

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

Application No : 16/02715/FULL1

Ward:
Cray Valley East

Address : Ruxley Manor Garden Centre,
Maidstone Road, Sidcup DA14 5BQ

OS Grid Ref: E: 548426 N: 170198

Applicant : Mr J Evans

Objections : No

Description of Development:

Change of use of Nursery House from single family dwelling to a children's day nursery (use Class D1) for up to 83 children (ages 3m to 5yrs), two storey rear extension, conversion of garage in to store, kitchen, staff room and soft play area together with associated access works.

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 20

Proposal

This application seeks permission for the change of use of Nursery House from a single family dwelling to a children's day nursery (use Class D1), two storey rear extension, conversion of garage in to store, kitchen, staff room and soft play area together with associated access works.

The day nursery will operate from 07:00 until 19:00 Monday to Friday and a maximum of 83 children between 3 months and 5 years old will be accommodated. A drop off is provided by an existing circular drive at the front of the building.

A detailed supporting statement has been provided with this application. It is noted that there are difficulties using the building as a dwelling as it is within a secure commercial site and access is required through the business premises. The building used to be occupied but has been vacant for a number of years. The agent has addressed the location of the site within the Green Belt and considers that the proposal meets the criteria set out the National Planning Policy Framework (NPPF), London Plan and Unitary Development Plan (UDP). The supporting statement highlights their case and justification under "Very special Circumstances" as being that the London Borough of Bromley's has a child care deficiently and the site is located within the Cray Valley East Ward which has been identified by the Council as a target area for a "place creation, increased take-up

and quality" of childcare provision. The Council recognises that the Cray Valley East Ward is an area where they should "actively identify suitable properties in the areas of need that could potentially be used for childcare".

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Comment from the Council's Daycare Development Co-Ordinator provide strong support for the proposal, Mr James Evans already runs Graces, a well-established nursery which has been rated by Ofsted as 'Outstanding' in two consecutive inspections. The proposed nursery is in a ward that has been identified as an area of need for place creation of quality childcare and the 83 additional places will support the Early Years Quality & Funding Service to fulfil sufficiently this requirement.

The opening hours of 7am - 7pm allow flexible working for parents/carers who may have to travel to work/study. Opportunities for employment and study will also be created within the nursery.

Highways Officers and TfL have raised concern over the level of information provided in the travel plan which was submitted, however this can be conditioned and further information requested if Members are minded to grant consent.

Planning Considerations

The application falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 7 - Requiring Good Design
Chapter 9 - Protecting Green Belt land

The London Plan (2015):

The most relevant London Plan polices are as follows:

- 3.18 Educational Facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 5.17 Waste capacity

- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.16 Green Belt

Unitary Development Plan (2006):

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

- BE1 Design of Development
- G1 Green Belt
- NE7 Development and trees
- T1 Transport Demand
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- C1 Community Facilities
- C3 Access to Buildings for people with disabilities
- C7 Educational & Pre-School Facilities

SPG No.1 - General Design Principles

Planning History

Ruxley Manor Garden Centre has a lengthy planning history, and the relevant cases have been summarised below:

Under ref: 08/01412/FULL2 Planning permission was granted for the change of use from dwelling to children's day nursery and dwelling; Formation of self-contained one bedroom flat; Demolition of existing single storey extension and erection of 2 replacement single storey extensions, elevational alterations and formation of play area for nursery with associated boundary treatment (22.12.2008).

Under ref: 08/01675/LBC Listed Building Consent was granted for internal and external alterations and demolition of existing single storey extension and erection of 2 single storey extensions to form children's day nursery and residential dwelling (22.12.2008).

Following this under ref: 12/02346/FULL2 planning permission was granted for the change of use of existing garden centre offices to children's day nursery with associated landscaping and parking (24.09.2012).

Then in 2012 under ref: 12/02347/VAR consent was granted for the variation of condition 6(a) of permission 08/01412 to allow an increase in the number of

children from 43 to 87 and elevational alterations to garage at Graces Day Nursery, Ruxley Manor Farmhouse (24.09.2012).

There is no specific planning history related to this building.

Conclusions

It is considered the planning issues and considerations relate to:

- Principle of development and impact on Green Belt;
- Design, scale and bulk;
- Neighbouring amenity;
- Highways; and
- Waste.

Principle of Development:

The primary consideration in this case is whether the need for a childcare facility together with the proposed extensions in this location would justify very special circumstances within the Green Belt.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.

The NPPF contains a general presumption against inappropriate development within the Green Belt. Paragraph 87 states that such development should not be approved except in very special circumstances and states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Policy G1 of the UDP states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. Construction of new buildings or extensions to buildings on land within the Green Belt will be inappropriate, unless it is for the following purposes:

- (i) agriculture and forestry;
- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- (iii) limited extension, alteration or replacement of existing dwellings;

(iv) limited infilling or redevelopment in accordance with the guidance in PPG2 Annex C within the designated major developed sites at Biggin Hill Airport and Cheyne Centre, Woodland Way, West Wickham.

The material change of use of land, engineering and other operations within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt.

The re-use of a building in the Green Belt will be inappropriate unless it meets all of the following criteria:

- (v) it will not have a materially greater impact than the present use on the open character of the land;
- (vi) use of the land surrounding the building and boundary treatments will not harm the openness of the land or conflict with the purposes of including land in the Green Belt;
- (vii) the building is of permanent construction and capable of conversion or re-use without extensive or complete reconstruction;
- (viii) the form, bulk and design of the building are in keeping with its surroundings;
- (ix) the proposed use does not entail external storage of materials, plant or machinery; and
- (x) the proposed use has no adverse effect on the recreational enjoyment or appearance of the countryside.

The openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

Policy C7 is concerned with educational and pre-school facilities and states that applications for new or extensions to existing establishments will be permitted provided they are located so as to maximise access by means of transport other than the car.

Therefore the principle of the acceptance of the use of the site as a day nursery needs to be considered on balance between Policies G1 and C7.

The proposal is for the change of use from dwelling to day nursery is considered to accord with Policy G1 in that it would not have a materially greater impact than the present use on the open character, the use would not harm the openness, the building is of permanent construction and capable of conversion without extension or complete reconstruction, the proposed use does not entail external storage of materials, plant or machinery; and has no adverse effect on the recreational enjoyment or appearance of the countryside.

In terms of point (iii) limited extension, alteration or replacement of existing dwellings would be acceptable. The proposal also includes the replacement of an existing conservatory with a two story rear extension. In this case the existing gross internal area (GIA) of the building is 299 sqm with the proposed new floor area totally 363 sqm. This would result in an increase of approximately 21% above the original building. Paragraph 89 of the NPPF states the "the extension or alteration of a building provided that it does not result in disproportionate additions

over and above the size of the original building" would be acceptable. In this instance, given the extension will be replacing an existing conservatory and will not be increasing significantly the built footprint, on balance, it is considered that the extension would not result in a "disproportionate" addition and is in line with the objectives set out in the NPPF, London Plan and UDP.

The existing detached single storey garage would be converted to form a staff room and staff kitchen, with a store room and soft play area for the use by the children. No extensions to this building are being proposed.

The existing large rear garden would be utilised for external play and provides a large, safe and secure amenity area for the proposed nursery. Details of the enclosure around this area will need to be conditions and submitted for approval.

The proposal would allow for up to 30 members of staff to be employed, including a cleaner and part-time.

Members will also be aware of the additional demand for nursery places currently being experienced in the Borough. Additionally, with the increase for the "30 hours free childcare" being introduced in September 2016, demand for such a facility and others like it has increased in terms of population demographics and it is considered that some further flexibility to address the need and demand is generally required and would justify "very special circumstances" in this instance.

With regard to the site's location within the Green Belt, the Garden Centre site is well built up and is a well-used site with numerous traffic movements and a number of buildings. The replacement extension and addition of a play area are not considered to be harmful to the openness of the Green Belt in the overall context of the site's location and character. The proposal is therefore considered to comply with the NPPF, London Plan and Policy G1 with regard to the re-use of the building.

Design, scale and bulk:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

The proposed extension would measure 4.1m deep, 11m wide and have a flat roof to a maximum height of 5.95m. The design of the extension would mirror the

existing rear elevation and therefore on balance would be acceptable and it would complement the character of the host building.

Neighbouring Amenity:

Policy BE1(v) of the UDP that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

The existing building is located approximately 215m to the south of the nearest residential property. Given this separation it is considered that the development would not result in any loss of amenity in terms of increased noise and disturbance from the proposed change of use.

Highway:

With regard to traffic and pedestrian issues there is no objection in respect of parking or vehicle movements subject to suitable conditions and a Travel Plan and the proposal therefore complies with Policies T3 and T18 of the UDP.

Waste:

UDP Policy ER3 considers that developments should include adequate provision for waste recycling and dedicated recyclable waste storage space.

The Council's Waste Services Guidelines requires that bins should be easily accessible for collection and be located no more than 18 metres from the bin storage to the collection vehicle. Storage areas should be designed to accommodate the wheeled bins 'side by side' and not 'end to end'. Allowance should also be made for opening of the lid, as this will enable residents to access all containers without having to wheel them out of the storage area. As no details have been provided, it must be addressed by condition should permission be granted.

Conclusion:

Having had regard to the above, Members are asked to consider if the proposed change of use from residential dwelling to day nursery is an appropriate use given the "very special circumstance" detailed in the report. It is considered that the development has been carefully and sympathetically designed to ensure that the proposal would not result in amenity implications that would harm the quality of life of existing surrounding.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/02715/FULL1 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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 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.

- 4 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 5 The children attending the day nursery/play group shall be between the ages of 3 months and 5 years and not more than 83 children shall be accommodated at Nursery House at any one time. This shall not be varied without the prior written approval of the Local Planning Authority.**

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

- 6** The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 07:00; and 19:00, at any time and shall not be varied without the prior written approval of the Local Planning Authority.

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

- 7** Prior to the commencement of the use hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

REASON: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 8** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

REASON: Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 9** Prior to commencement of the development full details of the cycle parking enclosures shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced and the cycle parking enclosures shall in all respects be provided in accordance with the approved details before the development is first occupied.

REASON: To ensure adequate cycle parking is available on site and to promote sustainable transport by reducing the need for car travel and ensure compliance with Policy 6.9 of the London Plan and Policy T7 of the Unitary Development Plan.

- 10** The frontage of Nursery House shall be only be used for dropping off/collecting of children attending the nursery and shall not be used for staff car parking. Details of the spaces shall be provided before the approved building is used for the first time and thereafter maintained as such. The car parking spaces shall be used in conjunction with the nursery use only and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) shall be carried out so as to interfere with such use of the parking.

REASON: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 11** Prior to the implementation of the development full details of all hard landscaping arrangements shall be submitted to, and approved in writing by, the Local Planning Authority. The hard landscaping shall then be completed before the premises is first occupied or used.

REASON: In order to maintain the character and amenities of the area and to ensure compliance with Policy 7.4 of The London Plan and Policy BE1 of the Unitary Development Plan