. It would be sited in part on an existing scrubland and lawn areas adjacent to the wooded railway embankment and partly on the open recreational area. No additional car parking spaces would be created as the development would share the existing parking spaces provided by the village hall.
- 5.2.2 The proposed building is a simple single-storey structure with a central pitched roof and ancillary flat roof structures on either side. It would have a ridge height of 5.7m and its flat roofs would be 2.75m high. The external walls of the building would have a mixture of horizontal tongue and groove English Larch boarding and rendered panels painted green. The pitched roof would be an artificial slate roof. The building would have a total floor area of 126m². A designated external area for the children would be adjacent to the south side of the proposed building and enclosed by a 1.5m high metal fence.
- 5.2.3 The proposed development is specifically designed for the relocation of Kiddliwinks Pre-school which currently operates from Nettlestead Village Hall. The current sessions are 9am to 1pm Mondays and Wednesdays and from 9am to 4pm on Tuesdays, Thursdays and Fridays.
- 5.2.4 The new pre-school development would operate Mondays to Fridays from 8am to 6pm. It would not only provide pre-school facilities during the morning and afternoon sessions but also breakfast and after school clubs to include older children up to the age of 11 years who attend local primary schools. It is also

the intention to run holiday clubs and in the longer term the applicant is looking to open the building at weekends to act as a contact centre for parents who have visitation rights.

5.3 Background history

5.3.1 A planning application for the same development as currently proposed was refused under MA/09/1903 for the following reason:

"The proposed development constitutes inappropriate and unjustified development in the countryside within the Metropolitan Green Belt and would if permitted cause harm to the open character and appearance of the area and therefore would be contrary to policies SP5 of The South East Plan 2009 and policy ENV30 of the Maidstone Borough-Wide Local Plan 2000."

5.3.2 The applicant has currently lodged an appeal with the Planning Inspectorate against the Local Planning Authority's decision to refuse planning application MA/09/1903.

5.4 Principle of the development

5.4.1 The proposed development is a new pre-school building located in the countryside and within the Metropolitan Green Belt.

5.4.2 National Guidance on green belts is set out in Planning Policy Guidance 2: Green Belts (PPG2). Green Belts are national designations

5.4.3 PPG2 attaches great importance to the permanence and protection of Green Belts because they are a long-standing planning policy implementation tool that has the following 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.4.4 Of key importance is the fact that the guidance sets parameters of what is considered appropriate development within Green Belts. These are as follows:

1. agriculture and forestry;
1. essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of Green Belt e.g small changing rooms for outdoor recreation etc.

2. limited extensions or replacement of existing dwellings;
3. limited infilling in existing villages;
4. limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

5.4.5 The proposed pre-school building does not fall under any of the above categories in the above list and therefore the proposed development conflicts with PPG2 and as such it is considered as an "inappropriate development" in the Green Belt. The agent agrees with the Local Planning Authority on this matter.

5.4.6 PPG2 defines "inappropriate development" as being harmful to green belt policy and therefore should only be approved in "very special circumstances". The agent has therefore submitted the application for consideration under the "very special circumstances" test.

5.4.7 At regional level, Policy SP5 of The South East Plan 2009 states that Green Belts in the region will be retained and supported and that in order to meet regional development needs in the most sustainable locations, small scale selective reviews to Green Belt boundaries may be necessary. However, these reviews should be pursued through the local development framework process.

5.4.8 At local level Policy ENV30 of the Maidstone Borough-Wide Local Plan 2000 re-emphasises the purpose of the Metropolitan Green Belt to primarily control the spread of inappropriate development in order to safeguard the countryside from encroachment.

5.4.9 The proposed development is not an exception in terms of appropriate development and clearly conflicts with PPG2 and green belt policies of the Development Plan. The principle of the development located in the countryside designated as the Metropolitan Green Belt area is unacceptable.

5.5 Planning assessment

5.5.1 The main issue to assess is whether there are "very special circumstances" in the case that would materially outweigh the harm caused to the Metropolitan Green Belt area to allow the development as a departure from the Development Plan. There is no definition of "very special circumstance" in PPG2. However, the implication is such that exceptions should only be made on rare occasions. In my view, to overcome the "very special circumstances" test

5.5.2 To overcome the "very special circumstances", the case should demonstrate that there is an essential strategic need at national or regional level and not just at the local level. A "very special circumstance" should not be accepted if it is able to be replicated in similar situations, leading to a number of permissions which would degrade a stretch of green belt.

