

SECTION '2' – Applications meriting special consideration

Application No : 16/04893/FULL1

Ward:
Clock House

Address : New Bowers 1 Thornsett Road Penge
London SE20 7XB

OS Grid Ref: E: 534647 N: 169095

Applicant : Mr Eshan Bhatia

Objections : YES

Description of Development:

Erection of a single storey rear extension, reconfiguration of internal layout, increase in the number of children between 0-5 years from 20-45. Increase in opening hours (Monday-Friday 7:30-18:30). Two off street parking spaces, bike store, refuse store and landscaping.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

Planning permission is sought for a single storey rear extension to the rear of the existing property on the western boundary measuring 7.6m in depth x 5.5m in width x 3m in height with a sloping roof and four rooflights. The extension would be built of red brick, timber frame and timber shingle cladding and have timber bi-folding doors. The extension will be built in place of a proportion of the existing outdoor playground area.

The frontage of the site would be altered as part of the development to provide two off-street car parking spaces, 3 cycle racks, refuse store and a landscaped area.

The property is currently vacant and was last in use as a day care nursery which is currently permitted to operate between 0800 until 1800 Monday to Friday excluding weekends and Bank Holidays. The nursery is situated within a semi-detached house which was formerly one pair of semi-detached properties covering two floors. The application seeks to extend the hours of opening to 0730-1830 Monday-Friday.

The agent submitted revised planning application forms on 24.02.2017, drawings, planning statement and transport survey which sought to increase the number of child places at the nursery. The vacant nursery currently has permission to allow 20 child care places to children between the ages of 2-5 years. The applicant is seeking to allow a total of 45 child places split between the following age ranges:-

0-2 years: 12 children
2-3 years: 16 children
3-5 years 17 children
Total = 45 children

The application is accompanied by a Planning & Transport Statement.

The application site is a semi-detached property located on the northern side of Thornsett Rd, Penge. The area is predominately residential in character and the property (formerly Norris Nursery) has been vacant since July 2016. The rear garden area is used as play space during operational hours and the property is bounded on all three sides by the rear garden curtilages of properties on Thornsett Road, Thornsett Place and Thornsett Terrace.

Consultations

Nearby owners/occupiers were notified of the application and several letters of representations were received, which can be summarised as follows:-

- The increase in traffic and stationary traffic will cause traffic jams in Thornsett Road
- The increase in staff who may park while working may take the limited number of spaces in Thornsett Rd affecting visitors and residents
- The noise when children are in the play area has been a cause of disturbance with previous numbers when children have been allowed to scream and shout
- I am retired and am home most of the day and I do not want to be listening to screaming when I sit in my garden or have windows open
- Toys and objects have been previously thrown over the fence and caused damage to our conservatory roof
- Because the houses are semi-detached we can often hear banging on the walls. There will be even more with young babies being allowed to come to the nursery
- The bike store will be an eyesore to the front of the property. This is a residential road and not an Industrial Area and should not be allowed.
- The demand for extra spaces is totally unacceptable and should be rejected on the grounds that this will be a school and should be locate on a more suitable site for this vast increase.

Consultee comments

Environmental Health

I have looked at this application and on the basis of the information provided would recommend that permission be refused.

I disagree with paragraphs 4.4.10 to 4.4.13 of the Planning Statement that the proposal will have no impact on the amenity of neighbouring residents, as it is commonly accepted that should a noise source double (in this case children increasing in number from 20 to 45) then the noise level will increase by 3-6dB. A

similar increase in noise level could be expected from vehicle movements as these too would be likely to double in number.

Highways:

The site is located to the north of Thornsett Road in an area with PTAL rate of 2 on a scale of 0 - 6b, where 6b is the most accessible. Parking is permitted on both sides of the carriageway on both Thornsett Road and Thornsett Place.

Two car parking spaces are proposed at the site frontage. Also, three Sheffield cycle stands will be provided.

Trip Generation

Trip generation for the proposed extended nursery has been calculated using data supplied by Ladybird Nurseries from a survey conducted at a similar site, Laybird Nurseries in Anerley (SE20 8NQ).

