

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 08/11/2016</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Alison Riches Development Officer</b>	<b>Application No: KET/2016/0503</b>
<b>Wards Affected</b>	<b>All Saints</b>	
<b>Location</b>	<b>18-20 Park Avenue, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use of lower ground floor level at No. 18 from residential to nursery school being an extension for the nursery school at No. 20. Increase in the number of child places from a maximum of 21 (as originally consented) to a maximum of 36 and increase in evening hours from 17:30 to 18:00 Monday to Friday only</b>	
<b>Applicant</b>	<b>Mrs R Scott</b>	

### 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 day nursery use hereby permitted shall not be carried out before 0800 hours or after 1800 hours on Mondays to Fridays, nor at any time on Saturdays, Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The day nursery use hereby permitted shall be for a maximum of 36 child places.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Before the day nursery use hereby permitted first commences, a scheme for achieving noise levels in accordance with BS8233:2014 shall be first submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be maintained as approved thereafter.

REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2016/0503**

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

### **3.0 Information**

#### **Relevant Planning History for No.20 Park Avenue**

KE/91/0899. Change of use of ground floor from domestic use to day nursery. Approved 10/03/1992.

- Temporary permission granted for 2 years.

KE/94/0044. Renewal of KE/91/0899: Change of use of ground floor from domestic use to day nursery. Approved 22/03/1994.

- Permanent permission granted.

KE/96/0130. Change of use of remaining domestic rooms to day nursery. Refused 14/05/1996.

#### **Site Description**

Officer's site inspection was carried out on 12/08/2016.

The application site is located to the north of Kettering town centre in an established residential area and comprises a pair of large Victorian semi-detached properties built in 1897.

The properties are in the same ownership and have three floors – a lower ground floor, ground floor and first floor. The lower ground floor of No.20 has an established nursery school use, with the ground and first floors having a residential use. All three floors of No.18 have a residential use.

The properties are set back from the back of the footpath and are red brick with a tiled gable roof and double height front bays with stone mullions, and are accessed via external staircases surrounded by metal railings. The windows are white painted wooden sashes with stone cills, lintels and surrounds. The front door is set back inside a stone arch.

The lower ground floor is constructed of Blue brick, is accessed via an external staircase and has white PVCu modern casement windows with an opening top light.

There is a single flat roofed garage attached to the northeast elevation. There is no front boundary treatment and the small front garden is paved. To the southwest side there is a curved low boundary wall which is attached to the front elevation of No.18 and to the northeast there is a low wooden panel fence.

To the rear there is an outside play area for the nursery which is self-contained and in the garden of No.20, and surrounding it and to the rear of No.18 is garden area for the residential use at Nos.18 and 20. The rear garden is

surrounded on all sides by boundary walls and wooden panel fencing in excess of 2 metres in height with mature high level planting in front of it.

The site is close to Loake Brothers shoe factory to the west which runs between Park Avenue and Wood Street, and Park Infants and Junior schools which are to the east between Park Avenue and Wood Street.

Immediately adjacent and to the south of the application site are residential properties and to the north is Rockingham Road Pleasure Park.

### **Proposed Development**

The proposal is for a change of use to the lower ground floor of No.18 Park Avenue from residential to a day nursery and then the lower ground floor is to be incorporated into the existing lower ground floor day nursery at No.20 Park Avenue. The proposal includes an increase in the number of child places from 21 to 36 and an extension to the finishing time from 17:30 to 18:00. The original restrictions were applied to the consent granted by KE/94/0044.

The description of the initial proposal was amended to include the changes to the number of child places and the hours of use.

### **Any Constraints Affecting the Site**

Opposite an area of protected Open Space – Rockingham Road Pleasure Park

## **4.0 Consultation and Customer Impact**

Initial 21 day consultation – 02/08/2016

### **Highway Authority**

- Parking Beat Survey required. To be carried out in School term time.

### **Northamptonshire County Council**

Children and Families, Early Help and Prevention

- Support
- Shortfall of quality childcare in the area particularly when the Government's new 30 hour free childcare proposals come into effect in September 2017.

### **Environmental Health**

- No objection.
- Request conditions or informatives relating to noise protection between the residential and nursery uses and refuse collection.

### **Neighbours**

Letters of **objection** have been received from 5 no. different addresses, and are summarised as follows:

- Leylandii trees at the edge of garden of No.20. Will more be planted at No.18 as the existing ones are around 12m high and overhang the gardens of Nos.109 and 111 Wood Street and have had no maintenance for years.

