



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 29th July, 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0607: Change of use from dwelling (Use Class C3) to mixed residential and nursery use at 1 Spyglass Hill, Northampton.

WARD: Wootton and East Hunsbury

APPLICANT: Mrs Lisa Davey

AGENT: None

REFERRED BY: Councillor Geraldine Davies

REASON: Considers there would not be a detrimental impact contravening Policy H35 which could not be overcome by conditions relating to the operations of the proposed business.

DEPARTURE: YES

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

- 1 The proposal would have an adverse impact upon the amenity of residents in the area, in particular those immediately adjoining the site, by virtue of the introduction of an incompatible use in a residential area leading to undue disturbance to adjoining occupiers. The proposal is therefore contrary to Policy H35 of the Northampton Local Plan and the National Planning Policy Framework.
- 2 The proposed development would increase the concentration of traffic in the vicinity of the site causing additional danger to users of the highway and adversely impacting the amenity enjoyed by

neighbouring residents contrary to National Planning Policy Framework and Policy T11 of the Northampton Local Plan.

2. THE PROPOSAL

- 2.1 The applicant seeks planning permission to change the use of the dwelling from a single unit of residential accommodation to a mixed residential and nursery use accommodating up to 55 children and 10 members of staff.

3. SITE DESCRIPTION

- 3.1 The property comprises a substantial two storey detached dwelling, located on the east side of Spyglass Hill, a cul-de-sac of 16 dwellings, situated within a predominantly residential area. The property is located adjacent to the junction with Rowtree Road and opposite East Hunsbury Primary School which is located on the north side of Rowtree Road. Dwellings in Spyglass Hill are typically large, but have are of varying designs. The application property features a large driveway, an integral double garage and a rear garden which wraps around the property.

4. PLANNING HISTORY

- 4.1 N/2009/0150 – Change of use from single dwelling to dwelling for multiple occupation – Approved but not implemented.
- 4.2 N/2010/0036 – Erection of a rear boundary fence 2.2m – 2.7m high – retrospective application approved.
- 4.3 PA/2014/0167 – Change of use of dwelling to residential/day nursery.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Policies:

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. Paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a good standard of

design and a satisfactory standard of amenity for all existing and future occupants of land and buildings is secured. Paragraph 32 of the NPPF states that developments that generate a significant amount of movement should be safe and suitable access to the site should be achieved for all people.

5.3 Northampton Borough Local Plan

Policy E19 – Implementing Development requires any adverse effect of development to be allowed for or appropriately mitigated against.

Policy H35 - Planning permission for childminding, play schemes, nursery or crèche facilities will be granted unless they give rise to disturbance for adjoining occupiers, where there are adequate parking facilities and there is no detriment to highway safety.

Policy T11 – Planning permission for development of commercial uses in a primarily residential area will be conditional upon the provision of adequate waiting, manoeuvring and parking facilities subject to there being no adverse effect on the primarily residential area.

5.4 Other Material Considerations

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

Policy H6 of the JCS relates to changes from existing houses and states that existing houses should be safeguarded by restricting the loss of dwellings to other uses. Housing related policies in the JCS have been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was not debated at the examination and therefore must be given some weight in the determination of this planning application.

Policy S10 of the JCS relates to sustainable development principles and states that to achieve the overarching goals of sustainability, development will amongst other things be located where services and facilities can be easily accessed by walking, cycling or public transport.

5.5 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS/ REPRESENTATIONS

6.1 **Public Protection (NBC)** – I have checked the previous address of the business and do not see any records of noise complaints. There is however the potential for some general disturbance from visitors to this property, and the children in general, so my suggestion would be to limit the number of children allowed (for the child minding service) and grant a temporary consent (for a year) to ensure that the business, and its impacts on residential neighbours can be well managed by the applicant in the new locality. This would allow an assessment before granting full planning permission.

6.2 **Access Officer (NBC)** – No comments received.

6.3 **NCC Highways** – Have concerns with regard to the traffic and pedestrians generated by the development. According to Local Highway Authority records Rowtree Road and surrounding streets are very busy due to the proximity of East Hunsbury Primary School. Concerned that the property is on the junction with Rowtree Road and just opposite the school where existing parking and visibility is very limited and obscured most of the time. It is our understanding that the amount of traffic that will be generated by potentially 50 to 60 children and nursery staff on those existing streets will be detrimental to highway safety.

6.4 **Wootton and East Hunsbury Parish Council** – consider the application should be refused. Concerned about the amount of traffic that will be going to and from the property, the proximity of the zebra crossing to the property and that it will lead to parking problems on the busy road near the primary school.

6.5 **Councillors:**

Councillor Phil Larratt (Ward Councillor) – requests that if the application is recommended for approval then it should be determined by the Planning Committee.

Councillor Geraldine Davies – supports the application and requests that it is 'called in' to planning committee for a decision to be made. Does not believe there would be a detrimental impact contravening Policy H35 that could not be overcome with conditions relating to the operation of the applicants proposed business.

6.6 **Neighbouring Properties -**

E-mails/Letters of objection received from numbers 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 Spyglass Hill. Comments can be summarised as follows:

a) Already suffer significant problems with car parking at school times and as an overspill from the Dr's surgery which is being extended. The proposed nursery will cause additional parking problems.

- b) Parked cars limit and restrict access leading to dangers when entering or exiting the cul-de-sac.
- c) Spyglass Hill is on a steep gradient which is dangerous and difficult to access and egress in winter and additional traffic would add to the chaos and danger.
- d) Cars parking on the street turn round at the end of the cul-de-sac and additional traffic movements will add to noise and disturbance.
- e) Claims that there is ample on-site parking is speculative. Staff parking will use up parking spaces. Additional vehicle movements and cars reversing off the drive will add to danger.
- f) The increased traffic would generate increased noise and disturbance.
- g) The proposal would have an adverse impact on the character of the area.
- h) There would be an increase in noise, pollution and disturbance emanating from the property.
- i) Restrictive covenants in deeds restrict the use of properties for commercial use. Do not want to see a commercial operation in a residential area.
- j) Cannot pretend that 40-55 children will not make a change to the peaceful character of the area. Commercial nursery is incongruous within a residential street.
- k) The proposal is for a business whose primary aim is to make a profit. Should not be done at the expense of safety and amenity of residents in Spyglass Hill.
- l) A precedent for similar uses would be established.

6.7 Others –

E-mails/Letters of **support** have been received as follows:

- a) 11 from existing customers endorsing the excellent level of care that Davey Daycare provides and stating that there has been no problem with parking at the existing premises at 27 Frosty Hollow.
- b) One e-mail was received from the occupier of 26 Frosty Hollow stating that the applicant is conscientious, accommodating and shows extreme consideration to her neighbours by keeping traffic disruption to a minimum with staggered drop off/ pick up times.
- c) E-mails have been received, one each from Abbey Primary School and East Hunsbury Primary School stating that there is a shortage of before and after school provision for child care in the area.
- d) One e-mail has been received from Northamptonshire County Council's Senior Portage Outreach Worker stating that Davey Daycare offer first class provision for children with Special Educational Needs and disabilities and states that there is a need for more funded provision in the area.
- e) One e-mail has been received from an independent Highway Engineer, in support of the application. He states that he is familiar with the operation of the existing nursery run by the applicant and that his comments are made specifically in relation to road safety and parking issues. He states that by encouraging local provision of

childcare facilities the Council can help to reduce the need to make special journeys. He states that the applicant is mindful of the potential impacts of vehicle movements and parking and as part of these considerations has carried out a detailed monitoring of vehicle movements and parking availability at her current site. States that many children are siblings and majority of trips are made outside of school hours therefore will not compound issues identified by residents in Spyglass Hill. He states the analysis shows (because of the collection and drop off by staff and staggered hours) the number of cars at the property at any one time is minimal. He refers to adopted parking standards and planning history where it was accepted that the frontage of the property was sufficient to accommodate 8 vehicles. He states that the frontage is large enough to provide sufficient parking spaces and that the applicant will maintain visibility splays at the vehicular exit. He states there is no reason to reject the application on grounds of parking provision or usage. With regard to the issues of road safety he refers to technical details such as road measurements, gradients, traffic speeds, location of bus stops, road humps etc. He refers to documents submitted to the planning authority in relation to proposals for Northampton South SUE. He states that there has been one accident on the length of Rowtree Road between Penvale and Windingbrook Lane in the 5 year period to February 2013. He suggests there are no inherent safety issues and traffic flows are unlikely to be significantly disrupted by the proposal. He states there are no material grounds for refusal of application in terms of highway safety or access.

7. APPRAISAL

7.1. Existing/Proposed Nursery Operation

The applicant currently operates an existing nursery (Davey Daycare) which functions at no. 27 Frosty Hollow under the combined use of a childcare nursery and a private dwelling. The operation provides day care for 28 children between the hours of 0730 and 1800 Monday to Friday and employs five members of staff. It should be noted that the number of children present at the property fluctuates during the day as children attend at different times and some are only present before and/or after school hours. It should be noted that the existing operation, which is located in a primarily residential area, does not currently benefit from planning permission and which is being investigated separately.

7.2 The proposal is to relocate the nursery to 1 Spyglass Hill, also a primarily residential area, and to increase the number of children attending to a maximum of 55 with a maximum of 10 staff. The property will also be lived in by a member of staff and used as their place of residence.

