

Committee	PLANNING COMMITTEE A	
Report Title	2A BELL GREEN LANE, LONDON SE26 5TB	
Ward	Bell Green	
Contributors	Geoff Whittington	
Class	PART 1	Date: 23 APRIL 2015

<u>Reg. Nos.</u>	DC/14/87499
<u>Application dated</u>	14.05.2014
<u>Applicant</u>	Keith Chandler Ltd on behalf of Little Cherubs Nursery
<u>Proposal</u>	The construction of a second floor extension plus roofspace at 2A Bell Green Lane SE26, to provide 30 additional nursery spaces - 82 places in total.
<u>Applicant's Plan Nos.</u>	TP/BR/01, TP/BR/02, TP/BR/03, TP/BR/04, OS Map, Planning Statement and Travel Plan.
<u>Background Papers</u>	(1) Case File LE/170/2/TP (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	Core Strategy – Area of stability and managed change.

1.0 Property/Site Description

- 1.1 The application property is a 2-storey detached building located to the western end of the site, and is currently in use as a daycare nursery known as 'Little Cherubs' for 52 children that operates between 07.30 and 20.00 Monday to Friday, 51 weeks a year. The application site measures 20 metres deep, and 12 metres wide.
- 1.2 The surrounding area is mainly residential in character. The nearest dwellings are on Porthcawe Road, which is a 4-storey block of maisonettes with ground level private gardens directly to the west of the application building. To the north is Elwis House, which is a 3-storey building accommodating flats, whilst to the south-east is a 4-storey block of flats, both with associated external spaces.
- 1.3 To the east of the application site on the opposite side of Bell Green Lane is Haseltine Primary School.
- 1.4 The nearest nursery is Happy Bunnies Nursery, which is located at 359/361 Sydenham Road, and has approximately 65 children and 13 staff.
- 1.5 The site is not located within a conservation area, and does not lie near any listed buildings.

- 1.6 Sydenham Road lies to the north and is well served by a number of bus routes, whilst Lower Sydenham Train Station lies within a short walking distance. The PTAL rating for the immediate area is 3, where on a scale of 1-6, 6 is excellent. There are limited on-street parking opportunities along this section of Bell Green Lane, but there are unrestricted spaces further to the south.

2.0 Planning History

- 2.1 In 2000, permission was granted for the construction of an additional floor over the existing single storey building at UK House 2A Bell Green Lane SE26 to provide an additional classroom and associated facilities in connection with the existing day nursery, together with an office and store in the roof space and the provision of 3 Velux type roof lights.

3.0 Current Planning Applications

- 3.1 The application proposes the construction of a second floor extension and roofspace to the existing nursery. The extension would measure 12.6 metres wide and 7.2 metres deep, spanning the full width and depth of the existing building. The height of the extension, including the new pitched roof, would be 5.7 metres, with the overall height of the building measuring 11.1 metres.
- 3.2 Facing brick, windows and roof tiles to be used in the proposed extension would match the existing building. Proposed windows would be positioned to the front and rear elevations, with the rear openings serving the two day-care rooms being frosted and fixed shut.
- 3.3 The proposed floorspace of 51.5sq.m would allow for 30 additional children aged between 0-5 years. The overall number of places would rise from 52 to 82.

4.0 Consultation

Neighbours and Local Amenity Societies

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents

- 4.3 Six letters and a petition containing 18 signatures were received from the occupiers of nos 1, 2, 4, 7, 8 Porthcawe Road objecting on the following grounds;
- The nursery causes a lot of noise from children and staff;
 - Will completely block out the light to a bedroom and kitchen;

- Concerns with building works.

4.4 Five letters in support of the proposed development have been received from 10 Nesbit Court, 25A Bosbury Road, 25 Kangley Bridge Road, 30A Catford Hill and The House of Commons, stating;

- The Government has increased the funded places for 2 year olds to enable children from families with low incomes/ working tax credits/ universal credit etc to have the opportunity to access good quality childcare in their area. The Sydenham/ Bellingham area is one which greatly reflects this increased need;
- The requirement for good quality childcare in this area has risen greatly due to the provision of new houses and businesses in recent years;
- The extension will allow the nursery to positively support many more families and younger children in the future;
- The nursery is a valuable asset to the community;
- The extension is in keeping with the surrounding buildings and would not result in visual harm.

4.5 A petition with 16 signatures has been received in support of the proposal.

(Letters are available to Members)

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority shall have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

The London Plan (2015)

- 5.6 The London Plan policies relevant to this application are:
- Policy 3.9 Mixed and balanced communities
 - Policy 3.16 Protection and enhancement of social infrastructure
 - Policy 3.18 Education facilities
 - Policy 6.3 Assessing effects of development on transport capacity
 - Policy 6.9 Cycling
 - Policy 6.10 Walking
 - Policy 6.12 Road network capacity
 - Policy 6.13 Parking
 - Policy 7.4 Local Character
 - Policy 7.6 Architecture

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1	Lewisham Spatial Strategy
Spatial Policy 5	Areas of Stability and Managed Change
CS Policy 1	Housing provision, mix and affordability
CS Policy 14	Sustainable movement and transport
CS Policy 15	High quality design for Lewisham
CS Policy 19	Provision and maintenance of community and recreational facilities
CS Policy 20	Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Development Management Local Plan

5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:-

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 29	Car parking
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 42	Nurseries and childcare

6.0 Planning Considerations

6.1 The main planning considerations include the scale and appearance of the proposed extension, the level of visual impact upon neighbouring occupiers, the need for 30 additional nursery places, the resulting impact upon neighbours by way of noise and disturbance, and parking matters.

Proposed Extension and Visual Impact Upon Neighbours

- 6.2 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Core Strategy Policy 15 seeks to promote high quality design with DM Policy 31 requiring extensions to be of a high, site specific and sensitive design quality that respects the form and detailing of the original building.
- 6.3 The proposed extension would add an additional storey to the building, extending up from the flank walls of the existing building, measuring 12.6 metres wide, 7.2 metres deep and 5.7 metres in height, incorporating a pitched roof. The appearance of the extension would be similar to the host building by way of facing materials and window alignment which is considered to be acceptable in design terms.
- 6.4 The existing building already extends approximately 1.4 metres beyond the rear elevation of the nearest dwellings at Porthcawe Road (shown as B on Plan TP/BR/04), and 3.5 metres at the front. The additional storey, whilst visible from the neighbouring properties, would be unlikely to result in any significant reduction in outlook or other visual impact upon the neighbouring occupiers.
- 6.5 The application site tapers away from the Porthcawe Road flats to the north, sited approximately 6 metres away, therefore the projection to the front of the Porthcawe Road building would not significantly harm existing amenity.
- 6.6 The neighbouring residential buildings shown as A and C on Plan TP/BR/04 are sited a sufficient distance away so not to be significantly harmed by the proposed extension.

6.7 On balance, the design and scale of the proposed extension is considered acceptable and would not result in an unduly negative impact upon the amenities of neighbouring occupiers.

Need for Additional Nursery Places

- 6.8 DM Policy 42 Nurseries and childcare states that 'The Council will require applicants for day nurseries and facilities for the care, recreation and education of children to consider:
- the acceptability of the loss of the existing use;
 - traffic volumes and the effect on congestion;
 - accessibility by walking, cycling and public transport;
 - access, egress, cross-site movement and parking/ drop off areas, including for disabled users;
 - the impact on local residential amenity, including noise;
 - the need for suitable space for outside play areas.'
- 6.9 Planning permission was granted in 2000 for an extension to the single-storey nursery building, and in that time it has reached full capacity. The applicant has advised there is currently a waiting list for places, which is anticipated to increase. To meet this demand, the applicants have proposed the extension of the existing building to provide 30 additional spaces, with the overall total being 82.
- 6.10 The applicant considers that the main sources of the increased demand for places lies with the recent completion of residential developments within the Bell Green area, together with the OFSTED rating for the nursery being 'Good'.
- 6.11 The applicant has advised that the additional 30 children would not be in attendance on a full time basis as they are funded by LB Lewisham for a total of 15 hours per week only.
- 6.12 The Council's Children's Centre of Child Care and Play (CCCP) Programmes Manager has advised that with regard to need for additional childcare spaces in the Borough, since September 2014, an additional 2,032 children in Lewisham aged 2 are eligible for the free 15 hours per week places. At present, approximately 1,000 have managed to find a childcare place.
- 6.13 Whilst there are other nurseries in the area, as well as Haseltine School opposite, indications are that there would be sufficient demand for childcare to sustain all good quality providers.
- 6.14 DM Policy 42 identifies that according to The Childcare Sufficiency Assessment (2008), a number of areas in Lewisham suffer a deficiency in the amount of childcare places available, including Sydenham, therefore the Council 'will support an increased level of provision'.
- 6.15 It is considered that a sufficient case has been made to demonstrate the need for the provision of child care places generally. Despite other nurseries being located nearby, officers raise no objections to the principle of increasing the number of children that attend Little Cherubs, subject to the level of impact upon neighbouring occupiers.

Impact Upon Neighbours

- 6.16 Occupiers within the dwellings on Porthcawe Road have raised objections about noise from the existing nursery, with concerns that levels would intensify with an increase in children attending the premises. Some concern lies initially with noise from existing staff, particularly when windows are left open. This is a matter for the nursery management to resolve, and has been brought to their attention by officers.
- 6.17 In response, the applicant has advised there are 'strict policies and procedures which all staff must adhere to at all times, which includes no swearing or abusive language on the premises - failure to meet this is instant dismissal.'
- 6.18 Officers have undertaken site inspections to areas around the nursery over a course of time to establish the level of noise at various points of the day. At no stage was it considered that noise from within the nursery building was excessive or intolerable, whilst noise from the garden during play-time was not excessive.
- 6.19 Nevertheless, it is considered appropriate that as 30 additional children would attend the enlarged nursery, the rear facing windows serving the two new day rooms should be fixed shut permanently to avoid any potential noise impact upon the neighbouring occupiers. The rooms would also have front windows facing into the application site that would provide natural ventilation, and would not result in significant harm to neighbouring properties, therefore no concerns are raised to these being openable.
- 6.20 To ensure the number of children remains at an appropriate level, a condition is proposed to restrict the overall number to a maximum of 82. The applicant has advised it is unlikely all 82 places would be filled as they must ensure there is sufficient space for children to move up to the older groups.
- 6.21 With regard to use of the outdoor area, play-times during the warmer months are between 45-60 minutes in the mornings and afternoons, less during the winter. Considering the proposed increase in the number of children, it is considered appropriate that a management plan be formally submitted to address how play times would be controlled to ensure noise and disturbance to neighbouring occupiers is minimised.
- 6.22 In regard to drop-offs, the Council has generally found with similar day nurseries that the majority of parents come from the local area and that start times for the children are staggered to ensure that there is minimal noise and disturbance to neighbouring occupiers. This contrasts with the more significant congestion around schools, where there is a set start and finish time.
- 6.23 The Council's Environmental Health noise (Pollution Team) have advised of no record of noise complaints toward the existing use.
- 6.24 It is therefore considered that the proposed expansion, subject to suitable conditions and effective management, would not result in significant harm to neighbouring occupiers.

Highways and Traffic Issues

- 6.25 This section of Bell Green Lane provides only limited on-street parking opportunities due to existing 'zig-zags' outside Haseltine School, and yellow lines to prevent parking where the initial width of the highway is narrow, extending round to the front

of the application site and school building. There are however unrestricted parking opportunities further to the south and neighbouring streets.

6.26 The applicants have advised that the majority of parents live locally and commute to work, and so walk with their children to the nursery, whilst most staff travel by public transport or car share.

6.27 It is anticipated that this would remain the case should the nursery be extended, however to ensure car-parking does not become an issue, the application includes a Travel Plan document that would be implemented by the nursery. The Travel Plan outlines:

Copies of the Travel Plan will be made available to all staff, visitors, parents and members and any comments/feedback will be fed back to the Travel Plan Co-ordinator and Lewisham Council. The developer will endeavour to refine and implement any changes to the Travel Plan, as necessary. Objectives should seek to:

- Promote health, wealth and environmental benefits by cycling, walking and using public transport;
- Convey clear information to visitors and members on the alternative modes of travel to and from site;
- Reduce the need to travel during peak hours.'

6.28 The manager and deputy manager would be responsible for guiding, monitoring and maintaining the Travel Plan. The Council's Highways officers have assessed the Travel Plan and are satisfied with the content of the document.

6.29 Highways have raised no objection to the current application, particularly as morning arrivals are generally staggered to avoid children arriving at Haseltine Primary School.

6.30 Whilst officers acknowledge the additional number of children would result in an increased frequency of arrivals and departures from the site, the provision of good transport links nearby and the implementation of the Travel Plan would serve to mitigate the impact of the enlarged nursery.

7.0 Community Infrastructure Levy

7.1 The proposed development is not liable for Lewisham CIL.

8.0 Equalities Considerations

8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 It is considered that that the proposed extension to the Little Cherubs Nursery will assist in providing equality of opportunity in terms of childcare in the Borough and there is therefore no adverse impact on equality issues.

9.0 Conclusion

- 9.1 The scale and appearance of the proposed extension is considered acceptable, whilst the increased use is unlikely to cause significant congestion or parking difficulties in Bell Green Lane.
- 9.2 The expansion of the existing nursery is considered acceptable, in accordance with adopted Council, London-wide and government policies, subject to the proposed conditions to seek to mitigate the potential noise impact. It is therefore recommended that permission be granted.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

TP/BR/01, TP/BR/02, TP/BR/03, TP/BR/04, OS Map, Planning Statement and Travel Plan.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- (3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities.
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process .

- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- (4) The extension hereby permitted shall not be occupied until a management plan to control the use of the garden as play space for children (incorporating times of use and maximum number of children using the garden at any one time), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the management plan shall be implemented as approved and retained thereafter in perpetuity.

Reason: To ensure that the intensity of the use does not cause an unacceptable loss of amenity to neighbouring residential properties, and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (2014).

- (5) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (6) The enlarged nursery shall operate in full accordance with all measures identified within the Travel Plan hereby granted from first occupation of the second floor extension. Evidence shall be submitted within 6 months of first occupation to demonstrate compliance with the proposed monitoring and review mechanisms.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- (7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the rear elevation of the extension hereby approved shall be fitted as obscure glazed and fixed shut, and retained thereafter in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

- (8) The enlarged nursery shall not operate outside 07:30hrs and 20:00hrs Monday to Friday and shall not operate at any time on Saturday, Sunday and Public or Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with DM Policy 42 Nurseries and Childcare of the adopted Development Management Local Plan (2014).

- (9) The enlarged nursery shall not accommodate more than 82 children at any one time.

Reason: To ensure that the intensity of the use does not cause an unacceptable loss of amenity to neighbouring residential properties, and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (2014).

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (3) The applicant is advised that conditions 3 requires details to be submitted prior to the commencement of works as it is intended to manage the impacts of construction works.