

Committee	PLANNING COMMITTEE (C)	
Report Title	26 BARGERY ROAD SE6 2LN	
Ward	Catford South	
Contributors	Kate Jordan	
Class	PART 1	Date: 16 AUGUST 2012

<u>Reg. No.</u>	DC/12/79439 as revised
<u>Application dated</u>	13.02.2012, revised and completed 23.03.2012
<u>Applicant</u>	Mrs P Ellis
<u>Proposal</u>	The change of use of the ground floor at 26 Bargery Road as a Day Nursery (Use Class D1).
<u>Applicant's Plans.</u>	Site Location Plan; Unnumbered Plans: Proposed Ground Floor and Front Garden, Rear Garden, 1 st Floor/2 nd Floor, Loft Bedrooms; Design and Access Statement; Heritage Statement; Green Travel Plan.
<u>Background Papers</u>	(1) Case File LE/702/26/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (5) Culverley Green Conservation Area Character Appraisal
<u>Designation</u>	Core Strategy or Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The property is a substantial two storey plus loft semi-detached Edwardian house on the south side of Bargery Road, roughly halfway between the junctions of Bromley Road to the west and Penderley Road to the east. The property benefits from a small front garden with off street parking for one car and a large rear garden.
- 1.2 The property lies within the Culverley Green Conservation Area, which is also covered by an Article 4 Direction that removes permitted development rights from single family dwellinghouses. The area is residential in character.

2.0 Planning History

- 2.1 In 1977, the Council issued a letter confirming that planning permission would not be required for a loft conversion.
- 2.2 In 1985, the Council issued a letter confirming that the proposed single storey rear extension would be permitted development.

- 2.3 Also in 1985, the Council issued a letter confirming that that a 'granny bedsit', provided it was not laid out as a non-related household, would constitute permitted development.

3.0 Current Planning Application

Layout

- 3.1 The applicant plans to use the ground floor of the property as a day nursery for up to 24 children. The existing front room would be the proposed baby room, for children up to 2 years. The existing rear living room would be the proposed toddler/pre-school room. A bathroom and kitchen would remain on the ground floor.
- 3.2 The front garden would remain as existing, with car parking for one car. Use of the existing wheelie bins (2 black and 2 green) is proposed for all waste. The rear garden would remain as is, and the applicant proposed that it would be used by the children.
- 3.3 The first floor would be adapted to make the front bedroom a sitting room, the utility room would be adapted to serve as a kitchenette for the family during nursery hours, and the rear bedroom would become a dining room. The house would remain open plan and it is the applicant's intention to continue to use the ground floor kitchen for personal use when the nursery is closed.

Operation / Staffing

- 3.4 Hours of operation proposed are 7.30am to 6.30pm Monday to Fridays. The nursery would be closed on Bank Holidays and during Christmas week. The applicant has stated that 6 full time staff and 2 to 3 part time staff would be employed, with a full time equivalent of 7 full time staff.
- 3.5 The applicant has stated that OFSTED approval would be sought following any grant of planning permission. The applicant has stated that she is qualified to manage a nursery.

Access/parking

- 3.6 The car parking space in the front garden would be made available to clients. In addition, the applicant envisages that many parents will drop off and collect before 9am and after 6pm when there are parking spaces usually available on the street.
- 3.7 It is also envisaged some clients would walk to and from the nursery.
- 3.8 A Green Travel Plan has been submitted, which would be given to parents at enrolment. This encourages parents to make use of public transport or walk. Bike and buggy storage would be provided (secure cycle storage for five bicycles).

4.0 Consultation

- 4.1 This section outlines the consultation carried out 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 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Society, Early Years Social Services, Conservation and Environmental Health were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 8 objections from local residents living on Bargery Road and Inchmery Road, were received, as well as an objection from the Culverley Green Residents association.

- 4.4 A local drop in session was held on 3rd July 2012 to which the objectors were invited. Seven people attended, as well as Kate Richardson of the Culverley Green Residents Association. Minutes of this meeting are attached to this report as Appendix 1.

- 4.5 The objection letters and local meeting raise the following issues:

- Principle of change of use from residential is not acceptable, as there are already many non-residential uses, including nurseries in the area. A balance of uses is needed and further non-residential uses threaten the character of the conservation area and would lead to a loss of much needed residential accommodation.
- Parking - this is already very difficult for residents and a new nursery will only make matters worse. Whatever the good intentions, it is felt that some of the parents at least will drop off their children, park all day and take public transport to work, thereby using up a parking space for the whole day. With 6 staff and up to 24 children there will be an increase in parking. There is already a problem with Council staff using these roads to park on.
- Traffic - the proposed use would generate considerable additional traffic on what is a quiet road. Road safety will be impacted.
- Any signage externally or posters/artwork placed inside the windows would be detrimental to the character of the area.
- Number of children – 24 seems a very high number for the space.
- Noise disturbance both from children playing in the garden and within the house, as the walls between properties are quite thin and noise travels.
- Layout and use – no information on storage of equipment (inside and out), staff facilities, separation of cooking areas from children.
- Is the space adequate for the number of children proposed?

(Objection letters and notes from local drop-in session are available to Members)

Early Years

- 4.6 No objection to the application. The local authority has a duty to provide additional places for two years old children over the next few years so new provision able to offer places for two year old children will be encouraged.

Conservation Officer

- 4.7 No objection, provided no external changes are to take place, in particular no changes to front garden area.

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 must 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.

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

- 5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.4 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 that (paragraph 211), 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. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

- 5.5 Officers have reviewed the Core Strategy and saved UDP policies 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, 214 and 215 of the NPPF.

London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:-

Policy 3.14 Existing housing
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.18 Education facilities

- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.4 Local character
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing noise and enhancing soundscapes

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 London Plan and the saved policies of the Unitary Development Plan, 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 5 Areas of stability and managed change
- Core Strategy Policy 1 Housing Provision, mix and affordability
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:

- URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
- HSG 1 Prevention of Loss of Housing
- HSG 4 Residential Amenity
- HSG 7 Gardens
- LCE 1 Location of New and Improved Leisure, Community and Education Facilities
- ENV.PRO 9 Potentially Polluting Uses
- ENV.PRO 11 Noise Generating Development

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are the principle of change of use, the impact on the character of the area and impact on residential amenity.

Principle of change of use

- 6.2 The Council seeks to resist the loss of residential accommodation, in line with Policy 3.14 Existing housing of the London Plan (2011) and HSG 1 Prevention of Loss of Housing in the Unitary development Plan (2004).
- 6.3 However, in this instance the residential accommodation of the upper floors is being retained and the occupants would also continue to make use of the ground floor and garden outside of nursery opening hours. The layout of the property would not be altered so it is envisaged it could easily revert to full residential use should the nursery use cease.

- 6.4 The proposed use of part of the property as a day nursery is considered to be acceptable in principle, being in line with policies 3.16 Protection and enhancement of social infrastructure and 3.18 Education facilities of the London Plan (2011) and Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (2011), as well as saved policy LCE 1 Location of New and Improved Leisure, Community and Education Facilities of the Unitary Development Plan (2004). These policies encourage the provision of such facilities and say these should be located within easy reach by walking, cycling and public transport, close to other community facilities and services and town and local centres. This is providing there is no adverse impact on residential amenity, including noise and traffic generation.
- 6.5 The Social Service Early Years Team have confirmed there is a duty to provide additional nursery places for two year old children over the next few years.
- 6.6 It is considered that as the proposed use would not result in the loss of all the residential accommodation at this property and would provide a potentially valuable community facility, the principle of the proposed use is supported in policy terms.
- 6.7 The childcare facilities would need to be registered with OFSTED and the number of children that can be cared for is governed in part by the space at the property and the number of carers working in the establishment. However, the concerns of OFSTED differ from the responsibilities of the Planning Service in that the latter has a responsibility to ensure that the amenities of the neighbouring properties are not unduly harmed by any proposal. Therefore it is considered reasonable, for the protection of those occupants, to restrict through condition the number of children at the premises.

