

BOROUGH OF KETTERING

Committee	Full Planning Committee - 16/12/2014	Item No: 5.7
Report Originator	Christina Riley Senior Development Officer	Application No: KET/2014/0713
Wards Affected	Queen Eleanor and Buccleuch	
Location	28-30 Grange Road, Geddington	
Proposal	s.73 Application: Variation of condition 9 and removal of conditions 14 & 15 of KET/2011/0227, in respect of maximum number of children and parking plans	
Applicant	Mrs J White	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The ground floor nursery hereby permitted shall not be open to children outside the hours of 08:00 to 18:00 Mondays to Fridays, nor at any time on Saturdays, Sundays or any recognised bank holiday.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. The existing boundary treatment to the primary and secondary play areas shall be retained. These areas shall not be used as play areas unless the boundary treatment is in place.

REASON: In the interests of the amenities and privacy of the neighbouring properties in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenity of occupants of neighbouring properties in accordance with policy 13 of the North Northamptonshire Core

Spatial Strategy.

5. The area for outside play shall be limited to the primary and secondary play areas as shown on approved drawing number 05B and no other area within the site shall be used for outside play.

REASON: In the interests of residential amenity in accordance with the requirements of policy 13 of the North Northamptonshire Core Spatial Strategy.

6. The area shown for storage of cycles on Drawing Number ITP/GRG/02 A submitted 16 October 2014 shall be retained as approved hereafter.

REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. The first and second floor flat shall only be occupied by persons employed with the nursery hereby approved together with their dependent relatives.

REASON: In the interests of residential amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The maximum number of children in the nursery at any one time shall not exceed 48.

REASON: In the interests of residential amenity and highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. The means of access shall be paved with a hard bound material for the width of the access and for a minimum of 10 metres into the site measured from the highway boundary and retained as such hereafter.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details.

REASON: In the interests of residential amenity and highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. The use of the site shall not be carried on other than in accordance with the approved details. The parking areas shown on Drawing Number ITP/GRG/02 A shall be retained hereafter.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0713

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2001/0803 Erection of detached double garage and extension to existing house to form swimming pool. Approved 22.11.2001

KET/2002/0144 Extension to dwelling to form swimming pool room. Refused 12.04.02.

KET/2002/0347 Retrospective permission for a covered swimming pool and a proposed screen fence to boundary. Approved 28.06.2002

KET/2002/0415 Conservatory at rear. Approved 28.06.2002

KET/2011/0227 Change of use of ground floor to day nursery and use of first and second floor as managers flat. Approved. 22/07/2011.

Site Description

Officer's site inspection was carried out on 05/11/2014.

The site is located on the corner of Grange Road and Skeffington Close. The application site is a former large detached dwelling, now in use as a day nursery, set within a large plot. There is an existing vehicular access from Grange Road and the front garden is largely paved to provide car parking. There are a number of mature trees, comprising a mix of Sycamore, Horse Chestnut, Maple and Lime within the front garden adjacent to the southern and western boundaries of the site. The site is not located within Geddington Conservation Area; however land immediately to the east on Grange Road does form part of the Conservation Area.

The surrounding area is primarily residential in character, however, there is a small industrial estate, comprising eight small units, located to the south of the application site, immediately opposite the junction with Skeffington Close. Grange Road is characterised by traditional terraced properties which rely on street parking whereas Skeffington Close is characterised by more modern, detached and semi detached properties, set within large plots with in curtilage parking.

Proposed Development

Variation of Condition 9 of KET/2011/0227 - from a maximum of 35 children to 48 children (this number already agreed by Ofsted.)

Removal of Condition 14 and 15 of KET/2011/0227 - requires development to be carried out in accordance with the approved plans (Condition 14) and plans and details of on-site parking to be provided.

Any Constraints Affecting The Site

None

4.0 Consultation and Customer Impact

Parish/Town Council – strongly oppose the proposal for the following reasons: -

- original conditions were imposed to alleviate potential traffic problems in Grange Road/Skeffington Close.
- traffic flow has increased, which would be worse if number of children increased.
- residents have reported.
- near misses; difficulties accessing and/or exiting properties; unsightly churned up and deep rutting of grass verge at top of Skeffington Close; occasions when emergency services might have difficulties getting to properties on Grange Road/Skeffington Close.
- problems have been reported to the police.

Strong feeling that the nursery (as a separate issue) should be penalised for breaching the original conditions.

Highway Authority –

Carried out a traffic survey to check queuing at the junction with New Road. The results of the survey at 5 minute intervals between 8.00 and 9.15 am showed that the maximum length of the queue was 1 vehicle.

These results show that there isn't a traffic problem on Grange Road at this time of day.

Also observed car movements into and out of the property and at no time were any problems presented.

