

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 11/03/2014</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Alan Davies Development Officer</b>	<b>Application No: KET/2014/0005</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>30 Cecil Street, Rothwell</b>	
<b>Proposal</b>	<b>Full Application: Change of use from offices to day nursery</b>	
<b>Applicant</b>	<b>Miss T Ginns Oak Tree Out Of School Club Ltd,</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 use hereby permitted shall not be carried out before 07.30 hours or after 18.00 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 13 of the North Northamptonshire Core Spatial Strategy.

3. Before the development hereby permitted is first used, space for the loading, unloading, parking and manoeuvring of 3 staff vehicles shall be provided within the site in accordance with the applicants' 'Location and Access Statement' and shall thereafter be retained and kept available for such purposes.

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

4. Prior to the commencement of the use hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be retained at all

times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of public health in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. There shall be no cooking on the site at any time other than the preparation of hot beverages or the heating of food in a microwave oven unless a suitable ventilation and extraction system has been first installed in accordance with details submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenities of occupiers of adjoining properties from odour and noise in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Officers Report for KET/2014/0005**

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

### **3.0 Information**

#### **Relevant Planning History**

KET/2013/0632 – Change of use from offices to nursery. Withdrawn 04/12/2013.

KET/2008/0277 – Demolition of existing 2 storey office building and erection of 2 no. 3 storey dwellings. Approved 16/07/2008.

KET2003/0825 – Removal of ground floor window and formation of new entrance door and side screens. Blocking up of side door, formation of new staff entrance door to rear of building. Approved 07/11/2003.

KET/1987/1060 – Erection of illuminated fascia sign. Approved 25/11/1987.

KET/1985/0623 – Change of use from dwelling to office. Approved 09/10/1985.

#### **Site Description**

Officer's site inspection was carried out on 13/01/2014.

The application site is a two storey flat roof brick building on the south side of Cecil Street, Rothwell. It sits across from the junction with Spencer Street and to the east of the property there is a pedestrian footpath that connects the street to Rothwell town centre via The Avenue. To the left (east side) of the front elevation there is a 2 metre high gate that accesses a hard surfaced private area to the side and rear of the building. To the immediate west of the building is a two storey residential dwelling that dates from the early 20<sup>th</sup> century. The two buildings abut each other, although have separate party walls due to the different age and construction methods of the two properties.

#### **Proposed Development**

It is proposed to change the use of the building from an office to a day nursery.

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

None

### **4.0 Consultation and Customer Impact**

#### **Town Council**

No objection, although comments that they believe there is insufficient parking in Cecil Street.

**Highway Authority**

No objection provided the revised staff parking arrangements are acceptable.

**Environmental Health**

No objection. Conditions relating to refuse and recycling and no preparation of hot food on the premises are suggested.

**Neighbours**

Two objections have been received from neighbouring residents. Both refer to the impact upon parking/traffic in Cecil Street as a result of this proposal and one refers to noise created by the use carrying through into the neighbouring residential dwelling.

**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

**Development Plan Policies****North Northamptonshire Core Spatial Strategy**

Policy 9. Distribution & Location of Development

Policy 11. Distribution of Jobs

Policy 13. General Sustainable Development Principles

**Local Plan**

Policy 7. Protection of the Open Countryside

Policy 58. Employment within Towns

Policy 59. Employment: Relocation/Re-use

**6.0 Financial/Resource Implications**

None

**7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Residential amenity
3. Highway safety

**1. Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine applications for

planning permission in accordance with the Development Plan should regard be had to the plan, unless material planning considerations indicate otherwise. The Development Plan consists of the overarching planning policies contained within the North Northamptonshire Core Spatial Strategy and the more detailed Borough-specific policies saved from the 1995 Local Plan for Kettering Borough.

In this particular instance Policy 9 and Policy 11 support the principle of employment-related development, albeit small scale, within one of the existing small towns of the Borough. Policies 7, 58 and 59 of the 1995 Local Plan again support the principle of employment-related development within an existing town that has the required infrastructure to make it a sustainable location. In addition to these Development Plan policies there is Policy 13 of the North Northamptonshire Core Spatial Strategy, which seeks to protect the amenity of neighbouring residents – particularly relevant to this application noise – and maintain local highway safety standards. These issues are discussed in greater detail in subsequent sections of this report.

In addition to the aforementioned policies contained within the Development Plan the National Planning Policy Framework also provides guidance as to how Local Planning Authorities should determine planning applications. Policies 1, 4 and 7 all support the principle of this development as it will reuse a redundant building in a sustainable location for an economic activity without resulting in a detrimental impact upon the appearance of the area. The core principles of the National Planning Policy Framework seek to achieve the same outcomes of Policy 13 of the North Northamptonshire Core Spatial Strategy in respect of amenity and highway safety and these two material planning considerations are discussed in greater detail below.

## 2. Residential amenity

One objection has been received from a neighbouring resident concerned that the proposed use will result in a detrimental impact upon the occupants of this property by increased levels of noise disturbance. The objection states that the use of the property as a nursery will result in a detrimental impact upon the neighbouring occupants by noise travelling through the building. During the Officer's site visit it was observed that the neighbouring dwelling is the end terrace of 8 terraced dwellings that date from the early 20<sup>th</sup> century (typically constructed of 9" bricks). The application building however is a 2 storey flat roof construction that dates from the 1960's. Whilst the two attached buildings may share a party wall the different construction methods and ages of the two properties confirm that they are separated by walls far more substantial than a 'single skin construction'. As such it is not considered that noise would travel between the two properties any more than would be expected of two adjoining buildings.

The applicant has identified that in order to prevent the development from having a detrimental impact upon the neighbouring dwelling they

will install 'soundproofing wallpaper' with a specification to show this is suitable. However, there is no assessment with the application as to current background noise levels, proposed noise levels and what reduction this paper will achieve. In addition to this Environmental Health have not identified any noise issues with the proposal. The proposal will have a maximum of 26 children on site, with an average of 16 children at any one time. This is 10 children more than could lawfully be cared for within a dwellinghouse without the need for planning permission. Whilst this is significantly more children than a small scale domestic playgroup or childminder would have the proposal has to be considered against the existing lawful use of the property.

Planning permission was granted in 1985 (KET/1985/0623) for the building to be used as an office. This permission was implemented and the use has been extant ever since. Within this use, which was not conditioned, the building could lawfully be used as an office, for a small research and development establishment or for light industry. Any of these uses would generate an amount of noise which could be compared with that arising from the proposed use (i.e. noisy children versus ringing telephones, people talking, typing, operation of photocopiers, machines, the background noise of a radio etc). The potential noise generated by up to 26 children during business hours (07.30-18.00) Monday to Friday is judged against the potential noise generation of the existing use or that of a domestic user and the respective boundary walls of the application site and the neighbouring property. Also, given that this use will not operate outside of these hours, on weekends or bank holidays it is considered that the proposed use will be less detrimental than the existing use in terms of noise impact. A condition to restrict the operating hours to those suggested by the applicant is therefore advised. Provided that this is the case the proposal will accord with Policy 13 of the North Northamptonshire Core Spatial Strategy and the Core Planning Principles contained within the National Planning Policy Framework.

### 3. Highway safety

The two objections to the proposal both raise concerns about the impact upon local highway safety and demand for parking. The applicant has submitted a parking survey with the application which demonstrates the level of parking within the street at set times of the day, which are:

- 07.45 (before work)
- 09.10 (after people have left for work)
- 13.10 (lunchtime)
- 14.30 (after lunchtime)
- 17.45 (after work)

These photographs demonstrate that parking is at a premium before work and after work. However, as 3 staff parking spaces will be provided on site and the drop-off times for children will be staggered

there is still sufficient parking in the vicinity for several parents to drop their children off by car. When combined with the sustainable location of the proposal close to the centre of Rothwell, but not in an area which competes with town centre parking, it is considered that there will be sufficient parking spaces within Cecil Street for those to park safely. As the drop-off times are flexible it is considered that outside of the peak traffic periods there will be more than sufficient parking for parents who wish to drive to the nursery.

In addition to the availability of on-street parking it is considered that the location of the proposed nursery, with high pedestrian connectivity to surrounding streets, will help to actively promote walking to the nursery. Whilst it is unlikely that parents will travel to the nursery by public transport it is considered that the local bus service is more than sufficient for this nursery as the nearest bus stops are within walking distance. As such, the proposal is considered to accord with Policy 13 of the North Northamptonshire Core Spatial Strategy and Policy 4 of the National Planning Policy Framework.

### **Conclusion**

The proposed change of use seeks to re-use an existing office building in a sustainable manner for a use that will have a less detrimental impact upon the amenity of the surrounding area than the present lawful use. It is considered to accord with national and local planning policy, will not result in a detrimental impact upon highway safety and through the imposition of conditions will not cause detriment to the amenity of neighbouring residents. It is therefore recommended that permission is granted.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Davies, Development Officer on 01536 534316

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

Ref:

Date: