

**Item 4c**                    **14/00031/FUL**

**Case Officer**            **Caron Taylor**

**Ward**                      **Euxton North**

**Proposal**                **Application for a change of use of Unit 32 from business unit (B1 use) to children's day nursery (D1 use) including provision of mezzanine floor and associated outdoor play area**

**Location**                **Kemtex Educational Supplies Unit 32 Chorley Business And Technology Centre East Terrace Euxton**

**Applicant**               **Mr Julian Hindle**

**Consultation expiry: 25 February 2014**

**Application expiry: 17 March 2014**

**Proposal**

1. Application for a change of use of Unit 32 from business unit (B1 use) to children's day nursery (D1 use) including provision of mezzanine floor and associated outdoor play area.

**Recommendation**

2. It is recommended that this application is approved.

**Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Traffic and Transport

**Representations**

4. Three letters of objection have been received on the following grounds:
  - The loss of privacy is seriously impacted and they will be overlooked;
  - There will be noise and disturbance as a result of the associated outdoor play area;
  - The parking facilities for businesses on East Terrace have already reached exhaustive levels. From Monday to Friday, cars can be seen parking on the pavement on East Terrace, sometimes up to 7 or 8 vehicles. This has created a major headache for vehicles turning right out of Milestone Meadow. With the addition of more vehicles going to the expanded Children's Day Nursery (particularly in the mornings), this will have even more of an impact on traffic flow. As for turning right onto Euxton Lane from East Terrace, this is an accident waiting to happen;
  - On the assumption that trees will be removed from the proposed play area, this will create more loss of privacy and possible increase of noise from the railway, which at present is dampened by the presence of the trees. A storage unit is not a suitable building for a nursery;
  - There are substantial developments already in the local area, therefore there must be more appropriate buildings available;
  - The loss of parking spaces will exacerbate an already oversaturated parking problem in the area;
  - The increase of traffic created by parents and staff will cause more sound and air pollution, as well as causing a safety issue for pedestrians.

- They already suffer a land drainage problem in their rear garden, so any new hard-standing to the play area may well increase this problem;
- Food and nappy waste will presumably be disposed of in bins/skips on the site. This may smell and attract vermin, especially in warm weather, and possibly create a health hazard;
- There is already noise from the children playing out and their garden is unusable in good weather, especially due to pollution from heavy smokers.

## Consultations

### 5. Chorley Planning Policy

This proposal is for a change of use of the existing unit from industrial unit (B1) to children's day nursery (D1), including provision of mezzanine floor and associated outdoor play area. The industrial unit is located at Chorley Business and Technology Centre, south of Buckshaw Village and within the settlement of Euxton. The proposals aim to provide an extension/expansion of the existing nursery business/facility that currently operates in the adjacent building (Building B2) and was granted permission in December 2012 (12/00721/FUL).

6. The National Planning Policy Framework paragraph 19 states that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.

7. The Council aims to retain employment sites to support sustainable economic growth. This proposal would result in the loss of employment premises and so Core Strategy Policy 10: Employment Premises and Sites applies. Policy 10 states that existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use.

8. The Chorley Business and Technology Centre is a Good Urban site as identified in the Central Lancashire Employment Land Review. Consideration will only be given to alternative uses on this site where an applicant has clearly demonstrated that the criteria in Policy 10 have been met in full. These are as follows:

**(a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;**

This site is classified as a 'Good Urban' and therefore the potential for all employment uses for a site should be considered before a planning application is made for any non-employment use. Evidence such as that provided by the marketing requirements set out under criteria (g) of Core Strategy Policy 10 is required to determine whether the reduction of the type, quality or quantity of employment land would be acceptable. It is noted that the unit is currently in use for B1 light industrial purposes although the current tenant intends to move out shortly. No information has been provided by the applicant to prove that any marketing of the property for 'B' use class employment has taken place.

**(b) the provision and need for the proposed use;**

The applicant states that enquiries for places continue to be received on a daily basis. This demonstrates a need in this location to provide sufficient nursery places to meet demand.

**(c) the relative suitability of the site for employment and for the alternative use;**

The unit is a purpose built office building set within the context of an established business park. It is assumed that the applicant considers that the unit can be made suitable for the proposed use. However, the building is not currently vacant and is in use for B1 light industrial purposes; this is considered the most suitable use.

