

BOROUGH OF KETTERING

Committee	Full Planning Committee - 05/06/2018	Item No: 5.5
Report Originator	Collette Panther Assistant Development Officer	Application No: KET/2018/0132
Wards Affected	Pipers Hill	
Location	113 London Road, Kettering	
Proposal	Full Application: Change of use to first and second floors to accommodate an increase in the number of children from 55 to 75 including alteration of first floor window on South East elevation	
Applicant	Mr S Singer Angels 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 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 use hereby permitted shall not be carried out before 07:30hrs or after 18:30hrs on Monday to Friday, nor at any time on Saturdays, Sundays or any recognised bank holidays.

REASON: In the interests of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The maximum number of children in the nursery at any one time shall not exceed 75.

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

4. Prior to first use of the additional parking capacity hereby approved, details of the surfacing of the parking area and delineation of parking bays shall be submitted to and approved in writing by the Local planning Authority. The vehicle parking area shall be surfaced and delineated in accordance with the approved details and shall remain in that form thereafter.

REASON: To ensure an appropriate form of development and in the interests of limiting the impact of the development on the highway network in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0132

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

3.0 Information

Relevant Planning History

KET/2015/0610 - s.73 Application: Variation of condition 3 of KE/02/0191, in relation to the number of children – APPROVED

KET/2003/0853 – Change of use from garage to residential and extension at the front of the garage – APPROVED

KE/2002/0191 – Nursery extension to side of existing house – APPROVED

KE/2001/0107 – Change of use of existing dwelling to pre-school nursery - APPROVED

Site Visit

Officer's site inspection was carried out on 13/04/2018.

Site Description

The application site comprises a large detached building (previously a dwellinghouse) now used for the purposes of nursery care. It commands a corner position with its principal elevation facing onto London Road with vehicular access and car parking facilities situated to side of the site (off Pipers Hill Road). The surrounding area is largely residential in nature although there is a building nearby under the occupation of St Marys Hospital and a link through to the hospital. To the north (within a short walking distance) lies Kettering town centre. The property faces onto the main southern link into the centre of Kettering and there are a number of bus routes along London Road and Pipers Hill Road.

Proposed Development

This application seeks full planning permission for the following:

- to increase the capacity of children by 20, from 55 to 75 and
- to increase off-road parking spaces by 4, from 6 to 10.

There is a restrictive planning condition relating to this site imposed through condition 1 of planning permission KET/2015/0610 which restricts the maximum number of children in the nursery at any one time to 55.

Planning conditions help to regulate and control the proposed development or use of the land and require the submission of additional details or information for the carrying out of works to the land and/or any necessary off-site requirements.

This report will consider the application in view of the restrictive condition, mentioned above.

Any Constraints Affecting the Site

Located off an A Road

4.0 Consultation and Customer Impact

Neighbours

Comments objecting to the proposed development were received from 5 no. neighbouring properties within the vicinity of the application site.

The material planning considerations arising from the comments are summarised in this section and addressed in further detail in section 7.3:

- What parking provision will provided for the increased number of staff
- The eastern end of Hawthorn Road is constantly congested by existing members of staff and residents of London Road
- Insufficient parking provision
- Traffic flow, access for emergency vehicles, access for public transport and parking have become an issue which has resulted in traffic comes being placed at certain points along Pipers Hill Road
- Question as to the reliability of the Transport Assessment as a result of it being undertaken prior to the recent parking restrictions imposed on Pipers Hill Road
- The roads exemplified in the parking beat survey, i.e. Hawthorn Road, Roundhill Road and Broadway are suffering from acute problems due to day long parking by commuters using the nearby railway station and by teachers of Hawthorn Road School
- It is out of the question that parents would consider parking in those streets to drop off/pick up their children from the nursery because of the volume of traffic which passes London Road
- The restrictions due to be imposed by Northamptonshire County Council Highways by means of additional double yellow lines at points along Pipers Hill Road mean that the problem will be shifted further along the street/to other areas
- Third party response from St Marys Hospital advises that the on-site parking is not sufficient to meet the needs of staff and patients.

Northamptonshire County Council Highways

Initial comments received on 12/04/2018 unsupportive of the application and requesting additional/updated information is provided with respect to the Transport Assessment.