Character of the area

- 6.8 No external changes are proposed and therefore there would not be any visual impact on the character of the area. However, the use of the property would change and as such, any possible impact on the character of the area as a result of this needs to be considered. Although the ground floor would be used as a day nursery, the upper floors would continue in residential use as this is considered important in retaining the predominately residential character of the area.
- 6.9 It is noted that there are several non-residential uses within the street and area more generally, and that a balance is needed. However, it is not considered that the proposed changes would significantly alter the residential character of the area and therefore refusal on these grounds would not be warranted. Overall the property would remain in residential use and the appearance of the property would not change. Restrictions could be placed on any permission to limit the hours of operation, limit the use to day nursery use only and revert the property back to full residential use should the nursery use cease.

In addition, the number of children permitted can be limited by condition, as well as the times of usage of the garden.

Parking

- 6.10 The applicant has submitted a draft Travel Plan entitled “Travelling to and from the Nursery” that considers the local public transport options and availability of parking on-site and in the vicinity, plus cycle parking. There is one off street parking space to the front of the property that would be available for drop off and pick up if necessary. Several bus routes stop within a 5 minute walk on Bromley Road and Catford and Catford Bridge Rail Stations are a short walk away. There would be space for cycle parking for 5 cycles as well as shower facilities available to staff. It is envisaged that many customers and staff would be from the local area and therefore could walk, cycle or use public transport.
- 6.11 It is noted that there are issues with availability of on-street parking spaces at present and the proposed use would add to this to some extent. However it is envisaged many parents would drop off pre 9am and pick up after 6pm, when there are parking spaces available in the street.
- 6.12 The Travel Plan initiative encourages the use of alternative forms of travel associated with trips generated by the proposed day nursery. It is recommended that a full Travel Plan is required by condition.

Noise

- 6.13 It is accepted that a day nursery use is likely to generate some noise and disturbance, but balanced against the expanding need for childcare
- 6.14 not considered that the use would generate any significant noise disturbance to the area as the children would be inside for the majority of the time. Limiting the number of children by condition would also help to limit any noise impact. Use of the rear garden for play should be restricted to set hours, normally two hours in the morning and two in the afternoon so as to avoid excessive noise disturbance to neighbouring properties and their gardens.
- 6.15 With regard to use of the garden, it is considered that the Council's normal time restrictions should be applied by condition in order to minimise the impact to neighbouring dwellings. These are considered acceptable conditions in order to comply with Policy ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material consideration including policies in the Core Strategy.
- 7.2 On balance, the use of the ground floor of the property as a day nursery is considered to be acceptable on planning grounds and conditional permission is recommended.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The proposal satisfies the Council's Land Use and Environmental Criteria Policies and is in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Policy 1: Housing Provision, mix and affordability,

Policy 14 Sustainable movement and transport, Policy 15: High Quality Design for Lewisham, Policy 16: Conservation areas, heritage assets and the historic environment and Policy 19: Provision and maintenance of community and recreational facilities in the Local Development Framework - Core Strategy (2011) and saved Policies HSG 4 Residential Amenity, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, ENV.PRO 9 Potentially Polluting Uses & ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

8.2 It is considered that the proposal is appropriate in terms of its form and would not result in material harm to the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 5: Areas of Stability and Managed Change, Policy 1: Housing Provision, mix and affordability, Policy 14 :Sustainable movement and transport, Policy 15 High quality design for Lewisham, Policy 16: Conservation areas, heritage assets and the historic environment and Policy 19: Provision and maintenance of community and recreational facilities in the Local Development Framework - Core Strategy (2011) and saved Policies HSG 4 Residential Amenity, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, ENV.PRO 9 Potentially Polluting Uses and ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

- (1) The day nursery hereby approved shall only operate at ground floor level of 26 Bargery Road and within the garden areas and shall not operate other than between the hours of 7.30 am and 6.30 pm Mondays to Fridays, and not at all on Saturdays, Sundays or Public Holidays, unless the local planning authority gives written consent to any variation.
- (2) The premises shall be used as a Day Nursery and for no other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or statutory provision revoking or re-enacting that Order.
- (3) The maximum number of children accommodated at any one time within the day nursery hereby permitted shall not exceed 24, without the prior written approval of the local planning authority.
- (4) The garden shall not be used by nursery children other than between the hours of 10.00 am and 12.00 noon and 2.30 pm and 4.30 pm on Mondays to Fridays.
- (5) The development hereby permitted shall include secure parking provision for cycles and prams, in accordance with details to be submitted to the local planning authority within three months of the date of this permission. Such provision shall be provided before the use commences and retained permanently thereafter.

- (6) The permission hereby approved shall not be implemented until such time as a user Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall operate in accordance with the agreed Travel Plan. The Travel Plan shall specify initiatives to be adopted by the proposed use to encourage access to the site by a variety of means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

Reasons

- (1) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (August 2004).
- (2) To allow the local planning authority to properly assess the impact of other uses within Class D1 on the residential amenities of neighbouring in accordance with policies in the Local Development Framework - Core Strategy and Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (3) To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (4) To safeguard the amenities of the adjoining premises and the area generally and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (5) In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable Movement and Transport of the adopted Core Strategy (June 2011).
- (6) In order that the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Management Plan for the site in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

Appendix 1 – Local Meeting Minutes

26 Bargery Road - Local Drop-In Meeting

Held at Civic Suite, Town Hall, 3rd July 2012

Meeting Notes

LB Lewisham: Kate Challenger - Case Officer (KC), Councillor Eva Stamirowski (ES)

Applicant: Patricia Ellis (PE)

7 local residents attended the meeting, as well as Kate Richardson of the Culverley Green Residents Association

The planning application file was on display from 7 to 8pm.

The following discussions took place:

Planning File

Inconsistencies between the plans on the website and the ones in the planning file. KC to check

KC - The correct plans are on the website and in the file. In addition, some old plans has been left on the file in error. These have now been removed.

Layout and use of the property

Clarification sought over the use of the two rooms. PE confirmed that the baby room at the front is for children under 2, however they would also have access to the larger room for specific activities. At these times the room would be partitioned.

Are Ofsted happy with the staff to child ratios? – this is not a planning matter but PE confirmed that they were and that there would be 3 level three staff, 3 level 2 staff and PE.

The properties on this road have thin dividing walls and therefore there is a concern over noise disturbance between the houses.

Noise disturbance from use of the garden.

Parking

Parking - this is already a major issue in the area with many residents unable to find places if they move their cars. The nursery will only make this worse. With 6 staff and up to 24 children it will lead to an increase in cars. The residents noted the good intentions of the applicant in terms of attracting local families within walking distance but pointed out that this would not happen in

practice and could not be enforced. Families will park all day and go to work from there.

ES pointed out that parking was an issue across the borough at many schools. Nurseries are a bit different but would still be a problem.

PE pointed out that you could easily park in the street at 7.30am, a time she envisages most parents will drop off. However, residents point out that after 9 am you cannot find a space and they are concerned parents will park and leave their cars all day rather than simply dropping off.

Number of Children

24 children seems an awful lot.

PE confirmed that she may well be able to run this as a going concern with less children but could not confirm what this number would be.

KC confirmed that the number of children could be limited by any planning permission granted.

Over Saturation of non- residential uses in the area

This is seen as the primary issue by residents.

There are already nurseries close by such as at 89 Bromley Road, 32 Bromley Road and 9 Inchmery Road.

There are already a lot of non residential uses at this end of Bargery Road, such as a hostel, care home and refuge.

Non- residential properties tend to less well maintained.

A balance of uses is needed and residents feel that a tipping point has been reached.

Residents were keen to point out that the objections to this application were not a personal matter and appreciated the good intentions of the applicant, however they do feel there are enough non-residential uses in the area already.

So many non- residential uses threaten the character of the conservation area.