It is expected that 45 children in total will attend the proposed nursery daily, together with 14 staff that are spread evenly across five nine-hour shifts commencing at half-hourly intervals from 07:30 onwards.

The calculations were based on a number of assumptions, as follows:

- Each car contains a single child
- All staff travel by car
- Total number of children = 45
- Total number of staff = 15
- 28% of clients travel by car (from data for Station House Nursery - see below)

The number of users travelling to the nursery by car will be in the region of 28%. Most are likely to walk, as the nursery is central to a large residential area.

Parking

Concern is expressed over the quantum of parking available to carers dropping off and picking up children at the nursery. The site has a PTAL score of 2; it is surrounded by residential development putting it within easy walking distance of many potential users.

However, because of the relatively low PTAL rating, it is accepted that a number of users will drive to the facility. This has been identified as 28% at another local Ladybird nursery.

There are to be two on-site parking spaces, the majority of parking by necessity would occur on-street. In order to establish that sufficient parking on Thornsett Road is available, especially during the busiest morning and evening peak hour periods a parking survey was conducted on Tuesday 18th January 2017 during 08:00-10:00 and 16:00-18:00 within 75m of the proposed development site.

To summarise, the number of vacant on-street parking spaces within 75m of Norris Nursery during the survey hours ranged between 16 and 19 spaces.

Given that no more than eight clients and their children arrive by car, and stay on average for five minutes, it is evident that there is more than sufficient parking available for drop off and pick up, together with reasonable parking available for staff members.

If minded to approve; please include the following with any permission:

H03 (Car Parking)

H22 (Cycle/ pram parking)

H29 (Construction Management Plan)

Bromley Early Years Team:

The government has committed to doubling the amount of free childcare from 15 to 30 hours a week for working parents of three and four year olds from September 2017. The additional hours will enable families to work and supports parents who wish to work, or to work more hours. The local authority has a duty to ensure that there are sufficient places for parents wishing to access their entitlement. We are aware, however, from our recent Sufficiency Report 2016 that the number of places in day nurseries, preschools and childminders is not sufficient for the anticipated high demand for the 30 hours free childcare.

Whilst the Sufficiency Report indicates that there may be an adequate number of childcare places in the Clockhouse ward there is a lack of places in 3 of the 4 wards that surround Clockhouse - these are Copers Cope, Crystal Palace and Kelsey & Eden Park. We know that parents requiring childcare in these wards will travel within the area to access their 30 hours entitlement and demand will "spill over" into both the Clockhouse and Penge & Cator wards. It is essential that there is availability in these wards if we hope to have any chance of fulfilling our duty to ensure sufficient places for parents in the London postcode areas of the borough.

There are already two Ladybird Day Nurseries in the borough. The nursery in Beckenham offers a Good standard of care (Ofsted inspection 6/5/2014) and the one in Anerley is rated as Satisfactory (Ofsted inspection 8/4/2013). The Quality Improvement Officer who has been working with the owners at their existing nursery in Anerley and another new one in Anerley has assured me that they have been keen to work with her to ensure that they deliver a high standard of care and education.

With regards to the current free entitlement of 15 hours, the nurseries have always encouraged and supported their parents to take up their full entitlement. The owners of the nurseries have booked to attend a meeting this month to discuss the delivery of the 30 hours scheme. I fully expect that they will be supportive of the new government initiative and will work with us to implement the 30 hours childcare at their settings in the borough. It is already clear that they are taking the proposed changes to the entitlement seriously and want to expand to meet the demand from parents

For these reasons we support this application as it will enable more parents in the London Borough Bromley to access their full entitlement to free childcare in a good quality setting.

Thames Water

No comments received

Drainage

No objections, subject to condition D02.

Planning Considerations

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

- BE1 Design of New Development
- H8 Residential Extensions
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- EMP8 Use of Dwellings for Business Purposes
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

The London Plan and National Planning Policy Framework are also key considerations in determination of this application.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Emerging Bromley Local Plan:

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that an updated Local Development Scheme will be submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

- Draft Policy 20 - Community Facilities
- Draft Policy 27 - Education
- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety

Draft Policy 33 - Access for All
Draft Policy 37 - General Design of Development
Draft Policy 77 - Landscape Quality and Character
Draft Policy 119 - Noise Pollution
Draft Policy 120 - Air Quality
Draft Policy 123 - Sustainable Design and Construction

Planning History

The application premises has a long planning history. The last three planning applications are set out below:-

Under planning application ref: 03/01275/VAR planning permission was refused for variation of condition 1 of permission ref:- 02/03198 to allow an increase in the number of children from 20 to 34.

