

APPLICATION REPORT – 17/00468/FUL

Validation Date: 12 May 2017

Ward: Clayton-le-Woods North

Type of Application: Full Planning

Proposal: Erection of free standing building to increase child places from 55 to 71

Location: The Little Acorns Nursery 34 Sheep Hill Lane Clayton-Le-Woods Chorley PR6 7JH

Case Officer: Mike Halsall

Applicant: Mr Peter Hindle

Agent: Mr Chris Weetman

Consultation expiry: 30 June 2017

Decision due by: 21 July 2017

RECOMMENDATION

Refuse Full Planning Permission

SITE DESCRIPTION

1. The application site contains a two storey detached building with single storey extensions, play area, car park and storage shed located on Sheep Hill Lane in Clayton-Le-Woods. It is occupied by a private day care nursery with 15 employees.

DESCRIPTION OF PROPOSED DEVELOPMENT

2. This application seeks permission for a free standing wooden building to be located on the northern edge of the existing site, partly on the outside play area and partly in one corner of the car park where currently there is a storage shed located.
3. As the proposed new building could accommodate 16 children, the proposal also seeks to increase the number of children allowed to be cared for and taught at any one time from 55 to 71. The number of staff employed by the nursery would increase from 15 to 18 as a result of the proposal.
4. The proposal represents an effort to support the financial viability of the nursery given the Government's intentions of increasing the free funding for nursery places from 15hrs a week to 30hrs a week. The expansion is therefore to allow the nursery to accommodate the proposed changes in Government policy.

RELEVANT HISTORY OF THE SITE

Ref: 15/00437/FUL **Decision:** PRRRTF **Decision Date:** 17 July 2015

Description: Section 73 application to vary condition 3 of planning permission 9/95/00201/FUL (Planning Inspectorate reference T/APP/D2320/A/96/262790/P8) to "no more than 55 children shall be in attendance at the nursery at any one time" (retrospective)

Ref: 06/00758/FUL **Decision:** PERFPP **Decision Date:** 23 August 2006

Description: Single storey extensions to the front and the rear, porch to the side and a replacement boundary fence

Ref: 05/01168/FUL **Decision:** REFFPP **Decision Date:** 21 February 2006

Description: Erection of single storey extensions to front and rear and single storey porch to side,

Ref: 01/00908/FUL **Decision:** PRRRTF **Decision Date:** 6 March 2002

Description: Modification of condition 3 of planning permission 9/95/00201/FUL (Planning Inspectorate reference T/APP/D2320/A/96/262790/P8) to "no more than 42 children shall be in attendance at the nursery at any one time",

Ref: 94/00739/FUL **Decision:** REFFPP **Decision Date:** 8 January 1996

Description: Erection of Two Storey Building for Use as Day Nursery School.

Ref: 95/00201/FUL **Decision:** REFFPP **Decision Date:** 3 October 1995

Description: Erection of two-storey building for use as day nursery school,

Ref: 94/00415/FUL **Decision:** PERFPP **Decision Date:** 5 July 1994

Description: Amendment to house type

REPRESENTATIONS

5. Seven letters of objection have been received to the scheme. A summary of the representations is provided below:

- The proposal would result in a loss of on-site parking spaces;
- Vehicles use resident's driveways to turn-around - the increase in staff and customers will make the situation worse;
- The style of the building is at odds with the neighbourhood and would detract from its attractiveness;
- It will increase in traffic on Sheep Hill Lane and will encourage kerb-side parking, restricting access, causing obstructions and safety concerns;
- Previous increases in the permitted number of children has resulted in significant uplift in traffic;
- Increase in general noise from the site from the increase in children is noticeable and distracting;
- Temporary appearance of the building does not appear suitable;
- Original appeal decision was restricted to 30 places;
- Passage of emergency vehicles would be hampered by vehicles parked on the road;
- Questions as to why some residents in the area have not been consulted and no site notice erected;
- Lack of footpaths on nursery side of Sheep Hill Lane and The Clough.

CONSULTATIONS

6. **Parish Council** – the Parish Council objects to the application on the grounds of a 40% increase in traffic and the development is detrimental to amenity:

- Originally the property was approved with the provision that the development should be no bigger than a 4-bed house.
- The Parish Council requests that the Borough Council undertakes a site visit.

7. **CIL Officers** – On approval, the application would not be CIL Liable, as it does not involve an extension which creates 100 square metres or more of additional floorspace, or involve the creation of a new dwelling and is therefore considered automatically exempt under Reg.42 – “Exemption for Minor Development”.
8. **United Utilities** – As well as offering some general advice, note that there is a public sewer crossing the site and they may not permit building over it. A change to the site layout or a diversion of the sewer at the applicant’s expense may be necessary.
9. The applicant has been made aware of the United Utilities (UU) letter and responded to explain that the proposed building would sit on adjustable surface pads with no foundations, so it could be moved to meet UU requirements. The Council has responded to the applicant to explain that a further planning application would be required to relocate the proposed new building, should the current proposal be granted planning permission.
10. **Lancashire County Council (Education)** – no response received to date.
11. **Lancashire Highway Services – (Comments summarised)** - The Highway Development Control Section is of the opinion that the proposed free standing building to increase child places from 55 to 71 will not have a detrimental impact on highway capacity in the immediate vicinity of the site, although the planning department is advised to consider the impact on highway safety and highway amenity. *This was later clarified by follow-up emails from Lancashire Highway Services which explained that there was no highway safety issue as the proposal is on a short cul-de-sac with a wide carriageway; as such there is no highway objection.*
12. Planting has been placed within the service verge fronting the site boundary with Sheep Hill Lane which has not been licensed by Lancashire County Council and is greater than 1m high and as such the sight lines from the site access are obstructed at the detriment to highway safety. The obscured sight lines will affect the efficiency of the site access and further increase the likelihood of on road parking to drop off and collect children. *Lancashire Highway Services has suggested a condition be attached to overcome this (see below).*
13. The Joint Lancashire Structure Plan recommends 1.5 parking spaces per 2 members of staff and 1 drop-off space per 10 children for D1 day nurseries / crèche. Therefore the off-road parking recommendation is 19 spaces. *The Joint Structure Plan is no longer in force. The correct policy is Policy ST4 ‘Parking Standards’ of the Chorley Local Plan 2012-2026 (see Planning Considerations section below).*
14. The Highway Development Control Section is therefore of the opinion that the under provision of the recommended number of car parking spaces will result in more parents dropping off and collecting along Sheep Hill Lane and the detriment to amenity for existing residents.
15. From observations on site the Highway Development Control Section is of the opinion that the applicant would not be able to provide the recommended number of car parking spaces. *A follow-up email from Lancashire Highways Service explained that the parking bays should have 6m manoeuvring space and that a number of the parking spaces appeared to have issues for manoeuvring. The applicant subsequently submitted a revised site layout plan which identifies 17 parking spaces, two of which are disabled parking spaces, all of which appear to have the required 6m manoeuvring space. Highway Services have reviewed the revised layout and confirm that the new proposed parking layout appears to be feasible.*
16. The Highways Service has recommended two planning conditions should planning permission be granted, one to ensure the planting of the highway frontage is reinstated as a grass verge and the other to provide a car park and manoeuvring scheme to show that the proposed 15 parking spaces all allow for sufficient manoeuvring space. *The provision of a car park and manoeuvring scheme has been taken over by subsequent correspondence and the submission of the revised parking plan.*

PLANNING CONSIDERATIONS

Principle of the development

17. As indicated within Paragraph 72 of the National Planning Policy Framework (The Framework), the Government attached great importance *'to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education.'*
18. The property is within the settlement of Clayton-le-Woods, therefore in accordance with Policy V2 of the Local Plan 2012-2026 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.
19. At a local level, there are no specific policies relating to nursery development however policies relating to school and higher education provision are demonstrated through policy 14 of the Core Strategy. Policy 14 encourages provision for education by enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport. Furthermore, the support for the retention of Children's Centres is mentioned within policy HW6 of the Local Plan.
20. Whilst it is acknowledged that a nursery is not incorporated within the definition of a 'school' or a 'Children's Centre', its assimilation with education is of great importance to the local community and should be given due weight in the determination of a planning application.
21. The principle use of the site as a nursery is already established and the proposed increase in child places is considered acceptable in principle subject to the acceptability of the cumulative impacts of the increased capacity on the highway network, the amenity of neighbouring residential properties and the suitability in design of the new proposed building which are assessed below.

Design and impact on the character of the area and neighbour amenity

22. The site is bound by No. 40 Sheep Hill Lane to the west and the proposed new building would be located in excess of 21m from the rear of the dwelling.
23. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that *'planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that [amongst other things]:*
 - a. *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
 - b. *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing...*
 - g. *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.'*
24. The above is supported by The Framework which under paragraph 17 states that development should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
25. The building design, being of wooden construction, does not match the other buildings in the area. However, the proposed building would be of a single level only and is considered to be of a modest scale. Furthermore, the building would be set-back from the front of the property and so would not impact upon the street scene or the character of the area. The proposal would not result in overlooking or overshadowing of neighbouring properties and would not be overbearing in nature.

26. With regard to the potential noise impacts associated with the increased capacity of children, given the site's existing established use as a day nursery, it is not considered that current noise levels would be materially amplified by the addition of 16 children. Furthermore, the location of the building would provide a level of noise attenuation between the outdoor play area and the nearest property at 40 Sheep Hill Lane.
27. The concerns raised by local residents relating to impacts upon residential amenity from on-street parking are duly noted and are discussed further in the following section.

Impact on highways/access

28. Paragraph 32 of the NPPF states that planning decisions should take into consideration:
- Opportunities available for sustainable transport modes depending on the nature and location of the site;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements proposed to limit significant impacts of development.
29. Moreover, paragraph 32 of The Framework is clear that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.
30. Similarly, part 'd' of policy BNE1 of the Chorley Local Plan (2012-2026) indicates that planning permission will be granted where the residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below that set within the Local Plan.
31. As noted above, Lancashire Highway Services has not raised an objection to the scheme as it considers the proposal will not have a detrimental impact on highway capacity in the immediate vicinity of the site or upon highway safety. Highway Services has however recommended that the local authority consider the impact on highway amenity.
32. Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development as the provision of 18 spaces for a proposal of this size and for three of those spaces to be disabled parking spaces i.e. a day nursery with 18 members of staff (1 space per member of staff).
33. The proposal as initially submitted would have resulted in the loss of 3 parking spaces (from 15 to 12), however, during the determination process, the applicant submitted revised site layout plans which increased the number of proposed parking spaces to 17, representing an increase of 2 spaces compared to the current situation. However, this is still 1 space below that required by Policy ST4 of the Local Plan and the additional parking space should be a disabled space.
34. Policy ST4 of the Local Plan allows some flexibility in the number of parking spaces and states that *'Locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision. Proposals for provision above or below this standard will be supported by evidence detailing the local circumstances that justify deviation from the standard.'* The local circumstances to be taken into account are listed within the policy and are as follows:
- a. *'The quality of provision for pedestrians - width of footways, quality of surfaces, access points to the site, provision and quality of street furniture and lighting;*
 - b. *The quality of provision for cyclists - cycle parking, dedicated cycling facilities, access points to site, quality of design and provision, any restrictions on cycle movement;*
 - c. *The distance to and quality of bus stops, the frequency of services, quality of footways and lighting to stops, and the distance to the nearest interchange;*

- d. *The number of train stations within 1,200m walking distance, quality of station, and frequency of services; and*
- e. *Evidence of local parking congestion.'*

35. The applicant has submitted two additional supporting statements during the determination process in response to representor and consultee comments. The most pertinent comments from the applicant's statements are as follows:

- *'Peak times for arrivals and departures are 7.30am and 5.15pm but as there are many different flexible attendance patterns offered, there is not the "school rush" experienced by many local schools. The loading on the carpark at this busiest time is around seven parental cars.*
- *60% of staff drive to the nursery and an increase in staffing of 3 would only mean 2 extra cars.*
- *Maximum average attendance in the past 12 months has reached 89%.*
- *The nature of the freestanding building has been questioned. It is a larger but far more attractive version of the storage shed that has been in place for 10 years. The natural wood (not shown in the planning picture) will blend into the fence line and will not be easily seen from outside the perimeter fence when the gate is closed. This structure is most unlikely to cause any economic impact to houses in the vicinity, however, that is not a material planning consideration.*
- *The government will provide an additional 15 free hours to working parents of 3/4-year-olds from September 2017.*
- *Little Acorns wishes to ensure it has sufficient provision to cater for the increased demand for extra hours for children of working parents in the local area.'*

36. In relation to the local circumstances set-out within Policy ST4 of the Chorley Local Plan to justify a lower level of parking, the applicant has presented the following:

- *'Around between 8 and 12 customers walk to Little Acorns per day (approx. 20% of customers) and this number range has remained consistent over time.*
- *Pedestrian routes as follows:*
 - *From Clayton Green Rd (paved both sides, pbs and sufficient street lighting, ssl) on to Wood End Rd (pbs, ssl) and then right to Sheep Hill Lane*
 - *From Sheep Hill Ln (pbs for part then paved one side only to the A6, ssl) over Wood End Rd (pbs) to Sheep Hill Lane*
 - *From Wood End Rd (pbs, ssl) turning left to Sheep Hill Lane*
 - *From The Clough or Clayton Villa Fold to Clayton Green Rd (pbs, ssl) to non-vehicular access to Sheep Hill Lane*
 - *From Dove Cote/Cam Ln via non-vehicular access through end of Sheep Hill Lane*
 - *In each case there is suitable tarmac pavement in generally good condition for pedestrian and pram use. Sheep Hill Lane cul-de-sac is paved to the left when turning in from Wood End Rd.*
 - *Drop curbs and bollard crossing points are evident at the intersection of Wood End Rd and Clayton Green Rd as well as at the end of Sheep Hill Lane intersection with Wood End Rd.*
- *There is a street light outside the entrance to Little Acorns and the approach roads of Wood End and Clayton Green Rd and Sheep Hill Lane up to the A6 are all well-lit.*
- *The roads mentioned above are all suitable for cyclists and are relatively free from potholes. Cycle lanes end before Wood End Rd. Due to the nature of the business we are not aware of any customers bringing their children on a bicycle. Staff have cycled but none currently do so. The nursery has space away from the carpark for parking and securing cycles if needed.*
- *The nearest four bus stops are all accessed via the pavement network and the associated bus numbers are shown.*
 - *to the Cam Lane bus stop (pull in off road) (412, 681, 767, 786, 984, 997) north west of Little Acorns c.110m*
 - *to Martindales bus stop (covered) (114, 412, 681, 786, 997) north east of Little Acorns c.160m*

- to Wood End Rd bus stop (on road) (114, 412, 681, 767, 786, 984, 997) north east of Little Acorns c.200m
- to Wood End Rd Kiln Croft (on Road) (114, 786) south of Little Acorns c250m
- 114 at Wood End Rd every hour from 7am to 6pm terminating in Chorley town Centre of Leyland Towngate, Tesco
- Bus services:
 - 114 - Towngate - Chorley Town Centre
 - 412 - Croston - Clayton Brook
 - 681 - Buckshaw Village - Penwortham
 - 767 - Penwortham - Clayton Green
 - 786 - Golden Hill - Crosse Street
 - 984 - Hoghton - Hutton
 - 997 - Bent Bridge - Bamber Bridge
- The nearest railway stations are Bamber Bridge, 2.2 miles with a bus every 30 mins and Leyland, 2.4 miles but we do not know of any customers accessing those stations to reach Little Acorns.
- We are not aware of any local parking issues. Sheep Hill Lane cul-de-sac is usually clear of motor vehicles on the section around Little Acorns. Resident parking on road is light.'

37. The applicant has provided evidence in an attempt to demonstrate that the lower level of parking is acceptable in accordance with Policy ST4 of the Chorley Local Plan, given the particular location of the site. Any increase in capacity of the nursery has the ability to impact upon residential amenity and the usability of the surrounding streets by immediate residents. The level of parking to be provided at the site would only be 1 space below that required by Policy ST4 of the Local Plan. However, assuming 60% of staff drive to work, as claimed by the applicant, then there would then only be 6 spaces remaining for use by customers. The applicant has stated that peak demand for customer parking is approximately 7 cars.

38. Given that the proposal would allow for up to 71 children to attend the nursery at one time, it is difficult to agree with the applicant's assertions regarding peak demand. Even with 12 customers walking to school and historic maximum average attendance at 89%, both claimed by the applicant, it is considered that peak parking demand would be significantly higher than 7 cars. Given the tightly constrained nature of the car park, customers would likely begin to avoid attempting to park there in favour of parking on near-by streets. Firstly to avoid the risk of the spaces being full and then having to turn around and exit again, and secondly to save time in the morning rush. This increased on-street parking would result in unacceptable impacts upon the amenity of the immediate residents on Sheep Hill Lane and The Clough, particularly during the morning and evening peak periods. The proposal would conflict with policy ST4 and policy BNE1 of the Local Plan in relation to an insufficient level of on-site parking and resultant impacts upon the amenity of residents including the opening and closing of doors and cars turning round in the street.

39. A further material consideration of the proposal is that of the planning Inspector's decision for appeal ref. T/APP/D2320/A/96/262790/P8 which granted the initial planning permission for the use of the site as a nursery. The Inspector thought it necessary to restrict the maximum occupancy of the nursery to 30 children and for 11 parking spaces to be provided (Conditions 3 and 5 respectively). The proposed increase to 71 children represents a 2.4 fold increase in child places and a 3.6 fold increase in staff (5 to 18) with just a 1.5 fold increase in the number of parking spaces compared to the original scheme granted on appeal. Whilst it must be appreciated that the baseline situation against which the proposal should be assessed is the consented scheme, i.e. a nursery with a maximum attendance of 55 children with 15 parking spaces, it is considered that without the introduction of a significant and proportional increase in on-site parking provision, this further proposed increase in child places is unacceptable.

CONCLUSION

40. The proposal seeks to increase the capacity of children at the nursery from 55 to 71 in an effort to support the financial viability of the nursery given the Government's intentions of

offering free funding for nursery places from 15hrs a week to 30hrs a week. The expansion is therefore to allow the nursery to accommodate the proposed changes in Government policy. This is considered to be in accordance with the main thrust of paragraph 72 of the Framework and carries significant weight.

41. The council always seeks where it can to support local businesses and weight is given to this in the balancing exercise along with the push at national level to increase free childcare. This application will however result in a very large nursery which has grown significantly over the years.
42. It is in the opinion of officers that the level of on-site parking proposed at the site is insufficient and would result in unacceptable impacts upon the amenity of neighbouring residents by virtue of disturbance caused by excessive on-street parking and customers using residents' driveways to manoeuvre. On balance, the harm of the proposal outweighs the benefits when assessed against the policies of the framework as a whole.
43. Notwithstanding the above, it is a finely balanced application and it is for Members to consider if the benefits of the proposal outweigh the concerns outlined by objectors.
44. The application is recommended for refusal.

RELEVANT 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.

Reasons for Refusal

1. The proposal would conflict with policy ST4 of the Chorley Local Plan due to insufficient on-site parking and it is considered that the harm caused by the proposed development through the resultant increase in on-street parking would outweigh the benefits of the proposal.
2. It is considered that the proposed increase in children from 55 to 71 would result in additional vehicles visiting the premises and an increase in demand for on-street parking on Sheephill Lane and The Clough. The associated comings and goings of increased vehicles to the nursery seeking on-street parking would result in additional noise, disturbance and increased levels of general activity on nearby roads to the detriment of nearby residents. The proposed development is therefore contrary to one of the twelve core planning principles of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.