

Committee Date	26 th November 2020	
Address	Old Dunstonians Sports Club St Dunstan's Lane Beckenham BR3 3SS	
Application Number	20/02322/FULL1	Officer - Louisa Bruce
Ward	Kelsey And Eden Park	
Proposal	Redevelopment of 1960's squash courts within the Old Dunstonian RFC complex, providing the following - Change of use from Class D2 (Squash Courts) to Class D1 (Day nursery), additional changing/WC facilities to be used by the tennis courts, refurbishment of existing building and alterations to the external building fabric to meet building regulations.	
Applicant	Agent	
Julian Platford 54 Romney Drive Bromley BR12TE		
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Refused
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding</p>

Metropolitan Open Land
 Smoke Control SCA 9
 Smoke Control SCA 21

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Sports Club including former squash club building and tennis courts	512sqm
Proposed	Sports Club with former squash club changed to a nursery and office	512sqm

Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market					
Affordable (shared ownership)					
Affordable (social rent)					
Total					

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)

Standard car spaces	39	39	Same
Disabled car spaces			
Cycle			

Electric car charging points	Percentage or number out of total spaces
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Representation summary	A Site Notice was displayed on 4 th August 2020 and neighbours were notified of the application on 31 st July 2020.		
Total number of responses	5		
Number in support	3		
Number of objections	2		

Section 106 Heads of Term	Amount	Agreed in Principle
Carbon offset	N/A	
Health		
Education		
Open Space		
Affordable Housing		
Total		

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

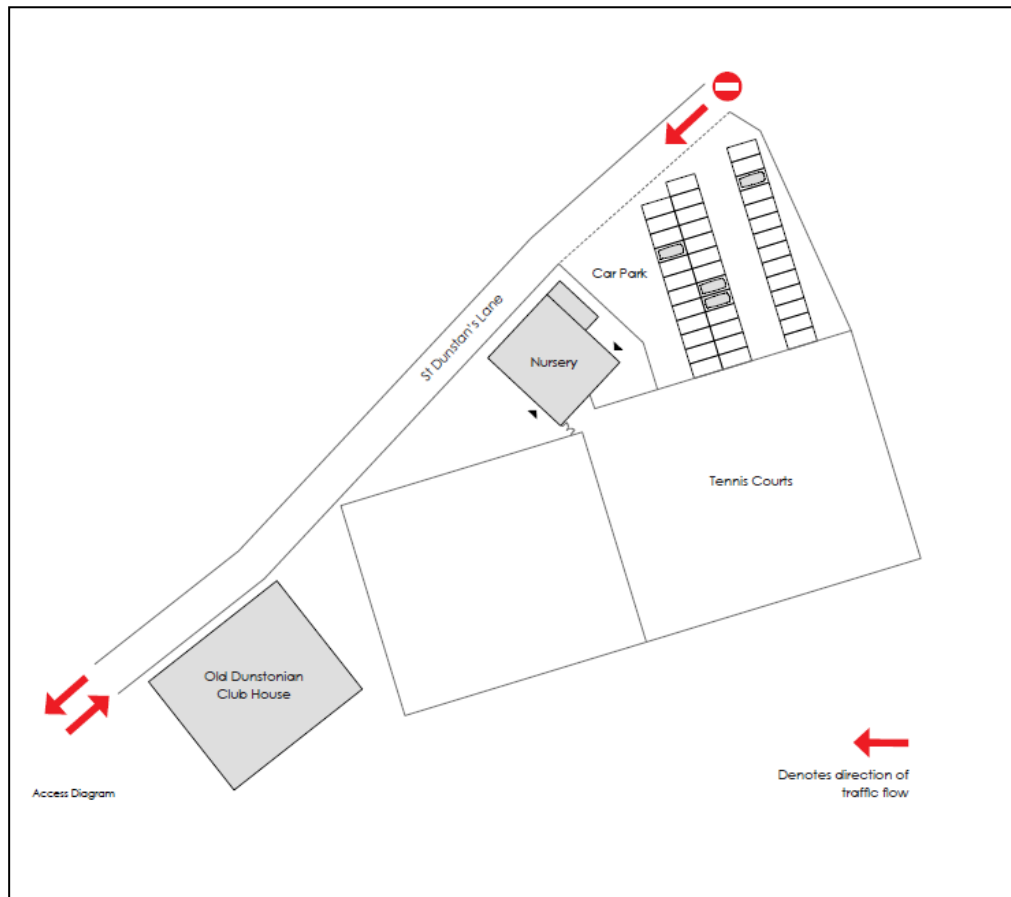
- The proposed development would be contrary to Highway and Pedestrian Safety

2. LOCATION

- 2.1 The application site is one of a number of recreation and sporting facilities located along St. Dunstan's Lane, Park Langley, Beckenham. St. Dunstan's Lane is a very narrow and meandering access lane which leads from Wickham Way as single track road, passing the Warren Sports Club, Old Dunstonian Squash Club and clubhouse

building, residential dwellings, Langley Park School for Girls before adjoining Hawksbrook Lane which opens onto South Eden Park Road.

- 2.2 The existing squash court building comprises a two storey building with first floor windows and limited ground floor openings. The building is faced in two tone grey brick and has a flat roof. A monopitch roofed single storey extension projects from the north eastern elevation.
- 2.3 To the south of the building are tennis courts. To the north/east is an open gravel car park. To the west along St. Dunstan's Lane is the Old Dunstonians Sports Club which has been the subject of recent planning applications detailed below.
- 2.4 The application site lies within land designated as Metropolitan Open Land.