Under planning application ref:- 02/03198/FULL4 planning permission was granted for continued use without complying with condition 1 attached to temporary permission 01/03603 granted for continued use as a day nursery to enable use to be permanent.

Under planning application ref:- 01/03603/RENEW planning permission was granted for continued use as a day nursery.

Conclusions

The main planning considerations relevant to this application are:

- Background and the need for the development
- Noise and disturbance
- The design of the proposed extension
- Traffic, parking and servicing

Policy C1 of the UDP is concerned with community facilities and states that a proposal for development that meets an identified education needs of particular communities or areas of the Borough will normally be permitted provided the site is in an accessible location.

Policy C7 of the UDP 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.

Policy BE1 also requires that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance.

Background and the need for the development

The use of the day nursery ceased on 31st July 2016. The applicant has applied to reopen and refurbish the existing nursery and build a single storey rear extension which will add two additional playrooms in the rear extension and result in the internal reconfiguration of the existing ground and first floors. The proposed floorplans also show 3 x playrooms on the ground floor (previously there were 2), quiet room, toilet and kitchen. On the first floor 2 playgrounds are shown, office/staff room and toilets.

The applicant is also seeking to increase the number of child places from 20 to 45 (an increase of an additional 25 children broken down into three age groups).

The applicants have outlined that the family has owned nurseries in the Borough for over 20 years and currently owns three other nurseries. Due to excessive demand No.1 Thornsett Rd has been purchased to try and alleviate demand in branches close by. For several years the nurseries have experienced a rapid increase in demand for childcare places in Anerley and currently there are no spaces for children aged 0-2 years until September 2018 and for children aged 2-4 years until August 2018 with the nurseries having to turn away applications for places each week. Bromley Early years have been consulted and they are in agreement that the SE20 area is in desperate need of additional spaces for children aged under 5 yrs. The need for nursery places is increasing with working parents requiring facilities to drop their children off early and pick them up after work; hence the reason for the increase in opening hours half an hour at either end of the day.

The Bromley Early Years team have confirmed there is a need for more childcare places especially in Anerley as a result of the Government's Policy to double the amount of free childcare from 15 to 30 hours a week for working parents of three and four year olds from September 2017. Like every local authority Bromley has to ensure that there are sufficient places for parents wishing to access their entitlement. The Borough is aware from a recent Sufficiency Report 2016 that the number of places in day nurseries, preschools and childminders is not sufficient for the anticipated high demand for the 30 hours free childcare.

Whilst the Sufficiency Report indicates that there may be an adequate number of childcare places in the Clockhouse ward there is a lack of places in 3 of the 4 wards that surround Clockhouse - these are Copers Cope, Crystal Palace and Kelsey & Eden Park. Bromley is aware that parents requiring childcare in these wards will travel within the area to access their 30 hours entitlement and demand will "spill over" into both the Clockhouse and Penge & Cator wards. The bottom line as outlined by the Bromley Early Years team is to try and ensure there is availability in these wards if the Council hope to have any chance of fulfilling its duty to ensure sufficient places for parents in the London postcode areas of the borough.

It is noted that condition 1 of the 2002 permission limits the number of children attending the day nursery to 20 children between the ages of 2-5 yrs to control the use of the site in terms of neighbouring amenity. In the intervening time, demand for the facility and others like it has increased in terms of population demographics

and it is considered that a degree of flexibility to address the demand need is required.

Noise and disturbance

This application has a long planning history. Planning application reference 03/01275/VAR was refused in 2003 to vary condition 1 of permission ref:- 02/03198 to allow an increase in the number of children from 20 to 34. This application was refused on the basis that the proposed increase in the number of children would result in an over intensive use of a non-residential use; this being a semi-detached property detrimental to the amenities of adjoining residents by reason of additional noise and disturbance.

The current application now proposes to increase the number of childcare places to 45; 11 more places than what was refused in 2003. Furthermore the Council's Environmental Health Officer has stated that doubling the number of children will double the noise; the noise level will increase by 3-6dB. A similar increase in noise level could be expected from vehicle movements as these too would be likely to double in number.

No noise survey has been submitted along with the application however it is not considered that any noise mitigation measures can be put in place to reduce the noise created by the additional number of children. The rear garden/play area is bounded on all three sides by rear gardens. The property which will be most affected with by the increase in the number of children is the adjoining semi No.1a Thornsett Road. Whilst a high garden fence separates the two properties the increase in the number of children will lead to more noise during break times.

Analysing the age breakdown of children, as follows:-

0-2 years:	12 children
2-3 years:	16 children
3-5 years	17 children
Total =	45 children

An analysis of the makeup of the intended 45 children shows that the main increase in the intended numbers is for an increase in the intake of babies/toddlers; 12 and the rest being in the 2-5 age range; 33 children. The current condition allows for 20 children in the 2-5 age range. Therefore the usage of the external area is likely to increase noticeably given the age group that which will use the space will remain in the 2-5years range with babies and toddlers largely being cared for indoors. 13-25 more children could potentially be utilising the outdoor play space creating increased noise and disturbance for neighbours.

It is not considered practicable or enforceable to put forward a planning condition to limit the number of children who could be allowed to play outside at any one time.

The Environmental Health Officer has also expressed concerns about the noise impact associated with the increased number of drop offs in the mornings and pickups in the afternoon/evening given Thornsett Road is a residential road.

Several letters of objections have been received from neighbours regarding the noise and disturbance associated with allowing a higher number of child places and increased comings and goings to the site. One letter states that whilst there is no objection to the nursery reopening maintaining the original number of 20 children they object to an increase to 45 children; given the property is located in a residential road.

Rear extension

The single storey rear extension will be located on the western boundary of the site with the rear gardens of No's 177-179 looking down onto the extension. The rear extension will measure 7.6m in depth a 5.5m in depth x 3m in height. The proposal will result in a substantial development to the rear of the site and Members will need to consider whether this element is acceptable in relation to other properties.

No windows or doors would exist in the outside flank or rear elevations. Timber bi-folding doors would run for the full width of the inside flank elevation and lead out onto the outdoor playground. The rear extension will also eat into part of the existing playground area leaving approximately 70sqm.

Highways and Parking

A key consideration in an application of this type is the impact of the proposal on the surrounding highway network, and parking pressure arising from the increase in drop-off/pick-ups by parents of users of the facility.

Policy C7 supports proposals for pre-school facilities provided they are located so as to maximise access by means of transport other than the car, and should be located within the communities they serve, often provided within residential properties, thereby necessitating the protection of residential amenity. The site has a PTAL rating of 2 and Thornsett Road is a standard residential road. The agent has submitted a Transport Assessment which has been assessed by the Council's Highways Officer.

The site will provide 2 off-street parking spaces and 3 spaces for cycle racks for staff and visitors. Parking is permitted on Thornsett Road on both sides of the road. A parking survey was carried out on 28.01.2017 and concluded that sufficient spaces existed for additional drop off and pickups Monday-Friday between the hours of 0730-1830.

A number of objections from local residents have detailed parking issues and congestion as being problematic in the immediate area. Based on the transport assessment put forward by the agent The Council's Highway Officer has reviewed the current application and has not raised objection in this regard.

Summary

Members will need to decide whether the rear extension and the need for additional early child care spaces outweighs the harm the increase in child numbers will have on neighbouring amenity in terms of creating additional noise and disturbance. It is not considered that acceptable mitigation measures can be put in place to control and mitigate the impacts.

**RECOMMENDATION: APPLICATION BE REFUSED
as amended by documents received on 24.01.2017**

For the following reason:

The proposals would result in an over intensive use of the property, which would be detrimental to the amenities of nearby residents by reason of noise and disturbance thereby contrary to Policy BE1 of the Unitary Development Plan.