Addendum to Transport Assessment received from applicants on 03/05/2018 and a parking plan on 24/05/2018. Re-consultations sent to Highways on 03/05/2018 and 24/05/2018 respectively. Response received 24/05/2018 remaining unsupportive of the application but suggested conditions to impose should the local authority be minded to recommend approval.

Environmental Health

Responses received 23/05/2018 and 24/05/2018. Requesting noise assessment and advising no noise complaints have been received to date concerning this site

respectively.

Environmental Care

None received at the time of writing this report.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

Paragraph 17 - Core Planning Principles

Policy 1 – Building a Strong, Competitive Economy

Policy 4 – Promoting Sustainable Transport

Policy 8 – Promoting Healthy Communities

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS)

Policy 1 – Presumption in Favour of Sustainable Development

Policy 8 – North Northamptonshire Place Shaping Principles

Policy 11 - The Network of Urban and Rural Areas

Policy 22 – Delivering Economic Prosperity

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. Impact on residential amenity
3. Parking and highway safety

1. The principle of development

The overarching principle of the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In order to deliver sustainable development, policies in the NPPF establish that new development should seek to deliver community facilities and services to meet local needs by securing high quality design, taking into account the character of the area, providing a good standard of amenity for all existing and future occupiers of land and buildings, where possible reuse existing buildings and land, use renewable resources and make fullest use of public transport, walking and cycling, focusing development in locations which are, or can be made, sustainable.

The principle of development for a nursery at this site is already established by virtue of the grant and implementation of planning permission for the nursery and extensions under KET/2001/0107, KET/2002/0191 and KET/2015/0610. The nursery has been in operation since that time and therefore the primary issue in this case is the proposal to allow an increased number of children at the nursery from 55 to 75.

The application site is located within the town boundary of Kettering, as defined by saved policy 35 of the Local Plan for Kettering. Policy 11 of the North Northamptonshire Joint Core Strategy states that development will be principally directed towards the urban core, focused on the three Growth Towns of Corby, Kettering and Wellingborough. The same policy also requires that development will be distributed to strengthen the existing network of settlements and preference will be given to locations that are accessible by a choice of means on transport. Given the sites location within the town boundary, in a location which is accessible by a choice of means of transport and close to its catchment area, it is considered the scheme is in accordance with policy 11 of the North Northamptonshire Joint Core Strategy as well as policies set out within the NPPF.

Saved policy 58 of the Local Plan for Kettering Borough permits proposals for commercial development within existing areas of the Borough's towns where the area is already predominantly commercial in character. In residential areas, planning permission will normally be granted where the proposal is for an extension to, redevelopment of, or a reorganisation of, existing commercial operations provided there are no significant effects on amenity, the environment or the surrounding area and there would be operational, amenity or environmental benefits. Whilst the scheme is a commercial development, it is not an industrial use and is a use that could operate within a residential area, for which it would in part serve, without detrimentally affecting the character of the area. Whilst such a use is not fully compliant with policy 58, it is considered the site is a sustainable location for a nursery and is supported by policies in the NPPF which sets a presumption in favour of sustainable development.

In conclusion, given the sites sustainable location, the use as a nursery in this location represents sustainable development which is generally in accordance with the NPPF and the North Northamptonshire Joint Core Strategy.

2. Impact on 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 by reason of noise, vibration smell light or other pollution, loss of light or overlooking.*

The surrounding area is primarily residential in character with residential properties situated to the north west, south east and west. Parts of St. Marys Hospital are located directly north of the application site. The use of the site as a nursery for up to 75 children at any one time will represent an intensification of use in comparison to the permitted number of 55.

One of the main impacts that the nursery will have on the amenity of the occupants of nearby dwellings is in respect of noise and disturbance from children and staff arriving/leaving the nursery and noise from children playing outside. However, the nursery is situated along London Road (Classified A road) and the residential properties located to the west of the site are separated by this road. The nursery building comprises a detached property with grounds which surround the entirety of the site. The property to the south east is also separated from the site by a road and the neighbouring property to the north west is a large, detached

property set within a large plot and is at least 10 metres from the nearest boundary to the application site.

