

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

**Application No :** 17/03510/FULL1

**Ward:**  
West Wickham

**Address :** Hawes Down Clinic Hawes Lane West  
Wickham BR4 9AE

**OS Grid Ref:** E: 538999 N: 165887

**Applicant :** Mr Randhawa

**Objections :** YES

### **Description of Development:**

Demolition of existing health clinic and erection of two storey building for use as a day nursery with associated external works including replacement boundary fencing/railings, formation of 2 no. car parking spaces and hard and soft landscaping

### **Key designations:**

Biggin Hill Safeguarding Birds  
Smoke Control SCA 51

### **Proposal**

Planning permission is sought for the demolition of the health clinic building and the erection of a two storey building which would be used as a day nursery. The existing boundary treatments would be replaced. 2 car parking spaces are proposed to be provided and details of hard and soft landscaping on the site forms part of this application.

The application has been submitted with a Design and Access Statement, a Travel Plan and a Transport Statement, along with a contamination and site survey report. A copy of correspondence from NHS Property Services Ltd has also been provided, stating that Bromley Clinical Commissioning Group have no future operational requirement for the clinic, and it is therefore surplus to their requirements.

The proposed building would be 2 storeys high and of contemporary design and appearance. The overall width of the building in the street scene of Hawes Lane would be 21.5m and the building would be 17.2m deep excluding the single storey front canopy and the raised platform at the rear.

The building would incorporate a shallow pitched roof constructed of a lead grey single ply membrane. The walls would be faced in brown brick and the design incorporates large glazed openings to the ground and first floors at the front, both sides and the rear, with a larger proportion of glazing on the north western flank elevation facing Phoenix Close than on the south eastern flank elevation facing No. 123 Hawes Lane. The roof design includes a velux window to the rear elevation and an off-set glazed projection serving a double height glazed corridor along with a front roof projection serving a double height glazed entrance.

The rear elevation of the building would incorporate a large raised terrace surrounded by railings, with a slide and stairs providing access from the first floor to the garden level below.

In terms of the relationship between the building and the site boundaries, approx. 11m space would be retained between the two storey front elevation of the building and the back edge of the pavement of Hawes Lane. Approx 4.7m would be retained to the boundary with No. 123 and the maximum space to the Phoenix Close boundary would be approx. 5.2m (taking into account that the space at the side tapers from front to rear and the building incorporates a two storey glazed side projection. At the rear approx. 11.5m would be retained to the boundary with No. 18 Phoenix Close (excluding the projecting first floor terrace and stairs).

The Design and Access Statement details the intensity of the use of the proposed building, stating that the proposal would provide nursery accommodation for 110 children. In terms of the hours of operation proposed, the application forms and Design and Access Statement are silent on this matter and the applicant confirmed by email dated 16/8/17 that the opening times would be 7am to 6.30pm Monday to Friday although the Travel Plan states that the opening hours would be 07.00 - 18.00 Monday to Friday.

### Site and Surroundings

The site lies on the north eastern side of Hawes Lane at the junction with Phoenix Close. The single storey existing building is currently unused but was formerly in Class D1 use as a health clinic.

The existing building is positioned towards the rear of the site, away from the corner. The site has a generally open aspect as a result of the modest height and the recessed siting of the existing building.

To the rear the site is the curtilage of No. 18 Phoenix Close. To the south east is the residential curtilage of No. 123. Opposite the site are open allotment gardens.

The area is predominantly residential in character, with the prevailing pattern of development immediately surrounding the site being detached dwellings within reasonably modest plots. Further along Hawes Lane are The Glebe Secondary School and Hawes Down Infants and Junior Schools.

