

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**11<sup>th</sup> November 2021**

Application No:	SMD/2021/0461	
Location	Forest School Nursery, Six Oaks Farm RSPB, Apesford Lane, Bradnop	
Proposal	Increase capacity of children by 15no. for one day per week, replacement of bell tent with wooden structure, retrospective replacement of canvas canopy with wooden structure.	
Applicant	Miss Kirsty Nelson	
Agent	None	
Parish/ward	Bradnop	Date registered: 18 <sup>th</sup> August 2021
If you have a question about this report please contact: Chris Johnston email: Christopher.johnston@staffsmoorlands.gov.uk		

## **REFERRAL**

This application has been called to committee at the request of Councillor Malyon so that the impact of a commercial business on a SSSI (Site of Special Scientific Interest) can be assessed.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE WITH CONDITIONS</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is in the open countryside to the south of Bradnop and A523. It is not in the Green Belt. It comprises an open plot or clearing (a former field) within the RSPB Coombes Valley Nature Reserve to the south-east of Apesford Lane, a country road. One of the nature trails runs along the north-west edge of the site. It is immediately to the south of the visitor car park and this provides access to the site. There is a grass strip to the north-west separating the site from Apesford Lane and there are hedgerows along this stretch of road. The other three sides of the site are surrounded by trees and strips of woodland and are flanked by dry-stone walls. There is a "craft building" to the south-west of the site, off the nature trail.

2.2 The site is used as a full-time outdoor children's nursery and there a number of structures within the site associated with its use including a wooden summerhouse with nearby timber toilet shed (both structures surrounded by gravel hardstanding, wooden and felt canopy structure on wooden posts covering an open kitchen area with concrete kitchen units (surrounded by gravel hardstanding), small hard-standing for picnic area with seating and timber cabinets, canvas gazebo, picnic table and play equipment including a plastic yellow slide and tractor tyres.

2.3 The existing car park next to the site at the RSPB Centre is used as the car park for staff and collections, drop-offs and deliveries as well as being used for visitors to the RSPB Centre.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 This is a full planning application which seeks approval to increase the number of children attending the outdoor nursery on one day of the week and for approval of changes to the structures on site.

3.2 Planning permission was granted for the change of use of land to an outdoor children's nursery in June 2020 and this also approved associated structures such as a summer house, kitchen canopy and tents to provide shelter in bad weather. The nursery is currently fully operational. The planning permission has conditions which restricts the number of children attending each day to a maximum of 15 children and 4 staff at any one time and with operating hours of 0830 to 1730 Monday to Friday, in order to prevent traffic problems and protect the residential amenities of the area.

3.3 The application form states there would be an increase in capacity of a further 15 children one day a week and one extra staff (i.e. from 4 to 5no).

3.4 A Planning Statement has been submitted by the applicant which in terms of the proposed increase in capacity for one day of the week, refers to an increase in 10 children rather than 15 and explains the following:

*"We would like to increase this number to include an additional 10 children one day per week in order to provide a Home Education session for older children.*

*Flying High Outdoor Nursery opened in July 2020 and accommodates up to 15 children supervised by up to 4 staff Children are currently dropped off at nursery between 08:00 and 09:00 and are collected between 15:30 and 17:30 Monday to Friday. The nursery is registered with Ofsted who have been to site several times since we opened, they are happy with our offering.*

*Due to increased demand, we propose to increase this number to 25 on one day per week to accommodate Electively Home Educated children. The additional children will be dropped off at 09:00 and collected at 15:00 to reduce congestion in the carpark. A fifth staff member will be required to ensure high levels of health and safety are maintained. This fifth member will commute to site with another team member to keep the number of cars parked all day to 4.*

*To minimise any potential disturbance to neighbours, these additional 10 children will spend much of their day exploring the wider reserve, putting distance between them and neighbouring houses. They will explore the reserve in areas currently accessed by the general public, reducing the ecological impact as much as possible. We will work closely with the staff at the RSPB to monitor our ecological impact and make changes wherever necessary. We will also assist with using various measures if an*

*area becomes worn from our use. For example, we will stop using a footpath if it becomes heavily worn to allow it to recover. We will teach the children to respect the flora and fauna living on the reserve and help them understand the impact of their actions on the area, paying particular note to protecting the SSSI land. We believe these lessons will follow them into adulthood and will help them understand why we need to look after our endangered planet.”*

3.5 The planning application also seeks approval for a proposed timber gazebo-type shelter over an existing hard-standing area used by the children for nursery activities. It also seeks retrospective approval for the replacement of a canvas canopy over the open kitchen area with a more solid timber and felt structure attached to timber posts attached to the breezeblock kitchen units. The Planning Statement from the applicant explains the following:

*Children currently spend most of their days outdoors at nursery and can choose to use the summerhouse whenever they wish. The summerhouse is heated which allows them to warm up and get dry during the winter months. We originally erected a canvas bell tent onsite to create a second sheltered space. Sadly, this tent did not survive the winter and has had to be removed from site. We propose to erect a wooden gazebo-type structure – named “Picnic Shelter” on the plans - in its place, to allow them another space to escape extreme weathers. We plan to house resources such as paints, pens and paper within this structure alongside picnic tables for the children to work.*

*We have replaced the “canopy” over the kitchen area with a wood and felt roof fixed to the breezeblock kitchen. Again, this is a longer-lasting solution where the canopy started to fail.”*

3.6 The 2020 planning permission for the outdoor nursery also approved a “ridge tent” but this was not provided and has been replaced by a smaller simpler canvas gazebo.

3.7 Details of the application including the plans and consultation responses can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=150724>

#### **4. RELEVANT PLANNING HISTORY**

SMD/2019/0547: Outdoor nursery. Withdrawn.

SMD/2020/0149: To erect 2 tents, a shed and summerhouse on currently unused land to be used as an outdoor children’s nursery. Planning permission granted on 12<sup>th</sup> June 2020.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1 Development Principles
- SS10 Other Rural Areas Area Strategy
- SS11 Churnet Valley Strategy
- DC1 Design Considerations
- C1 Creating Sustainable Communities
- E1 New Employment Development
- NE1 Biodiversity & Geological Resources
- T1 Development & Sustainable Transport

National Planning Policy Framework (NPPF) Revised July 2021

5.3 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 4: Decision making
- 6: Building and strong competitive economy
- 8: Promoting healthy and safe communities
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

## 6. CONSULTATIONS

<b>Neighbour letters</b>	Expiry date for comments: 12/10/2021
<b>Site Notice Posted</b>	21/09/2021
<b>Press Notice</b>	N/A

### Public response to consultation

6.1 Letters of objection have been received from two nearby households on Apesford Lane and from a resident of Cheddleton. The points raised are as follows:

- There is significant existing noise from children, staff and cars associated with the current nursery use which will be increased affecting residential amenity/living conditions of nearby residents and also the peaceful nature of the area and visitor attraction.
- The proposal would increase the number of cars using the narrow lane and unsafe access to the detriment of highway safety.
- Concerns regarding the supervision of the additional children.
- Increased harm to important wildlife site.

- The proposed picnic shelter location will concentrate noise closer to nearby dwellings and it is not enclosed.
- The structures on the site and red bins used by the nursery are visible and unattractive.
- The external lighting left on in the hours of darkness causes light pollution.

6.2 Letters of support have been received from three people who have children attending the nursery.

### **Parish Council**

6.3 Bradnop PC neither support or object to the proposal and comment as follows:

*“Whilst it is highly beneficial for all children to enjoy outdoor education/ play in the countryside environment , we need to make sure that this proposed does not have a detrimental impact on the quality of life of the residents of our Parish who live within the immediate vicinity to this existing business. As we all know this is an area of outstanding beauty , especially renowned for its nature reserve an area with peace and tranquillity , one that we should preserve not destroy. Issues have been raised about increase in noise levels and the increase in the volume of traffic along Apesford Road . The Nursery , as we know are asking for another 10 places to be added to existing numbers , it is worrying that these increases will add to the above levels. We wish for our points raised to be taken into consideration.”*

### **Local Highways Authority (Staffordshire County Council)**

6.4 No objection. SCC Highways comments as follows in its consultation response:

*“Current records show that there were not any Personal Injury Collisions on Apesford Lane within 215m either side of the property accesses for the previous five years.*

*Application title is to increase numbers by 15 children on one day a week. Being a nursery, children will be brought to the site anytime from the opening time. It is unlikely that all children will arrive at the same time. An additional 15 children over an hour for example would equate to an average of 1 vehicle every 4 minutes inbound and the same outbound.*

*Apesford Lane is a rural lane and varies between single track and being wide enough to just about accommodate vehicles passing each other on the carriageway. There are multiple passing places. Use of Apesford Lane is not unsafe or inconvenient for drivers passing. At the access, visibility to the north extends to the bend. It is restricted to the south by vegetation but forward visibility for drivers on Apesford Lane is good. It is the existing access to the existing Coombes Valley reserve and the existing nursery. It is in current and regular use.*

*Current records show that there were not any Personal Injury Collisions on Apesford Lane within 215m either side of the site access for the previous five years. The*

*access itself and Apesford Lane approaches are safe and reasonable for all. The proposal could not be described as having a severe effect on the highway.”*

## **SMDC Environmental Health Section**

6.5 No objection subject to conditions to restrict opening hours for the nursery at increased capacity to those specified in the application, restriction on hours of “construction works” and a condition to restrict any further lighting. The Section comments as follows in its consultation response:

*“The proposed development is close to existing properties so care needs to be taken during the construction and operation phase to ensure these activities do not cause unreasonably disruption to the neighbour’s enjoyment of their properties. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.”*

## **Severn Trent Water**

6.6 No objection.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

7.1 The main issues relate to:

- The impact on the residential amenities of nearby residential properties by virtue of the increased number of children at the nursery site one day per week.
- The impact on the level of highway safety of Apesford Lane by virtue of the increased numbers of vehicle movements to and from the site when the nursery is operating at an increased capacity one day per week.
- The impact on the character and appearance of area caused by the existing unauthorised kitchen area roof and proposed shelter for the existing “picnic area”.

### **The principle of the development**

7.1 The application has been determined on the basis that the capacity would be increased by 15no children one day a week and the consultation responses are based on this number.

7.2 The expansion or further development of an existing community facility or business in the countryside is not unacceptable against the policies of the Local Plan, including the strategy for the countryside (Policy SS10) providing this would not significantly harm the character and amenities of the area, lead to significant additional traffic, be detrimental to highway safety or harm wildlife/biodiversity. The proposal is in connection with improving an existing business or existing community

facility in the rural areas of the District and is therefore considered to be in line with the key aims of the Local Plan.

### **The impact on residential amenity**

7.3 In determining the previous application for the change of use of the site to an outdoor nursery, the Environmental Health Section did not raise any significant concerns over the impact on nearby neighbours by way of noise, subject to conditions which included restricting the hours of operation of 0830 to 1730 Monday to Friday which therefore excludes more sensitive times such as evenings and weekends when local residents are more likely to be present at their properties and affected by noise, particularly in conjunction with the use of the wider visitor attraction which would normally be busier at weekends including increased visits by families with children. The use of the RSPB site is for quiet enjoyment and although families with children would create more noise, this is less likely to occur on weekdays during the day when the nursery is operating due to normal school hours of attendance, therefore largely avoiding cumulative noise from nursery attendees and visitors to the RSPB site.

7.4 It is not considered that the increased number of children at the nursery site for one day per week and at the more restricted hours of 0900 to 1500 would lead to any significant additional noise and disturbance for any considerable continual length of time to the extent that the overall residential amenities/living conditions of local residents would be materially harmed. Noise is also created by vehicles arriving and leaving the nursery site including from engines and the slamming of car doors. However, the differing hours of operation for the use by the additional children would avoid an increased number of cars arriving and leaving the car park at the same times which causes a greater accumulation of noise. As pointed out in the report for the previous change of use application, the nature of the nursery operation is such that drop-offs and pick-ups of children fluctuate unlike schools where large numbers of vehicles arrive at the same times in the morning and at afternoon collection.

7.5 The Environmental Health Section do not object to this new application and a condition can be added restricting the operation of the nursery site at increased capacity to the restricted hours specified i.e. 0900 to 1500 one day per week.

7.6 Furthermore, the Section points out that any significant noise and disturbance creation can be controlled via separate Environmental Health legislation and powers. Overall therefore, it is not considered that a refusal on the grounds of neighbour amenity could be sustained and that the proposal complies with Policy DC1 in this regard.

### **The impact on highway safety**

7.7 Similarly due to some of the factors mentioned above, including the more restricted hours of increased capacity one day a week, the staggered nature of children drop-offs and collections and the operation of the nursery at times when the RSPB visitor centre is less likely to be busy (i.e. outside of weekends), it is not

considered there would be such an increased number of vehicle movements that the level of highway safety on Apesford Lane would be compromised.

7.8 The Local Highways Authority does not object to the application and comments that although the road is narrow in parts there are suitable areas for two cars to pass at the same time and that the access to the RSPB and car park used by the nursery is safe. In relation to the number of overall visitors to the RSPB site, the increase in vehicle movements as a result of this application is insignificant and would not be detrimental to highway safety overall.

### **The impact on the character and appearance of the area by virtue of the changes to the structures applied for**

7.9 The site is very well screened within the RSPB site by trees and is also well screened from the road by hedges. Outside of the site, the structures are only visible from the adjacent car park to the north-east. Although it may be possible to view the site from the nearest residential properties to the north and north-east, the structures are not harmfully prominent including from when viewed from the adjacent car park. The recently installed kitchen area shelter has an appropriate height and size and a simple form and materials. The proposed shelter for the “picnic area” would replace a previously approved bell tent and would also have a limited height of 2.0 metres and simple form and materials. The existing kitchen shelter is not harming the character and appearance of the area and proposed picnic area shelter would also not harm the character and appearance of the area despite being larger. Although the details of the finishing materials are not specified, a condition can be added requiring this information to be submitted and approved before the structure is put into place. Accordingly the proposal complies with Policy DC1 in terms of design.

### **Ecological/Biodiversity Impact**

7.10 There are ecologically sensitive areas and significant wildlife at the Nature Reserve and part of the land to the south and east of the application site is within a Site of Special Scientific Interest (SSSI). However, the actual site itself and car park is not within the SSSI or within any other local or national biodiversity designations and is open grass and former scrub clearance outside of the wooded areas. The nursery children would be venturing into the SSSI as part of the nursery educational activities although much larger numbers of people venture into this area when visiting the nature reserve along the paths and walking routes. Staffordshire Wildlife Trust was consulted on the original application in 2019 (which was eventually withdrawn) and did not object to the proposal, considering it unlikely that the proposed outdoor nursery would give rise to any significant ecological impacts. Although no comments have been received on this application, it is not considered that there is any reason to draw a different conclusion in this regard and it is not considered that the increase in number of children one day a week at the nursery or the two structures applied for, which are not fixed to the ground or involve foundations, would lead to any significant further impact on the SSSI or the general wider ecological value of the area. As such the proposal is in accordance with policy NE1 of the local plan which seeks to protect biodiversity and ecology.

## **Other Matters**

7.11 A number of letters of objection have been received including from nearby residents and there are also concerns raised by the Parish Council. The main concerns relate to noise, traffic and highway safety. It is considered that the report addresses each of those concerns. With regard to other points raised, there was a concerns regarding the supervision of the additional children. However, this is not a material planning consideration and relates to different controls and legislation. Another concern was that the proposed picnic shelter location would concentrate noise closer to nearby dwellings as it is not enclosed. However, this area is already in use by the children as an activities area. If anything, the addition of the proposed shelter could help to abate further noise. Finally, with regard to the lighting being left on in hours of darkness, a condition was added to the planning permission for the nursery to restrict external lighting to between 0730 and 1800. It is not considered these hours are excessive for the purposes of external lighting needed for the nursery to operate safely (only really required for a limited amount of time in the mornings and evenings in the Winter months) and the condition would still apply and be enforceable even if this new application was approved.

## **Planning Balance & Conclusions**

7.12 The proposal would improve an existing children's nursery facility and business without causing significant additional harm to the visual or residential amenities of the area or being detrimental to highway safety or leading to any other environmental harms including harm to the ecological values of the area. The proposal therefore complies with the Council's Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF).

## **8. RECOMMENDATION**

**A That planning permission be APPROVED subject to the following conditions:**

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

**Reason:-**

**To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development hereby permitted shall be carried out and maintained in accordance with the following approved plans:**

**Location Plan**

**Site Plan**

**Kitchen Shelter**

**Picnic Bench Shelter**

**Picnic Bench Shelter Elevations**

**Reason:-**

For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The Picnic Bench Shelter shall be added in accordance with details of finishing materials, in terms of their type, colour and texture, to be submitted to and approved in writing by the local planning authority.

Reason:-

In the interests of the character and appearance of the area.

4. The application site shall only be occupied by more than 15 children and 4 members of staff at any one time on one day of the week and only between the hours of 0900 to 1500 and shall not at any time be occupied by more than 30 children and 5 members of staff at any one time.

Reason:-

In the interests of the character and amenities of the area and to prevent significant traffic generation in an unsustainable location.

5. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason:-

To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

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### **Informatives**

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF
2. The applicant is reminded that the above conditions do not replace those attached to the planning permission SMD/2020/0149 and that these conditions will remain in force and still apply to the outdoor nursery development on site.

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued,**

the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