- Rear entrance to No.18 is by shared access for Nos.107 and 109 Wood Street. If going to be used as an entry by the Nursery School it would cause traffic generation in Wood Street and increased security problems for Nos.107 and 109 Wood Street.
- Application KE/96/0130 to increase capacity of nursery from 18 places using upper floors of No.20 refused on the grounds of traffic, parking and noise.
- New application states current capacity as 21 places. Not aware of any application to change from 18 in 1996 to 21.
- Since the 1996 refusal, traffic, parking and noise have all increased considerably due to a number of new development projects, Loakes Factory continuing to thrive resulting in more cars, vans and large vehicles, Walls and Floors Tile Superstore remaining busy, the park itself being much busier due to upgrade of fitness equipment.
- Great deal more noise from the nursery since the ground floor at No.20 was extended and play equipment and slides etc. installed.

5 letters of **support** have been received and are summarised as follows:

- The nursery has been hugely valuable to both my family and friends. It is a great social resource for the neighbourhood.
- High quality nursery and the opportunity to benefit from it will be available to far more families if it can be extended.
- Great opportunity for the children to have more space.
- All families in close proximity walk their children to school therefore do not add to the traffic and parking issues raised.
- Although increasing the number of children at the nursery may increase traffic, parents arrive at varying times and have no impact on the traffic created from the school also on Park Avenue.

Reconsultation – 26/09/2016 – Parking Beat Survey – Highway Authority only

**Highway Authority**

- No objection.
- Nursery times and other business/school times do not coincide.

Reconsultation for 14 days – 24/10/2016 – Change to description to reflect number of child places and revised finishing time

**Highway Authority**

- No objection.
- Extra data including the neighbour parking survey was considered, the overall impact of the nursery expansion and not the school, is not considered to be severe mainly due to the differing peak times for the surrounding uses cannot sustain an objection.
- The initial response was not an objection, merely non-support due to the lack of information which was subsequently supplied and with the other information provided and knowledge of the local area was then utilised to form our formal response.

**Northamptonshire County Council**

Children and Families, Early Help and Prevention

- No further comments received.

### **Environmental Health**

- No further comments received.

### **Neighbours**

Letters of **objection** received from 4 no addresses, stating the same objection as follows:

- Objection.
- Maintain objections based on noise and the potential effect on existing traffic problems.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 1. Building a strong, competitive economy

Policy 4. Promoting sustainable transport

Policy 7. Requiring good design

Policy 8. Promoting healthy communities

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 22. Delivering Economic Prosperity

#### **Other Legislation**

##### **Department for Education**

Statutory Framework for the Early Years Foundation Stage – Setting the Standards for Learning, Development and Care for Children from Birth to Five (September 2014)

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety

### **1. The Principle of Development**

The application site is in an established residential area to the northeast of Kettering.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

The lower ground floor of No.20 Park Avenue has been operating as a day nursery since 1991 for up to 21 children, which is a material planning consideration in the determination of this application.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

## 2. Character and Appearance

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The proposal is for the change of use of the lower ground floor of No.18 Park Avenue and its incorporation with the existing nursery at No.20 Park Avenue, and does not involve any external alterations. The nursery is accessed down some steps from Park Avenue and is set back from the back of the footpath, as per the current arrangements, and it is therefore considered that the change of use will not have an adverse visual impact on the existing building, surrounding development or the wider street scene on this part of Park Avenue.

This is in accordance with policy 8 of the North Northamptonshire Joint Core Strategy which requires new development to respect and reflect the surrounding character.

## 3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

In addition to the change of use, the application proposes an increase in the number of child places from 21 to 36 and an increase to the finishing time from 17:30pm to 18:00pm.

Planning permission was originally granted a day nursery use for the lower ground floor of No.18 Park Avenue by KE/91/0899 on 10<sup>th</sup> March 1992 for a temporary period of 2 years, with opening hours of 08:00am and 17:30pm Monday to Friday only, for a maximum of 21 children. A permanent planning permission for the use, with the same operating hours and number of children, was granted by KE/94/0044 on 22<sup>nd</sup> March 1994.

Letters of objection from 5 no. addresses were received in response to the initial proposal regarding noise and traffic generated by the proposal. The objections state that the ground floor extension and introduction of outside play equipment at No.20 has led to an increase in noise. The ground floor extensions and play area at No.20 have been in operation at least since planning permission was granted by the 1991 and 1994 planning permissions and no incidences of noise nuisance, in or outside the building, have been reported to Environmental Health.

Environmental Health has no objection to the proposal subject to the proposed use achieving noise levels in accordance with BS8233:2014, which can be secured by condition.

The objectors also stated that traffic, parking and noise had increased significantly following a number of planning permissions granted in the surrounding area, and the success of surrounding businesses and an increased use in the Pleasure Park opposite the application site. Although cumulatively these individual uses and permissions may give rise to an increase in general noise, they are not material in determining whether an increase in the proposed use at the site would lead to a significant increase in noise levels.