3. PROPOSAL

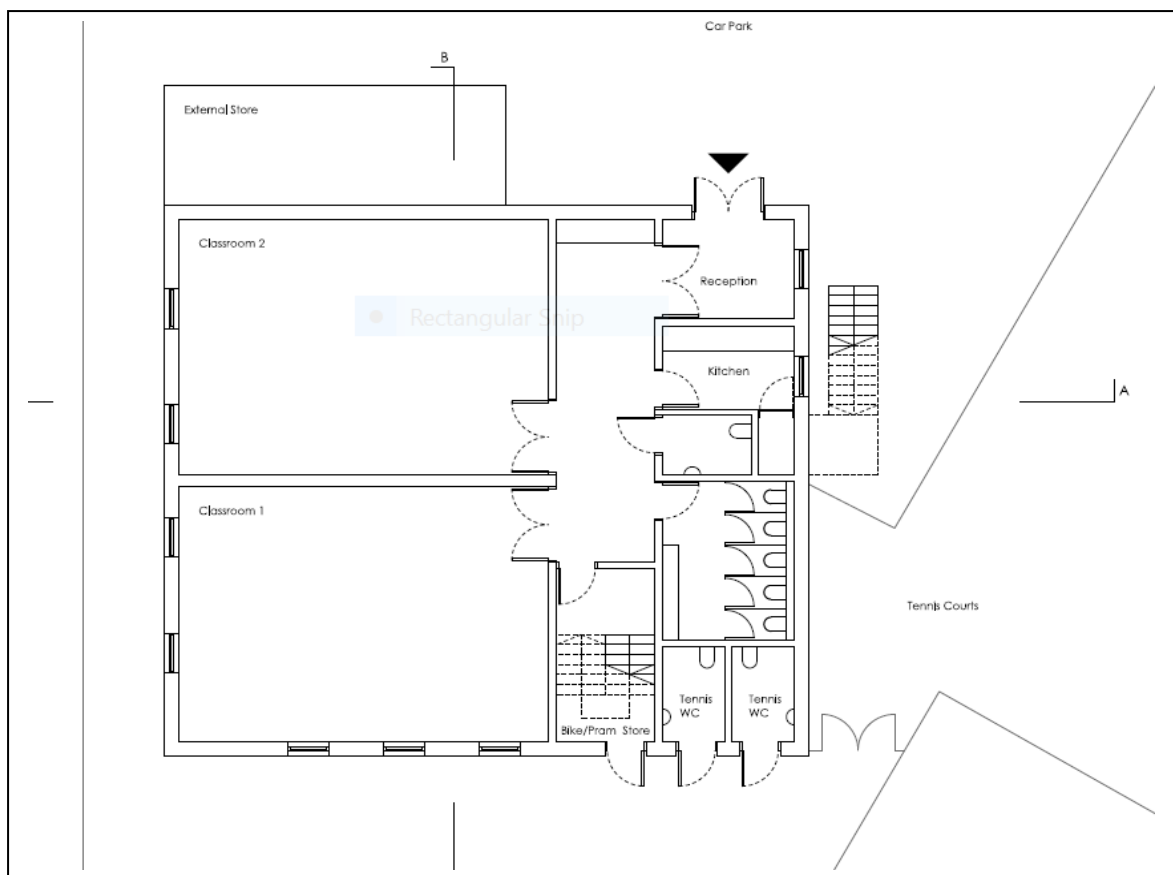
- 3.1 Planning permission is sought for the redevelopment of the 1960's squash courts within the Old Dunstonian RFC complex, providing the following - Change of use from Class D2 (Squash Courts) to Class D1 (Day nursery), additional changing/WC facilities to be used by the tennis courts, refurbishment of existing building and alterations to the external building fabric to meet building regulations approval.
- 3.2 Within the renovated/repurposed building it is proposed to provide additional changing/WC facilities that would be used by the tennis club patrons. The submitted drawings show that the ground floor of the existing squash court building would provide a reception area, kitchen, toilets, two classrooms and a bike/pram store. A separate small area providing changing/WC facilities for tennis club members which would be separate to the day nursery. The first floor comprises a staff room, toilets, a further classroom, office, store, nursery office and a flexible space. Externally new windows and doors would be inserted into the building.
- 3.3 A Design and Access Statement, Planning Statement and Transport Assessment has been submitted with the application.

3.4 The application is a resubmission of two similar applications which sought to increase the number of children from 40 to 65 with 10 members of staff:

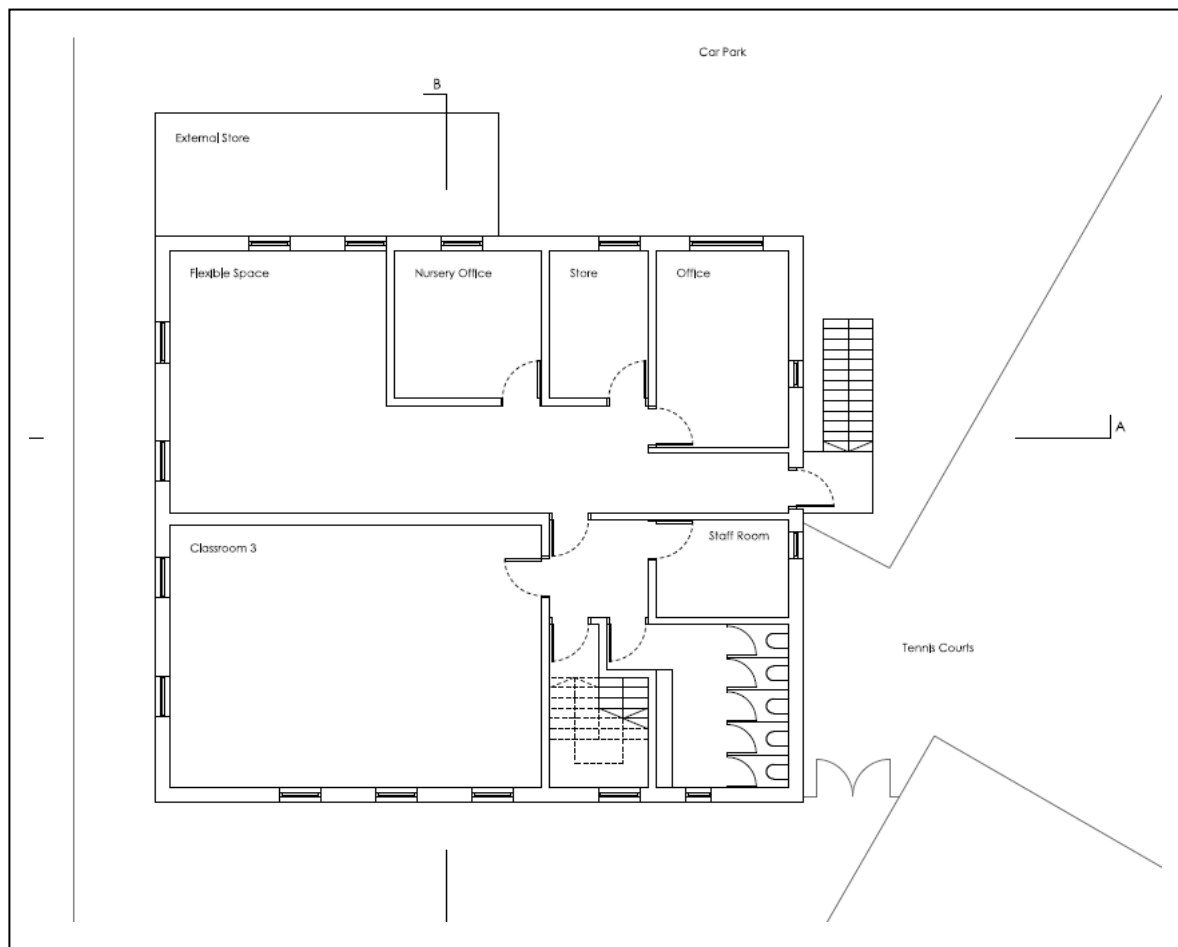
Application Ref: 19/02896/FULL1 – refused on 25.09.19

