

Item 3C **16/00118/FUL**

Case Officer **James Appleton**

Ward **Clayton-le-Woods and Whittle-le-Woods**

Proposal **Section 73 application to vary condition 8 of planning permission 14/00508/FUL to "no more than 99 children shall be in attendance at the nursery at any one time"**

Location **Gelston
Dawson Lane
Whittle-Le-Woods
Chorley
PR6 7DT**

Applicant **Mr Neil Ward**

Consultation expiry: **14 April 2016**

Decision due by: **12 April 2016 (extension of time agreed to 29 April 2016)**

Recommendation
Approve Full Planning

Executive Summary

The main issue to consider is whether or not the proposed variation to condition 8 of planning permission 14/00508/FUL, that will effectively allow up to 99 children to be in attendance at the nursery at any one time, will have any greater impact than the approved scheme.

Representations

Whittle-le-Woods Parish Council have made no comments on the application
No representations have been received

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections.

Assessment

The Site

1. The application site is a detached children's day nursery located on Dawson Lane, Whittle-le-Woods. The building is located in the Green Belt and adjacent to Buckshaw Village.
2. There is an existing drop off / pick up area and a car parking area and the building is located approximately 65m away from the highway.

Background Information

3. The use of the building as a children's day nursery was approved in August 2014 (14/00508/FUL). A condition was attached to this approval restricting the number of children allowed to be in attendance at any one time to 41.
4. In March 2016 planning permission was granted (16/00073/FUL) for elevational changes to the garages to enable these buildings to be used as part of the nursery. The submitted documentation suggested that this additional accommodation would allow a further increase in the number of children to 58.
5. The below table details the amount of floor space the existing building will provide for each age group the nursery caters for. In respect of the floorspace split proposed OFSTED have specified spacing standards for each age range and the table demonstrates how many children, in each age range, the existing floorspace can accommodate. The table also details the child to staff ratio for each age range based upon the standards already established at this nursery (this ties into OFSTED's guidance in terms of staff to child ratios).

	Floor Area	Children allowed per spacing standards	No of staff (as per ratio)
Pre-School	61.42	27	4
Toddlers	101.51	44	11
Babies	98.7	28	9
TOTAL :	261.63	99	24

The Proposal

6. This application seeks consent under Section 73 of the Town and Country Planning Act to vary the condition to enable the nursery to accommodate up to 99 children in attendance at any one time.

Assessment

7. The main issues are as follows :-
Issue 1 – Impact on the character and openness of the Green Belt
Issue 2 – Impact on highway safety.

Impact on the Character and Openness of the Green Belt

8. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It advises that development which is harmful to the Green Belt should only be permitted in 'very special circumstances' and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
9. The building on site already has consent to be used as a nursery and no further building works are proposed as part of this application. The applicant originally applied to increase the number of children to 150 however following an assessment of the floorspace within

the existing building it was confirmed that there was not enough floorspace, in accordance with OFSTED's spacing standards, to accommodate 150 children. As set out within the above table the existing building is large enough to accommodate 99 children and as such the increase in children applied for will not necessitate the need for new buildings/ extensions which could potentially impact on the openness of this Green Belt location.

Impact on highway safety

10. The other consideration in respect of increasing the number of children in attendance at any one time is the impact on the highway network, increase in vehicle movements, and parking at the site.
11. The Highway Engineer at Lancashire County Council Highways originally objected to the application as additional off-street parking has not been provided. Following these comments the applicant has submitted a parking allocation plan showing the proposed parking provision.
12. The plan details 30 car parking spaces available on site including a manoeuvring and turning area for a drop-off and pick up service. As set out above the increased number of children has an associated requirement for 24 staff. In addition the Highway Engineer at Lancashire County Council Highways has no objections to the application.
13. As such it is considered that there is sufficient car parking provision and manoeuvring space for both staff and drop-offs/ pick-ups such that there will be no adverse impact on highway safety in accordance with Policy ST4 of the Adopted Local Plan 2012-2026.

