

Item B. 2	06/00758/FUL	Permit Full Planning Permission
Case Officer	Mrs Nicola Hopkins	
Ward	Clayton-le-Woods North	
Proposal	Single storey extensions to the front and the rear, porch to the side and a replacement boundary fence	
Location	Little Acorns Nursery 34 Sheep Hill Lane Clayton-Le-Woods ChorleyPR6 7JH	
Applicant	Little Acorns Day Nursery	
Proposal	<p>The site comprises a two-storey property containing Little Acorns Nursery. The proposal is for the erection of a single storey extension to the south of the building to be used as a playroom, a single storey extension attached to the north of the building to be used as a baby room and a single storey porch to the front of the building.</p> <p>The playroom attached to the south of the building measures 9.77 metres by 3.48 metres. The baby room attached to the north of the building measures 5.5 metres by 6.18 metres. The porch measures 1.9 metres by 1.2 metres.</p> <p>The proposal also includes replacing the existing fence to the south of the site adjacent to the boundary with Sheep Hill Lane and Wood End Road with a wall. The existing fence to the north of the site adjacent to the northern play area will be replaced with a new perimeter fence.</p> <p>The new wall will match the existing wall and measure 1.65 metres high with 1.85 metre high piers. The replacement fence will be double skinned with a solid inner leaf and an outer leaf with two layers of staggered boards.</p> <p>The proposal would enable the nursery to accommodate an increase in the number of children from 42 to 55, which subsequently leads to an increase in the number of staff from 12 to 15.</p>	
Planning Policy	GN5- Building Design and Retaining Existing Landscape Features and Natural Habitats EP20- Noise TR4- Highway Development Control Criteria PS4- Pre-school playgroups and day nurseries. Policy 7- Parking- Joint Lancashire Structure Plan. Access and Parking SPG	
Planning History	93/00724/FUL- Erection of 3 detached dwellings. Permitted December 1993. 94/00415/FUL- Amendment to house type, plot 3. Permitted July 1994.	

94/00739/FUL- Erection of a two-storey building for use as a day nursery. Refused for the following reason:

'The proposed development would be detrimental to the amenities which the occupiers of neighbouring property, in particular the future occupants of the dwelling on the adjacent plot, could reasonably expect to enjoy by reason of noise and disturbance resulting from traffic generation and outdoor play.'

The applicant appealed this decision, the appeal was dismissed.

95/00201/FUL- Erection of a two-storey building for use as a day nursery school. Refused for the following reason:

'The proposed development would be detrimental to the amenities which the occupiers of neighbouring property could reasonably expect to enjoy by reason of noise and disturbance resulting from the parking and manoeuvring of vehicles on Sheephill Lane.'

The applicant appealed this decision and the appeal was allowed.

01/00908/FUL- Modification of condition 3 of planning permission 9/95/00201/FUL (Planning Inspectorate reference T/APP/D2320/A/96/262790/P8) to state "no more than 42 children shall be in attendance at the nursery at any one time." Permitted March 2002.

05/01168/FUL- Erection of single storey extensions to the front and rear and single storey porch to side. Refused at Development Control Committee for the following reason:

'The proposed development would result in increased noise and disturbance within a residential area and this would be to the detriment of residential amenities which would be contrary to policy EP20 of the Adopted Chorley Borough Local Plan Review.'

Applicants Case

A supporting planning statement has been submitted with the application raising the following points:

- The nursery provides for the needs of all pre-school children.
- The Government's Ten Year Strategy for Childcare has made a commitment to extend the entitlement for free pre-school education to 38 weeks of the year from 2008 and to increase the number of hours paid for by Government to 15 hours per week by 2010 commencing in 2007. This represents a 38% increase in attendance time for pre-school children.
- A list of signatures from parents who use the nursery has been submitted as a petition in support of this application.
- Measures have been taken to attenuate noise from the site and information has been submitted to enable a more accurate picture of the activities at the nursery to be assessed.
- The arrival time in the morning runs from 7.45am to 9.30am with a peak at 8.30am. Departures run from 3.30pm to 5.30pm with a peak at 5pm. Not all children arrive by car and the number of children arriving does not necessarily equate to the number of vehicles visiting the site.

- Traffic noise and parking issues are often associated with primary schools where parents and children arrive and leave at specific times. This is not generally the case with private nursery schools.
- Staff carefully monitors outdoor play activity at the site. The children have three periods of outdoor play, which is staggered throughout the day for each age group. As such, there are only small numbers of children playing out at any one time.
- The proposed boundary wall and new double leaf fence will help to retain noise within the site. In respect of noise levels, the site is adjacent to Clayton Green Road, which is a main route and is well used. As a result the background noise levels during the daytime are relatively high.
- None of the residential properties in the vicinity of the nursery immediately about the site except for 40 Sheep Hill Lane which is separated from the main nursery by a car park and garage
- Noise from the increase in number of children as the nursery experienced by local residents near the site will be insignificant and the new fencing and walling will more than offset any increase in noise levels from the site.
- When most people are at home and want to enjoy their gardens the nursery is closed and there is no activity except for occasional maintenance work.
- We do not consider that the increase in children together with the noise attenuation measures will significantly increase the levels of noise and disturbance at the site.

Representations

Clayton le Woods Parish Council objects to the proposal on the following grounds:

3 letters of objection have been received from the neighbouring residents raising the following points:

- The application is the same as the previous submission with only fencing and walling proposed, this will in no way overcome the problems of noise and disturbance.
- When originally granted on appeal the number of children was restricted to 30, this has been subsequently raised to 42 with the associated added disturbance. The current proposal will raise it again to 55 with yet more associated disturbance contrary to the second Inspectors decision.
- This type of use is incompatible with the wholly residential area.
- There have been a number of near miss collisions in the vicinity of the nursery.
- The names and addresses on the petition are existing users of the nursery and so unsurprisingly offer support.
- Monitoring of children at play will not limit the noise.
- Homes and gardens of neighbouring residential properties are used all day and therefore suffer from disturbance generated between 9 and 5.

- The car park was prescribed to accommodate traffic generated by 30 children and not 55, it cannot cope with this increase and off-site parking would cause unacceptable hazards.
- The siting of the extensions would bring the noise and disturbance much closer to residential properties.

Consultations

Head of Environmental Services - no comment.

LCC (Highways) – No objection.

Assessment

The business is located on a triangular plot bordered by three roads frontages, Wood End Road, Clayton Green Road and Sheep Hill Lane. The proposal incorporates two single storey extensions to the existing property to enable the business to accommodate an increased number of children and a porch extension. Noise attenuation measures in the form of a wall and fence are also proposed at the building.

The main issues to consider are the impact of the proposal on the highway and the neighbouring residents. The use of the site for a nursery was allowed on appeal in May 1996 following the refusal of planning permission (9/95/00210/FUL) in September 1995. A condition was attached to this approval stating that no more than 30 children shall be in attendance at the nursery at any one time. In March 2002 planning permission was granted (9/01/00908/FUL) for a modification of this permission to allow 42 children to attend the nursery.

Members will recall in February this year resolving to refuse planning permission (05/01168/FUL) for a similar application at the site due to the impact on the neighbours from noise and disturbance. This application incorporates the same extensions as that previous application but also incorporates noise attenuation measures in the form of a wall and fencing.

The site incorporates off street parking for approximately 11 vehicles and manoeuvring areas. The increase in the number of children and staff at the nursery would lead to an increase in traffic to and from the business with no additional parking being provided. Lancashire County Council's Traffic Engineer considered that the increase in traffic would not cause problems at the junction with Clayton Green Road or with parking on Clayton Green Road.

The road is a relatively short cul de sac with no particular traffic concerns coupled with the fact that nursery start and finish times are variable and well spread out which does not give rise to large vehicle movements at any one time. Also parking on the site is sufficient for the numbers of staff and parking standards are a maximum not a minimum. Therefore there is no requirement to increase the number of off street parking spaces. The proposal is considered to be acceptable in terms of Policy 7, Parking, of the Joint Lancashire Structure Plan 2005-2016 and the Access and Parking Supplementary Planning Guidance.

The proposed porch extension incorporates a small single storey extension at the front of the property. This extension will not impact on the level of parking at the nursery or the character of

the nursery and is considered to be acceptable.

The proposed baby room will be attached to the north of the property at the corner with Clayton Green Road and Sheep Hill Lane. The nearest residential properties to this extension are on the opposite side of Clayton Green Road. A 1.8 metre high double faced fence is proposed at the boundary which will act as a screen to both the extension and the noise produced in the play area. Due to the distance of the nearest residential properties, the fact that a road separates that residential properties and the nursery and the noise attenuation measures proposed the proposed extension will not impact on the amenities of the neighbours.

The proposed playroom extension will be attached to the south of the building at the Sheephill Lane junction. This extension will be located approximately 24 metres from the nearest residential property on Sheephill Lane. A new wall is proposed at the road boundary, which will act as a screen to the proposed extension. The extension is proposed adjacent to a play area. This play area was not detailed on the original permission (95/00201/FUL) however this area does not require planning permission, as it is part of the planning unit. Due to the distance retained between the extension and the nearest residential properties and the fact that a boundary wall is proposed to screen the proposal and act as a noise attenuation measure the proposal will not impact on the amenities of the neighbours through noise or disturbance.

The submitted plans incorporate an additional outdoor play area to the south of the building next to the proposed playroom. This is the closest area to the nearest residential properties on Sheep Hill Lane. When the nursery was allowed at the appeal stage the only outdoor play area indicated was located to the north of the site. This area will be retained in this position as part of this application. Planning permission is not required to use this area as a play area as it is part of the nursery's planning unit however the proposed boundary wall will help reduce the level of noise produced within this area in terms of the neighbours' amenities.

The previous application was refused as it was considered that the proposals would detrimentally impact on the neighbours' amenities in terms of noise and disturbance. The noise attenuation measures proposed as part of this application reduce the impact of noise on the neighbours. It is considered that the additional boundary treatments address the noise and disturbance concerns raised in respect of the previous planning application.

The proposals will not detrimentally impact on the neighbours amenities or highway safety in the area and as such the proposal complies with Policies GN5, EP20, PS4 and TR4 of the Adopted Chorley Borough Local Plan Review and Policy 7 of the Joint Lancashire Structure Plan.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. All external facing materials shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

3. Before the commencement of the development a Travel Plan in connection with the business shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include data on travel origins and behaviour, measures, supported by staff, that will enhance accessibility by non-car modes, short and medium term targets for different modes, a scheme of monitoring and enforcement measures if targets are not met. The measures identified shall be implemented within a period of two years from the commencement of the development.

Reason: To reduce the need for car travel and to promote alternative modes of transport, In accordance with Policy 7 of the Joint Lancashire Structure Plan.
