

BOROUGH OF KETTERING

Committee	Full Planning Committee - 20/02/2018	Item No: 5.1
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2017/0433
Wards Affected	All Saints	
Location	122 Rockingham Road, Kettering	
Proposal	s.73 Application: Variation of condition 3 of KET/1997/0603 in respect of increase in number of children permitted from 55 to 92 children	
Applicant	Mr J Hutchinson, Treetops Day Nursery	

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 shall be begun not later than the expiration of five years beginning with the date of this permission.

REASON: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2. The number of children at the premises shall not exceed 92 children at any one time.

REASON: To restrict the level of usage of the premises in the interests of traffic and general amenity consideration and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The extension shall only be occupied in association with the primary use of the original building and shall not form a separate independent use.

REASON: Sub-division of the planning unit is considered inappropriate in the interests of traffic and amenity considerations.

4. The parking areas, turning areas, bin storage area and amended external front garden layout shall be carried out in accordance with the approved Drawing No.NTP-17032-003 and shall be implemented within a time period of two months from the date of this permission and retained at all times thereafter.

REASON: In the interests of highway safety and residential amenity and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The first floor windows to the south elevation shall remain obscurely glazed and retained as such.

REASON: In the interest of residential amenity and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The approved Revised Noise Management Plan received 5 December 2017 shall be fully complied with at all times.

REASON: In the interests of residential amenity and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The means of access shall be of a minimum of 5.4m wide. The southern pillar, planting border and gates shown to be removed on approved Drawing No.NTP-17032-003 shall be removed within a time period of two months from the date of this permission. An access clear of built form shall be retained at all times thereafter.

REASON: In the interests of highway safety and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The vehicular access gradient from the Highway Boundary shall not exceed 1 in 15 for the first 5m from the highways boundary.

REASON: In the interests of highway safety and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the boundary. Any such feature erected beyond that distance shall be hung to open inwards away from the highway.

REASON: In the interests of highway safety and to comply with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2017/0433

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

3.0 Information

Relevant Planning History

KET/1997/0603: Single and two storey extensions to side of nursery school building
– Approved 1.10.1997

Site Visit

Officer's site inspections were carried out on 16/06/2017 and 28/09/2017.

Site Description

The application site is located to the north of Kettering town centre in an established residential area and comprises a large Victorian detached property benefiting from side extensions. The whole property has an established nursery school use.

The property is set back from the back of the footpath and sited behind a brick wall and hedges and the entrance is via metal rail gates. There is a large tree near the front boundary. The front of the site consists of a gravel driveway and parking area. There is a bin store towards the front of the site.

Immediately adjacent of the application site are residential properties. The boundary treatment surrounding the site adjacent to neighbouring properties is dense landscaping, high level fencing and brick walls to the east and south boundaries. To the north boundary there is a wall and fencing acting as boundary treatments. In the rear garden there is an outside play area for the nursery which is self-contained and in the garden of No.122.

Proposed Development

Planning permission was originally granted for a day nursery use under planning application KET/1997/0603 on 1 October 1997 and condition 3 restricted the number of children at the premises to 55 children.

This retrospective planning application is to vary condition 3 under planning application KET/1997/0603 to allow for an increase in the number of children to attend the nursery from 55 pupils to 92 pupils at No.122 Rockingham Road.

Any Constraints Affecting the Site

Classified Road
Nene Valley NIA Boundary

4.0 Consultation and Customer Impact

Highway Authority

Following submission of additional information, no objection subject to conditions/informatives on access, layout, visibility splays and means of enclosure.

Environmental Health Officer

Following submission of additional information, no objection subject to condition on compliance with the Revised Noise Management Plan received 5 December 2017.

Crime Prevention Design Advisor

No comment, further to submission of additional operational information.

Neighbours

There were objections from 4 properties within the locality. The objections related to lack of parking, traffic flow arrangements and noise in the neighbouring properties' rear gardens from the nursery. The transport analysis was carried out in August when roads are not at their busiest. There are no details of when works are to be carried out.

