

SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/02528/VAR

**Ward:
Shortlands**

**Address : 50 Shortlands Road Shortlands Bromley
BR2 0JP**

OS Grid Ref: E: 538979 N: 168912

Applicant : Little Cherubs (Mr Richard Percy)

Objections : YES

Description of Development:

Variation of condition 5 of permission reference 04/00477, granted for single storey rear extension to No. 52 and change of use of No. 50 and No. 52 from residential (Class C3) to children's day nursery (Class D1) with 3 car parking spaces at front, to allow up to 46 children to be accommodated at any one time (RETROSPECTIVE APPLICATION)

Key designations:
Conservation Area:

Proposal

This retrospective application is for the variation of condition 5 (a) of permission reference 04/00477, granted for single storey rear extension to No. 52 and change of use of No. 50 and No. 52 from residential (Class C3) to children's day nursery (Class D1) with 3 car parking spaces at front, to allow up to 46 children to be accommodated at any one time.

Location

The property is located on the eastern side of Shortlands Road within a Conservation Area and is comprised of 2 two storey semi-detached properties which have been converted into a single property which serves as a nursery. Properties in the surrounding area are primarily residential properties with a combination of flatted accommodation and detached and semi-detached single family dwelling houses.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and objections were received which can be summarised as follows:

- In November 2003 planning permission was granted for a nursery of 32 children, in a relatively small residential conservation area. Without applying for the Authority's approval, as required, the number increased to 46 and would have increased to 60 had the Development Control Committee on the 31st August 2010 refused it.
- Planning permission for an extension to the premises was applied for and obtained on the 3rd September 2009 under the guise of providing a prayer room and quiet room. No mention was made of an increase in numbers.
- 46 places would be unsuitable in a building with only two upstairs toilets for the children and just one steep staircase.
- The proposal would lead to an increase in staff parking at the site and an increase in traffic delivering and collecting the children on a very busy part of Shortlands Road.
- The proposal would lead to an increase in noise.
- The applicant has already breached the original planning permission regarding the number of children by 46%.
- Concerns that should the extension for which planning permission was granted on 3rd September 2009 be built planning conditions may again be breached.
- Any increase in business at the nursery will seriously impact on the occupants of 1c Bromley Grove's quiet enjoyment of their home.

A number of letters of support were also received which can be summarised as follows:

- The supervised playtime outdoors by young children usually last between 20 to 30 minutes once in the morning and once in the afternoon on weekdays only. The children naturally make a certain degree of noise apart from this there is virtually no other audible noise at all from the property.
- The occupant of the neighbouring property was not disturbed by the noise created by the outdoor playtime as it is only very faint in the background and does not last for very long and is less disturbance is caused than that created by the heavy traffic noise on Shortlands Road.
- The occupants of No. 28B Bromley Grove raised no objections to the proposal and stated they have never found there to be a problem with traffic in the road or a problem with noise levels when indoors or out or when walking past.
- Three letters of support were received by those whose children attend the nursery who stated that the children play outside twice a day for a total of 30 minutes each, depending on the weather. They stated they had never had concerns regarding noise or parking at the application site.

Comments from Consultees

The Council's Highways Department were consulted who stated the applicant has provided this office with the parking survey carried out on 19th July 2010 between 7:45:00am & 8:15am and 5:45pm to 6:15pm indicating that there are on-street parking spaces available for additional demand during the hours of maximum

parking demand. Therefore no objections were raised to the application subject to a condition to ensure satisfactory levels of car parking are provided being attached.

The Council's Environmental Health Department were consulted who raised no objections to the proposal as the increased noise and disturbance would not be significant.

As part of the previous application ref. 10/01276 for the variation of condition 5 to allow 60 children to be accommodated at any one time, the Council's Education division (Early Years) were in support of the application subject to Health and Safety and OFSTED approval.

Planning Considerations

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

- BE1 Design of New Development
- BE11 Conservation Areas
- C7 Educational and Pre-School Facilities
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T18 Road Safety

4A.20 and Mayors Ambient Noise Strategy

PPS1 Delivering Sustainable Development

Planning History

There have been several planning applications in relation to this site. The most recent and relevant applications were as follows:

In 2010 under planning ref. 10/01276, planning permission was refused at Development Control Committee for the variation of condition 5 of permission ref 04/00477, granted for single storey rear extension to No. 52 and change of use of No's 50 and 52 from residential (Class C3) to children's day nurse (Class D1) with 3 car parking spaces at front, to allow up to 60 children to be accommodated at any one time which was a retrospective application.

