

Item 3e **14/01332/FUL**
Case Officer **Caron Taylor**
Ward **Clayton-le-Woods West And Cuerden**
Proposal **Proposed change of use from dwelling to children's day nursery**
Location **1 Lancaster Avenue
Clayton-Le-Woods
Leyland
PR25 5TD**
Applicant **Miss Victoria Adams**
Consultation expiry: **9th February 2015**
Decision due by: **17th February 2015**

Recommendation
The application is recommended for approval.

Representations

Clayton-le-Woods Parish Council
 Object to the application on the following grounds:

- The proposed development is not in keeping with the residential area;
- Possible congestion/parking problems on a main feeder road to the estate;
- Neighbouring property (old people's home) may be affected by the noise of the outdoor play provision of nursery;
- There is an existing pre-school provision at Clayton-le-Woods Community Centre on Spring Meadow.

In total 163 representations have been received which are summarised below

Objection: 16	Support: 145	No objection: 2
Total No. received:	Total No. received:	Total No. received:
<ul style="list-style-type: none"> • Parking – danger if park near junction with Lancaster Lane and the property has no parking facilities for dropping off or collecting children so cars will park outside houses blocking driveways; • Highways safety; • Noise from dropping off early in the morning; • Noise from play area; • Extra toilets would impact on drainage where there is already a problem; • The proposed car park for staff to the 	<p>A petition in support of the proposal signed by 144 people has been submitted stating:</p> <ul style="list-style-type: none"> • With so many new houses being built locally, there is a need for more nursery places so families can continue to access good quality childcare. <p>One letter of support has been received:</p> <ul style="list-style-type: none"> • It will be beneficial to the community as the nearest nursery for under 3's is 10/15 drive away; 	<ul style="list-style-type: none"> • Their garden runs the length of the back of the application property garden and they do not feel it will affect their time spent in their garden.

<p>front of the property will not be in keeping with the area;</p> <ul style="list-style-type: none"> • Traffic congestion could restrict access for emergency vehicles; • There are nearby nurseries with vacancies so there is no need for it; • The parking layout does not allow for entering and exiting the spaces; • Runoff from the carpark will put waste from cars e.g. petrol oil into land drains; • It would destroy the character of the area; • When empty at night would it be secure or could it be a target for youths to congregate?; • If lighting is proposed this will impact on the amenity of nearby residents 	<ul style="list-style-type: none"> • It would create employment opportunities; • They understand concerns regarding noise and parking but feel they will not impact on the majority of people in the area - the sound of children playing does not compare to, for example, a barking dog; • It is not like a school where there are children that need collecting all at the same time; • They consider the increased parking will be adequate for the proposal. 	
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Consultees

Consultee	Summary of Comments received
<p>Lancashire County Council Highways</p>	<p>The applicant indicated that the nursery will have a population of 30 children and 9 staff. For this number of staff, off-street parking is required in respect of each staff in addition to children's drop off and pick up area. Provision is also required for secure and covered storage area for 3 cycles and an area for parking 1 motorcycle.</p> <p>The applicant's car parking provision is less by one space and no provision has been made for cycle storage and parking of a motorcycle. While Highways would not insist on the single parking space being provided due to the sustainability of the area, it appears adjustments could be made on site to enable cycles and a motorcycle to be accommodated. With regard to space for drop off and pick up of children, the applicant indicated that this would take place on-street on Lancaster Avenue.</p> <p>The site location is predominantly residential with no Traffic Regulation Orders restricting on-street waiting of vehicles. Lancaster Avenue has no recorded history of vehicular accidents; it has low vehicle speeds due to being within a 20mph zone and seems to have low vehicular movements. Therefore, dropping off and picking up children on-street on Lancaster Avenue should raise no highway safety concerns.</p> <p>No capacity or safety issues are identified at Lancaster</p>

	<p>Lane/Lancaster Avenue and the junction of Wigan Road/Lancaster Lane; and Lancaster Lane/Spring Meadow roundabout have adequate capacities to sustain any traffic that might be associated with the nursery run by parents.</p> <p>The site is located in a residential area where majority of houses have curtilage parking with driveways. As is often the case in residential areas where schools and nurseries are located, the tendency for parents to park as closely as possible to the school/nursery might result in some of these driveways being blocked as children are dropped off and picked up by parents. The impact on residential amenity will however be minimal as such obstructions, if they occur, will be brief.</p> <p>Motorist should not park on driveways and I would expect the nursery staff to take measures to educate parents on the need to keep driveways clear.</p> <p>They have considered all aspects of the proposal and can confirm that it is acceptable from highways perspective. I would however suggest that you attach the following conditions and an advice note to the approval.</p>
Council's Tree Officer	<p>The front garden area is proposed car parking. There is a conifer hedge along property front garden and the highway and there is a Eucalyptus tree and Leyland Cypress along with mixed shrubs bordering planned car parking and adjacent to the property north boundary. The Eucalyptus tree is twin stemmed with contacting stems. The tree is of moderate quality. The Leyland Cypress has no visual defects and is of moderate quality.</p> <p>Trees and shrubs along northern boundary form a screen from the proposed car parking area, but do not warrant protection.</p>
Council's Environmental Health Officer	See body of report.