5.5.3 Kiddliwinks Pre-school currently operates from Nettlestead Village Hall. Its requirement to extend the hiring sessions of the village hall to 5 full days a week is restricted by a deed on the village hall which prevents any one user to having a majority use of the hall. However, the deed is a private matter and it is considered that there could be scope for negotiations to alter the deed to accommodate the requirements of the pre-school. This therefore does not amount to "very special circumstance"

5.6 Social need and inclusion

5.6.1 The planning statement submitted by the agent states that Nettlestead Parish comes in the top 30 % of need for pre-school provision for disadvantaged children within Kent County Council's control. It further states that the facilities provided in the new pre-school building would help low income families to return to work.

5.6.2 I consider that this 30% figure of need for pre-school provision, is too broad a window to consider. The weight given to this percentage need for pre-school in the area would not amount in my view to a "very special circumstance" to overturn a national designated constraint of the Green Belt area.

5.6.3 The Planning Statement submitted with the planning application explains that in recent years the number of children attending and the number of sessions managed by Kiddliwinks Pre-school have markedly increased in response to a very high local demand and there is a growing need to increase its operational sessions.

5.6.4 The Local Planning Authority recognises that there is a desire for Kiddliwinks Pre-school to provide more pre-school sessions than it currently handles. The inability of the current Kiddliwinks Pre-school to extend its operational hours to accommodate more children is not of sufficient weight to be considered as a "very special circumstance" to override green belt policies.

5.6.5 Reference has also been made that the pre-school currently employs 9 part-time staff which would be increased to 11 part-time staff in the new pre-school building. Given that only 2 additional part-time staff would be employed in the new pre-school, there would be insignificant benefits to the economic well-being of the local area let alone at the strategic level, sufficient to enable the development to be considered as a "very special circumstances" on this issue.

5.7 Sequential tests of alternative sites within the village envelope

5.7.1 The agent submitted a sequential test of 7 alternative sites located within the village envelope which were found to be unsuitable for the requirements of the

pre-school accommodation. However, PPG2 does not require a sequential test of alternative sites to be carried out for the proposed development. It therefore does not imply that the lack of an alternative site renders development in the Green Belt acceptable.

5.7.2 Although the Local Planning Authority recognises the inappropriateness of the sites at the vacant land at Wateringbury Railway car park, Land in Glebe Meadow/ Allington Gardens, the Scout Hall in Glebe Meadow, Wateringbury Village Hall and the disused building at the rear of the Railway Public House for the relocation of Kiddlewinks Preschool, it is considered that the reasons given to run after school clubs from Wateringbury Primary School and to continue the existing pre-school sessions within Nettlestead Village Hall based on its poor state of repair accompanied by the inappropriateness to extend the village hall are insufficient grounds to outweigh the harm caused by the development in the Metropolitan Green Belt located in the countryside.

5.7.3 *Wateringbury Primary School*

The headteacher at Wateringbury Primary School has indicated that it would not be possible to run after school clubs from the primary school as there would be no available staff to supervise the club. However, this is a management issue which could be overcome with negotiations and therefore does not amount to "very special circumstance"

5.7.4 *The state of Nettlestead Village Hall*

There are concerns in the state of repair of Nettlestead Village Hall which is currently used by Kiddliwinks Pre-school. The applicant has indicated that Kiddliwinks Pre-school has obtained an Early Years Grant for £245,000 for the proposed development due to health and safety concerns of the current premises in the village hall. This funding is to be used specifically for children in the Early Years. Reference has also been made to recent OFSTED inspections which require improved standards of the current premises.

5.7.5 Although it is recognised that there are other statutory requirements that the pre-school needs to meet, the Childcare Act 2006 and OFSTED legislation are not planning considerations.

5.7.6 The possible grant of £245,000 is not considered a "very special circumstance" that would override the harm caused by the development in the Metropolitan Green Belt area.

5.7.7 The applicant is concerned that OFSTED would close the existing pre-school based on its current position in the village hall. The OFSTED requirements mainly relate to the "house keeping" requirements and the improvement of the condition of the current village hall condition which is in need of repair. This does not amount to "very special circumstances" that would outweigh the harm

caused by the development in the Metropolitan Green Belt area, given that it is in the best interest of Nettlestead Village Committee to repair and improve the facilities of their building for other users. It would therefore not be unreasonable for Kiddliwinks Pre-school to work in partnership with the Village Hall Committee in conjunction with other partners to share the funding available to improve the premises of the village hall for the continued operation of the Kiddliwinks Pre-school.

5.7.8 *Extending the village hall*

The option to extend the village hall has been investigated but has been considered by the agent as inappropriate in that any extensions to the village hall building would impede the one way vehicle access system that currently circulates around the village hall providing access to parking spaces on 3 sides of the village hall and would result in the loss of car parking spaces. However, presently Kiddliwinks Pre-school cordons off the southern vehicle access and parking area to the village hall for the external play area for the children attending the pre-school which demonstrates that vehicles parking at the village hall during the operation periods of the pre-school have adapted to the non circulatory route system that have been imposed by the operation of the pre-school. I am therefore not convinced that it is essential to have a vehicle circulatory route round the village hall in a proposal to extend the village hall.

5.7.9 The Village Hall Committee is looking to extend the facilities of the village hall in the future and therefore is in support of the new stand-alone development dedicated for the sole use of Kiddliwinks Pre-school. As previously mentioned the village hall is restricted by a deed which prevents any one user to having a majority use of any part of the village hall. However, once again there is scope for negotiations to alter the deed.

5.7.10 The lack of agreement on extending the village hall does not amount to "very special circumstances" to allow a separate new building.

5.8 Landscaping

5.8.1 The proposed development would result in the loss of part of a public open space used as a recreation ground. Policy ENV23 of the Maidstone Borough-Wide Local Plan 2000 addresses the loss of public open space by development. It states that such development should have a proven overriding need and be an alternative provision of an equivalent community benefit to replace the loss of the open space. Whilst it is recognised that only part of the public open space would be lost, there is no proven overriding need for the construction of the new pre-school building. The development would also not be an alternative provision of an equivalent community benefit to replace the loss of part of the public open space, given that there is an existing village hall within the development site that is currently used by Kiddliwinks Pre-school. The principle of the

development would therefore be contrary to Policy ENV23 of the Maidstone Borough-Wide Local Plan 2000.

- 5.8.2 Whilst it is noted that the proposed building is sited partly on an area of spoil and scrub land adjacent to the southeastern corner of the existing car parking area of the village hall, PPG2 attaches great importance to preventing urban sprawl by keeping the land permanently open in Metropolitan Green Belts. Green Belts are of paramount importance and Central Government advice given in PPG2 states that the quality of the landscape within the Metropolitan Green is not relevant to its continued protection.
- 5.8.3 The proposed development would result in the loss of 2 trees with the replanting of 2 replacement birch trees and the retention of the belt of woodland at the east site boundary adjacent to the railway line. The Landscape Officer has no objections to the proposal but considers that an Arboricultural Implication Assessment is needed to ensure that no damage to the retained trees at the east site boundary would occur..

5.9 Parking

- 5.9.1 No additional car parking spaces would be created by the development as it would share the existing parking spaces provided by the village hall. Kent Highways Services considers this acceptable.

5. Conclusion

- 6.1 The Council recognises that there is very strong public support for this application.
- 6.2 However, Members are reminded that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the policies of the Development Plan unless material considerations indicate otherwise.
- 6.3 The material considerations presented by the applicant in terms of social need, the inability of the village hall to accommodate additional sessions to extend the existing operational hours of the Kiddliwinks Pre-school and the poor state of repairs of the village hall would not amount to "very special circumstances" to outweigh the harm caused by the development to the openness of the Metropolitan Green Belt and the surrounding countryside.
- 6.4 The proposal is therefore an inappropriate and unjustified development in the countryside within the Metropolitan Green Belt and would if permitted cause harm to the open character and appearance of the area, contrary to policy SP5 of The South East Plan 2009, policies ENV28, ENV23 and ENV30 of the Maidstone Borough-Wide Local Plan 2000, the provisions given in Planning Policy

Guidance 2: Green Belts and Planning Policy Statement 7: Sustainable Development in Rural Areas.

6.5 The application is therefore recommended for refusal.

6. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal is an inappropriate and unjustified development in the countryside within the Metropolitan Green Belt and would if permitted cause harm to the open character and appearance of the area, contrary to the policy SP5 of The South East Plan 2009, policies ENV28 and ENV30 of the Maidstone Borough-Wide Local Plan 2000 and the provisions given in Planning Policy Guidance 2: Green Belts and Planning Policy Statement 7: Sustainable Development in Rural Areas.