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| <b>APPLICATION NO</b>                     | <b>2006/1265</b>   |
| <b>APPLICANT</b>                          | Mr P Evans   |
| <b>DEVELOPMENT</b>                        | Planning permission to erect a detached single-storey building for children's nursery  |
| <b>LOCATION</b>                           | 7 Park Lane, Westwoodside, Haxey   |
| <b>PARISH</b>                             | <b>HAXEY</b>   |
| <b>WARD</b>                               | Axholme South  |
| <b>SUMMARY RECOMMENDATION</b>             | <b>Grant permission subject to conditions</b>  |
| <b>REASONS FOR REFERENCE TO COMMITTEE</b> | Objection by Haxey Parish Council  |
| <b>POLICIES</b>                           | <p><b>Humberside Structure Plan:</b> Haxey is identified as a selected settlement under policy S12. Policy S5 indicates that in such settlements new development should be compatible with the size and character of the settlement and the range of community and service facilities available.</p> <p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> No specific policies apply.</p> <p><b>North Lincolnshire Local Plan:</b> Policy DS1 states that a high standard of design is required for all developments.</p> <p>Policy DS4 states that:</p> <p>‘Within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses provided that the development will not adversely affect the appearance and character of a residential area or residential amenity by virtue of noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.’</p> |
| <b>CONSULTATIONS</b>                      | <p><b>Highways:</b> Advise conditions.</p> <p><b>Drainage Board:</b> Advice on surface water discharge.</p>  |
| <b>PARISH COUNCIL</b>                     | <p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• unwelcome commercial premises in a residential area</li> </ul>  |

- concerns the number of children will rise
- noise level for neighbours will be unacceptable
- parking will become hazardous
- other facilities in area
- where will staff park?

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. Objections on the following material planning grounds have been received:

- residential area, proposal would harm peace and quiet of area
- impact due to increased traffic, this is on a bus route, cars would park on roadside
- other facilities in the area
- noise from car doors
- enjoyment of gardens affected

## **ASSESSMENT**

Planning permission is sought for the erection of a detached outbuilding for use as a commercial children's nursery. The building would be to the rear of the existing dwelling in place of an existing garage and would be 15.6m x 5.6m x 2.5m (to eaves) and 4.6m to the ridge. The plans indicate that ground levels would be altered on the site to give a level surface for construction. Three parking spaces and a turning head would be provided within the front garden. A number of trees are close to the proposed development.

**The main issues for consideration in the determination of this planning application are whether the business use is acceptable in this location, whether the design of the building is acceptable, whether unacceptable harm to the neighbours' amenities would occur and whether the impact upon the trees is acceptable.**

The proposed building would be single-storey and finished in render with a tiled roof. Although large, the building would be subservient to the main dwelling and when seen from the road would have little material impact upon the street scene. The building itself would not directly impact upon the living conditions of the adjacent

properties. The proposals include parking and turning and Highways do not object.

Childcare Development Services have advised that the proposal is acceptable in principle subject to detailed consideration relating to the size and layout of the building if the unit is to gain successful registration with Ofsted.

The proposed use is considered to be acceptable. Policy DS4 allows commercial use in residential areas subject to the proposals not adversely affecting the appearance or character and residential amenity by way of noise amongst other criteria.

The applicant states that a maximum of 5 children would attend the nursery at any one time. This is a small number and it is generally accepted, as Government guidance indicates, that planning permission is not required to child-mind if no more than 5 children would be on the premises at any time. The children would be in the nursery and play area on weekdays only from 7am to 6pm.

It is considered that this level of use would be acceptable without undue impact upon the amenities of the occupiers of neighbouring properties. Regarding the trees, the Tree Officer raises no objection as the trees to be removed are conifers and trees in the adjacent garden are already affected by the existing garage.

**RECOMMENDATION**

**Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development shall be carried out in accordance with the submitted drawings and particulars unless otherwise agreed in writing by the local planning authority in which case the development shall be carried out in accordance with the agreed amended details.

Reason

To ensure that the development is carried out in accordance with the provisions of the Town and Country Planning Act 1990 or any amending legislation.

3.

No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The nursery shall not be brought into use until the vehicle parking and turning facilities serving it have been completed in accordance with the approved drawings and once complete the vehicle parking and turning facilities shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No loose material shall be placed on any driveway or parking area within ten metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the Local Planning Authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

No development shall take place until details of a soakaway system have been agreed in writing by the Local Planning Authority and all surface water run-off from the development shall be discharged to the agreed system.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

7.