Application Ref: 18/02678/FULL1 – refused on 07.12.18

3.5 The current application before the Council seeks to accommodate the same number of children (40) allowed under previous permissions although the nursery would operate from the former squash club and not the clubhouse. It is noted that the permission to use the sports pavilion (a separate building) was not implemented.



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4. RELEVANT PLANNING HISTORY

19/02896/FULL1 - Change of use from Class D2 (Squash Court) to Class D1 (Day Nursery) with additional changing/WC facilities to be used by the tennis courts, refurbishment of existing building and alterations to the external building fabric. REFUSED

19/02810/FULL1 - Construction of two new artificial clay surfaced tennis courts with LED floodlighting, new 2.7m high chain-link fencing and new shelter/store. PERMISSION

18/02678/FULL1 - Proposed redevelopment of the existing detached squash court building to provide for a change of use of the building from Class D2 (assembly and leisure) to Class D1 (children's day nursery). Additional changing/WC facilities to be used by tennis club patrons. External alterations to the fabric of the building. REFUSED

16/03886/RECON - Variation of condition 1(a) and 1(b) of permission 98/01796 to allow (a) the alteration to the current age restriction of 2.1/2 to 5 years to 2 to 5 years with an increase to the number of children at any one time from 32 to a maximum of 40 and (b) the increase in

the hours of use of the premises for the purposes of a day nursery/play group from 9:30am to 12:30pm to Monday to Friday to 7:30am to 6:00pm Monday to Friday. PERMISSION

14/00923/FULL1 Demolition of kitchen and ladies toilets and erection of single storey front and side extension. PERMISSION

10/01345/FULL1 - Erection of triple lane non-turf cricket practice nets. PERMISSION

01/00103/FULL1 - Detached building for storage of croquet equipment PERMISSION

00/03896/FULL1 - Twelve 8.2 metre high floodlights to 3 tennis courts PERMISSION

98/01796/FUL - Use of part of sports pavilion for children's play group. PERMISSION

97/02133/FULMAJ Single storey side extension for changing facilities PERMISSION

95/01354/FUL - Use of part of sports pavilion for children's play group PERMISSION

94/00259/FUL - Detached mobile building for tennis players room REFUSED

93/02767/FUL - Installation of eight 10 metre high flood lights PERMISSION

91/00269/FUL - Replacement store attached to squash court PERMISSION

84/02185/FUL - Single storey extension to pavilion PERMISSION

5. CONSULTATION SUMMARY

A) Statutory

5.1 Environmental Health (Pollution) – No objection

“I have considered the above and have no objections within the grounds of consideration. The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 07.30 and 18.00 and not at all on public holidays.”

5.2 Environment Agency – No objection

“We have assessed this application and it is covered by our Flood risk standing advice. This means you do not have to consult us directly and can use our standing advice to manage flood risk for this planning application. Our standing advice can be viewed in the link below which includes step by step guidance on managing development and flood risk <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>”

5.3 Bromley Early Years Team – No objection

No new comments received at the time of writing. Previous comments stated:

“The Early Years Team fully support this application, and change of use. The proposed nursery provider is not currently operating a nursery within Bromley, so I am unable to make comment about the overall quality.

However I have met with the provider and they have a clear vision for what they want to achieve, and if planning permission is granted, then the Early Years team would support their development.

The nursery are planning to open 7.30 am- 6.30pm 51 weeks of the year, this nursery would take time to grow and get to capacity.

The providers are considering how to mitigate the concerns over the traffic flow going through St Dunstan's Lane. For example there is a current hardstanding area, next to the squash court, the provider is looking to resurface this area, to include a clear tuning circle for parents dropping off children. The revised planning application is also suggesting a one way flow of traffic for part of St Dunstan's lane, which would resolve the traffic flow for the narrowest part of the lane, there are other passing areas further down the lane.

The provider is also looking to have two traffic marshals in high vis vests, on the two key bends of the lane, during the peak hour each day of 8am to 9am to support the flow of traffic.

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The provider would also talk to parents about the way best to travel down the lane during peak times.

There is less of a concern at the end of the day as late pick-ups will be outside of the schools collection times, and should not further impact.

In regards to the need for childcare within this area, the sufficiency figures for this year show that there is a need in this area, for the ward of Kelsey and den Park, there are 942 children aged 0-4 years, with 439 registered places a childcare ratio of 77%, and the next ward of Shortlands has 610 children aged 0-4, with 175 registered spaces, giving 29% ratio. This is a very affluent area of the borough, with many working parents.

The provider has stated to me that should the application be successful, they would look to meet with residents to discuss concerns, which all seem to be around the flow of

traffic through the lane from Wickham Way, making part of this one way would make it safer for pedestrians.”