Overall Conclusion

14. It is considered that the proposal will not result in any significant harm to the openness of the Green Belt nor will it cause any significant harm to or highway safety. It is therefore recommended that the application is approved.

Planning Policies

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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
11/00128/FUL	Erection of a single storey rear extension (orangery) and raised terraced area to the rear	Approved	1 April 2011
11/00434/FUL	Proposed 3 car garage extension	Approved	13 July 2011
12/00214/FUL	Erection of an attached triple garage following the demolition of the existing garage and stables, the creation of a new access and erection of entrance gates.	Approved	25 July 2012
14/00508/FUL	Change of use of existing property from residential (Use Class C3) to children's day nursery (Use Class D1)	Approved	8 August 2014

14/00943/DIS	Application to discharge condition nos. 3 (junction details), 4 (drop off/pick up area details), 5 (cycle/motorcycle storage details) and 6 (ground surfacing materials) of planning permission no. 14/00508/FUL which permitted the change of use of the existing property from residential (Use Class C3) to children's day nursery (Use Class D1)	Approved	23 October 2014
16/00073/FUL	Elevational changes to existing day nursery facilities.	Approved	21 March 2016

Suggested Conditions

No.	Condition										
1.	<p>The children's day nursery hereby permitted shall only operate between the hours 7:30am to 6:00pm Monday to Friday. The children's day nursery shall not operate outside of these hours or at weekends and on bank and public holidays.</p> <p><i>Reason: To safeguard the amenities of local residents</i></p>										
2.	<p>Within 30 days of the planning approval full details of secure and covered cycle storage; and motorcycle parking area have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Chorley Parking Standards. The scheme shall be implemented in accordance with the approved details within 30 days of the Local Planning Authority confirming that the submitted scheme is acceptable. The facilities shall be retained at all times thereafter.</p> <p><i>Reason: To encourage sustainable transport modes and due to the fact that the approved cycle storage area will now be used as nursery space.</i></p>										
3.	<p>No more than 99 children shall be permitted to attend the children's day nursery, hereby permitted, at any one time split between the following:</p> <p>Pre-School 27 (maximum in attendance at any one time) Toddlers 44 (maximum in attendance at any one time) Babies 28 (maximum in attendance at any one time)</p> <p><i>Reason: Based upon the submitted information and the amount of floorspace available.</i></p>										
4.	<p>No more than 24 full time staff or the equivalent number in part time staff or the equivalent number in a mixture of full time and part time shall be employed at the children's day nursery hereby permitted.</p> <p><i>Reason: Based upon the submitted information and the amount of floorspace available. To define the permission, in the interests of highway safety and to ensure the protection of the openness of the Green Belt.</i></p>										
5.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 1305 967 1727"> <thead> <tr> <th data-bbox="320 1305 644 1368">Title</th> <th data-bbox="644 1305 967 1368">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1368 644 1435">Location Plan</td> <td data-bbox="644 1368 967 1435">16th February 2016</td> </tr> <tr> <td data-bbox="320 1435 644 1529">Existing car park allocation plan</td> <td data-bbox="644 1435 967 1529">10th March 2016</td> </tr> <tr> <td data-bbox="320 1529 644 1624">Proposed parking allocation plan</td> <td data-bbox="644 1529 967 1624">18th March 2016</td> </tr> <tr> <td data-bbox="320 1624 644 1727">Proposed internal floor space plan</td> <td data-bbox="644 1624 967 1727">23rd March 2016</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Received date	Location Plan	16 th February 2016	Existing car park allocation plan	10 th March 2016	Proposed parking allocation plan	18 th March 2016	Proposed internal floor space plan	23 rd March 2016
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6.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the increase in children in attendance at the nursery approved as part of this application; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General</p>										

	<p>Permitted Development) Order 2015).</p>
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Reason: To ensure provision of adequate off-street parking facilities within the site.