



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 16th February 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/0999 and N/2015/1000

LOCATION: Home Farm Works, Orchard Hill

DESCRIPTION: Change of use from Office (Use Class B1) to Childrens Day Nursery (Use Class D1) and associated works and listed building consent application for internal alterations to building and erection of palisade fencing

WARD: Billing Ward

APPLICANT: Bambino Ltd
AGENT: Aitchison Raffety

REFERRED BY: Cllr C Malpas
REASON: Parking and traffic issues

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

N/2015/0999 – Planning Application

1.1 APPROVAL IN PRINCIPLE subject to the conditions as set out below and for the following reason:

The proposed change of use of the property from offices (use class B1) to a childrens day nursery (use class D1) for 80 children would support the sensitive re-use of a vacant listed building and provide a community facility with employment opportunities without significant harm to the character or appearance of the building, surrounding area, highway safety or the amenity of neighbouring properties. The proposal is therefore in accordance with Policies C2, S10, RC2, E1, BN5 and B9 of the West Northamptonshire Joint Core Strategy, Policies E20, B14 and H35 of the Northampton Local Plan and National Planning Policy Framework.

1.2 As consultation period on the submitted Park Management Plan will not finish until 19th of February, that delegated authority is given to the Director of Regeneration, Enterprise and Planning in consultation with the Chair of Planning Committee to determine the application taking into consideration any further consultation responses received.

N/2015/1000 – Listed Building Application

1.3 APPROVAL subject to the conditions as and for the following reason:

The proposed development would represent the effective re-use of a vacant listed building without significant harm to the historic and architectural character of the listed building, its setting or the visual amenities of the wider area in accordance with the guidance contained in National Planning Policy Framework and Policy BN5 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The proposal is to change the use of the building from offices to a children's day nursery to accommodate 80 children with an age range from 0 – 5 years. The applicant initially proposed that up to 117 children would be cared for with the creation of 24 jobs. Proposed hours of use would be 7.30am to 6.30pm Monday to Friday. The proposal includes internal alterations to the building, alterations to the parking layout, the erection of fencing to form a play area and the erection of a cycle shelter.

2.2 It was resolved by Members at the Planning Committee meeting of 19th January to defer the applications to allow for further discussions regarding the highway implications of the development. Discussions have taken place between the applicants and members of the local community regarding the development and as a result a Parking Management Plan has been produced.

2.3 This plan indicates that long term staff parking will take place within the site with short term 'drop-off' parking taking place within the road. It also sets out the measures which the operators of the nursery will take to ensure the development operates in accordance with this.

3. SITE DESCRIPTION

3.1 The application site is located on the east side of Orchard Hill close to the junction with Manorfield Road and comprises a two storey Grade II listed former farmhouse. The property has been extended and converted to office use and is currently vacant. Hardstanding lies to the south and west of the building and provides car parking for approximately 30 vehicles. The site is bounded by a low stone wall, some with railings to the top. Surrounding properties comprise of residential and commercial uses.

4. PLANNING HISTORY

4.1 98/0897 – Extended floor area onto existing office structure by constructing a first floor onto existing single storey lean to - Approved with conditions.

4.2 98/LB36 – Additional floor space provided to existing office by adding a floor on top of existing single storey lean to – Approved with conditions.

4.3 NR/65/187 – Change of use of farmhouse to offices – Approved with conditions

5. PLANNING POLICY

5.1 Statutory Duty

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 the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to preserving a listed building and its setting.

5.2 **National Policies**

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 14 supports sustainable economic development.

Paragraph 32 states that developments that generate significant amounts of movement should be supported by a Transport Statement or assessment and development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 states that plans and decisions should ensure developments that significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 70 – seeks to ensure positive planning for community facilities to enhance the sustainability of communities and residential environments and ensure that social, recreational and cultural services the community needs are delivered.

Paragraph 131 – account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability.

Paragraph 132 states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

Paragraph 133 states that where the proposed development will lead to substantial harm of a heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits or the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where the proposed development will lead to less than substantial harm of a heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Paragraph 140 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

C2: New Developments – states that new development should maximise travel choice from non-car modes and should be supported by a transport assessment and travel plan.

S10: Sustainable Development Principles – requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

RC2: Community Needs – supports a positive approach to the provision and retention of community facilities and identifies that such facilities including those for children’s services are vital to the well-being of residents.

E1 – Existing Employment Areas - Change of use to (non- employment generating) uses will be resisted unless it can be demonstrated that the site is no longer economically viable for employment uses in the long term, there is a clear conflict with adjoining uses or its release would offer community benefits.

Policy BN5: The Historic Environment and Landscape – seeks to conserve and enhance heritage assets and encourages the retention and sensitive re-use of disused or underused heritage assets.

Policy BN9: Planning for Pollution Control – Proposals should demonstrate that opportunities to minimise and where possible reduce the adverse impacts of noise.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – New Development – seeks to secure development which has an acceptable design and layout and achieves acceptable standards of amenity.

Policy B14 – Developments for non-business uses in business areas- planning permission will not be granted for development outside the business use classes unless such development would be of significant benefit to the local community and would lead to substantial employment opportunities.

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.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Public Protection - Initial comments** - Expresses concern about the scale of the proposal for up to 117 children in a quiet residential location. Requests further information about noise break-out from the building and further details of acoustic fencing. Considers a temporary consent for a limited number of children should be considered to assess the impact on surrounding properties.

6.2 **NBC Conservation - Initial comments** - no objections in principle. Requests amended plans showing the cycle shelter and playground fencing repositioned. Requests details of additional toilet and washing facilities.

Further comments following the submission of amended plans:

Position of cycle shelter more appropriate;

Support the proposal to retain surviving railings;

Considers that the fenced play area will undermine the setting of the Listed Building. Requires further details of profiles and means of fixing;

No details of any future play equipment;

No details of water supply and drainage to sinks.

6.3 **NCC Highways - Initial comments** – require a minimum of 26 car parking spaces, 9 cycle spaces and a detailed travel plan to determine how picking up and dropping off will be managed and the proposed measures to encourage sustainable travel.

Further comments following the submission of amended plans and Travel Plan – The addition of 5 extra spaces to be used at peak times brings the total number of parking spaces to 26 which is in line with the minimum requirement. Although the arrangement is not ideal as these spaces will not always be available, given the site constraints it is considered to be a pragmatic solution. Pleased that number of cycle spaces increased to 10. No comments to make with regard to the submitted Travel Plan.

Additional comments concerning the Parking Management Plan raising no objections as the Highway Authority's parking requirement is met.

6.4 **Councillor Christopher Malpas** – concerned about numbers of children using the facility together with the lack of organised procedure for dropping off and collecting the infants. Consider traffic generation and the reduction in parking spaces will have a severe effect on the area especially as there will be more members of staff than spaces available. Wishes to call the application in to be heard by the Planning Committee.

6.5 **Billing Parish Council** – object stating that representations have been made from local residents and businesses to the Parish Council which the Parish Council fully endorse. State that they would be pleased to see use made of the building after it has been empty for so long but have concerns about the number of parking spaces available for staff and parents, the access and the provision for a safe dropping off point adjacent to a dangerous junction. State that there are already traffic problems

associated with existing businesses, the existing nearby nursery and the church. Consider the possibility of 100 plus additional vehicles will cause chaos and danger. Express concern about poor visibility at the junction of Orchard Hill with Manorfield Road and the inconsiderate parking that will inevitably happen if the applications are approved.

6.6 **Objections** have been received from **Steinhurst, Church Lane, Old Rectory Nursery, Church Lane, The Outlook Creative Group, the Courtyard, Orchard Hill, 17 Orchard Hill, 3 and 8 Willow Rise, 20 Home Farm Close, 11 Church Walk**. Comments can be summarised as follows:

- Proposal will have serious detrimental impact on adjacent businesses and local residents in terms of safety, traffic and parking
- The traffic in the area will be substantially increased as up to 117 cars drop off and collect children
- Increase in traffic will create safety issues at Manorfield Road/Orchard Hill junction and will add to the traffic created by the existing Old Rectory Day Nursery in nearby Church Lane
- Vehicular access is opposite the access to The Priory and two other businesses and close to busy road junction which results in high volume of traffic at peak times
- Considerable number of accidents have already occurred at the Orchard Hill/Manorfield Road junction where visibility is limited. Proposal will create increase in parking, congestion and accidents.
- Vehicle access to the property is only suitable for one vehicle which will create backlog of vehicles
- Parking restrictions are in place to the south of the site but are never observed or enforced
- Due to restricted parking consider majority of cars will park on the street and carry out 'u' turns to exit
- Major problems with parking issues in the past resulting in obstruction for neighbouring properties, refuse and delivery vehicles
- Nearby St Andrews Church has no off-street parking. Will create further problems when weddings and funerals etc occur
- Noise levels from outside play areas and additional traffic will be detrimental to nearby residents and adjoining businesses
- There are currently 5 day nurseries and playgroups within a half mile radius. Not all are operating at full capacity. Cannot foresee a situation to sustain an additional 117 place nursery
- Proposal contrary to Planning Policy E1 of West Northamptonshire Joint Core Strategy and not sustainable
- Traffic plan is misleading and bears no relation to existing conditions. Unlikely that many people will cycle to the premises.
- Proposals to make changes to the interior of the Listed Building are not acceptable.
- The road survey is not complete and appears to avoid the key issues on road safety.

6.7 Subsequent to the 19th January Committee meeting **Councillor Malpas** has forwarded comments received from members of the public expressing concerns over the parking situation in the area and with particular regard to the impact on the nearby church.

7. APPRAISAL

Principle of development

- 7.1 The National Planning Policy Framework makes clear the presumption in favour of sustainable development and aims to promote healthy communities and deliver community needs (social, recreational and cultural) by planning for sustainable communities with shops, meeting places, sports venues etc. Policy RC2 of the West Northamptonshire Joint Core Strategy supports a positive approach to the provision of community facilities recognising their value in meeting community needs and contributing towards sustainable communities. Policy B14 of the Northampton Local Plan supports development outside of the business use classes where the use would be of significant benefit to the local community and would lead to substantial employment opportunities. Policy BN5 of the JCS seeks to conserve and enhance heritage assets and encourages the retention and sensitive re-use of disused or underused heritage assets.
- 7.2 Whilst the proposal will reduce the office space available within the business area, the premises have remained vacant for approximately 23 months. The proposal would provide a community facility, employment for up to 24 people and would bring about the re-use of a vacant listed building. It is considered therefore that in principle the proposal is acceptable.

Impact on Heritage Asset

- 7.3 The property is Grade II Listed and was granted planning permission for conversion to offices in 1965. It appears that most of the original detailing within the building have already been removed. Proposed internal alterations involve unblocking a previous blocked up doorway between two rooms in the historic part of the building, the removal of stud partitioning within the modern extension and the insertion of three new doors. The Conservation Officer has no objections to these works although additional details of proposed washing facilities were requested. Five new sinks are proposed to be installed within the building. The applicant has stated that these can be linked to existing pipework however the Conservation Officer requires further details. Subject to agreeing appropriate details of the method and precise details of the installation of these facilities it is not considered the proposed alterations would lead to any significant impacts on the internal fabric of the listed building.
- 7.4 External alterations comprise the erection of pallsade fencing to section off part of the existing car park to form a play area, the provision of a cycle shelter and the replacement of existing timber fencing with acoustic fencing along the eastern boundary. There are no proposed alterations to the actual building. The proposed pallsade fencing will consist of 1.3 to 1.9 meter high railings and will match existing railings that surround the site. The Conservation Officer requested alterations in terms of the re-siting of the cycle shelter and the play area fencing to minimise the impact on the Listed Building. Amended plans have been received. Whilst the re-located cycle shelter is considered to be acceptable the Conservation Officer has still expressed concerns about the fencing of the play area impacting on the setting of the listed building. It is noted that the setting of the listed building is already compromised by the extensive hard surfacing that surrounds the site. It is considered that as the railings are not a solid structure and as their erection could be reversible they will not impact significantly on the buildings setting in this instance. There are no objections to the replacement of existing timber fencing on the east elevation with acoustic timber fencing.

Impact on amenity

- 7.5 The nursery will operate during weekdays only. The application is accompanied by a Noise Assessment which suggests areas of mitigation to prevent any detrimental impact on neighbouring properties. These measures include the erection of acoustic fencing on the eastern boundary adjacent to the properties in Home Farm Close and suggests that first floor windows facing Home Farm Close are kept closed. These proposals are detailed on the submitted plans and further details of the acoustic fencing have been submitted. Notwithstanding this information the Environmental Health Officer has expressed concern about noise issues that a 117 child place nursery will create. They suggest that a reduced number of children for a temporary period would allow the use to commence and the impacts be assessed. With regard to this suggestion the applicant has stated that a temporary consent would not be feasible and it would cause considerable problems for the viability of the business proposition with problems of obtaining loans, leasing the premises, employing staff and potentially making them redundant. On balance, in view of objections to the proposal and concerns about the impact of the proposal on neighbouring amenity it has been agreed that the maximum number of child care places should be limited to 80 only.

Impact on Highways

- 7.6 The Highway Authority initially objected to the proposal as a Travel Plan had not been submitted with the application. In addition they stated that 26 car parking spaces were required and a minimum of 9 cycle spaces. Following the submission of a Travel Plan and plans showing compliance with Highways parking requirements, albeit that five additional parking spaces have been incorporated for use during peak times only, the Highway Authority now had no objections. Numerous objections have been received regarding the impact of additional traffic and parking and it is acknowledged that the proposal may attract additional vehicle movements in the vicinity of the site.
- 7.7 In response to these issues the applicant has been in dialogue with members of the local community and a Parking Management Plan has been produced as a result. This seeks to address the concerns of local residents regarding on-street car parking by outlining how the applicant proposes to operate. In effect to avoid confusion and congestion, the car park will only be available for staff. Any child drop off will take place within the road with parents encouraged to access the road in one direction and to keep stops as short as possible. It is indicated that action will be taken against those who breach the advice on a regular basis.
- 7.8 It has been indicated verbally that this arrangement would be acceptable to local residents. A condition is proposed to incorporate these measures into the operation of the nursery.
- 7.9 The Highway Authority previously raised no objections, and have no further objections following the submission of the Parking Management Plan and it is not considered that the proposal could be refused on highway grounds. In addition, the premises were previously used as offices that generated considerable amount of parking requirement and traffic movement. This use could be re-instated if no other alternative use is found.
- 7.10 The submitted Parking Management Plan is the subject of further public consultation and the consultation period will finish on the 19th of February. It is therefore recommended that delegated authority be given to the Director of Regeneration,

Enterprise and Planning in consultation with the Chair of Planning Committee to determine the application taking into consideration of any further consultation responses received.

8. CONCLUSION

8.1 Whilst the principle of development is considered to be acceptable and in accordance with planning policy it is considered that the proposal for 117 children will unduly impact on neighbouring residential amenity by reason of an unacceptable level of noise and disturbance. The proposal is therefore recommended for approval but with a condition that only 80 children are cared for at the premises.

8.2 It is considered that the proposed use is acceptable and would not cause undue harm to residential and general amenity, highway safety and character and setting of the listed building.

9. CONDITIONS

Planning Application N/2015/0999

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15-101.1, 15-101.2 REV D, 15-101.3, 15-101.4 REV D, 15-101.5, Section A-A REV A, Section B-B REV B, Section C-C, Section D-D, Section F-F, Proposed railings and Gate Design Revision A, cycle shelter details dated 5/11/2105, acoustic fencing details dated 8/10/15.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The premises shall be used as a Children's Day Care Nursery only and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: In the interests of amenity and to ensure that effective planning control is retained by the Local Planning Authority to allow it the opportunity to assess the impact any other Class D1 would have on neighbour amenity in accordance with Policy E20 of the Northampton Local Plan.

4. The premises shall be used for the provision of childcare for no more than 80 children.

Reason: In the interests of the amenities of the locality and ensure effective planning control is retained by the Local Planning Authority in accordance with Policy H35 of the Northampton Local Plan.

5. The provision of childcare is to take place between the hours of 0730 and 18:30 Monday to Friday and at no other time.

Reason: In the interests of residential amenity in accordance with Policy H35 of the Northampton Local Plan.

6. The parking spaces shown on the submitted plans shall be laid out prior to the first use of the premises hereby approved and retained thereafter.

Reason: To ensure the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with guidance in the National Planning Policy Framework.

7. The first floor windows on the east elevation shall remain closed as detailed on drawing number 15-101.2 Rev D during occupation of the building for nursery use.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy H35 of the Northampton Local Plan.

8. The acoustic fencing as detailed on drawing number 15-101.4 Rev D shall be installed prior to the first use of the premises hereby approved and retained thereafter.

Reason: In the interests of residential amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy and Policy H35 of the Northampton Local Plan.

9. The proposed cycle shelter shall be installed prior to the first use of the premises hereby approved and retained thereafter.

Reason: To ensure the proposed development complies with the requirements of the Travel Plan in accordance with Policy C2 of the West Northamptonshire Joint Core Strategy.

10. Notwithstanding the submitted Travel Plan, before the development hereby permitted is first brought into use a Parking Code of Conduct shall be produced, which all customers will be signed up to as part of their enrolment at the Nursery. This will set out car parking/access arrangements for customers as well as setting out measures to address non-compliance. This Code of Conduct shall be agreed in writing by the Local Planning Authority before the development is first brought into use and shall be operated thereafter.

Reason: To ensure the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with guidance in the National Planning Policy Framework.