5.4 Highways – Objection

The highways comments initially received raised objections to the proposal, referring to a roll of 65 children rather than the 40 children currently proposed. On seeking clarification on the basis of the application for 40 children to be accommodated, it was confirmed that even the trips generated by 40 children associated with the proposed day nursery cannot be accommodated and would exceed the capacities of Hawksbrook Lane and St. Dunstan’s Lane.

The comments received are summarised (full version of the comments are available on file):

Traffic and Parking have confirmed that there are no formal proposals to make the loop from Hawksbrook Lane – St. Dunstan’s Lane one-way. There remains concern that the proposal will impact on traffic within the lane, which is used by children walking to and from the Langley Secondary schools (Boys and Girls) and the new Langley Park Primary School which was recently opened.

Hawksbrook Lane has a pedestrian footway but unfortunately there are no pedestrian facilities along the length of St Dunstan’s Lane making it a safety hazard for pedestrians, as can be seen in the following photographs:



Hawksbrook Lane width 303cm



St Dunstan's Lane width 330cm



St Dunstan's Lane 60m narrow section at junction with Wickham Way between No 114 and No 116 Wickham Way. The width is 310cm and further restricts to only 276cm where lamp column S731 is located.

On this narrow stretch of St. Dunstan's Lane between No 114 and No 116 Wickham Way if two cars meet then the driver entering from Wickham Way is left with no alternative other than to reverse back down St Dunstan's Lane onto Wickham Way.



As can be seen in the photograph above any reversing movement would interrupt the free flow of traffic on Wickham Road which is a well-used road and also present a danger to both vehicle and pedestrian safety.

This section of St Dunstan's Lane further narrows down with the street furniture.

There are only a few places close to development site in shape of passing bays and accesses where vehicles can pass each other but this does not help in a situation where a vehicle has to reverse onto Wickham Way. Large lorries can only access the site via Hawksbrook Lane but there is a seven foot width restriction close to the junction of St Dunstan's Lane and Wickham Way restricting egress or access from this direction as shown in photo above.

In paragraph 20 of the Transport Statement it is mentioned that the site is a home zone. This is not accepted as both Hawksbrook Lane and St. Dunstan's Lane are narrow carriageways and the potential conflict of vehicles and carers with prams is substantially higher. There are 2 existing Secondary Schools and a recently opened Primary School in close proximity.

With regards to average attendance, it is not agreed that the average attendance will be in the region of 85 to 90%. If the attendance is 100% for the nursery then the total flow of vehicular trips would be greater.

An increase in flow of vehicles and pedestrians using Hawksbrook Lane and St Dunstan's Lane during the morning peak has been noticed. As reported by some local residents drivers do not understand the nature and width restriction of the roads and they do not control the vehicle speeds. The drivers are not considerate to the parents pushing buggies or with students/pedestrians. The Council is already aware of the existing situation and is concerned about any increase conflict and detrimental impact on road safety resulting in accident.

The Council's statutory records show both Hawksbrook Lane and St. Dunstan's Lane to be "Ancient Highways", The Council is the highway authority for these streets and remains responsible for their maintenance, although, because they were not constructed to modern standards, only to a standard commensurate with their use.

In the Transport Statement it has been suggested that drivers dropping off their children will be encouraged to arrive from St. Dunstan's Lane and exit via Hawksbrook Lane in order to minimise conflict, by in effect using the highway network as a one way loop. The Council has no proposals to widen either Hawksbrook Lane or St. Dunstan's Lane, and does not consider it practical to introduce one-way traffic schemes, due to the difficulty of enforcement.

Wickham Way is only served by one bus i.e. 352 so that means parents will choose to travel by car to drop their children at the nursery.

With regards to servicing it has been suggested in the Transport Statement that vehicles up to an 8m rigid type lorry which is 2.50m (approximately 8 feet wide) can use the drop-off area to undertake servicing, but is not clear how it will pass through seven foot width restriction (2.1m) close to the junction of St Dunstan's Lane and Wickham Way. This width restriction is bit tight for Ford Transit type vans (6.47 feet) (1.97m), needing precision to squeeze through it and this would slow down the traffic while on these roads.

As seen lately the traffic is considerably higher after the Primary School has opened, resulting in a much worse situation for drivers and pedestrians. In this way there has been an increase in frequency of conflict.

St. Dunstan's Lane is narrow and is already hazardous to pedestrians particularly school children. Increasing the number of children at the nursery would further aggravate the situation with more vehicles and parents with pushchairs etc. So any increase in number of additional vehicle trips is likely to have an adverse impact on the highway network.

Based on the existing situation it is clear that the highway is not capable of accommodating the expected major increase in vehicles along St Dunstan's Way during the week, and above are all the transport reasons to refuse this application.

5.5 B) Local Groups

None

5.6 C) Adjoining Occupiers

Support

- As I understand it, the proposal is to alter the old squash courts to accommodate the nursery which is currently situated in The OD Pavilion. Thus there should be little or no increase in footfall or traffic in the area as a result of this.
- In addition I would support the introduction of a one way system from the OD Club House to an exit in Wickham Way if it could be safely implemented. Hawksbrook Lane, most of which has a pavement, could remain as a road with two way traffic.
- Including a one Way system from the Warren into Wickham Way would be, I believe, beneficial and safer. Two Way should remain from the border with St Dunstan's property round to Hawksbrook Lane.
- In the past I used to walk my daughter to a nursery school in Old Dunstonians Clubhouse as did many others living in the Park Langley Estate and this helped to keep us all fit. I would envisage this happening again and so I support the project, but would agree with others that it might be made safer by introducing a one way exit to Wickham Way by St. Dunstan's Lane with entry by Hawksbrook Lane for those travelling by car.

Objection

- Principal reason for objection - Safety of children using all Langley Schools and Safety of traffic users of Wickham Way.
- Children walking to Langley schools use both entrances of Hawksbrook lane and St Dunstan's Lane , there is no designated walkway on the northerly entrance from Wickham way to the designated site.
- The application did not enforce a one way traffic use of Hawksbrook Lane and St Dunstan's Lane. Despite the application citing users will be encouraged to access from a certain direction. This is a single lane thoroughfare so in order to approve the application this lane must be designated one way.