Therefore Northamptonshire Highways has no objections to the application to vary the conditions.

Environmental Health – no objection

Neighbours – 13 letters have been received objecting to the proposal on the following grounds: -

- Lack of parking spaces and increase in traffic.
- Will lead to double parking on grass; children running across the road; near misses; difficulties accessing and/or exiting properties; unsightly churned up and deep rutting of grass verge at top of Skeffington Close; occasions when emergency services might have difficulties getting to properties on Grange Road/Skeffington Close.
- Local residents on Grange Road already use the top of Skeffington Close to park, the increase in children will make this

worse.

- Driveways in Skeffington Close are being used for turning cars.
- Verges on Skeffington Close and grass opposite building are churned up and turned into mud baths due to the increase in people parking on and off these several times a day.
- Skeffington Close is a residential area with no precedent for business parking.
- Poor visibility from Skeffington Close, especially in winter when poor street lighting makes the situation even worse.
- Parking and traffic essentially turns Grange Road into a one lane road.
- Conflict with traffic emerging from the industrial estate almost the site.
- Original consent was granted on the basis that parking was contained within the nursery grounds.
- Opening of the bypass has made little difference to commuter traffic passing through Geddington at the times stated in the planning application – more traffic uses Grange Road, New Road and Newton Road when travelling to Corby.
- Could parking space be made available in the industrial site opposite?
- Swimming lessons in the summer made the situation worse, these stopped but have started up again.
- Lavender Blue have already shown that they are willing to ignore planning requirements when they ran swimming lessons from the site in the summer.

5.0 Planning Policy

National Planning Policy Framework

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1. Strengthening the Network of Settlements

Policy 8: Delivering Economic Prosperity

Policy 9. Distribution & Location of Development

Policy 10. Distribution of Housing

Policy 11. Distribution of Jobs

Policy 13. General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

RA3. Rural Area: Restricted Infill Villages

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Use
2. Highway Safety Implications
3. Impact on residential amenity
4. Design and visual impact

1. Principle of Use

National planning policy in the NPPF is a material consideration in planning decisions. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. Paragraphs 6 and 7 detail that the purpose of the planning system is to contribute to the achievement of sustainable development which has economic, social and environmental dimensions.

Policy 13 of the NNCSS supports development provided that the proposals do not result in an adverse impact upon residential amenity or the highway network and that the proposals present a good standard of design which does not have an adverse impact upon the character and appearance of the area.

The principle of the use of the site for a nursery has been established by the granting of the previous planning permission KET/2011/0227. The impact of the proposed changes detailed in section 3 above, weighed against policy are what falls to be considered here.

2. Highway Safety Implications

Policy 13 (d) of the North Northamptonshire Core Spatial Strategy requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards.

Significant concern has been raised by third parties about the lack of car parking provided for the nursery stating that this has led to problems along Grange Road. Objectors also consider that insufficient car parking is proposed for the increase in children at the nursery, resulting in vehicles parking on the highway, to the detriment of vehicular and pedestrian safety. The original scheme submitted provided for 11 car parking spaces on the site the provision of which was controlled by Conditions 14 and 15. This amended scheme provides for 18 car parking spaces.

Northamptonshire County Councils former SPG on Parking Standards sets out guidance on car parking standards. This document sets out a maximum car parking provision for nurseries of 1 car parking space per

25 square metres of floor space, which equates to a maximum car parking requirement of 10 spaces. As the nursery is providing 18 spaces there is, based upon the former SPG, an over provision of spaces.

The suitability of the New Road/ Grange Road junction for the level of traffic associated with a nursery use has been questioned. Objectors have stated that residents of Grange Road properties park on Grange Road, up to the junction with New Road, which in effect results in a single track road. The Highways Authority have observed traffic at this junction between the hours of 8.00am and 9.15am on Thursday 9th June, and concluded that the junction appeared to function adequately with waiting times and queuing was within acceptable levels. This showed that the maximum queue length was 1 vehicle. The Highways Authority do not object to the application subject to a condition restricting the number of children on site at any one time to 48.

Based on the lack of objection from the Local Highway Authority on both highway safety and parking and the evidence they provided, it is considered that despite neighbours and the parish council's concerns, it would be very difficult to sustain a refusal of planning permission on parking grounds. Indeed it seems that some of resident's parking issues may result from comings and goings to other properties.

In conclusion, subject to conditions, the scheme provides for acceptable vehicular access and car parking provision and will not have any significant adverse impact on the Grange Road/ New Road junction and as such is in accordance with the requirements of policy 13(d) of the North Northamptonshire Core Spatial Strategy.