7.3 Principle of development

The NPPF advises that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable importance on the need to have an up-to-date development plan and that where the development plan is out of date Local Planning Authorities are advised to grant planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

- 7.4 Increasingly working parents create a need for childminders, nurseries and out of school care. The Council wishes to encourage those arrangements which make convenient provision for parents and children but must at the same time safeguard the amenities of adjoining occupiers and have regard to any noise and traffic implications. This is reflected in the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, Policy H35 of the Northampton Local Plan which states that 'Planning permission for childminding, play scheme, nursery and crèche facilities will be granted unless they give rise for disturbance to adjoining occupiers, where there are adequate parking facilities and no detriment to highway safety' and Policy T11 of Northampton Local Plan which states there should be no adverse effect on residential areas of commercial uses.

7.5 Impact on neighbouring properties

The application property is a large six bedroomed detached dwelling with a ground floor lounge, study, family room, dining room and kitchen. It also has a large block paved driveway to the front of the premises which provides off street parking for several vehicles. Whilst it is considered the premises are large enough to accommodate the proposed number of children the key planning issue to be considered is whether the proposal would give rise to an unreasonable level of noise and disturbance for occupiers of neighbouring properties.

- 7.6 Clearly the occupation of the premises by up to 55 children and 10 staff from Monday to Friday is considerably more than would be generated by a normal domestic dwelling. Whilst the children and staff would arrive at the premises over a staggered period of time this would create an extended period of 'comings and goings' to the property with vehicle movements, car doors banging and people talking. Furthermore children playing outside would impact on the quiet enjoyment of neighbours gardens particularly for occupiers of properties that immediately abut the application site. In addition these disturbances are likely to increase at school holiday times and during summer months when neighbours may themselves reasonably expect to spend more time in their gardens. Overall it is considered that the proposal for a daytime nursery use of the dwelling for up to 55 children will give rise

to an undue increase in noise and disturbance that would be unreasonable in this residential area and contrary to planning policy.

7.7 Impact on Highway safety

The Highway Authority raise concerns with regard to the traffic and pedestrians that would be generated by the development. They state that their records show that Rowtree Road and surrounding streets are very busy due to the proximity of East Hunsbury Primary School. They are also concerned that the property is located at the junction with Rowtree Road where 'existing parking problems and visibility are very limited and obscured most of the time'.

7.8 Significant objection has also been received from residents in Spyglass Hill on traffic and parking grounds. They state that twice a day the road is subject to excessive traffic parking and manoeuvring when parents take/pick up their children from school. Photographs have been submitted which show parked cars on the road or partially parked on the footpaths causing obstruction and nuisance. Furthermore because the road is a cul-de-sac, cars have to turn at the end of the street creating noise and disturbance to nearby occupiers.

7.9 The applicant has submitted evidence showing detailed vehicle movements at the existing nursery premises over a two week period. The analysis demonstrates that on average there were 20 children attending the nursery and 23 vehicle movements per day. Also on average there were no more than 2 parents cars or 2 staff cars parked on the driveway at any one time.

7.10 These figures are noted but traffic generation will increase (potentially double) with an increased number of staff and children. Whilst it is argued that not all staff or visitors to the premises will have vehicles, it still has to be observed that vehicle movements to and from the premises would be over and above those that could be reasonably expected in a residential area. According to the adopted SPG Parking Standards (March 2003) the maximum spaces required for a day nursery are 1 space per 25m² which in this instance relates to a maximum of 12 spaces. Even if it is considered there is sufficient off street parking on site to accommodate visitors and staff numbers, the number of vehicles accessing and egressing the driveway close to the junction with Rowtree Road, especially at busy school times, would add to highway danger. It is considered that the greater degree of traffic generation at the site would be detrimental to highway safety and the proposal is therefore unacceptable on these grounds.

7.11 Other matters

Environmental Health officers have suggested that a temporary planning consent is granted and the number of children are limited as they have concerns regarding general disturbance from visitors to the

property and children in general. However, despite these comments, the Council is not usually prepared to grant a temporary consent on the basis that it would not be suitable to revoke the planning consent in one years' time without creating a significant impact upon the customers that use the facility.

7.12 The applicant has said she is willing to accept conditions restricting numbers of children, staff parking, vehicle movements and limit on children using the garden etc. It is considered however that the majority of conditions in this regard would be unreasonable and difficult to enforce and would still not alleviate the impact on neighbouring and highway amenity to a satisfactory degree.

7.13 In support of her application the applicant has submitted evidence showing the need for child places for two year olds in the near future. The requirement for additional care is not disputed but it is not a planning consideration and does not justify the detrimental impact the proposal will have on surrounding amenity.