- Traffic control and safety on Wickham Way. Traffic is already held up on Wickham Way on the northerly entrance to St Dunstan's Lane which is a road that has no speed control measures.
- There is fast traffic along Wickham Way and increased access to St Dunstan's will cause congestion and raise the risk of a serious road accident. Approval should only be granted if speed control measures are introduced along Wickham Way where road users regularly exceed 50mph.
- Since the expansion of the Langley School site with the new Langley Park Primary school there is a considerable increase to the amount of car traffic that uses this lane which should not. I have children who attend Langley Girls and Langley Boys secondary schools where their safety walking down these lanes to get to and from school is put at risk by drivers and parents driving down these lanes to drop children off.

6. POLICIES AND GUIDANCE

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016) and Draft London Plan (2019). The NPPF does not change the legal status of the development plan.

Draft New London Plan

- 6.5 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to

which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

- 6.6 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 6.7 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.8 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.
- 6.9 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.
- 6.10 The application falls to be determined in accordance with the following policies:

Draft London Plan

Policy D4 Delivering good design

London Plan Policies

- 2.6 Outer London: vision and strategy
- 2.18 Green Infrastructure
- 3.18 Education Facilities
- 3.19 Sports Facilities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction

- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.18 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.17 Metropolitan Open Land
- 7.18 Protecting open space and Addressing Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodland
- 8.1 Implementation

Bromley Local Plan

- Policy 20 Community Facilities
- Policy 27 Education
- Policy 30 Parking
- Policy 31 Relieving congestion
- Policy 32 Road Safety
- Policy 37 General Design of Development
- Policy 50 Metropolitan Open Land
- Policy 57 Outdoor Recreation and Leisure
- Policy 58 Outdoor Sport, Recreation and Leisure
- Policy 116 Sustainable Urban Drainage Systems
- Policy 123 Sustainable design and construction
- Policy 124 Carbon reduction, decentralised energy networks and renewable energy
- Policy 125 Delivery and implementation of the Local Plan

Supplementary Planning Guidance

Bromley Supplementary Planning Guidance 1 General Design Principles

7. ASSESSMENT

7.1 The main issues to be considered in respect of this proposal are:

- Resubmission
- Background/Principle
- Metropolitan Open Lane
- Design
- Highways
- Neighbouring Amenity

7.2 Resubmission

7.2.1 The application is a resubmission of two previously refused planning applications;

Application Ref: 19/02896/FULL1 – refused on 25.09.19

Application Ref: 18/02678/FULL1 – refused on 07.12.18

7.2.2 The accompanying supporting information sets out the following information:

7.2.3 Two previous applications (Ref: 18/02678/FULL1 and 19/02896/FULL1) for a similar development were refused, on 7th December 2018 and 25th September 2019. The common reason for refusal was:

- 1 *The proposed nursery with associated number of children and opening hours within this constrained site, as a result of its poor vehicular and pedestrian access arrangements could lead to situations prejudicial to highway safety contrary to Policy 30 and Policy 32 of the Bromley Local Plan.*

7.2.4 On the basis of the two previous refusal the applicant has taken in the reasons for the declination and would therefore like to propose the following:

7.2.5 Old Dunstonian Sports Club would like to transfer the previously agreed applications for a children's play group under applications (Apps Ref: 95/01354/FULL & 98/01796/FUL) and apply them to the squash courts.

7.2.6 Further to the 1998 permission a subsequent application was also approved (Ref: 16/03886/RECON) granting consent for:

“Variation of condition 1(a) and 1(b) of permission 98/01796 to allow (a) the alteration to the current age restriction of 2.1/2 to 5 years to 2 to 5 years with an increase to the number of children at any one time from 32 to a maximum of 40 and (b) the increase in the hours of use of the premises for the purposes of a day nursery/play group from 9:30am to 12:30pm to Monday to Friday to 7:30am to 6:00pm Monday to Friday”

7.2.7 We would apply therefore to change the use from Class D2 (Squash Court) to Class D1 (Day Nursery) with additional changing/WC facilities to be used by the tennis courts (which are currently being extended under recently agreed planning permission 19/02810/FULL1), we would also propose an element of space for an office in the building for use of the tenants, also refurbishment of the existing building and alterations to the external building fabric but we are not increasing the number of children that was previously in the above agreements.

7.2.8 The application is necessary to help provide the long term future of the Old Dunstonian Sports Club which is the home of a number of sports clubs, including a junior amateur rugby club (which has a minis section as well), an amateur cricket club (which also has a minis section) and hosts a number of other sports clubs, including a veterans football team, an archery club, tennis matches/training and other ad hoc sports clubs for children and the like (including heavy use by a children’s sports company called Munchkins Sports). The facility is very much a conduit for the promotion and participation in a number of sports for all ages (4 year olds up to vets/senior football and cricket). The grounds are also used by Langley Park School for Boys for rugby and cricket and without these facilities the school would not be able to provide these sports for over a 1000 boys.

- 7.2.9 It is also not uncommon for sporting set ups, such as this one, to suffer from a lack of funding to meet day to day expenditure and up keep and to have the working capital to afford improvements to the facilities. The purpose behind the proposal is to (among other things) put the club on a long-term stable financial footing and to ensure that the excess income will be able to be invested back into the sporting facilities, to ensure that the participants of the sports (who include many in the local community) will benefit. The overall vision and plan is apparent from the above, is consistent with the Local Plan's support of sporting and recreational activities for the local community.
- 7.2.10 In the previous application we had proposed that the road from the Met Police sports ground to the entrance of Wickham Way is made one way and we would like to propose that this option is considered as we believe this improves the safety of the lane to all pedestrians and cars using St Dunstan's Lane while still allowing emergency access to all areas within the lane. We have included the traffic reports that we commissioned to provide evidence that the weekday usage is very low and therefore a nursery with the pre permitted numbers of children which will run during the week will not present a traffic/pedestrian problem.

7.3 Background/Principle

- 7.3.1 Policy 20 of the Bromley Local Plan (BLP) states that the Council will promote the quality of life and the health and wellbeing of those living and working in the Borough and engage with providers and agencies to ensure the provision, enhancement and retention of a wide range of appropriate social infrastructure, including facilities for health and education; recreation, sports and play facilities, places of worship and venues for cultural and social activities, as well as the provision of community safety infrastructure such as police facilities, ambulance and fire stations.
- 7.3.2 Development which meets an identified need for such facilities will be encouraged to locate to maximise accessibility and will normally be permitted provided that it is accessible to the members of the community it is intended to serve by a full range of transport modes.
- 7.3.3 Policy 27 of the BLP details that the Council is committed to choice in education for parents and young people and will work, in partnership with agencies and providers, to ensure the provision of an appropriate range of educational facilities to cater for lifelong learning across the spectrum from early years to further and higher education, and including specialist provision.
- 7.3.4 The Borough as a whole has seen an increase demand for nursery places and the 2016 permission had a planning condition which limited the number of children to 40. However, in the intervening time, demand for the facility and others like it has increased in terms of population demographics and it is considered that some further flexibility to

address the demand need is required. The comments received from the Bromley Early Years Team outline that the increase in child numbers would be supported.

- 7.3.5 It is noted that planning permission has been granted for development to the main club house building for extensions and for the provision of a day nursery.
- 7.3.6 Permission was originally granted on a temporary basis for the operation of a day nursery in part of the clubhouse under reference 95/1354 and then renewed again under reference: 98/01796. Both the 1995 & 1998 permissions included conditions which restricted the ages of the children from 2 ½ - 5yrs, to no more than 32 children, from Monday-Friday and between 9.30am - 12.30pm.
- 7.3.7 In 2016 planning permission was renewed under reference 16/03886/RECON which provided for (a) the alteration to the current age restriction of 2.1/2 to 5 years to 2 to 5 years with an increase to the number of children at any one time from 32 to a maximum of 40 and (b) the increase in the hours of use of the premises for the purposes of a day nursery/play group from 9:30am to 12:30pm to Monday to Friday to 7:30am to 6:00pm Monday to Friday. The Council's Highways Department raised no objection to the proposal.
- 7.3.8 Whilst the planning history of the site indicates that the Council has in the past accepted the principle of a D1 use operating from the site it is important to note that the agent has confirmed that a nursery never actually operated from the clubhouse because of funding reasons. The 2016 permission to increase the number of children to 40 was never implemented and has therefore lapsed.
- 7.3.9 The current supporting statement sets out that the applicant is no longer seeking to increase the number of children from the previously approved number of 40 children to 65. Whilst the current application before the Council does not seek to increase the number of children beyond that previously approved under the 2016 application the circumstances in determining the application are different. Firstly, the Bromley Local Plan has been updated and new policies have to be taken into consideration. Secondly, the hours of operation appear to have increased. Thirdly, Langley Park Primary School has opened and therefore there has been an increase in the number of pupils and parents using the lanes to reach the school. Lastly, in this application the Council's Highways Department, taking into account the changed circumstances, raise highway safety concerns regarding the proposal, considering it to be prejudicial to highway safety.

7.4 Metropolitan Open Land – Acceptable

- 7.4.1 Having established that the site is within Metropolitan Open Land the Local Planning Authority must consider the Local Plan policies as well as the National Planning Policy Framework. Policy 7.17 of the London Plan states that the strongest protection should be afforded to London's MOL, "giving the same level of protection as the in the Green Belt."
- 7.4.2 Policy 50 of the BLP advises that within Metropolitan Open Land (MOL), will be given the same level of protection as Green Belt. The exceptions to inappropriate development are consistent with those within the Green Belt.
- 7.4.3 The London Plan applies the same level of protection to the Metropolitan Open Land as is afforded to Metropolitan Green Belt, noting that both have an important role to play as part of London's multi-functional green infrastructure and that the Mayor is keen to see improvements in its overall quality and accessibility. Such improvements are likely to help human health, biodiversity and improve overall quality of life.
- 7.4.4 The openness and visual amenity of the MOL shall not be injured by any proposals for development within or conspicuous from the MOL which might be visually detrimental by reasons of scale, siting, materials or design.
- 7.4.5 Taking account of the above criteria, the proposed use may adversely affect the visual amenity and openness of the Metropolitan Open Land. The proposal would result in the loss of existing squash facilities upon the site.
- 7.4.6 The agent has confirmed that whilst an extant permission still exists to provide a nursery for up to 40 children a nursery has never actually operated from the site because of funding reasons.
- 7.4.7 It is noted that the use may not have a materially greater impact than the present use on the open character of the land or the use of the land surrounding the building; the building is of permanent construction and capable of conversion or re-use without extensive or complete reconstruction; the proposed use does not entail the external storage of materials, plant or machinery. However, the proposal would appear to result in the loss of the squash courts rather than the potential tandem use of the building for sporting purposes (or supporting sports purposes) outside of the hours of operation of a day nursery (as is the case in the adjacent building).
- 7.4.8 It is noted that elevational alterations are proposed to the existing building and it is not considered on balance that these would have a detrimental impact on the openness of the MOL where the proposal would retain the existing built footprint and the height of the resultant building would be commensurate with the existing. However, the proposal would result in the loss of sporting facilities in the form of the existing squash courts.

