

MC/14/0441

Date Received: 13 February, 2014

Location: 197 Hempstead Road, Hempstead, Gillingham, Kent, ME7 3QG

Proposal: Variation of condition 6 of planning permission MC/05/1768 (construction of single storey extension to provide kids club facility and extension of baby unit roof to provide buggy shelter (kids club to be relocated from Adult Education Centre building) with a maximum total of 76 on site at one time and nursery to have use of part of infant school car park) to increase the number of children from a maximum of 76 to 100

Applicant: Kinder Nurseries Ltd

Agent:

Ward Rainham South

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23 April 2014.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

The site plan and drawings 03.22.1A and 03.22.21 received 1 November 2005 as part of planning application MC2005/1768 as updated by the parking/drop-off layout plan received 31 March 2014 as part of the current application.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The maximum number of children accommodated on the site shall not exceed 100 at any time of day.

Reason: in order that any further increases can be assessed in the interests of the amenities of neighbours and of parking and highway safety with regard to Policies BNE2, T1, T2 and T13 of the Medway Local Plan 2003.

- 3 The use hereby permitted shall only operate between the hours of 0800 to 1800 Mondays to Fridays inclusive with no operation on Saturdays, Sundays or Public Holidays.

Reason: To regulate and control the permitted development in the interests

of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The area shown on the submitted layout as vehicle parking and drop off spaces for the nursery shall be kept available for such use and no permanent development shall be carried out on that area of land or in such a position as to preclude the use of these spaces together with their associated off-street turning, manoeuvring space and access from the public highway.

Reason: Development without provision of adequate accommodation for the parking, turning and access of vehicles is likely to lead to hazardous conditions in the public highway together with a loss of amenity to neighbours and to accord with Policies T1, T13 and BNE2 of the Medway Local Plan 2003.

- 5 Access to the site shall be via the school premises and no access shall be formed directly on to the public footpath which abuts the north of the site.

Reason: In the interest of safety and security with regard to Policy BNE2 of the Medway Local Plan 2003.

- 6 The 1.8m high close boarded fence shall be retained to the rear/eastern side of the site at all times.

Reason: In the interests of the living conditions of nearby residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 7 Within two months of the grant of this permission a content summary/outline and timescale for the preparation and implementation of a full Green Travel Plan for the nursery shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include provisions for the annual monitoring and review of the Plan in order to assess its effectiveness and update its provisions where found necessary. The Green Travel Plan shall be prepared and implemented in accordance with the summary/outline and timetable approved by the Local Planning Authority and shall remain in use at all times thereafter, as altered where necessary by the monitoring and review findings and consequent plan updates.

Reason: In order to promote cleaner, green travel choices and to reduce reliance on the private car in accordance with Policy T14 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

This application is for the variation of condition 6 of planning permission MC/05/1768 which states that:

*The maximum number of children accommodated within all the nursery and out of*

*school hours facilities on the site (both existing and proposed) shall not exceed 76 at any time of day.*

*Reason: In order that any further increases can be assessed in the interests of the amenities of neighbours and of parking and highway safety.*

It is now proposed to increase the maximum number of children allowed from 76 to 100. It is stated that Ofsted have registered the nursery as having a capacity of 100 children based on the size of the building and that they wish to increase their flexibility to offer additional spaces within this Ofsted limit. For example some children only attend during school term times which creates high pressure for spaces at these times. Also some children are dropped off earlier than they should be or picked up later causing an overlap which is not catered for within the current 76 child limit. The application submissions also confirm that due to such pressures the above condition has in fact already been breached for at least the last three years, with an average of 83 child places per week. On average three additional staff are required to cater for the increase in children from 76 to 100.

### **Relevant Planning History**

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|--------------------|--|
| MC/05/1768         | Construction of single storey extension to provide kids club facility and extension of baby unit roof to provide buggy shelter. (Kids club to be relocated from Adult Education Centre building, with a maximum total of 76 on site at one time and nursery to have use of part of infant school car park) |
|                    | Approved 23 December 2005  |
| GL/95/0323/61/0192 | Proposed erection of a single storey side extension to day nursery   |
|                    | Approved 7 July 1995   |
| GL92/0616/61/0192  | Submission of details pursuant to conditions 3,6,10 and 11 of planning consent 92/0616/61/0192GL dated 27/07/92 (vehicular use, landscaping, boundary walls and fencing)   |
|                    | Approved 30 April 1993   |
| GL/92/0369/61/0192 | Proposed change of use of caretaker's bungalow to out of school care unit for 5-11 yr olds and erection of a day care nursery unit for the under 5s  |
|                    | Approved 10 August 1992  |

## **Representations**

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties and to Hempstead Residents Association.

**Seven letters of objection** have been received, one being on behalf of three residents and one on behalf of two, in summary raising the following objections:

- Increase in traffic, parking and congestion. Several accidents have taken place due to parking for schools obscuring the view. Some parents block drives and get abusive when told not to. Damage to neighbours front wall;
- Constant noise particularly from children outside, can be heard from inside neighbours with windows shut and spoils use of the garden all year, they could negotiate use of an area away;
- Poor impact of various development on the site on the amenities of neighbours.

**Hempstead Residents Association** has also objected on the following grounds:

- Integrity of the applicant cannot be trusted as they admit breaching planning conditions in the past;
- Increased noise pollution to local residents;
- Increased traffic, there are already disputes when parents taking school staff parking spaces and the road is already busy and cannot take increased parking;
- Increased numbers with lead to increased staff numbers, there is already inadequate parking and this will lead to more problems from reduced parent parking;
- Sanctions should be taken against parents dropping off children early or collecting late as it disturbs local residents.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*

As seen in the history section above there has been a nursery on this site for over 20 years, the latest extension to the facilities being permitted in 2005. The current application is to increase the number of children who can attend and not to expand any of the existing buildings or facilities as Ofsted has assessed that these are already sufficient to accommodate up to 100 children.

### *Principle*

There is no objection in principle to the increased use of the nursery facilities on this mixed education site within an urban area. The main issues are the impact on amenity and parking/highway safety.

### *Amenity Considerations*

The main amenity concern is noise from the nursery children, particularly when they are using the outside play areas. The main play area for the nursery is to the front/north of the buildings. The rear gardens of nearby dwellings are across the public footpath to the north of this and across a small 'wildlife' area of the school playing fields to the east. The current application is to increase the maximum number of children from 76 to 100 although the submissions say that an average of 83 children have been accommodated for at least the last three years. The hours of opening are not proposed to change, these being 8am-6pm Monday to Friday.

It is recognised that the use already creates some nuisance to nearby residents due to the noise of children on the site and that it is difficult to control or limit this in the external play areas which are already fenced in. The current proposals would increase the number of children by 24 from the permitted number or 17 from the actual number currently accommodated on the site. However whilst this may result in some increase in noise this is against the background of the current use/noise levels. For example as proposed there may be 25 as opposed to the current 19 or 21 children outside at one time. On balance it is not considered that this change is likely to result in substantial additional harm to amenity including with regard to the advice in Policy BNE2 of the Local Plan.

### *Highways and Parking*

The TRICS traffic generation database indicates that the existing nursery for 76 children generates in the region of 36 vehicle trips during the morning peak period and 9 vehicle trips between 1500 and 1600. A larger nursery for 100 children would generate an additional 11 trips during the morning peak and an additional 3 trips during the afternoon school peak. Outside of these periods, the greatest increase is predicted to occur between 1700 and 1800, when an additional 9 vehicle trips is anticipated.

The arrival and departure profile generated by the TRICS database can also be used to estimate the maximum number of vehicles on the site at any one time. For a nursery with capacity for 76 pupils, a parking accumulation study based on the survey data indicates that the site will attract a maximum of 23 vehicles either parking or dropping off at any one time. This occurs between 0800 and 0900. The site has 15 parking spaces and 3 drop-off bays and therefore it is possible that up to 5 vehicles will either be circulating within the site or dropping off on the adjoining highway network. Between 0900 and 1700 the demand for parking and dropping off can be accommodated within the site. The database indicates that a nursery with a capacity for 100 pupils will generate a maximum of 29 vehicles either parking or dropping off during the morning peak period, which means that up to around 11 vehicles may be circulating within the site or, more likely, dropping off on the

adjoining highway network. As with the existing nursery provision, demand for parking and dropping off can be accommodated within the site between 0900 and 1700.

It is acknowledged that the presence of other schools in the vicinity of the site results in congestion on Hempstead Road and Birch Grove at certain times of the day. However, it should be noted that the nursery operates between 0800 and 1800 and only 28% of the vehicle movements generated by the nursery are expected to coincide with the start and finish times of the nearby schools. Whilst the trip generation analysis indicates that the development could potentially increase activity on the adjoining public highway by around 6 vehicles during the morning peak period, this represents a small increase over a very short time period, which is unlikely to make the existing situation materially worse. It is also possible that a number of these trips would be linked with the adjacent schools, and therefore already present on the local highway network. No Personal Injury Accidents have been recorded along this section of Hempstead Road in the past five years.

In light of the above, it is considered that the proposed development will not have a significant, material impact on conditions of highway safety and capacity and therefore no objection is raised in respect of Policies T1, T2 and T13 of the Local Plan. However in light of the increase in numbers at the site it is recommended that a green travel plan be prepared and implemented on the site with the aim of promoting cleaner, greener travel choices and reducing reliance on the private car. A condition to require this is therefore recommended with regard to Policy T14 of the Local Plan.

#### *Local Finance Considerations*

There are none considered relevant to this application.

#### *Other Matters*

Concern has been raised that the current operation has already been in breach of the condition and this has been confirmed by the applicant. This situation is clearly not condoned and if the current application is not approved then enforcement action against this breach would need to be considered.

### **Conclusions and Reasons for Approval**

In summary it is noted that the current operation of the nursery already results in concern to neighbours particularly due to noise and parking/highway impacts, parking in particular being a concern at the start and finish times of the adjacent schools. However it is not considered that the increase in pupils at the nursery site is likely to result in significant additional harm in these respects and approval is therefore recommended including with regard to Policies BNE2, T1, T2, T13 and T14 of the Local Plan.

This application would normally fall to be determined under officer's delegated powers but is being reported for Members' consideration due to the number of letters of representation expressing a view contrary to the officers recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>