With respect to the increase in the number of children from 21 to 36, it is considered that the increase in the number of child places will not lead to any issues of amenity provided the applicants are able to comply with the requirements of BS8233:2014, and any statutory noise nuisance can be monitored and resolved through Environmental Health legislation.

Under legislation issued through the Department for Education, the Statutory Framework for the Early Years Foundation Stage – Setting the Standards for Learning, Development and Care for Children from Birth to Five (September 2014)m, sets out the staff to child ratios and indoor space requirements.

Under this framework, and using the largest floor area requirements (i.e. the worst case scenario), an indoor floor area of 126m<sup>2</sup> would be required if all the children were under 2 years of age (3.5m<sup>2</sup> per child). Using the plans provided, the combined lower ground floor area for Nos.18 and 20, when measured internally is 159.505m<sup>2</sup>, which means the floor area provided is adequate for the number of children proposed.

With respect to the change in hours, initially the applicants wanted to operate from 07:30 to 18:00 Monday to Friday, however, it was considered that 07:30 could lead to an adverse impact on the amenities of surrounding residential neighbours and that 08:00, as currently permitted, was in line with other surrounding non-residential uses such as Park Infant and Junior Schools and Loakes Shoe Factory. It is considered that an 18.00 finishing time would not lead to an adverse impact on the amenities of surrounding occupiers and would not correspond with the peak finishing times of the schools at 15:10 and 15:15 and Loakes at 12:00, 16:00 and 17:00. A condition will be added to



secure the operating hours on Mondays to Friday only, with no operation at weekends and on recognised public holidays.

As such, it is considered that subject to conditions relating to noise, the number of child places and operating hours, the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy, in that it will not lead to an unacceptable impact on the amenities of surrounding occupiers.

#### 4. Parking and Highway Safety

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Paragraph 37 of Policy 4 of the NPPF aims to encourage to minimise journey lengths for educational activities, and paragraph 72 of Policy 8 of the NPPF looks to ensure that a choice of school places meet needs.

The area surrounding the application site is principally residential in character with on-street parking. There is a public park opposite, two schools to the northeast and a shoe factory to the southwest and this means that at peak times the roads in the area are well used and parking is limited.

Neighbour objections have been received relating to an increase in parking caused by surrounding new development.

The Highway Authority could not initially support the proposal as the applicants had not provided sufficient information. The applicants subsequently carried out a Parking Beat Survey and the Highway Authority had no objection to the proposal. This is due to the fact that the arrivals and departures for the existing day nursery use at No.20 Park Avenue do not have the same time constraints as the nearby Park Avenue Infant and Junior Schools or the surrounding local businesses, such as Loakes Shoe Factory.

The operating hours for the surrounding uses, which were confirmed either from their respective websites or by speaking to a member of staff, are as follows:

#### Loakes Shoes

Factory           8am to 5pm Monday to Thursday  
                      8am to 12pm Friday

Office            8.45am to 5pm Monday to Thursday  
                      8.45am to 4pm Friday

#### Park Infants School

School open       8.45am to 3.10pm  
Lessons start     8.55am

#### Park Junior School

School open       8.45am to 3.15pm

Lessons start 8.55am

Loakes Shoes have limited car parking within their on-site car park while the schools rely entirely on on-street parking.

The Parking Beat Survey provided by the applicant was challenged by a neighbour to the application site who provided their own survey results. This information was forwarded to the Highway Authority who stated that, further to consultation with all the provided information, they could not sustain an objection due to the differing peak times of all the surrounding uses.

An objection was received stating that if the rear entrance to No.18, accessed through a shared access adjacent to no.107 Wood Street to the southeast, was going to be used as an entry by the Nursery School it would cause and increase in traffic and security problems for Nos.107 and 109 Wood Street. As the front entrance to the nursery is in Park Avenue, it is considered that by virtue of the distance from the school entrance, it is unlikely that it would lead to an increase in traffic or security problems.

In addition to the objections, 5 no. letters of support were received which stated that although increasing the number of children at the nursery may increase traffic, parents arrive at varying times and have no impact on the traffic created from the school also on Park Avenue.

It is considered that although there will be an increase in the number of children from 21 to 36, which may increase the number of traffic movements to and from the site, the peak arrival and departure times when taken in conjunction with the peak arrivals and departures from the surrounding schools and businesses, will not lead to an overall significant increase in the traffic and parking at or around the site.

As such, the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy which seeks to ensure parking in accordance with adopted standards.

### **Conclusion**

Subject to conditions limiting the number of child places, the opening times and the requirement for a noise assessment, it is considered that the proposal accords with policies in the Development Plan and is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date: