

**TITLE: 2006/045 CHANGE OF USE FROM DWELLING TO CHILDRENS DAY CARE NURSERY (USE CLASS D1)  
AT:409 HELMSHORE ROAD, HELMSHORE.**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE: WEDNESDAY 8<sup>TH</sup> MARCH**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MR I LYTH**

**DETERMINATION EXPIRY DATE:30<sup>TH</sup> MARCH 2006**

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report particularly, particularly the implications arising from the following rights:-

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

### **Site and Proposal**

The applicant seeks approval for the change of use of the detached dwellinghouse, to create a children's day care nursery. It is intended that the nursery would cater for 33 children, consisting of 9 babies (at age 0-2) and 24 toddlers (at age 2-5). The facility would employ seven staff. The applicant has made provision for the parking of four staff vehicles and three drop off spaces within the curtilage of the development site, and has proposed to widen the entrance/exit. The proposal site is within the Urban Boundary.

### **Relevant Planning History**

The applicant previously submitted a planning application for a similar development which was refused on 22<sup>nd</sup> December 2005. The reasons for this refusal were that

there would be a significant negative effect upon existing conditions in the area and would look out of place within the locality. It was considered that by virtue of the number of children to be cared for on the site that neighbour amenity would be significantly affected, and a nursery would be incongruous to the existing residential character of the area. It was therefore deduced that the proposed development would be contrary to the provisions of Policy DC.1 of The Rossendale District Local Plan and Policy 1 of The Joint Lancashire Structure Plan. There were also issues of increased traffic and highway safety. Recommendations were made by Lancashire County Council Highways department regarding the need for the gateway to be widened in order for visibility to be maintained, and that there be a setting down area reserved within the site for unloading.

### **Notification Responses**

Site notices were posted to which there were 13 letters of support and 4 letters of objection. The following issues were raised:

As Objection:

- Increased traffic volumes which would further exacerbate the congestion problems in Helmshore
- The limited parking facilities of the property.
- Existence of other nursery facilities in the area.
- The presence of children in the back yard would cause noise nuisance and would significantly affect the residents peaceful enjoyment of the gardens of the adjacent residents

In Support:

- Lack of children's day care facilities in the area for children and babies.
- Government guidance on lifelong learning.
- The Rossendale Community Strategy

### **Consultation Responses**

#### **Lancashire County Council Highways**

No objection subject to access being ungated at all times and the area be kept clear for dropping off and manoeuvring. The Boundary wall is to be no higher than one metre within two metres of the edge of the driveway.

Helmshore Residents Association  
No reply

Development Plan Policies  
Rossendale District Local Plan (Adopted 1995)

Policy DS1 (Urban Boundary) states *"the Council will seek to locate most new development within a defined boundary - the urban boundary - and will resist development beyond it unless it complies with Policies DS3 and DS5."*

Policy DC1 (Development Criteria) of the Rossendale District Local Plan

The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy 1 (Development Framework) of the Joint Lancashire Structure Plan states that development will be located primarily in the principle urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving: a) the efficient use of buildings, land and other resource; b) high accessibility for all by walking, cycling and public transport with trip intensive uses focussed on town centres; c) a balance of land uses that helps achieve sustainable patterns of development; d) accelerated rates of business development in the regeneration priority areas; e) appropriate development at Blackpool airport, ports and regional investment sites; f) urban regeneration including priority re-use or conversion of existing buildings and then use of brownfield sites; g) enhanced roles for town centres as development locations and public transport hubs; h) rural regeneration; i) a high quality built environment.

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 (General Policy) of the Joint Lancashire Structure Plan states that:

Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- d) accelerated rates of business development in the regeneration priority areas;
- e) appropriate development at Blackpool airport, ports and regional investment sites;
- f) urban regeneration, including priority re-use or conversion of existing buildings, and then use of brownfield sites;
- g) enhanced roles for town centres as development locations and public transport hubs;
- h) rural regeneration;
- i) a high quality built environment.

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Joint Lancashire Structure Plan Adopted Car Parking Standards (2005)

The councils car parking standards state that for a nursery of this size, 1.5 car parking spaces should be provided for every two staff employed, plus a drop off zone (in or outside of the curtilage of one space per ten children).

Other Material Planning Considerations  
Planning Policy Guidance Note 1

### **Planning Issues**

The proposal site is within the Urban Boundary and therefore is in accordance with Policy DS.1 of The Rossendale District Local Plan.

The previous application was refused on the grounds that the use of the building would not fit in with the existing residential use within the area. Issues were also raised about the parking provision within the site and the safety of the entrance/exit to the property. Following discussion with the Lancashire County Council Highways Department the applicant has amended the scheme to meet these requirements. The proposal also accords with the Joint Lancashire Structure Plan adopted car parking standards

The issues raised by residents regarding the increased noise levels which the nursery may create, and the possibility of overlooking and privacy, and trespassing onto neighbouring properties are acknowledged, however the applicant has proposed some boundary treatment within the application, in the form of tree planting, which it is considered will significantly reduce the likelihood of the privacy of neighbouring properties being affected, and would also mitigate to some degree any noise which may be created by the facility through outdoor play activity.

It is deemed that the applicant has addressed the issues which were raised within the previous application and which led to its refusal. The applicant has acted on the advice of the Highways department, and has also addressed the issues of privacy and overlooking by the inclusion of boundary treatment.

As a result of the amendments made by the applicant it is considered that the proposal would not have any adverse impact upon the amenities of neighbouring properties and existing conditions in the area. For this reason the proposal would be in accordance with Policy DC.1 of the Rossendale District Local Plan and Policy. 1 of the Joint Lancashire Structure Plan.

The proposal would be in accordance with The Joint Lancashire Structure Plan Maximum Car Parking Standards, as the applicant has made provision for three drop off spaces, and four staff car parking spaces within the curtilage of the site, in accordance with the criteria of the Joint Lancashire Structure Plan Maximum Car Parking Standards. There were no objections from the highways authority subject to conditional control.

It is considered that the requirements of the Local Planning Authority have been satisfied by the amended scheme and the supporting information submitted by the applicant and the development would be in accordance with all of the relevant

development plan policies, therefore the proposed development is recommended for conditional approval.

### **Recommendation**

That the application is conditionally approved.

### **Conditions**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. The number of children using the nursery at any one time shall not exceed 33.  
Reason: To protect local amenities and to ensure adequate accommodation for the children.
3. The boundaries of the site shall be formed by the planting of a hedge of a type and species to be first agreed in writing by the Local Planning Authority. The hedge shall be planted in the first planting season following the occupation of the building as a nursery or the completion of the development whichever is the soonest. Any hedging which within a period of five years of planting is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with new hedging of the same or similar species.  
Reason: In the interests of visual and neighbour amenity.
4. Prior to the commencement of development details of the implementation of approved scheme of access shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be fully implemented prior to the first opening of the nursery.  
Reason: In the interest of highway safety and to ensure the provision of access and car parking facilities within the site.
5. Prior to the first opening of the nursery the approved hardstanding and parking provision shall be fully implemented and retained thereafter.  
Reason: In the interest of highway safety and to ensure the provision of car parking facilities within the site.
6. At no time shall the access to the site be gated and the boundary wall to either side of the access be higher than one metre within two metres of the edge of the driveway.  
Reason: In the interests of highway safety, and to ensure the provision of access to the site.
7. The area set out for dropping off and manoeuvring within the site shall be kept clear, and maintained to the satisfaction of the Local Planning Authority.  
Reason: In the interests of highway safety.

## **Local Plan Policies**

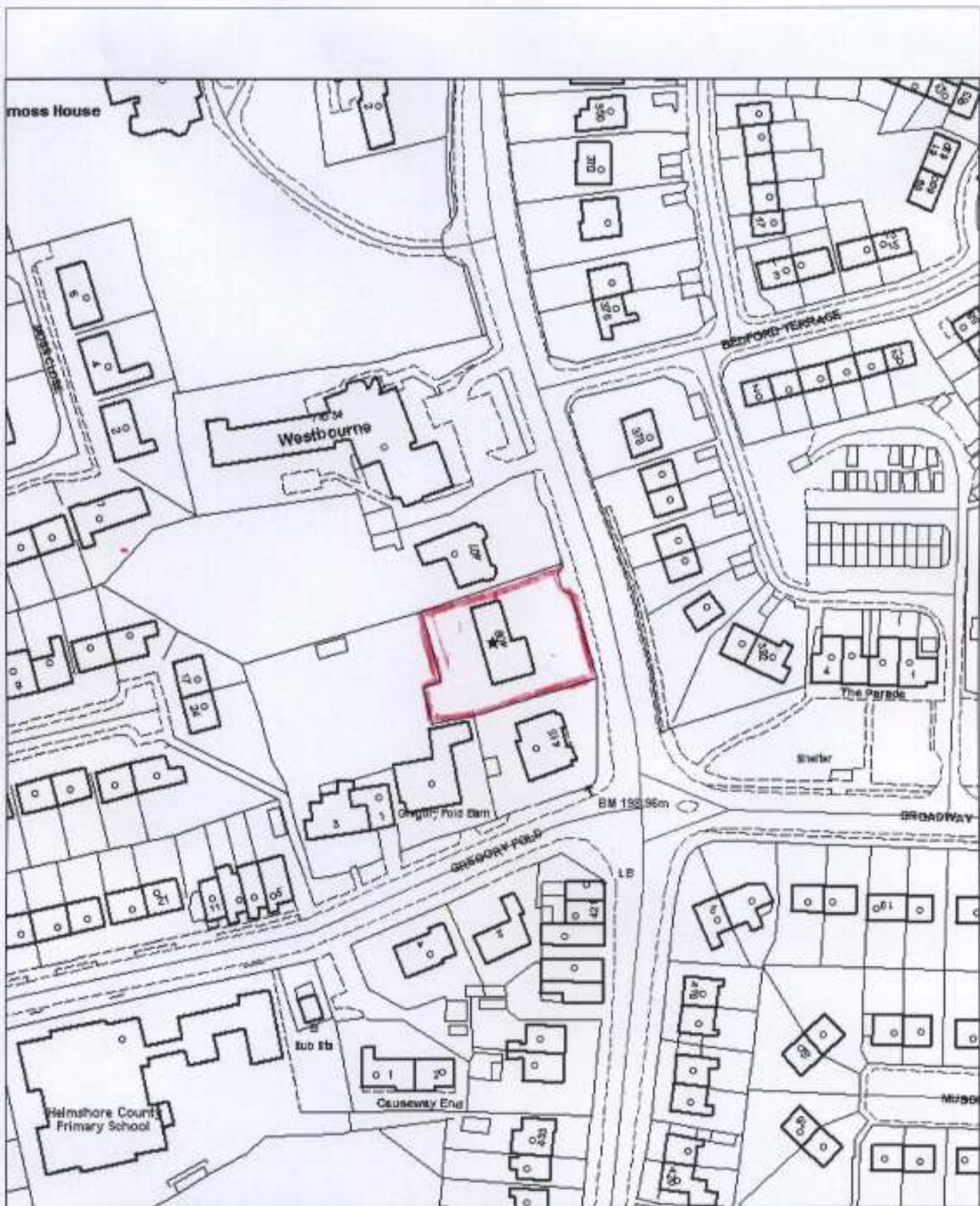
DS1

DC1

Joint Lancashire Structure Plan Policies

Policy 1





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