- 7.4.9 The proposal includes the provision of externally accessed changing rooms which are proposed to be associated with the open tennis courts adjacent to the site, but otherwise would involve the introduction of an additional commercial concern within the existing enclave of former sports buildings, and this would be assessed in relation to the existing nursery at the main clubhouse building.
- 7.4.10 While it is noted that the application refers to the dilapidation of the existing building and the plans include a limited provision of facilities for the adjacent tennis courts, the site is recognised primarily as providing playing fields and tennis courts, with associated indoor sports provision and clubhouse. The existing building has large changing facilities and the proposed replacement facility is considerably smaller than that existing.
- 7.4.11 The agent has confirmed that if planning permission is granted then the extant permission that exists for the main nursery would not be implemented. There is some concern that the building does not have any designated play space for the children of the nursery to use during the spring/summer months and that if permission were granted for this proposal that there would be associated protrusion of the day nursery use into the surrounding area, in effect conflicting with the sport and outdoor recreation use of the site, with associated paraphernalia visible and resulting in a loss of openness.
- 7.4.12 It is noted that the existing groundsman's storage facility would also be lost as a consequence of the proposal and no information has been provided regarding how this facility might be displaced within the site.
- 7.4.13 In assessing openness there would also be consideration of the extent to which there would be an obvious increase in the intensity of the use of the site/land/building, which would depend substantially upon the access to the site, vehicular movements, parked vehicles etc.
- 7.4.14 On balance it may be considered that while the loss of the squash courts may be regrettable, changing to a day nursery would not harm the openness of the Metropolitan Open Land on the basis that it primarily relates to a change of use. Whilst the building would be refurbished and externally the fenestration would be altered with new windows and doors these changes cumulatively would not lead to a materially greater impact than the present use on the open character of the land.

7.5 Design - Acceptable

- 7.5.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is

important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 7.5.2 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.
- 7.5.3 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.5.6 The main changes to the external design of the building would be to the fenestration with new doors and windows being fitted. Given the limited external changes to the building it is considered that the design and proposed material considered in the context of the open nature of the site would cause little visual impact.
- 7.6 Highways - Unacceptable
- 7.6.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.6.2 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.6.3 Following initial comments from the Highways Officer requesting a Transport Statement the agent supplied a report in October 2018 with included details regarding existing transport conditions, the proposed development and trip generation.

- 7.6.4 The site has a low (1a) PTAL level. A Transport Statement was provided with the application. The proposal is for a nursery with 40 children and 10 staff. St Dunstan's Lane is a narrow two-way road running between Wickham Way and the rear of Langley Park Girls School, where it connects to Hawksbrook Lane, joining back onto Wickham Way. Hawksbrook Lane has a pedestrian footway but unfortunately there is no footway along the length of St. Dunstan's Lane. Two sets of width restrictions are positioned at the start of St. Dunstan's Lane and just before The Warren Sports Ground.
- 7.6.5 Both St. Dunstan's Lane and Hawksbrook Lane serve Langley Park Girls School, Langley Park Boys School (including the Sixth forms of each of these secondary schools), the new Langley Park Primary School as well as Old Wilkinson's and Old St Dunstonians Sports Grounds. The Sports Grounds are primarily used at weekends whilst the schools are used during weekdays. The proposed hours of opening for the nursery are Monday - Friday 07:30 until 18:30 (as referenced within the supporting Transport Statement – it is noted that the application form refers to 18:00 as the closing time).
- 7.6.6 These proposed hours of opening represent an increase in the hours granted permission in 2016 (but which was never implemented).
- 7.6.7 Since the 2016 permission was allowed the circumstances of the site have changed on the basis that Park Langley Primary School has now opened and has resulted in a greater intensification of parents and children using the both lanes to reach the Primary School.

Car Parking

- 7.6.8 As set out in the Design and Access Statement an open gravel car park sits to the north of the existing squash court building. Whilst the car park doesn't contain any marked bays the drawing on page 9 of the Design and Access Statement sets out that the existing car park can accommodate 40 vehicles for the purposes of the existing rugby pitches, tennis courts and squash courts.. To the south of the existing squash court is a further area of open gravel that can accommodate further spaces and could be used a picking up/dropping up point for parents of the proposed nursery.
- 7.6.9 The Council considers that the number of existing car parking spaces adequate for the proposed use and the Highways Officer has raised no concerns about this aspect of the proposal.

Transport Statement

7.6.10 Traffic surveys were undertaken in the vicinity of the site on Tuesday 11th September 2018 at the junction of St Dunstan's Lane and Wickham Way, together with an ATC at the site for a 12 day period. Table 3.2 sets out the highway peak hours.

Peak hour	Two way flow	Pedestrians
07:30 - 08:30	21	190
17:30 - 18:30	13	7

7.6.11 Paragraph 3.8.10 further sets out that during the morning peak period, 16 bicycles were recorded turning into St. Dunstan's Lane. Officers also carried out their own survey of traffic using St. Dunstan's Lane on a school day during the hours of 07:45-08:45 on 4th December 2018 and it was observed that a number of different users use the lane; including those on foot, bike and vehicles.

7.6.12 Paragraph 10 of the accompanying transport note sets out that TRICS data has been used based on a site located in Woodford green, which has a PTAL of 1b, 67 children and 38 parking spaces.

7.6.13 The Transport Statement predicts peak traffic for the nursery during the morning weekday peak rush hour is likely to result in a total of 46 vehicles arriving and departing the site.

7.6.14 An Officer Traffic Survey noted on the morning of the 4th December 2018 that 30 vehicles passed the site in the morning peak period between 07:45 and 08:45. These vehicle movements were not connected with the Old Dunstonians Sports centre and were largely connected with the school sites with parents dropping off their children at school. The lanes are heavily used by school children during the peak morning rush hour that walk or cycle to school. They would be walking in the same area used by cars of parents bringing their children to the nursery.

7.6.15 The Highways Officer raises concerns that the nursery would lead to more trip generation that cannot be accommodated on Hawksbrook Lane and St. Dunstan's Lane.

Servicing

7.6.16 Paragraph 4.6.1 of the Transport Statement sets out that the nursery is likely to require food deliveries on two or three occasions per week as well as the occasional delivery of stationery and hygiene products. The majority of deliveries would be made in a Ford Transit Van. Deliveries are expected to take place outside of peak hours.

7.6.17 The Highways Officer has pointed out that vehicles up to an 8m rigid type lorry which is 2.50m (approximately 8 ft wide) can use the drop-off area to undertake servicing, but it

is not clear how it will pass through 7ft width restrictions close to the junction with St Dunstan's Lane and Wickham Way.

Highway Safety

- 7.6.18 The site can only be reached from either St Dunstan's Lane or Hawksbrook Lane. Whilst Hawksbrook Lane has a pedestrian footway there are no pedestrian facilities along the length of St Dunstan's Lane making it a safety hazard for pedestrians.
- 7.6.19 Table 5.2 of the Transport Statement states that some parents are likely to walk to the nursery given they will be coming from the local area. The Highways Officer considers that any increase to pedestrian traffic with parents pushing buggies is of concern, coupled with the increase in the number of vehicles projected to be coming to the site and there is a concern about any increase and the conflict that could arise and the detrimental impact upon road safety and potential accident(s) that could occur.
- 7.6.20 Given the site's location it is considered that the majority of parents will drive to the site rather than walk resulting in a greater conflict for pedestrians (i.e. school children) and road users. There is also concern that given the narrow nature of the lanes increased vehicle movements could result in conflict between drivers trying to pass each other.
- 7.6.21 Whilst the number of children is not proposed to increase above that previously approved in 2016 the Highway Officer's comments make clear that any more traffic on either St. Dunstan's Lane or Hawksbrook Lane could lead to serious highway safety risks. Whilst the applicant has identified that a way to control this is to implement a one way system the Highways Officer has ruled this out and is discussed in more detail below.

One Way system

- 7.6.22 In the Transport Statement it was suggested that parents dropping off their children will be encouraged to arrive from St Dunstan's Lane and exit via Hawksbrook Lane in order to minimise conflict.
- 7.6.23 As St. Dunstan's Lane is narrow and already hazardous to pedestrians particularly school children, the proposal would aggravate the situation with more vehicles and parents walking with pushchairs. Any increase in numbers of additional vehicle trips is likely to have an adverse impact on the highway network.
- 7.6.24 There is insufficient space within St. Dunstan's Lane for children to walk safely alongside vehicular traffic.

- 7.6.25 There is no detailed design or feasibility report for a one way system submitted by the applicant. The Highways Officer is also of the opinion that this proposal would not pass a road safety audit. The Council (as the Highways Authority) has no plans to widen Hawksbrook Lane or to introduce a one-way traffic system. It would be difficult to enforce a one-way traffic system and the responsibility for enforcement would fall to the Council.
- 7.6.26 While the Council could ask the developer to agree and fund a one-way system through a legal agreement, there is no guarantee it the one-way system would work effectively, would be consistently observed by road users accustomed to accessing the site, and would therefore address the highways safety concerns expressed above. Money could be sought from the developer but residents may be against the proposal. There is also no guarantee that the residents and Langley Park primary and secondary schools would respond positively to the consultation, which is in itself a lengthy exercise.

7.7 Neighbouring amenity - Acceptable

- 7.7.1 Policy 37 of the Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.7.2 It is considered that the building is sufficiently distant from neighbouring residential dwellings as to potentially limit the impact of the day nursery operation on the residential amenities of neighbouring properties, although an increase in vehicular movement through the site and past the nearest houses would be carefully considered in the context of the impact by way of noise and disturbance associated with the comings and goings of additional vehicles.
- 7.7.3 A number of objections from local residents have detailed parking issues and congestion as being problematic in the immediate area. These have been assessed in the Highways section above.

8.0 **CONCLUSION**

- 8.1 The proposed hours of operation referred to within the Transport Statement of the nursery are 07:30-18:30 and it is expected that the peak hours for arrivals will be 08:00-09:00 and for departures 17:00-18:00. Paragraph 5.2.3 sets out that due to holidays and sickness the average attendance will be in the region of 85-90% and that some additional trips will occur outside of peak hours due to the extended opening times.

- 8.2 The Transport Statement (which was based on 65 children attending the nursery) predicts peak traffic for the nursery to result in 46 vehicles during the morning peak rush hour and 13 vehicles during the evening peak rush hour. Given the site's location it is considered that the majority of parents will drive to the site rather than walk.
- 8.3 Whilst only 40 children are now proposed to be accommodated at the nursery it remains the Council's opinion that the additional vehicles coming to and from the site would lead to St. Dunstan's Lane and Hawksbrook Lane becoming increasingly congested, which would pose an increased safety risk to existing pedestrians who use the lanes to reach the primary and secondary schools located on Hawksbrook Lane.
- 8.4 Whilst the main clubhouse had, until November 2019, a planning permission to operate a nursery for 40 children, the current application seeks to operate until 18:30 (according to the detailed Transport Statement – half an hour longer than the approved scheme). The permission was not implemented, and the pre-commencement conditions on the permission were not discharged. The Council's Highways Department continue to maintain that the number of vehicles seeking to arrive and depart the site could lead to increased congestion and be prejudicial to highway safety particularly during the morning rush hour when both lanes are heavily used by school children walking and cycling to Langley Park primary and secondary schools.
- 8.5 Whilst planning permission has been previously granted to operate a nursery - first in 1995, then in 1998 and then again in 2016, a nursery has never been operational therefore vehicles visiting the site are for sport purposes only and primarily at weekends when the nearby schools are not open.
- 8.6 The Highways Engineer has assessed the Transport Statement and considers that St Dunstan's Lane is narrow and is already hazardous to pedestrians, particularly school children. Operating the nursery from the former Squash Building would lead to additional vehicles using both St Dunstan's and Hawksbrook Lane and have an adverse impact on the highway network.
- 8.7 Whilst the applicant is no longer seeking to increase the number of children from 40 to 65 it is not considered that this can be viewed as a material consideration or a fall-back position since the nursery was never operational from the clubhouse. Furthermore, a number of things are also different: 1) The Development Plan has been updated 2) Langley Park Primary school has opened resulting an increased number of parents and children using the lanes either on foot or by car adding additional congestion and 3) The Highways Department has raised objections to the proposal and the impact this could have on pedestrian safety.

8.8 It is considered that the proposal is likely to be detrimental to road safety and the free flow of traffic contrary to Policy 30 and Policy 32 of the Bromley Local Plan.

RECOMMENDATION: Application Refused

The proposed nursery with associated number of children and opening hours within this constrained site, as a result of its poor vehicular and pedestrian access arrangements could lead to situations prejudicial to highway safety contrary to Policy 30 and Policy 32 of the Bromley Local Plan.