

SECTION '2' – Applications meriting special consideration

Application No : 13/03154/VAR

Ward:
Copers Cope

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

OS Grid Ref: E: 538882 N: 169019

Applicant : Mrs Anna Bailey

Objections : YES

Description of Development:

Variation of condition 1 of planning permission 12/01693 to remove 'for a limited period ending 31st October 2013' in order to allow not more than 45 children between the ages of 3 months and 7 years to be accommodated at any one time in the day nursery/playgroup, between the hours 07.30 and 18.30 Monday to Friday.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

This application seeks to vary Condition 1 of planning permission ref. 12/01693 to remove 'for a limited period ending 31st October 2013' in order to allow not more than 45 children between the ages of 3 months and 7 years to be accommodated at any one time in the day nursery/playgroup, between the hours 07.30 and 18.30 Monday to Friday.

Location

The site is a detached building with nursery accommodation to the ground and first floor and is located on the south side of Bromley Grove.

Comments from Local Residents

- concerns that the nursery is seeking to raise the number of children allowed for 32 to 62
- excessive number of children for accommodation
- concerns that cars are left parked outside the residential flats all day

- rubbish cannot be collected from the flats opposite the site due to parents dropping off their children and blocking the access
- concerns that amount of parking on both sides of the road restricts emergency and council vehicles
- white lines across entrance but cars still park over it thus restricting access
- trial period of increased numbers has seen problems of rubbish collection continue
- suggestion to apply parking restrictions outside the nursery will help alleviate the rubbish collection problems
- concerns over noise increase in garden area
- there is a nursery 'Little Cherubs' in Shortlands Road and so locally there is already considerable noise from both nurseries
- safety concerns over privately rented flats within the nursery building

Comments from Consultees

No technical Highway objections are raised to the proposal; the surveys carried out on 9th and 10th September 2013 at 7:45- 8:30am and 5:30 - 6:15pm indicate modes of transport to the nursery. The latter survey showed that 4 parents arrive by car at any one time. Additionally the parking stress reveals an average of 41% parking stress within 200m of the site during the nursery's peak hours allowing adequate parking spaces within the vicinity. The new survey confirms that the residual level of traffic generation would not have a significant impact on the local traffic flows and parking demand. It is also noted that only 2 out of 10 (20%) staff members drive to site. Conditions are suggested in the event of a planning permission.

Comments received from Education and Care Services, Early Years note that the applicant is 'an established childcare provider in the borough, running two provisions and at their last inspection in March 2013 this nursery was rated Outstanding by OfSTED'. Early Years state their support for the application and comment that 'full day care in the borough remains insufficient and with the increase in government funding for two year olds, childcare provision for this age group is in demand. Mrs Bailey has addressed local and national childcare developments and the proposed increase of numbers will offer places in an area that is limited of full-time childcare and support locally, the government's commitment to families'.

Environmental Health raise no objections to the proposed variation and advise that they have no noise complaints on file since the previous application.

Comments from Cleansing advise that they have had no on-going problems with collections due to parked cars.

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 is an extensive planning history relating to the site with the most relevant applications detailed below:

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 ref. 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 ref. 01/03390.

01/03390/VAR - Variation of Condition 04 of permission ref. 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 ref. 01/03390.

12/01693 - Variation of Condition 3 of planning permission ref. 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. This was granted permission subject to Conditions. Condition 1 (copied below) is the subject of this variation application:

Condition 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.

Conclusions

Condition 1 of planning permission ref. 12/01693 was attached in order that the impact from the increased number of children could be fully assessed over a one year period. The main issues for consideration are the impact of the proposal on traffic and parking and its effect upon residential amenity.

The applicant has submitted a supporting statement to the proposal which highlights that the day nursery has been operating on the site since October 1998 (15 years). The submission refers to traffic and highways issues and highlights that there are no associated traffic movements when the nursery is closed before 7.30am and after 6.30pm weekdays or at any time at the weekend; there is also limited traffic movement between 9.30am and 4.30pm. With regard to noise, it highlights that they have a garden rota allowing each of the three classrooms 2 x 45 minute garden slots a day between 9.30am and 4pm and no associated noise, again, when the nursery is closed before 7.30am and after 6.30pm weekdays or at any time at the weekend.

The same statement highlights that the residential element on the top floor is not tied to the nursery and is accessed separately. Objections continue to be raised with safety concerns for children with privately rented flats within the nursery building; planning permission reference 11/02839 gave consent for residential units not associated with the nursery. Additionally the nursery is subject to OfSTED inspections.

Local objections continue to be raised in respect of parking, access and collection of refuse problems. No technical Highways objections are raised and the surveys indicate adequate parking spaces within the vicinity. Comments from Cleansing advise that they have had no on-going problems with collections due to parked cars. There are no on-street parking restrictions in this location.

Concerns continue to be raised in respect of the noise levels of children playing in the garden area. As noted above the Council's Environmental Health section raise no objections to the proposed variation and advise that they have no noise complaints on file since the previous application.

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.

Early Years have advised that childcare provision for this age group is in demand, with insufficient full day care in the Borough and that the proposed increase of numbers will offer places in an area that is limited of full-time childcare and support locally the government's commitment to families. They also highlight the provision received an outstanding Ofsted report in March 2013.

Given the objections received local concerns continue to be raised with the nursery use and the impact of the increased number; some of the objections raised in respect of the refuse collection indicate that restricted parking may help to alleviate some of the problems. It is noted that there are no parking restrictions currently in place.

In the light of Planning Policy a balance has 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. There are no technical highways objections to the proposal and although objections received indicate refuse collection issues Cleansing have advised that they have had no on-going problems with collections due to parked cars.

Whilst there are on-going impacts on residential amenity, as seen by the local objections received, careful consideration must be given, in the light of Planning Policy, as to whether the impacts are so significant as to warrant a planning refusal. Given that there is an existing use at the site, that the premises is a large detached property, that no technical objections have been received and no complaints recorded, Members may on balance consider that the increase number of children, by 12, from 33 to 45 will not cause such significant harm to nearby residential amenity as to warrant a planning refusal.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/03154, 12/01693, 12/00441, 01/03390, 11/02839, 99/00775 and 97/03152, excluding exempt information.

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.
(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.

Reason: In the interest of the amenities of the area and to comply with Policy C7 of the Unitary Development Plan.

- 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.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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