Assessment

Background information

1. The application property is a detached two-storey house with front and rear garden on Lancaster Avenue, Clayton-le-Woods. The proposal is to convert the house into a children's day nursery. This will also involve conversion of the attached garage and the creation of car parking on what is currently the existing front garden including moving of the access point to it is in the centre of the front garden.

Principle of the Development

2. The emerging Chorley Local Plan 2012 – 2026 is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, it is consider it appropriate to give significant weight to policies of the emerging Local Plan because they are likely to be adopted in their current form and these carry more weight than the polices of the Adopted Chorley Local Plan 2003.
3. The property is within the settlement of Clayton-le-Woods, therefore in accordance with Policy V2 of the emerging Local Plan within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of

appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.

4. The proposal is therefore considered acceptable in principle subject to the acceptability of the details of the proposal.

Impact on the neighbours

5. One of the potential issues is any noise from the proposed use as a nursery. The applicant advises that the nursery opening hours would be 8am to 6pm Monday to Friday and it would not be open on weekends or Bank Holidays. The rear garden of the property would be used as a play area for the nursery. The applicant advises that on average the children would be outside for at least 3 hours per day, subject to weather conditions.
6. No. 3 Lancaster Avenue is the next door residential property to the south and would share a side garden boundary with the play area. There is a close boarded fence on the boundary with trellis above as well as some planting on this boundary.
7. The adjacent property to the north is Willow Bank Residential Care Home, which is on the corner of Lancaster Lane and Lancaster Avenue. The part of the care home nearest to the application property is a single storey extension, which is the main lounge for the home and has windows in its front side and rear elevations. It is separated from the application property by a conifer hedge.
8. The rear garden boundary of no. 42a Lancaster Lane would also bound with the proposed play area as would the side boundary of no. 44 Lancaster Lane, the garden of which runs along the rear boundary of the application property.
9. The application is accompanied by a noise impact assessment. This has been reviewed by the Council's Environmental Health Officers and further discussions and clarifications have been sought between the applicant's acoustic consultant and the Council's Officers.
10. The report suggests by the introduction of a 1.8m close boarded fence that a level of 54dB would be achieved at the nearest noise sensitive dwelling. The report also suggests that other fence heights would reduce noise levels by 2dB (2m fence), 3dB (2.1m fence), 5dB (2.4m fence).
11. They suggest that the figure used as the background level at the application site should be $47 L_{Aeq,T}$ [which is an approximate 'mean' or average of the noise level]. As well as the overall impact of a development, the potential for 'statutory nuisance' to arise is always considered. They advise there is no 'test of nuisance' and there are no decibel limits that determine statutory nuisance, however experience of dealing with noise complaints made by the general public is that :
 - i. If a noise source exceeds the background noise level by 1dB – 5dB/6dB that it is usually unlikely that the environmental health department would receive complaints about statutory nuisance;
 - ii. If a noise source exceeds the background noise level by 6dB – 10dB then some customers may complain but some may not but the likelihood of receiving complaints increases with the increases over the range;
 - iii. If a noise source exceeds the background level by 10dB or more then it is likely that a member of the public would complain. (* for information if a person is subjected to an increase in noise level in the region of 10-12dB they would perceive this as a noise being double the original or background level).
12. Whilst they advise this in no way a test of statutory nuisance it provides some guidance based on the experience of Environmental Health Officers working with noise complaints when comparing submitted decibel readings to background readings to determine the effect /likely impact.

Fence Height (m)	Achieved reduction (dB)	Application site background (dB)	Contribution to existing background levels (dB)
1.8	54	47	7
2.0	52	47	5
2.1*	51	47	4
2.4*	49	47	2

*[*note that fence heights above 2m would require planning permission and would not necessarily be acceptable in planning terms in relation to the impact such a height of fence would have on neighbouring properties].*

13. Looking at the different fence heights and expected noise levels, if there is a maximum of 24 children the nearest noise sensitive dwelling would be exposed to 7dB above the background level with a 1.8metre fence and in summary they would suggest that with 24 children and a 1.8 metre fence that there is a potential to receive complaints and statutory nuisance could exist. However, they would suggest that the provision of a 2.0 metre fence should give a better chance that complaints would not be received.
14. In response to the comments from Environmental Health it is considered that a 2m fence would be needed in the rear garden of the property rather than 1.8m as proposed by the application. It is considered that a 2m fence could be controlled by condition – this is also the height of fence that could be erected by the applicant without planning permission. Although higher fences would reduce levels slightly further it is considered these may have detrimental impact on the neighbouring properties in terms of impact on their gardens. Subject to a 2m fence it is considered that the noise would be acceptable with no more than 24 children playing in the rear garden.
15. The application proposes that the nursery will have up to 30 children on role at any one time. The applicant advises that they would not be able to accept a condition restricting the number of children on role to 24 as this would mean the business would not be viable. Although it is unlikely that all 30 children would be outside at any one time due to their different ages, it is not considered that a condition controlling the number of children that may be playing out in the rear garden at any one time would meet the necessary tests for conditions, particularly that of being enforceable.
16. In line with the National Planning Practice Guidance, when used properly conditions can enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
17. Discussions have taken place between the agent and the Council's Environmental Health Officers regarding conditions. It is considered that the contribution to the overall outside noise environment of very small children (babies 0-2 years) and would be minimal and as the applicant has to registered the ages of children attending the nursery with OFSTED a condition worded around this would be enforceable by the Council.
18. It is therefore proposed that a condition be applied that no more than 30 children shall be enrolled at the nursery hereby permitted at any one time, and of these no more than 24 children shall be over the age of two years.
19. There is also a potential noise form the general comings and goings of the nursery staff and parents dropping off children. The nursery is proposed to operate between 8am and 6pm in the evening and this could be controlled by a condition. These are not unsociable hours and unlike a school the children are not likely to be dropped off or picked up all at the same time, but rather it will be staggered. It is not therefore considered that this would be so detrimental that the application could be refused on these grounds.

Traffic and Transport

20. In terms of parking the Council's parking standards are set out in Policy ST4 of the emerging Local Plan 2012-2026 and its associated appendix. This requires one parking space per member of staff.
21. The application form states that there would be a maximum of 9 staff if 30 children were enrolled. It has been clarified during the application process that not all the staff would work full-time and that the likely full-time equivalent would be 6 staff.
22. The proposed site layout plan shows that the existing front garden of the property would be hard surfaced to provide 8 off-road parking spaces. In addition Policy ST4 states that local circumstances will be taken into account, this includes the sustainability of the site and evidence of local parking congestion.
23. LCC Highways state that they would accept 8 parking spaces being provided due to the sustainability of the area. The site is considered to be in a sustainable location, however it has also been clarified that not all staff will work full time and therefore it is unlikely that all the staff would be present at the nursery at the same time. 8 parking spaces are therefore considered acceptable for the proposed use. It is accepted that parents who bring their children by car are likely to park on the street, however Lancaster Avenue is approximately 6m wide and it is not considered that on-street parking would impede the flow of traffic unacceptably.
24. It is considered that parking for cycles could adequately be provided on site and this could be controlled by a condition.

Design and Appearance

25. The proposal would involve the conversion of the existing garage and therefore the existing garage door would be replaced by two windows. This is considered acceptable in design terms as it is not unusual to see similar properties that have converted their existing garage.
26. The only other elevation alteration would be the addition of a small window on the rear elevation serving a proposed bathroom which is considered acceptable.
27. The proposal would also involve the hard surfacing of the existing front garden of the property and repositioning the access point to the centre at the front to create 8 off-road parking spaces.
28. The front of the property is currently bounded by planting, mainly in the form of conifers, some of which are quite substantial. The proposal would remove this and new reduced planting (approximately 0.8m wide) would be created along the frontage, either side of the new access point and along the southern boundary with no. 3 Lancaster Avenue. It is considered this is necessary to soften the boundary of the car parking area with the front garden of no. 3 Lancaster Avenue.
29. It is not considered that the proposed hard surfacing of the front garden of the property would be unacceptable as the existing care home immediately adjacent to the north has a hard surfacing parking area accessed off Lancaster Avenue and which would share a boundary with the parking area of the proposed nursery. There are some bushes/hedging separating them which would provide some screening of the proposed parking in the street, however at times of year when the bushes would provide less screening the proposed parking would be viewed in the context of the existing car home car park. The parking area is therefore considered acceptable.

Overall Conclusion

30. The application is considered acceptable and recommended for approval.

Planning Policies

31. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

There is no planning history at the property relevant to the current application.

