

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 15/02562/RECON

**Ward:**  
**Chelsfield And Pratts  
Bottom**

**Address :** Brinds Well Day Nursery Hawstead  
Lane Orpington BR6 7PH

**OS Grid Ref:** E: 548958 N: 164211

**Applicant :** Childbase Partnership Ltd

**Objections : YES**

**Description of Development:**

Variation of conditions 15 and 16 of permission ref.10/02031 granted for detached single storey nursery building with associated play areas, car parking, cycle parking and refuse store, in order to remove restriction on number of children and to allow part of the first floor to be used for staff room, playroom and gallery ancillary to day nursery use, and addition of dormers, rooflights and rear roof terrace with external staircase

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

**Proposal**

Permission was granted in 2011 (ref.10/02031) for this single storey day nursery building subject to a number of conditions. Condition 15 limited the number of children attending the day nursery to 120 at any one time in order to protect the amenities of nearby properties, whilst condition 16 restricted the use of the roof space of the building to storage purposes incidental to the nursery only, and stipulated that no rooflights be installed within the roof slopes. The reason for imposing condition 16 was to prevent overdevelopment of the site, and to protect the style and character of the building.

Permission is now sought to vary condition 15 in order to allow an additional 18-21 babies to be accommodated, and to vary condition 16 in order to allow part of the first floor to be used as a staff room, play room and gallery ancillary to the day nursery use.

Part of the first floor is already being used as a staff room accessed from an internal staircase and open gallery area in contravention of condition 16, and it is proposed to extend the amount of first floor accommodation to provide a playroom,

with the two first floor wings remaining as attic storage areas. Two rear dormers and a total of 19 rooflights would be added to serve the first floor accommodation and storage areas.

It is also proposed to add a rear roof terrace between the two wings which would be accessed from an external staircase and would lead into the first floor staff room and playroom. The roof terrace would be used by a maximum of 8 babies under the age of one at any one time.

## **Location**

Brinds Well Day Nursery is located adjacent to Cannock House School and Browns School, and lies within the Green Belt. To the north-east of the site is a recent development of detached houses known as Home Farm. The nursery lies within the historic curtilage of Cannock House which is a Statutory Listed Building.

## **Consultations**

Nearby owners/occupiers were notified of the application and representations were received from residents in Home Farm which can be summarised as follows:

- \* increased traffic along narrow lane
- \* increase in children would result in increased noise
- \* a similar proposal was previously refused
- \* overlooking of dwelling and garden at No.1 Home Farm.

## **Comments from Consultees**

Highways consider that there would be sufficient spare capacity within the car park to accommodate the additional vehicles associated with the increase in the number of children attending the nursery, and no highway objections are therefore raised.

No objections are raised by Environmental Health who consider that the additional number of children proposed would not give rise to undue noise disturbance to neighbouring properties.

## **Planning Considerations**

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

BE1 Design of New Development  
G1 The Green Belt  
BE8 Statutory Listed Buildings  
T3 Parking  
C7 Educational & Pre-School Facilities

## **Planning History**

Permission was refused in February 2010 (ref.09/02078) for a part one/two storey replacement nursery building on the site on the following grounds:

- 1 The site is located within the Green Belt and this form of development is considered to be inappropriate and the Council sees no very special circumstances which might justify the grant of planning permission to a development which will result in a loss of openness, harm to the character and appearance of the Green Belt, contrary to Policy G1 of the Unitary Development Plan.
- 2 The proposed development would be detrimental to the amenities of the neighbouring residential properties particularly by means of noise and disturbance, contrary to Policy BE1 of the Unitary Development Plan.

Permission was subsequently granted in July 2011 (ref.10/02031) for a single storey replacement nursery building to which this application now relates.

## **Conclusions**

The main issues in this case are the impact of the proposed intensification of the use of the day nursery on the open character and visual amenities of the Green Belt, on the amenities of the occupants of nearby residential properties, and on parking provision at the site.

The proposals would not involve the extension of the building but would use existing first floor storage areas to provide additional accommodation, whilst roof dormers and rooflights would be added to provide the required levels of light. A roof terrace is also proposed accessed via an external staircase, but this would be located to the rear of the building between the two existing wings, and the rooflights and dormers would be confined to internal-facing roof slopes or to the rear elevation. The style and character of the building are not considered to be unduly affected, and the proposals are not therefore considered to have a detrimental impact on the open character or visual amenities of the Green Belt.

With regard to the impact on residential properties in Home Farm, the nursery building is located approximately 50m from the nearest dwelling at 1 Home Farm, and whilst a rear first floor terrace is proposed, it would be set back between the two wings of the building and would therefore be largely shielded from neighbouring properties. Given the distance to the dwellings in Home Farm and the existence of tree screening in between, the proposals are not considered to result in undue overlooking of neighbouring properties nor cause a significant level of noise disturbance to nearby dwellings.

With regard to the proposed increase in the numbers of children attending the nursery, the Council's Highway Engineer has confirmed that there would be no highways objections raised, subject to safeguarding conditions.

**RECOMMENDATION: APPROVAL**

**subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area**

- 3 (a) The children attending the day nursery/play group shall be between the ages of 6 weeks and 5 years and not more than 141 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 08.00 and 18.00.**

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

- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 5 The use of the outdoor play areas of the day nursery shall be limited to Mondays to Fridays inclusive between the hours of 09.00 and 17.00.**

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

- 6 The roof terrace hereby permitted shall be used by a maximum of 8 babies under the age of 1 at any one time.**

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