7.14 The applicant has also submitted details of other children's nurseries which operate in residential areas. Each case is dealt with on its own merits and many of the premises have operated for a long period of time and in different circumstances. The existence of these other nurseries does not justify approval of the current application or outweigh the harm that has been identified above and the conflict with existing planning policy.

8. CONCLUSION

8.1 The proposed development is contrary to policy and the impacts upon neighbouring residential amenity and highway safety cannot be appropriately mitigated through condition and it is therefore recommended for refusal.

9. BACKGROUND PAPERS

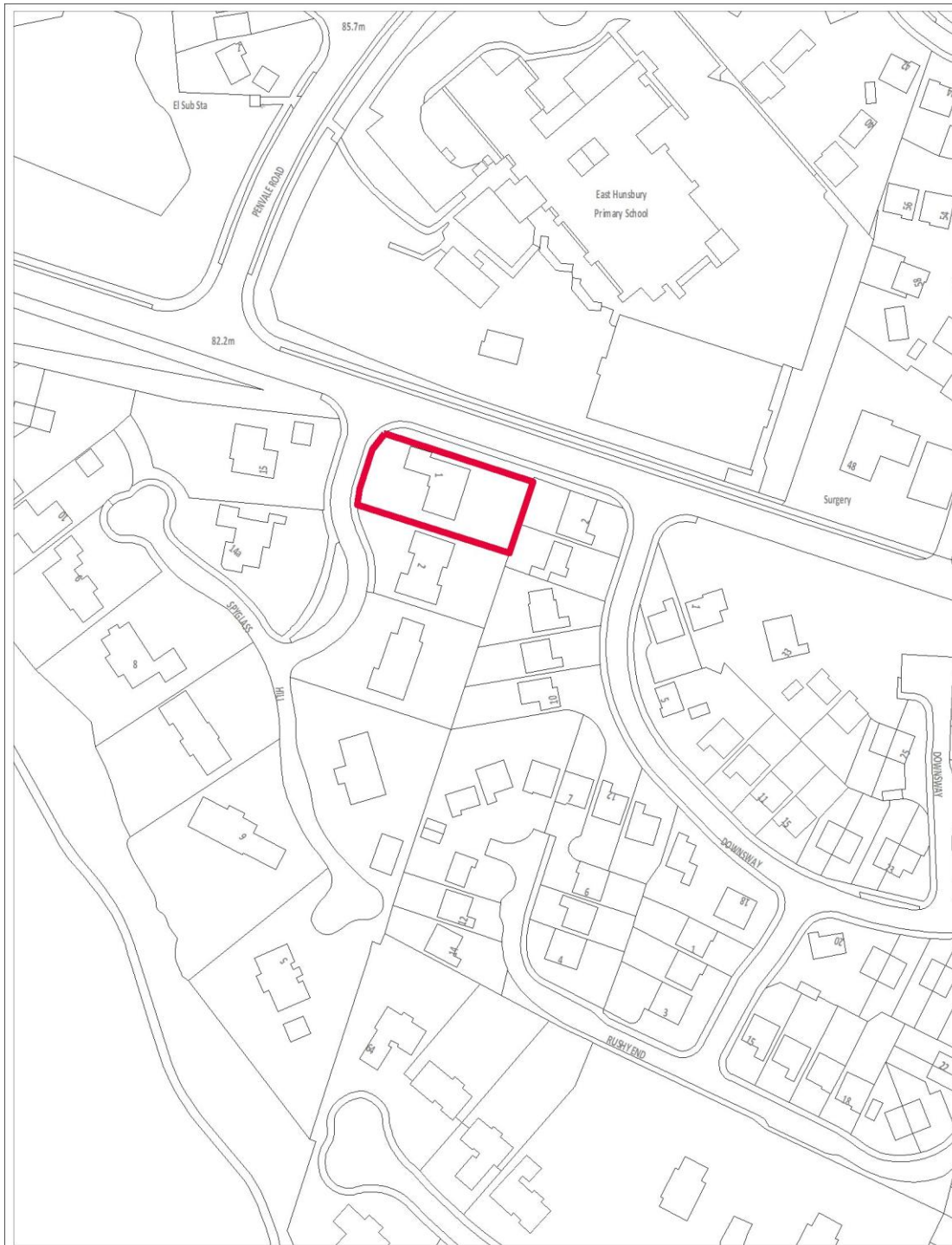
9.1 None.

10. LEGAL IMPLICATIONS

10.1 Requirement for planning permission at applicant's existing premises. This matter will be pursued separately.

11. SUMMARY AND LINKS TO CORPORATE PLAN

11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Becky Gittins
 Date: 17th July 2014
 Scale: 1:1250
 Dept: Planning Support
 Project: Location Plan

Title
1 Spynlass Hill

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