

SECTION '2' – Applications meriting special consideration

**Application No :** 12/01693/VAR

**Ward:**  
Copers Cope

**Address :** Sunnyfields Day Nursery 19 Bromley  
Grove Shortlands Bromley BR2 0LP

**OS Grid Ref:** E: 538882 N: 169019

**Applicant :** Anna Bailey

**Objections :** YES

**Description of Development:**

Variation of condition 3 of permission ref. 01/03390 to increase the number to children aged between 3 months and 7 years attending the day nursery to 45 with the use being restricted to between 0730 and 1830 Monday to Friday.

This application was deferred without prejudice by the Plans Sub Committee of 27th September for further investigation into the parking survey and associated numbers attending the nursery, to investigate whether Environmental Health have received any complaints, to take further advice from cleansing re difficulties of refuse collection and to seek clarification in respect of the use of the flat.

The previous report has been amended and updated as below:

**Proposal**

This application seeks to vary Condition 3 of planning permission 01/03390 to increase the number of children aged between 3 months and 7 years attending the day nursery from 33 children to 45 with the use being restricted to between 0730 hours and 1830 hours Monday to Friday.

**Location**

The site is a detached building with accommodation over three floors and is located on the south side of Bromley Grove.

**Comments from Local Residents**

- creates local parking problems
- 'drop-offs' arise in blocked drives; although for short time periods it does create annoyance
- added congestion from parking creates problems with refuse collection
- suggested on-site parking appears impractical and conflicts with other areas of use on site
- excessive noise from the outside play areas

- although some improvements since Committee meeting in April there is an overriding concern that should numbers be permitted to increase to 45 the problems previously experienced will return
- committee required numbers to be reduced to 32 children prior to any further applications
- restrict times of use of the garden area to help address noise issues
- CRB clearance for residents of flats

### **Comments from Consultees**

Technical Highways comments note the parking surveys carried out indicate that there are parking capacities available during the morning and evening peaks within 200m of the site and therefore the residual level of traffic generation would not have a significant impact on local traffic flows. It is suggested that the internal parking layout may need to be redesigned to avoid on-site conflicts with other areas. In response to Committee's enquiry with the submitted survey Highways advise that the survey is a reasonable survey and whilst they have not carried out one themselves this type of submission by applicants is quite typical. Any additional comments in respect of the 'drop off' information supplied by the applicant will be reported verbally to Committee.

Bromley Early Years Team advise that Sunnyfields Day Nursery is an established childcare provider in the Borough, running two provisions with overall OfSTED ratings of 'Good' with 'Outstanding' for partnership with parents/carers. The application for a variation in the number of children is strongly supported by Early Years. Full day care in the Borough continues to be insufficient and with the impact of one form entry to schools and the proposed increased government funding for two year olds, childcare provision for 0 – 3 year olds will be in demand. They advise that the applicant has addressed local and national childcare developments and the proposed increase of places for 0 – 3 year olds would offer additional places in an area that is limited of full-time childcare and support locally, the government's commitment to families.

The Waste Advisor for the area notes that there are issues with the adjacent properties refuse collections due to parking in the road. Detailed comments in response to Committee's enquiry are awaited and will be reported verbally.

No Environmental Health objections are raised. In response to Committee's enquiry Environmental Health confirm that there are no noise complaints recorded against this address.

### **Planning Considerations**

The application falls to be determined in accordance with the National Planning Policy Framework (NPPF), the London Plan and 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

## **Planning History**

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

97/03152/FUL – Change of use from nursing home to day nursery. Permission granted subject to conditions.

99/00775/VAR - variation of condition 03 of permission 97/3152 granted for use as day nursery to increase number of children from 20 to 28. Permission granted subject to conditions.

11/02839 - Side dormer extension and conversion of second floor from one 3 bedroom residential unit associated with nursery to one 1 bedroom and one 2 bedroom self contained units not associated with nursery in order to remove Condition 2 of permission 01/03390.

01/03390/VAR - Variation of Condition 04 of permission 99.00775 granted for use as day nursery which limits number of children to 28 and their ages to between 3 months and 7 years with the use being restricted to between 0800 and 1800 Mondays to Fridays, to permit 33 children between the ages of 3 months and 7 years with the additional uses of after school club in school terms between 1500 – 1800 and holiday club in school holidays between 0800 – 1800 for 12 children aged 4 to 11 years. Permission granted subject to conditions.

12/00441 - Variation of condition 3 of permission ref. 01/03390/VAR to increase the number of children, aged between 3 months and 7 years, attending the day nursery to 62, with the use being restricted to between 07:30 and 18:30 Monday to Friday. This was refused due to detrimental impact on neighbouring amenities and detrimental impact resulting from increased vehicle movements. As well as the refusal of the application authorisation for enforcement action was given to regularise the number of children currently using the day nursery to be in accordance with permission 01/03390.

## **Conclusions**

Following planning application ref. 12/00441, which sought to increase the numbers of children aged between 3 months and 7 years attending the day nursery from 45 to 62, it came to light that the nursery was operating in breach of Condition 3 of permission 01/03390:

- 3 (a) The children attending the day nursery/play group shall be between the ages of 3 months and 7 years and not more than 33 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.

The applicant had reasoned that as planning permission was granted for 45 children, albeit broken down as 33 day nursery attendees and 12 for the after school club, that when the after school club closed in 2008 the number of children from the after school club could be added to the day nursery, hence the submission of application ref. 12/00441 seeking an increase from 45 children to 62.

As seen above this application was refused and whilst enforcement action was authorised it is understood the Committee suggested a time lapse before proceeding with any action in order to allow for an element of 'natural reduction' in children numbers. Additional information has been received to show the current day nursery attendance, with 28 children at the lowest and 33 at the highest.

The applicant has submitted a supporting statement which highlights their desire to combine the numbers of 45 children, previously allowed but under different categories (ie 12 in the after school club and 33 in the day nursery) whilst offering the extended operational hours of 0730 and 1830 Monday to Friday in order to offer flexibility and to help stagger the arrival/departure times.

A number of objections have been received to the application. Concerns have been raised around CRB requirements for residents of the flats. Whilst restrictions were originally applied to the residential accommodation, planning permission ref. 11/02839 gave consent for residential units not associated with the nursery. In response to Committee's enquiry re clarification of the use of the flats the applicant has confirmed that they have a residential use completely separate from the nursery. The applicant has also advised that they had received a noise complaint in respect of loud music from the flats. This was dealt with immediately and to date she has received no further complaints.

Objections are raised in respect of local parking, access and collection of refuse problems. Highways comments in respect of the parking survey state that there are parking capacities available during the morning and evening peaks within 200m of the site and therefore the residual level of traffic generation would not have a significant impact on local traffic flows. The waste advisor has confirmed that there are problems with waste collection to the flats opposite due to parking in the road. There is no evidence to say that this parking is by users of the nursery but rather an assumption. It should be noted that there are no on street parking restrictions in this location. Any further information/evidence on this point will be reported verbally to Committee.

Objections are also raised in respect of the noise levels of children playing in the garden area. As noted above the Council's Environmental Health section have no noise complaints recorded against the property. Within the supporting statement the applicant has suggested that older children will generally make more noise than younger (with the use of the site now concentrating more on younger children). It also suggests that a garden curriculum and rota is employed which would help control the noise from the children.

Planning Policy C7 advises that applications for extensions to existing pre-school facilities will be permitted provided that they are located so as to maximise access by means of transport other than the car. The policy seeks to give appropriate

support to the Council's wider objectives for education, including its early years' strategy. It recognises that pre-school facilities will often be provided in residential properties and seeks appropriate safeguarding of amenities.

There is clearly a balance to be sought between the extension of the existing pre-school facility, the Council's wider objectives for Early Years' Strategy and safeguarding nearby residential amenities. It would appear that the facility has been operating with up to 45 children since the afterschool and holiday clubs ceased in 2008. The proposal is supported by the Council's Early Years Team and no Environmental Health objections are raised. However given the objections received there are clearly local concerns with the impact of the increased numbers.

Subject to any additional comments received in respect of Highways/Cleansing, given the above and that previous planning permissions have considered it appropriate for a greater number of children to use the facilities (via the after school/holiday club) it may, given the circumstances, be appropriate to consider a temporary variance of condition in order to assess the impacts of the use of the existing facilities for up to 45 children for the extended times requested.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01693, 12/00441, 01/03390, 11/02839, 99/00775 and 97/03152, excluding exempt information.

as amended by documents received on 09.07.2012 17.07.2012 12.09.2012 05.10.2012

## **RECOMMENDATION: APPROVAL**

subject to the following conditions:

- 1 a) The children attending the day nursery/play group shall be between the ages of 3 months and 7 years and not more than 45 children shall be accommodated at any one time for a limited period ending 31st October 2013.  
b) The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 0730 and 1830 for a limited period ending 31st October 2013.

**Reason:** In order that the impact from the increased number of children can be fully assessed and to comply with Policy C7 of the Unitary Development Plan and in the interest of the amenities of the area.

- 2 The premises shall be used for a children's day nursery and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

**Reason:** In order to comply with Policies BE1 and C7 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

- 3 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

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

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