

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 15/03601/RECON

Ward:
**Chelsfield And Pratts
Bottom**

Address : Scout Hall Highfield Avenue Orpington

OS Grid Ref: E: 545791 N: 164149

Applicant : Mr Stuart Milne

Objections : YES

Description of Development:

Variation of Condition 99 of planning permission reference 83/02042, to extend hours of operation from 9am-12 noon Monday to Friday to 7:30am- 9am and 3pm-6.30pm during school times Monday to Friday, and to 7:30am- 6:30pm during school holidays Monday to Friday

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 28

Proposal

This application relates to the use of the scout site for the provision of pre-school and after-school childcare, and its use during the summer months for similar purposes for extended hours. The applicant has confirmed that the use accommodates up to 24 children.

Under reference 83/02042 planning permission was granted in respect of the continued use of the scout hall for playgroup purposes. This application seeks to extend the hours of operation of the playgroup operating from 9am-12 noon Monday to Friday, to the following times:

- 7:30am- 9am and 3pm-6.30pm during school times Monday to Friday
- 7:30am- 6:30pm during school holidays Monday to Friday

The childcare use currently operates for the extended hours sought in this application. This report assesses its continued use of the site for those extended hours. This application follows complaints from local residents, and as a result, the applicant was asked to formally apply for planning permission.

Location

The application site comprises a scout hut which fronts the western end of Highfield Road. The surrounding area is entirely residential with the southern site

boundary adjoining the rear gardens of 9, 10 and 11 Glentrammon Close, the western site boundary adjoining the rear gardens of 13 and 24 Briarswood Way, and the northern site boundary adjoining 6 King Henrys Mews.

The scout hut is located toward the western half of the site and is surrounded to its western and southern sides by a grassed area which is used for recreational activities. The eastern side of the site contains an area of gravel which is used for parking.

Consultations

Nearby owners/occupiers were notified of the application no representations were received which are summarised below:

- no need for this use as there are after-school clubs at Green Street Green and Warren Road schools
- scout use has not been a problem
- neighbouring amenity has been undermined
- noise levels have intensified following the introduction of a pre/after school club
- need for 1983 condition even more valid today given additional housing
- grassed area adjacent to 13 and 24 Briarswood Way is not an appropriate area for outdoor play given noise generated by over 20 children in a confined area
- due to proximity of neighbouring properties, the noise is intense
- concern that activities will increase at the site
- lack of measures to limit noise and disturbance
- risk to children's safety

Consultee Comments

From an Environmental Health perspective, there are concerns over the potential impact on surrounding residential amenity of intensifying the use and extending hours of operation. The background noise level in this location is likely to be low and residential properties are situated within very close proximity. As the application stands it is recommended that it is refused.

In order to address these concerns the applicant may consider employing an acoustic consultant to measure background level, accurately assess the effect and if applicable to recommend mitigations to prevent adverse effects on surrounding residents.

Planning Considerations

Policy BE1(v) of the Unitary Development Plan is relevant. This advises that all development proposals will be expected to respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

Planning History

Under reference 83/02042 planning permission was granted in respect of the continued use of the scout hall for playgroup purposes. Condition 99 of that permission required that:

"The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive and only between the hours of 9am to 12 noon"

The condition was justified for the following reason:

"In order to limit the change of use of the building from its primary use to the use indicated in the application and to safeguard the amenities and character of the locality."

Conclusions

The principal consideration in this case relates to the impact of the hours of operation which are formally sought on neighbouring amenity.

The site is occupied by a long-established scout hall which forms the designated site use. The site has been hired for use by other groups over time, and it does benefit from an earlier planning permission enabling its use by a playgroup for more restricted hours from Monday - Friday.

This proposal will entail an intensified use of the application site for pre-school and after-school activities and for longer periods during the summer months, essentially enabling extended child supervision throughout the working day. The site encompasses a garden area to the west of the scout hall which contains various paraphernalia and which has been used for outdoor recreation. That garden area adjoins the residential properties at 13 and 24 Briarswood Way with the boundary with those properties bounded by a retaining wall up to approximately 1 metre high and a 6ft-high single-panel close-boarded fence. The site is elevated in relation to Briarswood Way.

The Council has received various objections from neighbouring residential properties purporting to the excessive noise levels associated with the pre- and after-school activities at the site, which have seemingly occurred in contravention of Condition 99 of the 1983 planning permission. Given the nature of the objections raised, as well as the Environmental Health comments concerning the sort of background noise levels which may be expected in this location, it is considered that these objections are justified; furthermore, no evidence has been submitted by the application to demonstrate that noise levels are within tolerable levels. As such, and in the absence of such evidence presented by the applicant, it is considered that the proposal fails to respect the amenity of occupiers of neighbouring buildings by reason noise and disturbance. Furthermore, in the absence of noise abatement measures to limit background noise levels, it would be premature to grant planning permission.

Taking account of the above, it is considered that the proposal adversely affects neighbouring amenity and should be refused.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposed increase in hours of operation would be seriously detrimental to the amenities that surrounding residents might reasonably expect to be able to continue to enjoy by reason of noise and general disturbance associated with the use of the site, thereby contrary to Policy BE1(v) of the Unitary Development Plan.