It is noted that the building would be altered by the proposal which may affect the likelihood of it returning to employment use in the future.

**(d) the location of the site and its relationship to other uses;**

The site is in a sustainable location within close proximity to bus routes and pedestrian/cycle facilities and the proposed use would not adversely impact upon the amenity of the surrounding land uses

Chorley Business and Technology Centre are identified as a Good Urban site in the Central Lancashire Employment Land Review. It should be considered whether the cumulative impact of this proposal, alongside previously approved applications for the change of use of units to non-'B' use class employment, would impact negatively on a site identified for 'B' use class employment uses.

**(e) whether the ability to accommodate smaller scale requirements would be compromised;**

Chorley Business and Technology Centre provides office accommodation at a range of sizes and the nature of the buildings is such is that they can be subdivided if necessary. The ability to accommodate smaller scale requirements would not be compromised.

**(f) there would be a net improvement in amenity.**

This site is classified as a 'good urban' and therefore the potential for all employment uses for a site should be considered before a planning application is made for any non-employment use. Given that the building is currently in B1 use it is considered appropriate to retain the premises for this existing 'B' use class employment use until sufficient marketing has taken place.

**9. Lancashire County Council (Highways)**

The proposal would require a total of 13 car parking spaces including 1 mobility space. In addition, secure and covered areas will be required for storage and parking of 3 bicycles and a motorbike. A drop off/pick-up area is also required to be provided. The applicant indicated on the application form that 19 parking spaces will be provided. Of this number, only 15 spaces have been shown on the submitted proposed plans. However, careful study of the plans shows that only 3 car parking spaces can realistically be provided within the application site shown within the red edging. The rest seems to be existing parking spaces that are already associated with other uses of the wider site.

10. The shortfall in the applicant's parking provision is immensely high considering that there are existing parking problems at the Chorley Business and Technology Centre which often lead to vehicles parking on-street at un-authorised areas in and around the Centre. If adequate parking is not provided as part of the proposed change of use, the parking problems would exacerbate and lead to unsatisfactory highway conditions in the area, a situation the County Council would find unacceptable. The applicant's low level of parking provision does not accord with the Chorley Council Parking Standard and as such contrary to Policy ST4 of the Chorley Local Plan. Unless adequate on-site parking and drop off/pickup areas can be provided, it is recommended that you resist approval of the application.

**Applicant's Case**

11. The proposal is for the extension/expansion of the existing nursery business/facility (Little Explorers Nursery/Pre-school) that currently operates in the adjacent building (Building B2).
12. The demand for Childcare places within Nursery settings in the area is extremely high. Since opening in April 2013, over 100 children have been registered for places at Little Explorers Nursery / Pre-school. Enquiries for places continue to be received on a daily basis which clearly demonstrates a need in this geographic location to provide sufficient places within a regulated childcare setting to meet the needs of the growing Buckshaw Village community.
13. The proposed change of use an adaptation of Unit 32 will provide additional accommodation for the existing nursery/pre-school to accommodate children 3 – 5 years, which in turn will allow re-organising of the existing facilities in Building B2 to allow expansion for the intake of children 2 years and younger. The proposed expansion will provide for an additional 87 (approx.) child places and generate employment for approximately 12 full time equivalent staff.

14. In association with the increased nursery accommodation an extension of the existing outdoor play area facilities will provide a secure link/connection between the two buildings whilst also providing additional secure outdoor play area facilities. Existing parking spaces to the front of the building will be retained for pickup/drop off provision, with the existing overspill car parking area to the east of the site expanded.

## **Assessment**

### Background Information

15. The existing nursery is operated from Building B2 and was permitted in 2012 by planning permission reference 12/00721/FUL. There were then two subsequent retrospective permissions, one for the erection of timber decking and 1.8m high close boarded panel fence to create an enclosed outdoor play area (ref: 13/00272/FUL) and one for the extension of timber decking and 1.8m high close boarded panel fence (ref: 13/00771/FUL).