Listed Building Consent – N/2015/1000

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the (Listed Building and Conservation Areas) Act 1990

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15-101.1, 15-101.2 REV D, 15-101.3, 15-101.4 REV D, 15-101.5, Section A-A REV A, Section B-B REV B, Section C-C, Section D-D, Section F-F, Proposed railings and Gate Design Revision A, cycle shelter details dated 5/11/2105, acoustic fencing details dated 8/10/15.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Notwithstanding the submitted information further details of the profiles of proposed railings and the means of fixing shall be submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the integrity of the listed building in accordance with National Planning Policy and Policy S10 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the submitted information further details of the works required to install the new sinks into the premises shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the integrity of the listed building in accordance with National Planning Policy and Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

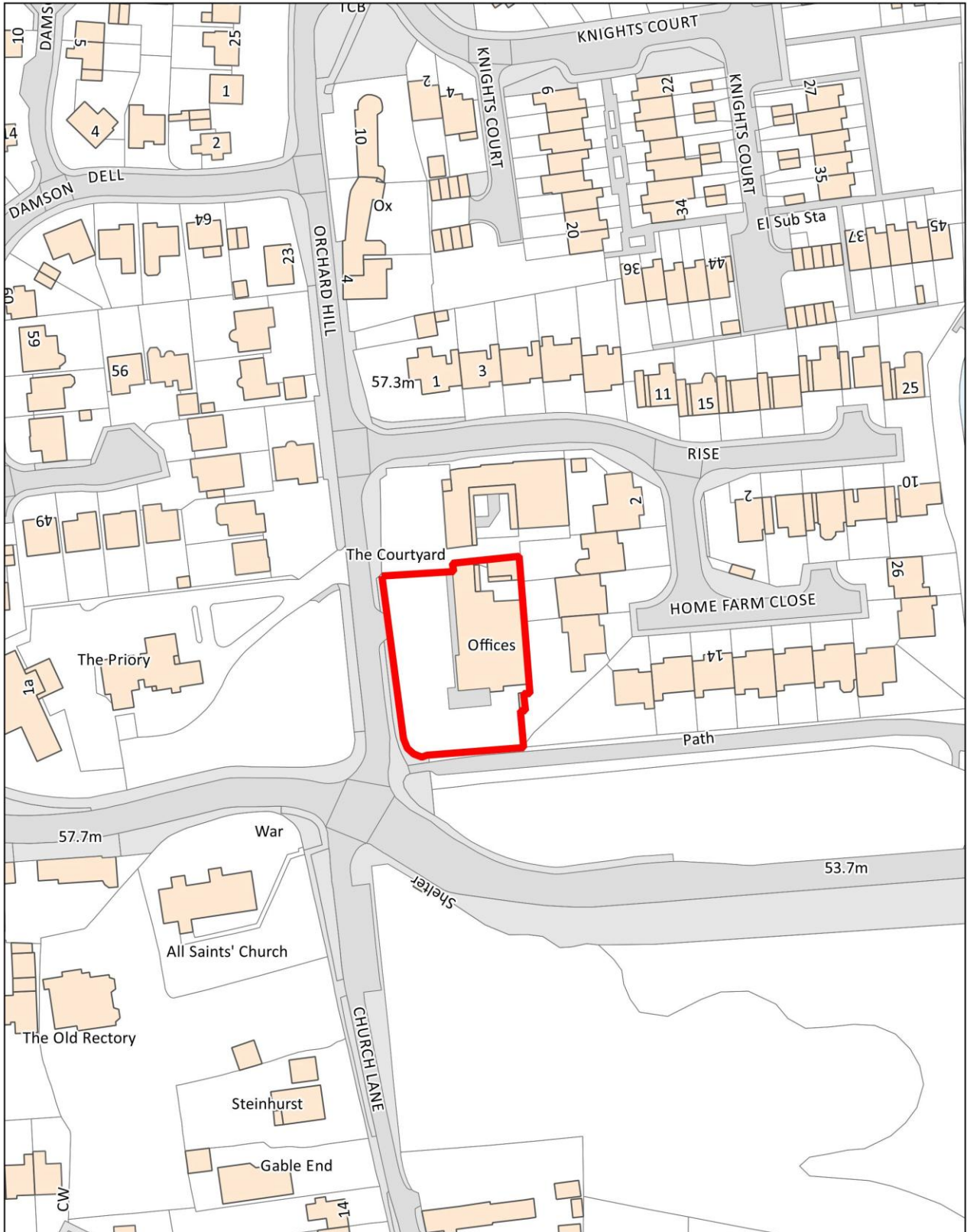
10.1 None.

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 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.



Title: **Home Farm Works, Orchard Hill**

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