

SECTION '2' – Applications meriting special consideration

**Application No :** 10/01830/VAR

**Ward:**  
**Bickley**

**Address :** 26 Pembroke Road Bromley BR1 2RW

**OS Grid Ref:** E: 541527 N: 169199

**Applicant :** Smart Start Nurseries Ltd (Mr Stephen Flook) **Objections :** YES

**Description of Development:**

Variation of condition 4 of permission ref. 08/01696 granted for change of use to childcare nursery (which restricts the number and ages of children attending) to allow increased capacity from 60 to 120 children and increased age limit from 5 years to 11 years.

Key designations:

**Proposal**

Under ref. 08/01696, planning permission was granted for the change of use of the building at 26 Pembroke Road to a childcare nursery. Condition 4 of this approval restricts the age of children attending to between the ages of 3 months and 5 years, with not more than 60 children accommodated at any one time. Approval is now sought to vary this condition to permit an increased capacity of 120 children and an increased age limit of 11 years. The permitted hours of operation (07.30 to 18.30 Mondays to Fridays) would remain.

In support of the application, a design and access statement has been submitted, which can be summarised as follows:

**Occupancy Number**

- Petit Pembrokes wishes to increase the capacity of children from 60 to 120 in line with their recently revised OFSTED Registration Certificate
- the nursery currently provides childcare predominantly on the ground floor, although the whole building is occupied
- as the nursery grows in attendance OFSTED have recommended that the premises be maximised
- consequently it is planned to cater for an increasing number of children

- planning permission currently restricts the nursery to offer care for up to 60 children, whilst operating within this limit it is forecast that this number will be exceeded within the next 2 years
- it is important to note that the full occupancy numbers will not practically be reached due to the nature of part time childcare requirements – experience has shown that it is reasonable to plan no more than 80-85% of the total occupancy provision

#### Age limit

- in addition the age limit is sought to be increased to 11 years, maintaining the registered total occupancy numbers
- this will enable the nursery to provide an after school and breakfast club service for parents with older children

#### Supporting information

##### Local Community

- since opening in January 2009 a good relationship has been forged with the local community and local primary schools at Bickley and St Georges
- increasing demand has been received for an after school and breakfast club for local primary school children, including older brothers and sisters of existing nursery attendees and new local children alike
- having developed a business plan and in consultation with OFSTED and Early Years a successful trial of this service has been run
- in order to comply with the planning permission approval is sought for the variation of Condition 4
- occupancy numbers would still operate within the maximum number stipulated

##### Car Parking

- a total of 21 off-street car parking spaces are offered, with space for a further 3-4 cars not in marked bays
- experience over the last 18 months has shown that parents only occupy a parking space for 10 minutes at each drop off and pick up – consequently there are no more than 5 parents' cars in the car park at any one time

##### Staff

- to provide 60 places up to 12 staff members are currently required, of which half travel by public transport, walk or cycle
- it is estimated that a total of 26 staff members would be necessary to operate a 120 place nursery
- staff requirements to provide the after school and breakfast club do not change in number as activities are run only in the quieter hours of the day
- as attendance numbers in the nursery decrease towards mid afternoon, space can be released for older children attending the after school club –

similarly in the mornings car can be offered for breakfast club leading up to school time, after which nursery attendance increases

#### Opening hours

- opening hours are not to be changed as part of this application
- operation will continue as stipulated between 07.30 and 18.30 Monday to Friday

Additional supporting information was submitted on 1st September, in response to Highways comments. This can be summarised as follows:

#### Survey results of travel modes of existing customers

- survey was undertaken between August and September 2010, which indicated that 53% of parents walk (20 in total) while 47% drive (18 in total)
- in addition, a total of 10 full and part time staff are employed, of whom 2 drive and the rest travel on foot or use the local bus service, with one staff member cycling
- the proposal to raise the age limit is to assist in providing an after school club service to the local population
- it is proposed to operate a walking bus service to and from the local primary schools (Bickley and St Georges) which will reduce the number of cars in the area and during peak school drop off and collection times
- the reduction in traffic is further aided by parents already having a child at the nursery and collecting the older sibling at the same time thereby reducing the total number of journeys required
- enquiry records indicate that of potential and confirmed customers over 60% are local and intend to walk to and from the nursery
- consequently it is felt that the walking bus service will reduce the heavy congestion in surrounding roads, with those parents who continue to drive doing so outside of these peak times

#### Location of additional parking space

- ample off street parking is currently available
- at no time is there insufficient parking or turning space within the site
- no specific drop off or collection times are specified, although these typically occur from 7.45am onwards, and from 1pm to 6pm depending on parents' needs
- it is not envisaged that the increase in child numbers will attract an adverse percentage increase in car traffic as more local families utilise the nursery
- prior to the current use, the premises was used for business/office purposes which attracted significantly greater traffic

#### Travel Plan

- as demonstrated over half of the current parents travel with their children to and from the nursery on foot

- the nursery continues to attract families looking for childcare from the local area
- by increasing attendance it is not expected to proportionally increase car traffic
- attention is drawn to the local bus services and footpaths
- staff provision is local, while job vacancies will continue to be promoted locally
- other means of transport is encouraged, with staff locker and changing facilities for cycling available
- as demand increases consideration will be given to dedicated cycle parking for staff and parents

Further information was received 26th October, which can be summarised as follows:

#### Head count

- a further head count was carried out for a single day in September 2010 with results attached in the form of a chart (available on the file for Members to view).

#### Breakfast and after school club attendees

- trial runs of the after school and breakfast clubs have shown that all pupils depart for school and arrive from school as part of a walking bus service, with parents dropping children off from 8am and collecting later on in the day, alleviating the vehicular traffic that peaks around 3.30pm to later in the afternoon
- the same benefit to traffic in the morning was also reflected in the trial operation of the breakfast club
- consequently it is felt that the already heavy traffic congestion in surrounding roads in connection with local primary schools will be reduced as a direct result of the Nursery providing breakfast and after school clubs

#### Traffic measures and projections

- the survey shows a total of 24 children on site from 10.30am, reducing from 1pm as the afternoon session commences
- attendance numbers again reduce from 4.00pm
- this is significantly later than local schools finish, with parents arriving to collect children from after school club after the peak traffic period created by local primary schools
- traffic is therefore offset from the times of peak demand associated with local schools
- total number of cars on the site is low compared to the number of children on site
- at 8.30am a total of 18 children were on site (7 in the trial breakfast club) of which 12 arrived on foot, and only 6 by car, amounting to 2/3 walking

- projecting this result to the planned capacity of 120 children would equate to 30 children arriving by car over a 1hr period
- current parking capacity on the site would adequately cope with this
- it should be noted that from 11 years experience in providing pre-school nursery care in Bromley that capacity numbers are unlikely to reach maximum at any one time
- numbers of siblings attending both nursery and school clubs increase proportionately – further reducing the number of individual arrivals and collections

## **Location**

The application site is located on the northern side of Pembroke Road, and comprises a two storey building which had formerly been used as an office, which is set back from Pembroke Road and benefits from 21 off-street parking spaces. Pembroke Road is part of a Controlled Parking Zone, which restricts on-street parking between the hours of 12pm and 2pm to permit holders only. The immediate surrounding area is primarily residential in character, comprising a mix of maisonettes, terraced dwellings and flats, the latter primarily being located to the east of the site within Sheridan Place.

## **Comments from Local Residents**

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

- car park not sufficient for increased attendance
- impact to on-street parking demand which is already problematical in Pembroke Road and inconvenience to other road users/harm to conditions of road safety
- increased noise and disturbance from vehicular movements and children playing, both inside and outside of premises
- increased age range would result in greater noise and disturbance
- proximity of site to residential properties (Sheridan Place)
- loss of privacy
- breach of Human Rights Act 1998 with regard to peaceful enjoyment of possessions
- increase in children will result in increase in need for servicing, creating further noise and disturbance
- 100% increase in child numbers will materially increase noise levels generated by the use, which would be audible from nearby residential properties
- site is in an area poorly served by public transport
- applicant has failed to provide a transport assessment as required by Appendix II of the UDP

In addition, a petition submitted on behalf of the Pembroke Road and Sheridan Place Action Group was received, containing approx. 43 signatures.

## **Comments from Consultees**

From the technical Highways perspective, no objections were raised.

Environmental Health raised no objection to the proposal.

## **Planning Considerations**

The main policies of relevance to this application are as follows:

Unitary Development Plan

- BE1 Design of New Development
- C7 Educational and Pre-School Facilities
- T3 Parking
- T18 Road Safety

London Plan

4A.20 Reducing noise and enhancing soundscapes

## **Planning History**

Under ref. 08/01696, planning permission was granted for the change of use of the building at 26 Pembroke Road to a childcare nursery.

## **Conclusions**

When planning permission was originally granted for the use of the building as a childcare nursery, Condition 4 was imposed in the interests of the amenities of nearby properties and in order that the proposal would comply with Policy C7 of the Unitary Development Plan. In assessing the acceptability of the variation to Condition 4 for which approval is now sought, Members will need to consider whether the amenities of nearby properties would be materially affected (the site is located within a predominantly residential area), and whether the proposal would continue to comply with Policy C7 of the Unitary Development Plan. A further consideration is the impact that the proposed variation of condition would have to on-street parking demand and conditions of road safety.

The proposed increase in the maximum number of children that can attend the nursery from 60 to 120 would clearly result in a significant intensification in the use of the premises, resulting in an increase in movements to and from the site and a potential increase in noise and disturbance. While the Applicant has advised that from experience, it can rarely be expected for the nursery to run at full capacity, were the condition to be varied in the manner proposed there would of course be the potential for the number of children attending to double and indeed it is on this basis that Members must consider this application.

In support of the application, the Applicant has submitted information regarding existing travel modes used by staff and children attending the nursery, and indeed

it would appear that the majority of travel to and from the nursery would continue to be via modes other than the car. While it is inevitable that there would be a material increase in vehicular movements to and from the site as parents drop off and collect their children, it would not necessarily be the case that the increase would be proportional to the increase in the number of children attending. Indeed, the Applicant has forecast that 30 children would be likely to arrive by car over a 1 hour period were the maximum planned capacity of 120 to be met. Accordingly, Members may agree that the thrust of Policy C7, which states that proposals for new or extensions to existing pre-school facilities will be permitted provided that they are located so as to maximise access by means of transport other than the car, would continue to be met.

Nevertheless, arrivals and departures, whether by car or otherwise, would certainly increase proportionally with the increase in attendance, with the potential to give rise to general noise and disturbance and a loss of amenity to local residents, while in more general terms, the noise generated by the operation of the nursery itself would certainly increase, which Members will note is a concern borne out in local objections. Members will appreciate however that noise and disturbance is somewhat difficult to quantify in these circumstances by virtue of the nature of the use in question. Indeed noise from children and staff is likely to be variable, seasonal and weather dependent (i.e. use of outdoor areas), without constants that can easily be measured or certain to regularly occur. Members will note that no technical objections have been raised by Environmental Health.

With regard to the impact of the proposed variation to increase the maximum age limit, this is primarily intended to facilitate the breakfast and after school clubs, to cater for children attending local primary schools. The maximum number of children would not increase as a result of this proposal, indeed with the clubs intended to make use of space at the nursery during times when pre-school care is typically at a lower demand.

Finally, with regard to the proposed variation of condition to on-street parking demand and conditions of road safety, Members will note that no technical objections have been raised from the Highways perspective. Indeed, the site benefits from 21 parking spaces, and the Applicant appears to have demonstrated that any increase in demand for parking could adequately be accommodated on site.

To conclude, Members will need to carefully consider the acceptability of the variation of condition in light of the possible impacts to the amenities of local residents, bearing in mind local objections and the technical advice offered.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/01696 and 10/01830, excluding exempt information.

**RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

0 D00002 If Members are minded to grant planning permission the following conditions are suggested:

- 1 (a) The children attending the day nursery/play group and breakfast/after school clubs shall be between the ages of 3 months and 11 years and not more than 120 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 07.30 and 18.30.

**Reason:** In order to comply with Policy C7 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

- 2 ACH28 Car park management  
ACH28R Reason H28

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development  
C7 Educational and Pre-School Facilities  
T3 Parking  
T18 Road Safety

The London Plan:

4A.20 Reducing noise and enhancing soundscapes

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

- (a) the impact to the amenities of local residents  
(b) the availability of adequate off-street parking within the site and the impact to conditions of road safety  
(c) the education policies of the Unitary Development Plan  
(d) the transport policies of the Unitary Development Plan  
(e) the conservation policies of the Unitary Development Plan

and having regard to all other matters raised including local objections.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposed increase in the number of children to be accommodated from 60 to 120 would result in a significant intensification of the use of the site, giving rise to an increase in general noise and disturbance associated with the use and movements to and from the site, thereby contrary to Policy BE1 of the Unitary Development Plan and 4A.20 of the London Plan.



Reference: 10/01830/VAR

Address: 26 Pembroke Road Bromley BR1 2RW

Proposal: Variation of condition 4 of permission ref. 08/01696 granted for change of use to childcare nursery (which restricts the number and ages of children attending) to allow increased capacity from 60 to 120 children and increased age limit from 5 years to 11 years.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661