In 2009 under planning ref. 09/00733, planning permission was granted for a part one/two storey side/rear extension and increase in roof height to provide ancillary space for nursery. A condition was attached to the permission stating that "no additional children shall attend the nursery without the prior approval in writing of the Local Planning Authority".

In 2008 under planning ref. 08/02600, planning permission was refused for roof alterations and second floor addition to provide ancillary space for nursery with external access steps.

In 2006 under planning ref, 06/04255, planning permission was granted for a first floor rear extension – to date this has not been implemented.

In 2004 under planning ref. 04/02394, planning permission was granted for the replacement of part of lawn area to rear of Nos.50 and 52 with tarmac playground area in connection with Children's Day Nursery (Class D1) permitted under Ref.04/00477 and erection of storage shed to rear of No.50 part of which was retrospective.

In 2004 under planning ref. 04/00477, planning permission was granted for a single storey rear extension to No. 52 and change of use of Nos. 50 and 52 from residential (Class C3) to children's day nursery (Class D1) with 3 car parking spaces at front - Nos. 50 and 52 Shortlands Road.

In 2003 under planning ref. 03/03046, planning permission was granted for the change of use of Nos. 50 and 52 Shortlands Road from residential (Class C3) to children's day nursery (Class D1), with additional car parking at front.

Conclusions

The main issues relating to the application are the impact of the increased number of children attending the nursery on the amenities of nearby residents, and the effects on traffic, parking, and general conditions of road safety in this part of the Conservation area.

Condition 5 (a) of 04/00477 states "the children attending the day nursery/playgroup shall be between the ages of 0 and 5 years and not more than 32 children shall be accommodated at any one time".

Given the property's location in the Shortlands Conservation Area paragraph (iii) of Policy BE11 of the UDP is a key consideration when determining this application, it states:

"In order to preserve or enhance the character or appearance of conservation areas, a proposal for new development, for engineering works, alteration or extension to a building, or for change of use of land or buildings within a conservation area will be expected to...

...(iii) ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area".

Concerns have been raised from nearby residents about the increase in noise which may result from the additional children. At present 46 children attend the nursery, a statement from the Environmental Health and Trading Standards was submitted as part of the application which stated no noise complaints had been received since January 2004. The Council's Environmental Health Department did not feel the proposal would result in a significant increase in noise to local residents. Whilst some additional noise may occur when the children are in the outside play area to the rear of the property, the applicant has stated this for a 30

minute period twice a day which was confirmed by a the resident of a neighbouring property. In addition this is not likely to be at all times of the year and would probably be weather dependant. Furthermore, the nursery is only in use Mondays to Fridays between the hours of 0800 and 1800 (as per condition 5 of permission ref. 04/00477). It is therefore considered that the increase to 46 is unlikely to result in a significant loss of amenity to local residents

The second main issue relating to the application is the impact on parking, traffic, and general conditions of Highways safety in the vicinity of the nursery. The current level of use of the nursery does not appear to have resulted in any personal injuries or accidents on Shortlands Road in the vicinity of the site since the number of children attending the nursery was increased. A parking stress survey was submitted as part of the application demonstrating the impact in terms of traffic generated by the proposal at present. The three parking spaces which are provided to the front of the property are considered sufficient and no objections were received from a highway perspective. As such it is not anticipated the proposal will have a significant detrimental impact on traffic or parking in the area to such an extent as to warrant refusal.

In summation, it was considered the the present number of 46 children attending the nursery would not lead to an increase in noise levels significant enough to have an unduly harmful effect on the amenities of nearby residents. In addition, there appears to be sufficient on-street parking spaces available during the hours of maximum parking demand and therefore it was considered that the proposal would not significantly impact the local road network.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01276 and 10/02528, excluding exempt information.

as amended by documents received on 19.07.2010

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 3 (a) The children attending the day nursery/playgroup shall be between the ages of 0 and 5 years and not more than 46 children shall be accommodated at any one time.
(b) The use of the premises for the purpose permitted shall be limited to Mondays to Fridays inclusive between the hours of 08:00 and 18:00.

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

Reasons for granting approval:

In granting permission the local planning authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- C7 Educational and Pre-School Facilities
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T18 Road Safety

The development is considered to be satisfactory in relation to the following:

- (a) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (b) the transport policies of the development plan;
- (c) the safety of pedestrians and motorists on the adjacent highway;
- (d) the preservation or enhancement of the conservation area;

and having regard to all other matters raised.

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