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 7. Community Services and Facilities

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 (March 2017)

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 north 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 (JCS) is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

Policy 7 of the JCS states that community services and facilities should be supported and that such existing facilities should be safeguarded.

The site currently has operated as a day nursery since the 1990's for up to 55 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 application proposes no external changes to the building.

There are proposed amendments to the front boundary of the site, bin store and the parking layout. The proposed boundary changes of removal of the gates on the front boundary are modest in scale and would be in keeping with the character of the locality so are acceptable. The proposed bin store would remain in the front garden of the site and would be acceptable. The proposed parking includes staff parking and parking for parents/guardians of the children/visitors.

This element 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.

Planning permission was originally granted a day nursery use under planning application KET/1997/0603 on 1 October 1997 and condition 3 restricted the number of children at the premises to 55 children. This application seeks to increase the number of children to 92.

There was an objection from a neighbouring property concerning increase in noise

heard from their rear garden.

Environmental Health has no objection to the proposal subject to condition on ensuring the measures included in the Revised Noise Management Plan received 5 December 2017 are adhered to namely: peaceful periods, quarterly reviews, music and dance restricted to indoors and notification of special outdoor events to neighbours, in order to prevent noise nuisance to neighbours.

With respect to the increase in the number of children from 55 to 92, 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 their Revised Noise Management Plan. The principal elements of this are:

- Management of the Nursery is by the applicants. There are 20 staff at the nursery
- Peaceful periods – Between 08.00-09.00, 11.30-12.15 and 15.30-16.15
- Staggered starts – 07.30 and 08.00 starting times
- Boundary protection – The entire boundary of the property is surrounded by timber fencing, brick walling and conifer hedging for adequate screening and reduce noise from outside the site
- Access to the nursery garden
- There are double glazing in all windows of the nursery and window restrictors are fitted in the first floor windows
- Music/singing/dancing is restricted to indoor spaces. There may be occasional outdoor small presentations for no longer than one hour
- Notification of neighbouring properties for garden events, up-coming events and parent meetings.

It should also be noted that outside of the requirements of any planning permission granted, any statutory noise nuisance can be monitored and responded to through Environmental Health.

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 (March 2017), sets out the staff to child ratios and indoor space requirements. OFSTED monitor compliance with such requirements.

As such, it is considered that subject to conditions relating to noise 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 residential in character with a mix of on-street and off-street parking. There is a bus stop opposite the site and the site is within walking distance to the town centre.

Neighbour objections have been received relating to an increase in parking believed to be as a result from these premises and poor traffic flow arrangements.

The Highway Authority could not initially support the proposal as the applicants had not provided sufficient information. The applicants subsequently carried out additional work with the submission of a Transport Statement, Drawing No.NTP-17032-004 shows the manoeuvres of vehicles within the site and Drawing No's NTP-17032-003 shows the site layout including on-site parking. Following these submissions, the Highway Authority have no objection to the proposal. The parking is currently not well used as its entrance/exit is gated coupled with staff currently not being encouraged to use on-site parking. This application includes details of the layout of the site which depicts 20 no. on-site car parking spaces including 6 no. designated for staff. The recommended relevant conditions and informatives on access, layout, visibility splays and means of enclosure are attached. A two month period to carry out the works seems appropriate.

It is considered that although there will be an increase in the number of children from 55 to 92, which may increase the number of traffic movements to and from the site, the improvements to be made on-site to promote and encourage the use of on-site parking facilities will ensure that there is not a significant increase in on-street parking 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 and that development does not prejudice highway safety.

Notwithstanding a comment raised with respect to the transport analysis being carried out during the summer holiday period, there was some September parking analysis and traffic counts carried out as part of this work and the Highway Authority has subsequently confirmed no objection.

Conclusion

Subject to conditions limiting the number of child places ensuring compliance with the submitted Revised Noise Management Plan and works to the site access, 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:

Previous Reports/Minutes

Ref:

Date:

Natalie Westgate, Senior Development Officer on 01536 534316