

Proposed development: Full Planning Application (Retrospective) for Change of Use from Place of Worship/Church Hall (Class F) to Day Nursery (Class E) (Retrospective)

**Site address:
St Paul's Rc Church
Preston Old Road
Blackburn
BB2 5EP**

Applicant: Synergy Day Care Ltd T/A Tudor House Day Nursery

Ward: Livesey With Pleasington

**Councillor Derek Hardman
Councillor Mark Russell
Councillor Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** subject to the conditions set out within section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, following the receipt of an objection from Livesey Parish Council. The objection is set out within section 6 of this report.

2.2 The retrospective proposal secures a viable use for a redundant building in accordance with the National Planning Policy Framework's stated aims of achieving sustainable development and meeting service needs of local communities. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The proposal relates to the former St. Paul's RC Church, which is positioned off Preston Old Road in the Feniscowles area of the Borough. The application site is set back approximately 32m from the main arterial route and is accessed via an unnamed road that serves the site and the adjacent St Paul's RC Primary School.

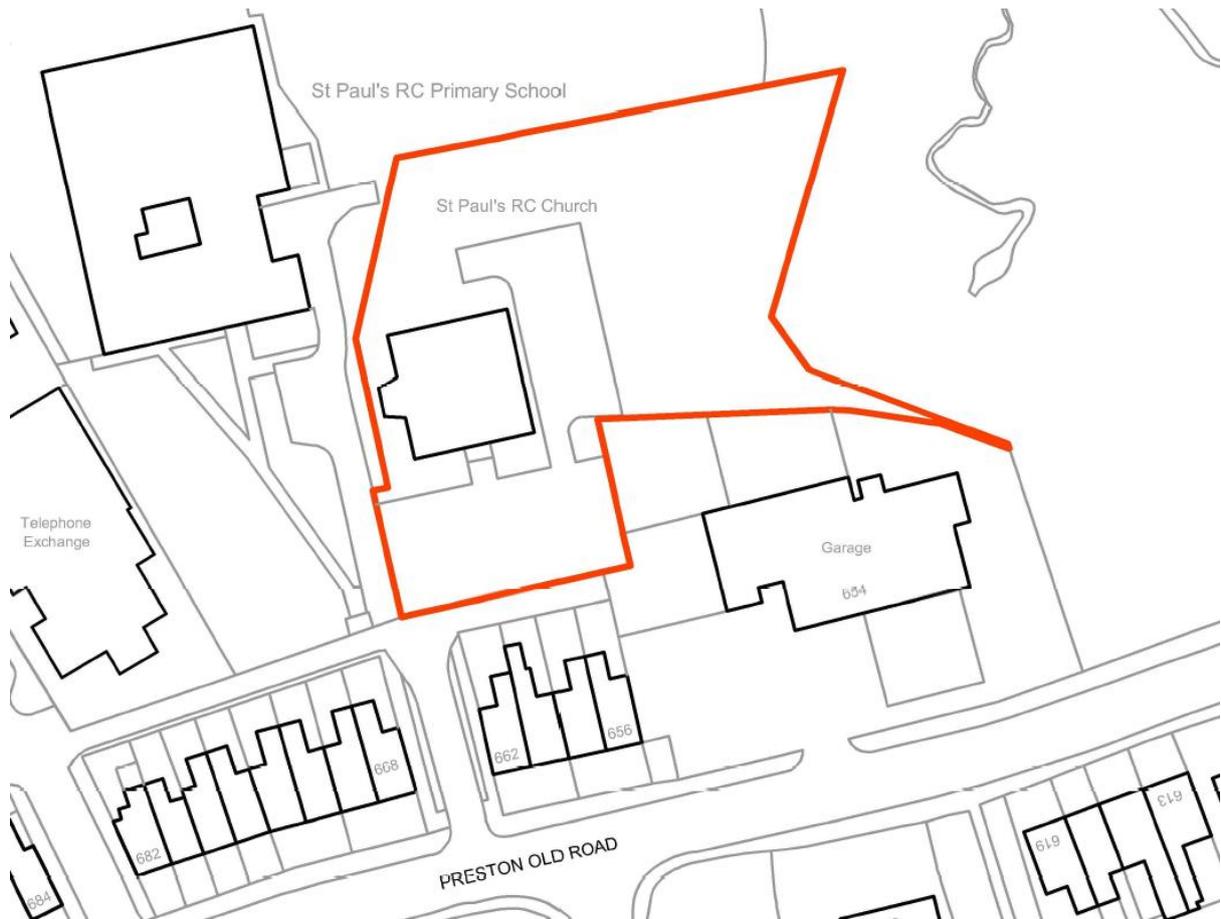
3.1.2 The application site measures circa 0.34Ha, with the existing building massed to the western edge, with parking areas to the front and side. The remainder of the site is grassed. The immediate area around the site is predominantly residential in character, though does include a petrol filling station that abuts the south-eastern edge of the site. A number of other community and commercial buildings lay to the west of the site, towards the junction of Preston old Road and Livesey Branch Road.



Google street view image above of site and below of entrance to the site from Preston Old Road



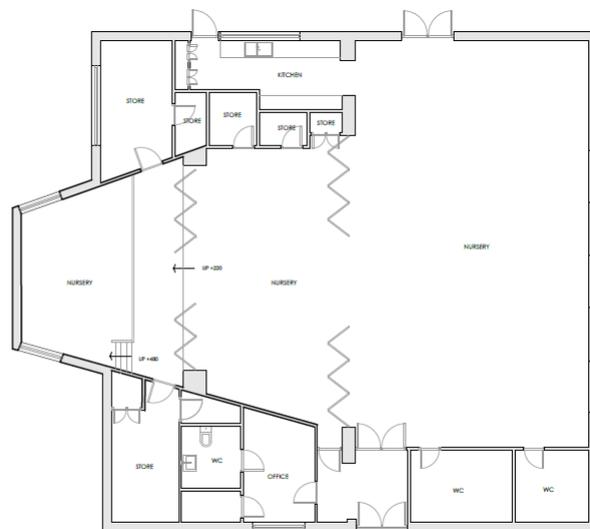
Case officer site photographs of application site.



3.2 Proposed Development

Retrospective planning approval is sought for a change of use of the premises from a place of worship (class F1) to a children's nursery (class E[f]). No external alterations to the building are proposed.

Extract from submitted proposed ground floor plan.



PROPOSED GROUND FLOOR PLAN 1:100

3.3 Development Plan

3.3.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

3.3.3 Core Strategy

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) (July 2021)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2: Achieving Sustainable Development
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport

3.5 Assessment

3.5.1 Principle of Development:

Policy 1 of the Local Plan and CS1 of the Core Strategy identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within.

3.5.2 Policy CS11: Facilities and Services advises that the range and quality of public services and facilities will be expanded and enhanced, in particular, in the following locations; (i) The town centres of Blackburn and Darwen; (ii) Neighbourhood shopping centres; (iii) Existing key public buildings/facilities; and (iv) Other accessible locations. The proposal is identified as being consistent with point (iv) given the facility will, primarily, support local needs

for nursery provision. This provides opportunity for the use to be accessed on foot, as well as linked trips associated with the adjacent school. Furthermore, the site's proximity to the A674, a main arterial route, provides access to public transport.

3.5.3 Section 8 of the NPPF also supports the principle of the development. At paragraph 93 a requirement to "provide the social, recreational and cultural facilities and services the community needs" through planning policies and decision making is set out. The proposed nursery use is considered to be an essential service for the local community.

3.5.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

3.5.5 Highways:

Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.6 The objection received from Livesey Parish Council is set out within section 6 of this report. The objection is primarily based on highway related concerns. Specifically, the amount of traffic that the proposed use will generate, the close proximity to St Paul's RC Primary School and lack of additional parking and manoeuvring space. The formal consultation process, including the adjacent school, has not generated any additional objections.

3.5.7 Further information regarding staffing and attendance levels was sought from the applicant in order to determine the parking requirement for the nursery use. The applicant has confirmed the nursery employs two full time and two part time members of staff. The maximum attendance level is 20 children per day.

3.5.8 The Council's adopted parking standard for crèches and day nurseries is 1.5 car spaces per 2 members of staff, plus drop-off zone (in or outside curtilage) of 1 car space per 10 children. Thus when considering the staffing and attendance levels supplied by the applicant the overall parking requirement is 5 spaces. The existing provision within curtilage far exceeds this parking requirement, with 16 spaces marked out in front of the building. Appropriate manoeuvring space is also provided within the car park area and a separate area for servicing exists to the side of the building. Given the over-provision against the Council's guideline requirement, the Parish Council's objection due to lack of parking cannot be substantiated.

3.5.9 The Highways Team has also set out justification for the over-provision that also serves to address the wider concerns from the Parish Council regarding

proximity to the primary school and concerns with highway safety generally. The officer advises; *“I am conscious of the facility adjacent to the school, and although the D & A statement suggest that parents can walk and use Public Transport (we would certainly encourage this to continue) the vast majority of trips inevitably are made by car. In this locality, there are existing concerns with restrictive on street availability to support drop off and pick off, and to ensure the nursery does not add to the capacity concerns we would in this instance support the existing parking provision to aid parents dropping off and picking up nursery children”.*



Extract from Proposed site plan

3.5.10 The applicant has also provided additional information relating to the servicing needs for the development. We are advised that servicing is limited to food deliveries that occur approximately once a week, commonly between 9am and 10pm to avoid school traffic. The deliveries are from a medium transit type van and are undertaken within the side/rear parking area via the service

entrance. Subject to those arrangements, no conflict with the safe, efficient and convenient movement of highway users are identified.

3.5.11 Notwithstanding the broad acceptance of the parking and servicing levels the Highways Officer has requested a number of planning conditions to secure details of; a delineated pedestrian route from the site entrance to the building entrance; provision of cycle and PTW parking; and submission of a green travel plan in order to promote the use of sustainable transport measures. Given the current application is retrospective, it is suggested that conditions are worded to require submission of the information within 3 months of any planning approval. Suggested conditions are set out within section 4 of this report.

3.5.12 Consideration has been given as to whether a condition should be imposed to restrict maximum numbers of children attending to 20, in line with the current attendance levels supplied by the applicant. However, given the significant over-provision of parking, as detailed at section 3.5.8 of this report there is no justification on highway grounds to do so.

3.5.13 Subject to the above considerations, the proposal is considered to comply with the requirements of Policy 10 of the Local Plan and CS22 of the Core Strategy

3.5.14 Other Matters:

The objection from Livesey Parish Council is also partly in relation to the application being retrospective. Members are advised that this objection is without merit given that section 73A of the Planning Act, amongst other things, provides for retrospective planning applications to be made in respect of development that has been carried out without planning permission. On that basis it would be unreasonable for the Council to resist the application due to it being submitted retrospectively.

3.5.15 The Parish Council has also raised questions whether the nursery is registered, with reference to two of the seven run by the applicant's group being registered by Ofsted, whilst the remainder are not. The government's guidance, which can be found at www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions clarifies that childcare providers looking after children under the age of 8 can elect to register with a childminder agency instead. On that basis it is unclear how registration with Ofsted or otherwise is material to the assessment of the application. Similarly, questions relating to Council contributions towards the upkeep of the nurseries (in the applicant's group) are not material to the determination of this application

4.0 RECOMMENDATION

4.1 Approve subject to conditions relating to the following matters;

1. Notwithstanding the submitted details, within 3 months of the date of this permission a revised site layout drawing detailing;

- a delineated pedestrian route from the site access to building entrance
- provision of parking for cycles and PTWs

shall be submitted to and approved in writing by the Local Planning. The approved scheme shall be implemented and thereafter retained.

REASON: To ensure the safe, efficient and convenient movement of all highway users and to promote the use of sustainable modes of transport, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan

2. Within 3 months of the date of this planning permission, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan shall identify measures that the occupiers will adopt to promote sustainable transport for staff, visitors, and deliveries and shall include details of how the proposed measures are to be implemented and monitored. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of sustainable transport objectives and in accordance with Policy 10 of the Local Plan Part 2

5.0 PLANNING HISTORY

10/08/0713 – Renewal of roof coverings and replacement windows

10/00/0773 – Proposed single storey extension and addition of ten parking spaces

6.0 CONSULTATIONS

Public Consultation: 12 neighbouring properties and the adjacent St Paul's RC Primary School have been individually consulted by letter and a site notice displayed. No representations have been received.

Livesey Parish Council – comments received 14th February 2022:

The Livesey Parish Council objected to the above scheme for the following reasons:

Objection1

“The objection for the above is primarily based upon the amount of additional traffic that will be generated by putting a nursery next door to a junior school whilst providing very little additional parking or turning space for the additional usage. When the hall was used as a place of worship there was very little, if any, crossover traffic, the school and the hall worked in synchronicity.

Today, the school generates more than enough traffic during the drop off and pick up times to create congestion in and around the school entrance, York Terrace and Park Farm Road which requires careful negotiation by those who live in the vicinity. Euro garages next door are extremely courteous in allowing their premises to be used by some parents who drive to the school to pick up their children and without their co-operation I dread to think how much worse and intolerable the traffic would be.

To therefore now consider allowing a nursery to be placed adjacent to the school creates an ever increasing burden upon what is really nothing more than a village on what is now a major thoroughfare towards junction 3 of the M65 and extended motorway network.

The application is further objected to due to it being retrospective and I believe it is a deliberate ploy to carry this through planning without issue”.

Application

The actual application for the nursery states the name of the company as being Synergy day care Ltd T/A Tudor House Day Nursery (Feniscowles) and the Planning Design and Access Statement in its introduction makes play of the “Public Houses” in a mixed communal setting - there is, as we know, one Public House. The report gives the impression of a large community with a wide road access and traffic flow.

“Under Access and Parking It suggests the entrance to the grounds of the proposed Nursery will remain unaffected to which I draw your attention to the above and the amount of congestion already within the vicinity. Further, it states the existing parking arrangements are to remain, I question the reality of the car parking arrangements for just such a change in usage”.

Finally the report draws our attention to the National Planning Policy Framework (NPPF) and the Ministerial statement ‘Planning for Growth’ paragraph 38 ‘our obligation that decision-makers at every level should seek to approve applications for sustainable development where possible.’ I would like to draw your attention to the following paragraph within the same framework document headed ‘Pre-application engagement and front-loading.’ which states:

39. “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties”:

40. “Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage.” :

41. “The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits.”

Objection 2

“Based upon the evidence submitted above, I object to the application being made retrospectively. The evidence indicates a businessman sophisticated enough to enable him to know and utilise the planning procedure in a lawful manner. He has enough experience in his field of work to know what is required of him and how to follow

procedures and he has shown through his movement around Companies house documents, that he is aware of the legalities within a business setting. He has several Nurseries, one being less than two miles from his proposed site and there are sufficient facilities within the present area to accommodate current demands.

When the new Kingswood estates et al are completed I am sure the demand will increase exponentially but as there are no community facilities being built currently in that area perhaps he should be advised to speak to planning to see where within the new developments such amenities could be placed and then consult with the Parish Council at that time.

Can you please bring this objection to the next planning committee meeting”.

Rory Needham

Clerk to the Parish Council

Highways:

In accordance with the adopted parking standards the proposal would be assessed against the following: (based on no of class/no of staff - 1.5 car spaces per 2 staff plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.)

The submitted document did not offer the required information and subsequently, confirmation was requested through the Case officer for further details. The information forthcoming outlines 2 full time staff and 2 part time staff, together with a maximum of 20 children. When measuring this against the parking standards this amount to 3 spaces for staff car parking and 2 spaces for drop off and pick up.

The parking arrangements and no of spaces shown within the curtilage amounts to 16 (existing) spaces (incl 1 disabled), this is far in excess of the numbers allowed. However I am conscious of the facility adjacent to the school, and although the D & A statement suggest that parents can walk and use Public Transport (we would certainly encourage this to continue) the vast majority of trips inevitably are made by car. In this locality, there are existing concerns with restrictive on street availability to support drop off and pick off, and to ensure the nursery does not add to the capacity concerns we would in this instance support the existing parking provision to aid parents dropping off and picking up nursery children.

Details of cycle and PTW provision should be provided, this is to be sited near the entrance, covered and secure. Please condition.

To safeguard those walking to the nursery, we would request a safe delineated route is to provided from the highway to the entrance of the building, please condition.

I would advise that the nursery is asked to submit a Travel plan within 6 months of operation to better encourage use of alternative sustainable transport measures.

Children's Services: No comments.

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 4th March 2022