### Principle of the development

16. The building is situated in the northwest corner of Chorley Business and Technology Centre. It is the end unit of a row of three and faces the existing unit used as a nursery.
17. Policy 10: Employment Premises and Sites of the Core Strategy applies which seeks to retain employment sites to support sustainable economic growth. The proposal would result in the loss of employment premises, so the criteria of the policy should be met if it is to go to a non-employment use. It is assessed against these as follows:

**(a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;**

Although no information has been provided by the applicant to prove that any marketing of the property for 'B' use (business, general industrial, storage or distribution) class employment has taken place the nature of the business proposed has to be considered. Although the proposed use is a children's nursery which does not fall within the B use class, the nature of the business means that it is staff intensive and will result in the addition of 12 new staff so will provide a level of employment that it is not considered will differ significantly from the unit being in a 'B' use.

**(b) the provision and need for the proposed use;**

The applicant states that they are received daily enquiries for places and it is considered they would not be applying to expand if they did not think there would be demand for the nursery placed created.

**(c) the relative suitability of the site for employment and for the alternative use;**

The proposal would involve some alterations for the building, externally this would result in the addition of two windows in the rear (north) elevation and three windows (one of which is high level). Nursery uses are controlled by other regulations outside the planning system and the applicant must consider the unit can be adapted for the use.

**(d) the location of the site and its relationship to other uses;**

Although in a business park setting, the pedestrian footway from Euxton Lane was extended to serve the Building B2 when this was permitted as a nursery in 2012 and it is considered it is in sustainable location.

**(e) whether the ability to accommodate smaller scale requirements would be compromised;**

It is not considered the proposal would reduce the ability to accommodate smaller scale requirements as there are a wide range of unit sizes on the site and the proposal would not change the size of the unit it relates to.

**(f) there would be a net improvement in amenity.**

This is covered in impact on neighbours below.

18. Overall it is considered that although the nursery use is not a 'B' class use, the proposal is in line with the spirit of Policy 10 that seeks to retain employment uses as the use is staff intensive

and so will result in similar if not more jobs than if the unit was retained in the existing B1 (light industry) use.

19. The National Planning Policy Framework (the Framework) states that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.
20. Considering that the proposal will create jobs and the weight the Framework gives to supported economic growth the proposal is therefore considered acceptable in principle.

#### Impact on the neighbours

21. One of the main considerations is the impact of the proposal on the neighbouring properties to the west of the site on Mile Stone Meadow. The proposed hours of operation are 7am to 6.30pm Monday to Saturday with the nursery being closed on Sundays and bank holidays.
22. It is accepted that there will be some noise from the children using the proposed play area, however it is not unusual for such uses to be located adjacent to residential properties. There are nursery and school play areas located adjacent to residential properties across the Borough and the level of noise this results in is considered acceptable subject to an hours of operation condition.
23. In terms of privacy the play area will be separated from the residential properties by an existing close boarded fence which is at least 1.8m high. A second fence will be erected approximately 1m in from the boundary with the properties on Mile Stone Meadow that will form the extent of play area. The existing and proposed fencing will also provide screening between the new ground floor windows proposed in the west elevation and these properties. It is not therefore considered that the proposal will have an unacceptable on neighbour amenity.

#### Design

24. As stated above, the proposal would involve some external alterations to the building in the form of two windows in the rear (north) elevation and three windows (one of which is high level) in the side (west) elevation. The creation of the play area will be down the side of the unit and will join up with the existing play area. This will not be highly visible from within the site, being at the end of a 'cul-de-sac' within the business park. The building will retain the form of an industrial unit and its design is considered acceptable.

#### Trees and Landscape

25. There are a number of trees on the site, on the north and west boundaries. The application does not propose to remove any trees. The trees on the west boundary would be positioned between the existing and new fences while the trees to the north would be within the play area. The trees are all multi-stemmed and it is not considered that they would warrant a Tree Preservation Order.
26. Comments regarding the trees dampening noise from the railway are noted, however even if the trees to the north within the site were removed, there would still be an embankment to the north of the site, outside the red edge, with trees on between the site and the railway line.

#### Traffic and Transport

27. At the present time there are drop off parking spaces to the front (south) of the existing unit used as a nursery (Building 32) and parking spaces to the rear. The unit proposed to be converted has three parking spaces outside it.
28. As a result of the proposal one space would be lost from the rear of the existing nursery building and two spaces from the front of the building the subject of this application, as they would be incorporated into the play area for the nursery.
29. There are parking issues associated with the site, however it is important to note there are two separate sites within what appears to lay person as one and the same site; Chorley Business

and Technology Centre makes up the rear part of the site, and East Terraced Business Park is at the front of the site nearest to Euxton Lane. The existing and proposed nursery buildings are within Chorley Business and Technology Centre.

30. Cars parked on East Terrace are largely overflows from East Terrace Business Park. It should however be noted that planning permission was granted in October 2013 for the construction of a grass overflow car parking area for the Business Park which should alleviate this problem (ref: 13/00882/FUL).
31. Chorley Business and Technology Centre have a large car park to the rear of the site adjacent to the railway line and although some of the units have small areas of parking, most vehicles to the site use this car park. The nursery will continue to have drop off parking facilities adjacent to it for parents dropping off children and it is considered that this is acceptable as not all children will arrive at the same time. The proposal will result in the nursery employing an additional 12 staff and this will therefore result in an increased demand for parking. The application is accompanied by layout plans of the existing large car park. It is proposed to reconfigure the spaces on this car park which would allow an extra 21 spaces to be created. A plan has been provided showing how this will be done. Parking is therefore considered acceptable subject to a condition requiring the car park to be reconfigured to create the additional spaces (this can be conditioned as it is within the blue edge of the application).

#### Other issues

32. Comments regarding nuisance caused to neighbours by people smoking while stood in the play area are noted, however it is not considered something that could be controlled as part of this application as people could stand in the same area and smoke whether the building was in use a nursery or not.
33. It has been clarified with the applicant that no decking or hard standing is proposed as part of the proposal and it is not considered the proposal will impact on drainage in neighbouring gardens.
34. Although the nursery building will need waste storage it is not considered it will be a health hazard that will result in smell and vermin for neighbours as this is not something the operators of the nursery would want to happen as it would also therefore affect the children attending the nursery.

#### **Overall Conclusion**

35. The application is recommended for approval subject to conditions.

#### **Planning Policies**

##### National Planning Policies:

The National Planning Policy Framework

##### Joint Core Strategy

Policy 10

##### Emerging Local Plan

Policy ST4

#### **Planning History**

**12/00721/FUL** Change of use from office (B1) to Children's Day Nursery (D1) and construction of a pedestrian footpath extension. Permitted 13<sup>th</sup> December 2012.

**13/00272/FUL** Part retrospective application for the erection of timber decking and 1.8m high close boarded panel fence to create an enclosed outdoor play area for use in connection with children's day nursery (permitted with the application 12/00721/FUL). Permitted 24<sup>th</sup> July 2013.

**13/00771/FUL** Retrospective application for the extension of timber decking and 1.8m high close boarded panel fence to create an enclosed outdoor play area for use in connection with children's

day nursery (extension to outdoor play area permitted under application 13/00272/FUL). Permitted 2<sup>nd</sup> October 2013.

**Recommendation: Permit Full Planning Permission Conditions**

1. The nursery use hereby permitted shall be restricted to the opening hours of 07:00 and 18:30 hours Monday to Saturday only, and at no other times. *Reason: To protect the amenities of local residents*

2. The premises used as a nursery shall be for D1 use children's day nursery only and for no other purpose (including any other purpose in Class D1; of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). *Reason: To protect the amenities of local residents.*

3. Before the building is used as a nursery the car parking spaces in the large/main car park for the Technology Centre shall be reconfigured and the spaces white line/demarcated as shown on plan reference BS.13-140/04. The spaces shall be maintained for parking in perpetuity. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*

4. The approved plans are:

Plan Ref.	Received On:	Title:
BS.13-140/01	16 <sup>th</sup> January 2014	Location Plan
BS.13-140/03 Rev A	16 <sup>th</sup> January 2014	Proposed Plans & Elevations
BS.13-140/04	16 <sup>th</sup> January 2014	Proposed Site Plan

*Reason: To define the permission and in the interests of the proper development of the site.*

5. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

6. The building shall not be used as a nursery until the fence (of not less than 1.8m in height) as shown on approved plan BS.13-140/03 Rev A has been erected in the position shown on this plan. The fence shall be maintained in this position while the unit is in use as a nursery. *Reason: To create a buffer between the paly area and the boundary with the residential properties to the west.*