The building(s) shall not be brought into use until they have been sound insulated in accordance with details to be agreed in writing by the Local Planning Authority beforehand.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

8. The building shall only be used as a nursery for children under six years of age and for no other purpose.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

9. No more than 5 children shall attend the nursery on any single day.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

10. The nursery shall only be open for business from Monday to Friday between the hours of 7.00am and 6.00pm and at no other time.

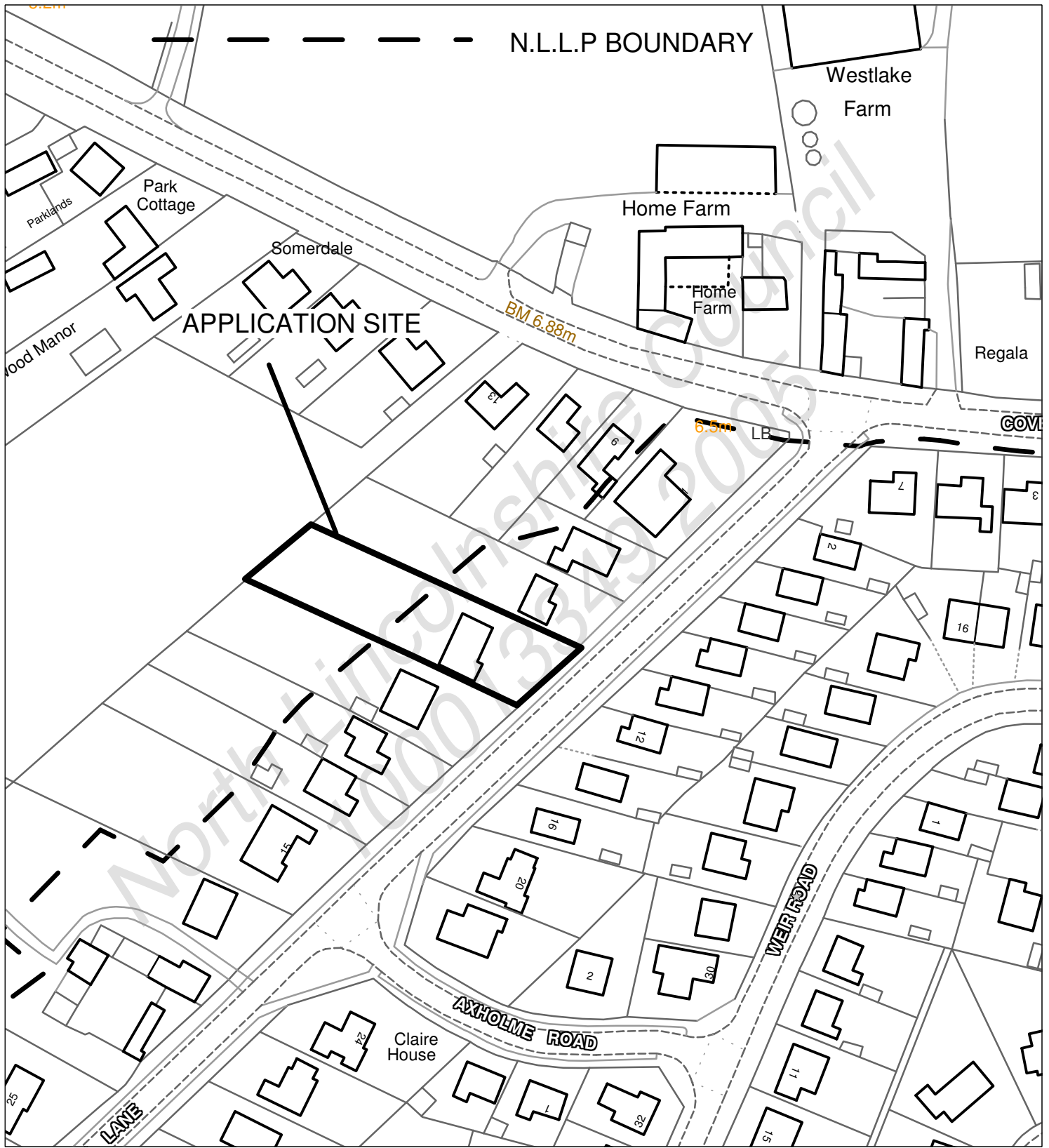
Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11. No development shall take place on site until a detailed plan showing existing ground levels and proposed site levels and finished floor levels has been agreed in writing by the local planning authority and the development shall take place only in accordance with the agreed details.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.



TITLE: 2006/ 1265

SCALE: 1:1250



North Lincolnshire Council  
 Planning and Regeneration Service  
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