

**Application No : 10/01276/VAR**

**Ward:  
Shortlands**

**Address : 50 - 52 Shortlands Road Shortlands  
Bromley BR2 0JP**

**OS Grid Ref: E: 538979 N: 168912**

**Applicant : Mr Richard Percy**

**Objections : YES**

**Description of Development:**

Variation of condition 5 of permission ref 04/00477, granted for single storey rear extension to No. 52 and change of use of No's 50 and 52 from residential (Class C3) to children's day nursey (Class D1) with 3 car parking spaces at front, to allow up to 60 children to be accommodated at any one time (RETROSPECTIVE APPLICATION)

Key designations:

Conservation Area: Shortlands

**Proposal**

Update

This application was deferred from Plans-Sub Committee on 12-08-2010 to be considered by Development Control Committee, following advice from the head of Legal and Democratic Services, as a majority decision could not be reached.

The applicant has submitted some additional supporting information regarding the number of WCs on the premises, the means of escape in case of fire, traffic impact, the number of children allowed in the nursery according to Ofsted guidelines, and when and for how long for children play outside. It has also been confirmed that "since 2004 to date there has been no complaints relating to noise recorded", and a supporting email from London Borough of Bromley's noise abatement team has also been attached.

Full details of this correspondence are available on the file. The previous report is repeated below.

Proposal

- Planning permission was granted under ref. 04/00477 for a Single storey rear extension to No. 52 and change of use of Nos. 50 and 52 from residential (Class C3) to children's day nursery (Class D1) with 3 car parking spaces at front.

- The permission included a condition which restricted the number of children attending the nursery to no more than 32 at any one time in order to safeguard the amenities of local residents and to ensure that the proposal did not have an unsatisfactory impact on on-street parking or highway safety.
- The proposal is to vary this condition to allow up to 60 children to be accommodated at any one time.
- The application is being made retrospectively since the condition has already been breached. There are currently 46 children attending the nursery.

#### Location

- The application site is a detached building which originally comprised of two semi-detached dwellings.
- The current use of the building is a children's nursery/pre-school (originally approved under ref. 03/03046)
- The site falls within the Shortlands conservation area.

#### **Consultations**

##### Comments from Local Residents

- 60 places would seem to be unsuitable in a building with only two upstairs toilets and just one steep staircase;
- increase in staff parking in Bromley Grove;
- increase in traffic delivering and collecting children;
- increase in noise;
- overdevelopment in a residential and conservation area;
- impact on adjoining properties;
- noise of children playing lasts all day;
- increase in pulling in and out of nursery close to bend is an issue;
- impact of 60 children will be detrimental to quiet enjoyment of property;
- unsuitable for a building of this size;
- increase in traffic could endanger children's safety;
- parking an issue in Shortlands Grove;
- number of children proposed appears to be in excess of numbers advised by child Care Act regs.

The full texts of the correspondence received relating to this application are available to view on file.

##### Comments from Consultees

The Council's Highways Development Engineers were consulted on the application and have raised no objections to the variation subject to a condition regarding satisfactory parking layout being applied to any approval.

The Council's Education division (Early Years) are in support of the application subject to Health and Safety and OFSTED approval.

The Council's Environmental Health (pollution) team have raised no objections.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development  
BE11 Conservation Areas  
C7 Educational and Pre-School Facilities  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T18 Road Safety

4A.20 and Mayors Ambient Noise Strategy

PPS1 Delivering Sustainable Development

Planning History

There have been several planning applications in relation to this site. The most recent and relevant applications were as follows:

09/00733: Planning permission was granted for a Part one/two storey side/rear extension and increase in roof height to provide ancillary space for nursery. A condition was attached to the permission stating that "No additional children shall attend the nursery without the prior approval in writing of the Local Planning Authority".

08/02600: Planning permission was refused for roof alterations and second floor addition to provide ancillary space for nursery with external access steps.

06/04255: Planning permission was granted for a first floor rear extension – to date this has not been implemented.

## **Conclusions**

The main issues relating to the application are the impact of the increased number of children attending the nursery on the amenities of nearby residents, and the effects on traffic, parking, and general conditions of road safety in this part of the Conservation area.

There have been numerous concerns raised from nearby residents about the increase in noise which may result from the additional children. At present there are 46 children attending the nursery. Whilst some additional noise may be incurred when the children are in the outside rear playground, this is not likely to be at all times of the year and would probably be weather dependant. Furthermore, the nursery is only in use Mondays to Fridays between the hours of 0800 and 1800 (as per condition 5 of permission ref. 04/00477). It is therefore considered that the increase from 46 to 60 children is unlikely to result in a significant loss of amenity to local residents. Furthermore, the applicant has assured that 60 is the maximum number of children that would be present at any one time and, of these, 25 would be 'sessional' and only 35 full-time attendees.

However, as the ref. 04/00477 permission only allowed 32 children to attend the nursery, the impact of the increase from 32 to 60 children must now be considered. On the one hand, as the breach of condition has been ongoing since 2006 and as the matter was only recently raised by local residents, it may be considered that current noise levels caused by 46 nursery attendees are not significantly detrimental to the enjoyment of surrounding properties. On the other hand, neighbours may have come to accept that the noise levels currently experienced are those to be expected from 32 nursery attendees and, should this application be refused and the breach of condition remedied, noise levels may decrease to more acceptable levels.

The second main issue relating to the application is the impact on parking, traffic, and general conditions of Highways safety in the vicinity of the nursery. The current level of use of the nursery does not appear to have resulted in any personal injuries or accidents in Shortlands Road in the vicinity of the site since the number of children attending the nursery was increased. In order to assess the potential impact that the proposed increase to 60 nursery attendees would have, the applicant has submitted traffic and parking surveys showing the amount of traffic and on-street parking in the vicinity of the site at various times of the day. The survey indicates that there are on-street parking spaces available for additional demand during the hours of maximum parking demand. As such, the proposal is considered acceptable in terms of the impact on highways safety and on-street parking.

To summarise, Members need to consider whether or not the increase in the number of children attending the nursery would lead to an increase in noise levels significant enough to have an unduly harmful effect on the amenities of nearby residents, even though only 35 of the nursery attendees would attend full time and the other 25 would be 'sessional'. Furthermore, there are currently already 46 children in attendance at the nursery. In terms of the effect on parking in the surrounding road network, there appears to be on-street parking spaces available for additional demand during the

hours of maximum parking demand and Members may therefore consider that the proposal would not significantly impact the local road network.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01276, excluding exempt information.

as amended by documents received on 21.07.2010

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

0D00002 If Members are minded to grant planning

1ACH03 Satisfactory parking - full application

ACH03R Reason H03

2 a) The children attending the day nursery/playgroup shall be between the ages of 0 and 5 years and not more than 60 children shall be accommodated at any one time.

b) The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 0800 and 1800.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

Reasons for granting permission:

In granting permission the local planning authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development

BE11 Conservation Areas

C7 Educational and Pre-School Facilities

T1 Transport Demand

T2 Assessment of Transport Effects

T18 Road Safety

The development is considered to be satisfactory in relation to the following:

(a) the impact on the amenities of the occupiers of adjacent and nearby properties;

(b) the transport policies of the development plan;

(c) the safety of pedestrians and motorists on the adjacent highway;

(d) the preservation or enhancement of the conservation area.

and having regard to all other matters raised.

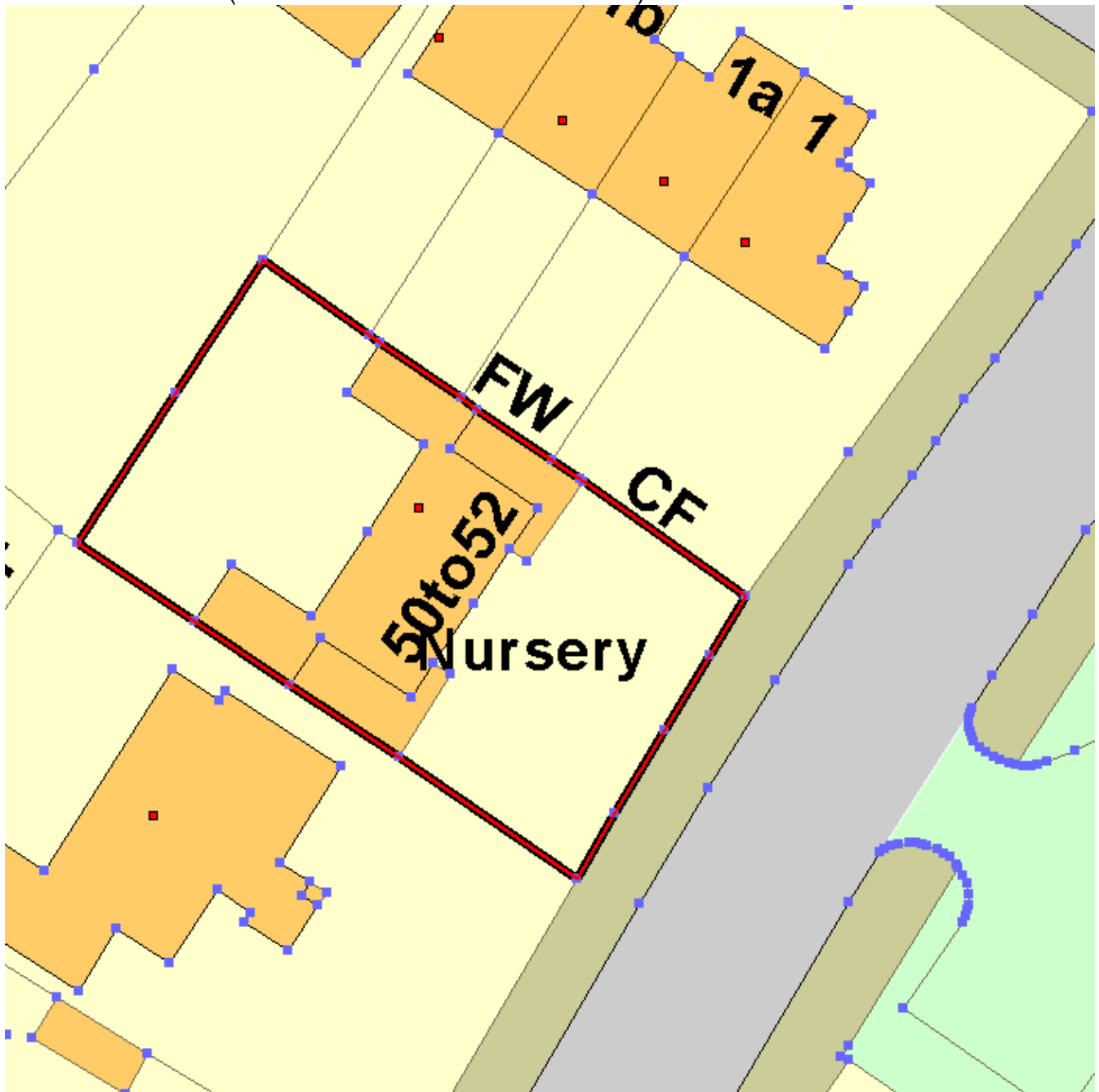
D00003 If Members are minded to refuse pp

The proposed increase in the number of children attending the playgroup would be detrimental to the amenities of adjacent and nearby residents by reason of the additional noise and disturbance generated, contrary to Policy BE1 of the Unitary Development Plan.

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