### **Consultations**

#### Local Representations

Local residents were notified of the application and a number of comments were received in response to the consultation. These comments are summarised:

- o Given that the development is for a children's day nursery and in view of the siting close to nearby schools the significant increase in traffic generated by it could increase the risk of accidents
- o There is a danger to residents of Phoenix Close when entering or leaving the close as a consequence of the three large nearby schools. Pedestrian safety is also already an issue. The proposal would increase the risk to road users and pedestrians
- o Impact of staff and families parking on Phoenix Close and on Hawes Lane - the roads are already overloaded with parked cars due to teachers at The Glebe School. There are pressure points at school drop off and pick up times
- o The buses and taxis used for the children at The Glebe school, parents and staff at Langley Primary School and parents at Hawes Down Primary School use the side entrance - these all add up to a large amount of traffic
- o Parents using the nursery could find it convenient to park their car in Hawes Lane for the day if they catch the train from West Wickham

- o Cars often park inconsiderately or dangerously at the junction, usually when running late or just stopping quickly
- o 2 car parking spaces is insufficient for the proposed use
- o Concern at the size of the building and its aesthetics - would cast a shadow and would harm rather than enhance the area.
- o There are already pre-schools in the area
- o Building works at The Glebe and the junior school have led to a growth in pupil numbers and cars/minibuses
- o Concern that the proposal has already been given the go-ahead before it has been properly considered
- o Site is on the brow of a hill which makes road visibility more difficult
- o Impact on the character of Hawes Lane - would be out of keeping with the residential area
- o Cycling would be unsafe with children in view of the traffic congestion
- o School parents have asked to rent out nearby residential parking spaces
- o The traffic plan supporting the application is a smoke screen trying to hide the inevitable huge increase in vehicles arriving at an already congested time
- o Even though yellow lines have been provided at the entrance to Phoenix Close there is considerable risk of accidents
- o The proposal would generate considerable noise, particularly with children playing outside and unlike school noise, this would be 52 weeks a year
- o The site is on higher ground than the houses in Phoenix Close and the height and bulk of the development would dwarf the adjacent houses
- o The amount of glazing is out of character with the adjacent street scene
- o It is unlikely that parents will use public transport and walk up the hill with nursery aged children
- o The site is too small for the proposed building
- o There are no pedestrian crossings nearby
- o Emergency vehicle access is already difficult

Neighbouring residents have also commissioned a traffic study to consider the impacts of the development. The study (Yes Engineering), dated October 2017, is available on file. The summary to the study states that there would be a significant impact on residents of Phoenix Close and Hawes Lane.

The applicants submitted a response to this study, stating inter alia that the duty of the applicant is to mitigate their own impact rather than address existing problems, and generally disputing the conclusions and methodology of the study.

The consultants engaged by local residents issued a further statement in response, dated 18th October.

#### Technical Comments

From a technical highways perspective it is noted that the PTAL at the site is 1. The highways comments initially referred to the hours of operation cited in the transport statement submitted by the applicant. Comments refer to the high parking stress in Hawes Lane which is due to schools in the vicinity of the site. It is not clear from the submitted statement how 110 children will arrive and what the impact of the nursery will be on surrounding streets. The applicant should have undertaken and submitted a parking survey in accordance of the Lambeth Methodology. It is not possible to make an informed decision on whether or not there would be an adverse impact resulting from the proposal on the basis of the information submitted by the applicant. It is therefore recommended that planning permission be refused on the basis of lack of information.

The traffic study submitted by/on behalf of the neighbouring residents was forwarded to the highways engineer. It is noted that the information submitted by the residents association indicates that there are traffic issues in the area which have not been addressed by the applicant.

From an environmental health perspective it is recommended that planning permission be refused. The supporting documents allude to a figure of 110 children. Concern is expressed about the noise generated by vehicle movements associated with the development as well as the noise from activity in the garden area. Only the very youngest of children would be likely to be confined to the building for the entire day, and it is considered that the combined noise associated with comings and goings and the intensive use of the rear garden area would have a seriously detrimental impact on the amenity of nearby residents. It is noted that there is a high demand for day nurseries. If the Committee were minded to grant permission then it is recommended that a noise management plan be prepared regarding the use of the outside area, which should be backed up by an Acoustic Impact Assessment.

No concerns are raised from a technical drainage perspective.

### **Planning Considerations**

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

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T18 Road Safety
- BE1 Design of New Development
- H9 Side Space
- C1 Community Facilities
- C7 Educational and Pre School Facilities

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The following draft policies are relevant to the determination of this application:

- Draft Policy 20 - Community Facilities
- Draft Policy 27 - Education
- Draft Policy 28 - Educational Facilities
- 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

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

Policy 3.17 of the London Plan relates to Health and Social Care Facilities. Policy 3.19 of the London Plan provides general support for childcare provision and it is noted that the site lies in an area with a demand for pre-school facilities.

### **Planning History**

The planning history of the site relates to the former clinic use of the building, including erection of a pram store (97/02900), the siting of portacabins (86/01609 and 86/02330) and the construction of a single storey rear infill extension (89/03047).

### **Conclusions**

The main planning considerations in the determination of this application are:

- Principle of development
- Impact of the proposal on the residential amenities of neighbouring residents (including noise and disturbance associated with the use
- Traffic, parking and servicing
- Impact of the proposal on the visual amenities of the area

#### Principle of development

Taking into account local planning policies no objection is raised in principle to the loss of the existing clinic and the replacement of the existing building with a day nursery. The existing and proposed use of the site would each fall within Class D1 of the Use Classes Order (Non-Residential Institutions) and as such there would be no material change of planning use. The application has been supported by information confirming that the clinic use of the site is surplus to the requirements of the local clinical commissioning group. There is an identified need for day nursery places in the locality and therefore the principle of the use of the site as a day nursery may be considered acceptable in principle, subject to a detailed assessment of the intensity of the proposed use, the impact on residential and visual amenity and upon transport and highways matters.

#### Impact of the proposal on the residential amenities of the area

The impact of the development falls to be carefully considered in terms of the impact on residential amenity relating to noise and disturbance, loss of privacy, overlooking, undue visual impact and impact on daylight/sunlight.

Objections are raised from a technical environmental health perspective regarding the potential impact of the nursery use upon residential amenity, specifically relating to the scale and intensity of the use, the hours of operation and the number of children.

It is considered that noise levels within the site would be variable depending upon the activities being carried out by children at different times of the day, the intensity of use of the garden and the level of soundproofing of the interior spaces (including whether windows are open or closed). While noise levels would be variable, it is considered that the potential concentration of noise in the rear garden and the cumulative noise from children playing, shouting and laughing could result in unreasonable disturbance for neighbouring residents, particularly those living immediately adjacent to the site.

The application includes the provision of raised platform terrace with external staircase and slide leading down to the garden. While at lower level within the garden some noise may be muffled by the boundary treatments in combination with vegetation outside of the site, the use of the garden by the number of children it is proposed to accommodate would inevitably result in an increased level of noise and disturbance to the surrounding dwellings. The additional intrusive noise associated with the access from the first floor open terrace and the terrace use itself, along with the access to the ground floor, is

considered likely to have an unneighbourly impact, with the sound carrying outside of the site not only from the ground level play space but also from the first floor terrace.

The impact is exacerbated by the somewhat shallow depth of the rear garden in relation to the scale of the proposed operation, in physical terms as well as in terms of its use, and the concentration of intense activities within the rear garden area adjacent in particular to the garden of No. 123 Hawes Lane.

The nursery would not operate at weekends or in the evenings and would be likely to be most busy during normal working hours. Whilst some residents might be at work at this time, this is not a certainty. Some residents may be retired, home working, or working such shifts that mean that they are at home during the day on weekdays. Where at present there will be a natural lull in vehicular and pedestrian activity outside of the peak school pick up and drop off times, the proposal would have a more lasting impact on peace and quiet in adjacent gardens and residential dwellings/curtilages that would go beyond the school hours of nearby sites, and it is acknowledged in the application submission that arrivals and departures will be more generally spread throughout the morning/afternoon rather than being a short intense burst of activity dictated by the short window associated with the morning drop off and afternoon pick-ups from established local schools.

With regards to the first floor terrace, the applicant has stated that it is not intended to have any solid screening given its distance from the boundaries and the existing mature natural landscape screening on the boundary (adjacent to the application site in the context of the rear boundary). It is noted that on the land adjacent to the rear of the site the neighbouring property has a quite dense evergreen hedge and that there is some screening to the boundary with No. 123. Approx 11m space would be retained to the side boundary with the rear of No. 123, although the slide down from the first floor would project somewhat into this space. Notwithstanding the concerns expressed regarding the noise associated with the terrace, it is not considered that the line of sight to neighbouring gardens from this feature would result in significant direct overlooking.

The building would be bulkier than the existing structure on the site and would project to the rear of the rear elevation of the neighbouring dwelling. However, a separation of approx. 4.75m would be retained to the boundary and it is noted that the main rear elevation of the neighbouring dwelling (excluding the single storey side element) is itself set approx. 4m from the boundary. It is not considered that the proposal would have a significant impact on daylight/sunlight within the adjacent dwelling/garden. However, the bulk of the building would be appreciable from the neighbouring residential plot. It is noted that the flank elevation of the building facing No. 123 includes a large window to the first floor which appears from the elevation drawing to comprise obscure panels to the lower part of the window, with the upper elements clear and openable. While the flank facing window may not allow direct overlooking of the neighbouring garden its height and siting would result in a perceived sense of surveillance where at present none exists.

While the proposed building would be considerably higher than the existing structure and would occupy a significant proportion of the site, it is not considered that this would have an undue impact on daylight/sunlight to neighbouring dwellings and in view of its separation to the dwellings on the other side of Phoenix Close would not have a significant impact on the outlook from those dwellings. It is acknowledged that the boundary between the front drive and front garden of No. 18 Phoenix Close is marked by a substantial hedge within that site rather than within the application curtilage. As such the neighbouring property owners/occupiers would have some degree of control over the impact of the building on their amenity through the retention of this hedge and the maintenance of its height. This would to some extent place an onus on those occupants to retain the existing high hedge/landscape planting in order to preserve amenity

### Impact of the proposal on the visual amenities of the area

The area is predominantly residential in character, with the prevailing pattern of development immediately surrounding the site being detached dwellings within comparatively modest plots. Neighbouring dwellings generally incorporate quite deep pitched roofs with the first floor windows appearing to align almost with the eaves level.

It is considered that the size, scale, bulk and design of the proposal would have a significant impact on the visual amenities of the street scene and the area in general. The proposed building would be located on a prominent corner site and as such has a visual impact from several directions, being appreciable from either direction in Hawes Lane as well as from the entrance to Phoenix Close.

According to the street elevation, the overall height of the building would not be greater than that of the neighbouring dwelling at No. 123. The eaves height would be higher than the neighbouring property and the squat roof design would tend to be dominated by the vertical ground and first floor elevations. The two storey width of the building would be considerably greater than the neighbouring dwelling which is recognisably domestic in scale and in terms of the design elements including fenestration, as well as the dwellings on the opposite site of Phoenix Close. In contrast, the appearance of the proposed building would dominate the corner site and the neighbouring residential dwelling, appearing out of character with the immediate locality and having an adverse impact on the open appearance of the prominent corner host site. The impact would be worsened as a consequence of the design detailing of the proposal, including the clearly commercial appearance of the building along with the pattern of fenestration and the flat roofed and projecting elements and the depth of the building in relation to its width. The building would juxtapose awkwardly with the immediately surrounding residential buildings which would result in it appearing bulky and overdominant, detrimental to the visual amenities of the area.

While it is noted that the existing building, formerly used as a health clinic, does not itself readily relate to the local vernacular, this building appears to predate at least the neighbouring residential street of Phoenix Close and being low level and set significantly to the rear has a limited impact on the visual amenities of the area, with the existing development of the site in fact resulting in an open aspect on the corner.

### Transport and highways matters

It is acknowledged that the applicant has submitted supporting documents including a Travel Plan and a Transport Statement, and that the applicant has responded to the Traffic Study commissioned by neighbouring residents. However, in view of the position of the site in relation to local schools and in an area with a low PTAL rating, it falls to be carefully considered whether sufficient information has been provided to demonstrate that the proposal would not have a detrimental impact on conditions of safety and the freeflow of traffic within the locality, along with the existing parking stress in surrounding streets. That the former use of the site as a health clinic would itself have generated vehicular trips must be taken into account in the assessment of the proposal.

Technical highways objections are raised to the proposal on the basis that insufficient information has been submitted to allow assessment of the impact of the proposal, particularly in relation to parking stress in the locality. Information provided by and on behalf of neighbouring residents suggests that there is a large demand for on-street parking at key times of the day and that the information submitted with the application does not accurately show the existing and likely situation from a traffic generation/parking perspective. It is not possible to conclude that the proposal would not be likely to result in

additional parking stress in the locality, taking into account the size of the nursery, the staff body and the trips to drop off and pick up nursery children.

It is noted that the applicant has stated that there would be linked trips associated with older siblings at the nearby school sites. However, the traffic study provided on behalf of the residents notes that in view of the age of children and the physical separation of the sites parents will leave vehicles parked on street for a longer period of time, removing the benefit of the linked trip. This tallies with the individual representations received from neighbouring residents raising concern that if parents are dropping children off as part of their commute they may well leave their cars near the nursery premises, with the adults walking the remaining route.

Overall, it is not considered that the application has successfully made the case that there would not be a significant impact on traffic and parking demand in the locality, and in the absence of satisfactory information to that effect it is considered that the proposal would contribute to an unacceptable increase in parking demand and an associated detrimental impact on the freeflow of traffic and conditions of safety in the locality.

### Summary

It is acknowledged that there is a demand for nursery places within the locality and that in principle the use of the site to provide a children's day nursery appears to be acceptable. However, these conclusions are not considered to outweigh the material harms identified in respect of the specific proposal.

It is considered that the proposal would have a detrimental impact on the residential amenities of neighbouring dwellings, in view of the intensity of the proposed use in relation to the size of the site and its location in the context of neighbouring residential curtilages. The proposal would have an adverse impact on the seclusion, privacy and quiet enjoyment of neighbouring properties.

Insufficient information has been provided to demonstrate that the proposal would not result in an increased and unacceptable impact on existing parking stress and conditions of safety/the freeflow of traffic in the locality.

The scale, bulk and design of the proposed building would fail to complement the character of the existing residential locality and would have a detrimental impact on visual amenity of the street scene and the area in general, taking into account the sensitive corner position of the application site.

Background papers referred to in the preparation of this report comprise all documents on file ref. 17/03510/FULL1 excluding exempt information.

### **RECOMMENDATION: APPLICATION BE REFUSED**

#### **The reasons for refusal are:**

- 1 The proposal, by reason of its height, bulk and design and siting on a sensitive corner plot, would have a detrimental impact on the character and appearance of the locality and the visual amenities of the street scene, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan, Policies 7.4 and 7.6 of the London Plan and the NPPF.**



- 2** The proposal by reason of the intensity of the use proposed and the design of the building would have an unacceptable impact on the residential amenities of the area, resulting in increased noise and disturbance and detrimental to the quiet and seclusion of neighbouring residential sites, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan, Policy 7.6 of the London Plan and the NPPF.
  
- 3** In the absence of sufficient information to demonstrate the capacity of surrounding streets to accommodate satisfactorily the additional potential parking and comings and goings associated with the development, the proposal would be likely to lead to an unacceptable increase in on street parking demand, prejudicial to the free flow of traffic and conditions of safety within the highway, thereby contrary to Policies T1, T3, T6 and T18 of the Unitary Development Plan and Policies 30 and 32 of the draft Local Plan.