

Committee	PLANNING COMMITTEE C	
Report Title	89 BROMLEY ROAD, SE6 2UF	
Ward	Catford	
Contributors	Malachy McGovern	
Class	PART 1	20 December 2012

<u>Reg. No.</u>	DC/12/79757
<u>Application dated</u>	23.05.2012
<u>Applicant</u>	Mrs M Charles "Small Wonders Daycare"
<u>Proposal</u>	The change of use from part residential use (Class C3)/part children's nursery (Class D1) for 25 children to a children's nursery only (Class D1) for 50 children at 89 Bromley Road, London SE6 2UF
<u>Applicant's Plan No.</u>	21112/AD1/1, 2, 3, 4, 5 Rev A, Site Location Plan, Design and Access Statement, Travel Plan.
<u>Background Papers</u>	(1) LE/384/62/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Culverley Green Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The subject site comprises a two-storey detached building currently in use as a children's day care nursery with additional residential accommodation. The site is located on the Eastern side of Bromley Road close to the junction with Inchmery Road and directly opposite the junction with Barneston Road.
- 1.2 The property benefits from two access points (cross overs) at the front of the property from Bromley Road which are connected by a curved garden driveway and two parking spaces.
- 1.3 The property benefits from a substantial single storey, ground floor side extension measuring approximately 70 square metres in area, and runs the entire depth of the original building. The extension and one room within the main building is already used in conjunction with the substantial rear garden as a nursery for approximately 25 babies and children.
- 1.4 The remaining part of the house is in residential use and has a ground floor kitchen, dining and living room and 4 bedrooms on the first floor.

1.5 The property is located within the Culverley Green Conservation Area and has a PTAL of 4.

2.0 Planning History

2.1 DC/92/33918 - Erection of a single storey side extension - Granted on 23 September 1992.

2.2 DC/03/53464/X - The change of use of part of the ground floor of 89 Bromley Road, SE6 to a children's day care nursery (Use Class D1), including use of the rear garden as a children's play area - Granted on 3 December 2012.

2.3 DC/08/68218/X - The change of use of one room at 89 Bromley Road, SE6, as a unit for up to 6 young children/ babies, in connection with the attached day nursery - Granted on 18 September 2008.

2.4 DC/08/68235/FT - The provision of a transparent canopy to the rear elevation of 89 Bromley Road SE6, to serve the residence and day nursery - Granted on 1 May 2008.

3.0 Current Planning Applications

3.1 The current application proposes change of use of the remaining residential part of the ground floor and all of the first floor of the property to a children's nursery. The resultant property would be used solely as a nursery without any of the existing residential accommodation and would provide a day care service for up to 50 children. The proposed layout utilises the existing rooms with only a minor alteration to an internal partition wall on the ground floor.

3.2 The proposal would provide 3 class rooms, a kitchen, staff room and separate staff and children's toilet on the ground floor, and 3 class rooms, an office and a toilet on the first floor.

Operation/Staffing

3.3 Hours of operation proposed are 08:00 to 18:00 Monday to Fridays. The applicant has stated that the nursery currently employs 8 members of staff and this would increase to 11 full time members of staff.

3.4 The applicant states that 1 member of staff currently drives to work and the remaining staff use public transport.

Access/Parking

3.5 The applicant has provided a travel plan which states that provision will be made for a minimum of two cars to be parked by users for drop off and pick up.

3.6 The applicant states that 5 of the 30 parents that use the nursery currently drive to an from the nursery to drop off and pick their children however this number will reduce to 1 after August 2012.

3.7 The applicant states that the owner, manager and all members of staff will form a Travel Plan Working Group which will encourage parents to make use of public transport or walk.

4.0 Consultation

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 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association, Early Years Social Services, Conservation and Environmental Health were also consulted.

Written Responses received from Local Residents and Organisations

4.3 63 Neighbour letters were sent. Two letters of objection were received from the occupiers of 91a Bromley Road, objecting to the application because of parking issues which is already an issue in the area. Also, objections are raised to the potential increase of noise from the use of the garden. The issue of increased drain blockages is also raised but this is not a material planning consideration. A letter from Heidi Alexander MP was received which relayed these concerns.

4.4 The Catford Ward Councillors were also consulted - No response was received

4.5 Transport for London (TFL) were consulted - requested more information about the impact of the increased activity and the efforts to dissuade parking on the red route.

4.6 Council Highways Department - No Response received

4.7 Kate Richardson of the Culverley Green Residents Association initially requested that more information on the landscaping and travel plan be provided. The applicant subsequently clarified that no landscaping or changes to the front of the property were being proposed and that a travel management plans would be adopted.

4.8 The objections raise the following issues:

- Principle of change of use to nursery is questionable in a residential area
- Parking pressure - this is already very difficult for residents and an intensification of the nursery use will only make matters worse.
- Drainage - The proposal would increase the number of toilets from 6 to 8 - there is an existing problem with foul sewage that would be exacerbated
- Traffic - the proposed use would generate considerable additional traffic
- Number of children – 50 children is double the existing
- Noise disturbance from increase in the number of children playing in the garden

4.9 Early Years

No objection to the application- the nursery has an Ofsted judgement of "Good". 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.

4.10 Conservation Officer

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.

5.4 National Planning Policy Framework (NPPF)

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.

5.6 Ministerial Statement: Planning for Growth (23 March 2011)

The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

5.7 Relevant UDP policies include:

The saved policies of the Lewisham UDP 2004 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

5.8 Relevant Lewisham LDF Core Strategy 2011 policies include

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

5.9 London Plan 2011

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

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Character of the Area
- c) Noise & Impact on Neighbouring Amenity
- d) Highways and Parking
- e) Sustainability

Principle of Development

- 6.2 The existing property is in part-residential (Class C3), part-day care nursery (Class D1) use. The proposal involves change of use of the remainder of the property to day care nursery (Class D1)
- 6.3 Lewisham UDP 2004 policy HSG 1 'Prevention of Loss of Housing' states that the Council will resist the loss of housing except where a change of use to an essential local community service or facility including day nursery is proposed. 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 is generally encouraged. It is considered that in this instance the provision of much-needed additional day care for children would outweigh the loss of a residential unit particularly considering the proposal involves only minor internal changes and as such could easily be reverted back into residential use.
- 6.4 The proposed use of part of the property as a day nursery is also supported by policies 3.16 Protection and enhancement of social infrastructure and 3.18 Education facilities, of the London Plan (July 2011) and Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (June 2011), as well as saved policy LCE 1 Location of New and Improved Leisure, Community and Education Facilities of the Unitary Development Plan (July 2004). These policies encourage the provision of such facilities and state that they should be located within easy reach by walking, cycling and public transport, close to other community facilities and services and town and local centres. The site has a relatively good PTAL of 4 and as such satisfies the policy in this respect.
- 6.5 The policy also states however that there should be no adverse impact on residential amenity, including noise and traffic generation.
- 6.6 The Social Service Early Years Team have confirmed that the existing nursery has an Ofsted judgement of "good". They have also advised that the Council has a duty to provide additional nursery places for two year old children over the next few years and are supportive of the application.
- 6.7 It is considered that on balance, that the proposal would provide a valuable expansion of a community facility and as such is supported in policy terms.

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 upper floors would no longer be in residential use, it is not considered that the day time operations of the nursery would conflict with residential character of the area to such a degree that material harm would arise.
- 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. Restrictions could be placed on any permission to limit the hours of operation and limit the use to day nursery use only. In addition, the number of children permitted can be limited by condition, as well as the times of usage of the garden.
- 6.10 Officers furthermore consider that the change of use does not have to be permanent. If the nursery use would cease, it is likely that the property would revert back to residential use.

Highways & Parking

- 6.11 The applicant has submitted a draft Travel Plan which details the existing travel behaviour of children's parents and nursery staff. The statement also considers the local public transport options and availability of parking on-site and in the vicinity, plus cycle parking.
- 6.12 The property has a modestly sized front garden area which has a double crossover connected by a curved driveway. There are two off street parking spaces 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, Bellingham and Catford Bridge Rail Stations are a short walk away. It is envisaged that many customers and staff would be from the local area and therefore could walk, cycle or use public transport.
- 6.13 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. The nursery has opening hours between 08:00 and 18:00 and the pick-up and drop-off times are staggered throughout this period. It is envisaged many parents would drop off pre 9am and pick up after 6pm, when there are parking spaces available in the street. The setting is also within a Controlled Parking Zone which serves well to discourage users from driving with the intent of parking on nearby streets.
- 6.14 The applicant states that the existing Travel Plan initiative encourages the use of alternative forms of travel associated with trips generated by the proposed day nursery. The plan states that the manager will set up a Travel Plan Working Group (which will consist of the manager and members of staff) and together the group will be responsible for implementation of the travel plan. It is recommended that a full Travel Plan with mechanisms for monitoring is required by condition particular with regard to ensuring users do not park on Bromley Road which is a red route.

Noise and Impact on Neighbouring Residential Amenity

- 6.15 It is accepted that the intensification of the day nursery use is likely to generate some additional noise and disturbance, but balanced against the expanding need for child care. The Council's Environmental Health noise (Pollution Team) have no record of noise complaints
- 6.16 It is 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 and would be sleeping for two hours during the day. Limiting the number of children in the garden at any one time i.e. staggering the use of the garden could also be secured 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.
- 6.17 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 Local Finance Considerations

- 7.1 The Mayor of London's CIL is not payable on this application.

8.0 Conclusion

- 8.1 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.
- 8.2 On balance, the change of use to full time day nursery (Class D1) from part nursery (Class D1) / part dwelling (Class C3) is considered to be acceptable on planning grounds and conditional permission is recommended.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 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 of the Council's Core Strategy.
- 9.2 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 (June 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).

- 9.3 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 (June 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).

10.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

- (1) The day nursery hereby approved 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 50, 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 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 (July 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 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).

Informative:

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.