Environmental Health has not raised objections to the proposed intensification of the existing use with respect to increased numbers of children. They have also confirmed that they have no registered noise complaints for the site.

Taking all the above factors into account, it is considered that amenity levels currently experienced by existing residential properties will not be so adversely affected by the proposals to warrant refusal of this application. Therefore, subject to conditions, the proposal is considered to accord with Policy 13 of the North Northamptonshire Core Spatial Strategy in that the new development does not result in an unacceptable impact upon amenity to neighbouring properties.

3. Parking and highway safety

Policy 8(b) of the North Northamptonshire Joint Core Strategy requires new development to have a *satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards*, and not to have an adverse impact on the highway network nor *prejudice highway safety*.

The use of 113 London Road as a nursery is an existing use which was first established in 2001. As such, the consideration for this application is the impact of an additional 3 members of staff and 20 children attending the nursery at any one time.

Concerns have been raised by Northamptonshire Highways and local residents with respect to the situation concerning traffic flow and on-street parking at Pipers Hill Road and surrounding roads.

Northamptonshire Highways are in the process of managing the highway safety situation on Pipers Hill Road which appears to have changed since the Transport Assessment was undertaken, in January 2018.

Communication with the Head of Property Services at St Marys Hospital has revealed that although services at their site have changed, in an attempt to better use the estate, they are aware that the existing 295 on-site car parking spaces are not sufficient for the amount of people who attend the service using a car, this includes staff, patients and all other visitors. As a result these vehicles may be being parked on roads within the surrounding highway network. This is a current and ongoing issue which would be prevalent irrespective of this proposal.

Highways are currently trialling, with a view to making permanent, reduced parking at certain points along Pipers Hill Road, a long road which accommodates on street parking along a large proportion of its remaining length.

The proposed restrictions effectively reduce parking to a mixture of no parking on one or either side of the first 190m of the western end of Pipers Hill Road to accommodate suitable highway conditions which enable larger Stagecoach buses to utilise the route without prejudicing highway safety for other highway users.

London Road and roads located off its western side allow for on-street parking on both sides of the respective highway which may be suitable for those staff who bring a car to work however, for safety reasons due to the amount of traffic moving in both directions along London Road, it is unlikely that people will use these roads to park for the purpose of dropping off or picking up a child at the nursery.

Subsequently, the applicants provided an Addendum to the Transport Assessment dated April 2018 which addresses a number of issues and concludes the following points:

- the nurseries private car park accommodates off road parking which operates efficiently and with spare capacity, with very few exceptions, for the majority of drop-offs and pick-ups
- nursery drop-offs and pick-ups are, and will continue to be, coordinated in a staggered arrangement between 07:45-09:35, 12:30-13:30 and 16:05-18:00 where parents have a 5 minute timeframe to conduct such activities
- Should the situation arise for a person dropping a child off at the nursery to park on the highway, the remainder of Pipers Hill Road offers on street parking at various points along its stretch which, if parking a short walk away, will promote health and well-being within the community
- The applicant has submitted a proposed parking plan demonstrating the provision of 10 on-site parking spaces to mitigate impact to the highway network.

As a result, whilst it is accepted that an additional 3 members of staff and 20 children attending the nursery at any one time may cause some impact to the highway network at particular times throughout the day, the applicants have provided an additional 4 no. off-road parking spaces within the application site to mitigate the impacts of this development. Furthermore, the highway network within the vicinity of the application site provides opportunities for on street parking for the use of staff between the hours of 07:30-18:30 Monday-Friday. In any case, the limited additional arrival and collection movements will be staggered in line with the existing operation run by the nursery who restrict parking for the purpose of these activities to 5 minutes per child.

As a result, it is considered that this proposal accords with policy 8(b) of the North Northamptonshire Joint Core Strategy in that new development will not prejudice highway safety nor have an adverse impact on the highway network.

Conclusion

In summary, this proposal to increase numbers of children at the nursery is considered to be acceptable both in terms of highway safety and residential amenity. It is considered to comply with development plan policy with no outweighing material planning considerations and subject to the imposition of conditions this application is recommended to Members for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536
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Previous Reports/Minutes

Ref:

Date: