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**FIRTHMOOR AND DISTRICT COMMUNITY ASSOCIATION  
PROPOSED NURSERY GARDEN**

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**Responsible Cabinet Member(s) - Councillor Don Bristow,  
Resource Management Portfolio**

**Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To seek authority to grant a lease of an unused part of Firthmoor Primary School's Playing Field to the Firthmoor and District Community Association (FDCA) in order for them to create a garden for Maidendale Community Nursery which is situated in Maidendale House, the Community Centre.

**Information and Analysis**

**Background**

2. FDCA took a lease of land from the Council in 2003 to build a new Community Centre and demolish the former dilapidated Centre. The new building, Maidendale House, was duly completed and now houses a range of community activities including a neighbourhood nursery (Maidendale Community Nursery) which is a 52 place (full time equivalent) full day care provider offering child care for children from 6 weeks old to 4½ years. The Nursery works in partnership with the School's Nursery Unit to offer Early Years' Education with "wraparound" child care for 3 and 4 year olds.
3. At present the Community Nursery only has access to a tarmac strip behind the Community Centre and, as appropriate outdoor play provision is essential for a child's development, the FDCA has requested that they be granted a lease of the unused part of the school's playing field, shown hatched on the **attached plan** in order to create a garden and play area for the Nursery.
4. The FDCA has a service level agreement with the Council to run the Community Nursery until 31 March 2009 and accordingly a lease of approximately three years is proposed to tie in with this.

**Planning**

5. The area of land forms part of the open space provision at the school and is located to the northern edge of the existing marked out playing pitch. The garden nursery will be a facility available to both the Community Centre and the existing school. Since the proposed garden area will not prejudice the use of the playing pitch, including the run off areas around the perimeter of the pitch, the use is one which is considered to be ancillary to the

use of the school and Community Centre and no material change of use will occur for which planning permission is required. No planning permission is required for the security fencing provided it remains under 2m in height.

### **Valuation Comment**

6. As the FDCA is to create the garden/play area and carry out any necessary fencing, with the school retaining a right to use the facility for younger primary school children, it is not considered appropriate to charge a rent for the use of the land.

### **Outcome of Consultation**

7. The internal consultation process has raised no objections in principle to the proposal. The school supports the proposal.

### **Asset Management**

8. The lease of part of the school playing field to the FDCA is not considered to have any strategic impact upon the school or the Council's landholding.

### **Legal Implications**

9. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

10. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

11. The issues contained within this report do not represent change to Council policy or the Council's policy framework

### **Decision Deadline**

12. For the purpose of the 'call-in' procedure this does not represent an urgent matter

## **Recommendation**

13. It is recommended that :-

- (a) A lease of part of the Firthmoor School playing field for the proposed nursery garden/play area outlined in the report be authorised on the terms detailed in this report;
- (b) The Borough Solicitor be authorised to complete all necessary documentation.

## **Reasons**

14. The recommendations are supported by the following reasons :-

- (a) To allow the Community Nursery to have access to a suitable play area for children attending the Nursery, and
- (b) To provide a suitable play area for younger primary school children.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

No background papers were used in the preparation of this report.

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