3. Impact on Residential Amenity

Policy 13(l) of the North Northamptonshire Core Spatial Strategy requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The surrounding area is primarily residential in character with properties immediately to the north, south, east and west of the site all being in residential use. The use of the site as a nursery for up to forty-eight children at any one time will represent an intensification of the current permitted use for thirty-five children. The main impact that the nursery will have on the amenity of occupants of nearby dwellings is in respect of noise and disturbance from children and staff arriving/ leaving the nursery and noise from children playing in the play areas. No alterations are proposed to the dwelling, thus no issues of overshadowing, overbearing impact or loss of privacy will occur as a result of the change of use.

The original scheme provided for eleven car parking spaces on site.

Amendments to the layout, including increased hard surfacing now provide for 18 car parking spaces on site. These are available for both members and staff and parents dropping off, with on street parking also available if necessary. The car parking area is located to the front of the property and is located sufficiently far from the boundaries with nearby dwellings not to result in a significant adverse increase in levels of noise from cars arriving and departing.

The car parking spaces, at their closest point, are located approximately 6 metres from the boundary with 34 Grange Road and are screened by existing mature planting; number 19 Grange Road is located on the opposite side of Grange Road, approximately 14 metres away and again is well screened by existing mature vegetation, approximately 30 metres away from number 26 Grange Road to the east and 36 metres away from 1 Skeffington Close to the north.

A condition on the earlier consent limited the hours of opening for the nursery and outside areas in which the children could play. It is considered reasonable to impose these conditions again to maintain privacy for residents.

Boundary treatment required by the previous consent included a 1.8m high close boarded fence to provide a gap of approximately 8 metre for the primary play area and 5.5 metres for the secondary play area between the play areas and the northern boundary with number 1 Skeffington Close. Subject to a condition requiring this boundary treatment to be maintained the level of noise experienced by the occupants of number 1 Skeffington Close is considered to be of an acceptable level.

Numbers 26 Grange Road and 46 Skeffington Close are separated from the primary play area by the highway and this separation distance, combined with existing 1.8 m metre high timber fencing is sufficient to avoid any adverse impact on respect of noise and disturbance to the occupants of these properties. The second play area is located adjacent to the western boundary of the site. The western boundary of the site immediately abuts a narrow access track and beyond that is the house and garden to number 32 Grange Road. There is a separation distance of approximately 12.5 metres between the play area and the nearest rear facing windows in place on the property and a separating distance of just over 4 metres between the play areas and the rear garden area serving 32 Grange Road. Given this separation distance, the staggered use of the play area and existing 1.8 metre high timber boundary treatment in place on this boundary, it is not considered that any noise emanating from the site will be of an acceptable level and have no adverse impact on residential amenity of occupants of the dwelling.

In addition Environmental Health has been consulted on the scheme, and has raised no objections to the scheme.

Whilst the use of the site will intensify, it is considered that the building and the site itself are of a sufficient size to accommodate the proposed increase in children without resulting in a detrimental impact on either the character of the building or that of the character of the surrounding area. It is not considered that the increase from 35 to 48 children will give rise to sufficient noise and disturbance to warrant a refusal of the application.

In conclusion, subject to re imposing conditions covering opening hours, numbers of children and the use of the play areas, it is not considered that the scheme will have any harmful impact on residential amenity and as such is in accordance with the requirements of policy 13(l) of the North Northamptonshire Core Spatial Strategy.

4. Design and Visual Impact

Policy 13(h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings.

No external alterations are proposed to the existing dwelling as part of the application. The main physical alterations proposed relate to the enlargement of the forecourt to the front of the dwelling which has taken place, to provide for eighteen car parking spaces for the use.

A number of trees have been removed to allow for the increased car parking area. However the trees are not within the Conservation Area or covered by a Tree Preservation Order. Sufficient boundary screening still remains between the car parking area and street frontage to minimise the visual impact of the car parking area and maintain the existing rural feel of the site. It is also considered that these alterations will preserve the character of the adjacent Conservation Area to the east of the site.

Whilst the use of the site will intensify, it is considered that the building and the site itself are of a sufficient size to accommodate the proposed use without resulting in a detrimental impact on either the character of the building or that of the character of the surrounding area and adjoining Conservation Area. Subject to conditions, the scheme is thereby considered to be in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy.

Other issues:

The use of the site for swimming lessons has been raised with the applicants who have confirmed that this use has now ceased.

Comments that the nursery should be penalised for both the swimming pool use and increasing the number of children at the site without planning permission are noted, however these issues are not allowed to

be material consideration in the determination of this application.

Conclusion

The scheme is in accordance with national and local policy and subject to conditions will not result in any adverse highway safety implications or any adverse safety implications or any adverse impact on residential amenity.

Background Papers

Title of Document:

Date:

Contact Officer:

Christina Riley, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: