

Item No.	Classification:	Date:	Meeting Name:
7.6	OPEN	18 July 2012	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/0294 for: Full Planning Permission Address: THE ELMS, FOREST HILL ROAD, LONDON, SE22 0SH Proposal: Change of use of part of the ground floor from residential (Class C3) to a nursery/creche (Class D1)		
Ward(s) or groups affected:	Peckham Rye		
From:	Head of Development Management		
Application Start Date 22 March 2012		Application Expiry Date 17 May 2012	

RECOMMENDATION

- 1 Grant Permission

BACKGROUND INFORMATION

- 2 This application has been brought before Planning Sub-Committee as the site is located on Metropolitan Open Land.

Site location and description

- 3 The site is located on the eastern side of Forest Hill Road. On site is a two storey detached dwelling house, 'The Elms', within a relatively large plot. The Elms is a Grade II listed building.
- 4 Site Policies/Constraints:
 Metropolitan Open Land (MOL)
 Site of Importance for Nature Conservation
 Suburban Density Zone (Middle)
 Peckham Rye and Nunhead Action Area
 Air Quality Management Area
 Green Chain Parks

Details of proposal

- 5 It is proposed to change the use of the some of the ground floor rooms to provide day car for young children for part of the day. The nursery is to accommodate a maximum of 30 children under 5 years, with no more than 20 children under 2 years. The proposed child care activity will take place from 7.30am to 6.30pm Monday to Friday excluding bank holidays. 3 of the rooms at ground floor level are indicated as being utilised during these hours.
- 6 A total of 11 staff are proposed.

Planning history

- 7 03/AP/1978 Grant LBC for extension to basement
- 03/AP/1977 Grant permission for extension to basement
- 01000930 Grant permission for a semi-underground garden room for use as a playroom.
- 00/AP/1338 Refuse permission for creation of a semi-underground roof for use as a playroom
- 00/AP/1339 Refuse permission for creation of a semi-underground roof for use as a playroom
- 0100031 Grant Listed Building Consent for extension of basement.
- 0100030 Grant Planning Permission for extension of basement.
- 99/AP/1793 Grant LBC for erection of a conservatory to the rear.
- 99/AP/1794 Grant permission for construction of Annexe and Conservatory
- 99/AP/1283 Grant permission for front Boundary Treatment
- 99/AP/1284 Grant LBC for front Boundary Treatment
- 9800173 Grant LBC Refurbishments to form a single residential dwelling.
- 9700152 Grant permission for a change of use from residential to a nursery.

Planning history of adjoining sites

- 8 None relevant

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 9 The main issues to be considered in respect of this application are:
- a) the principle of the change of use
 - b) the impact of the amenity of surrounding neighbours
 - c) impact on the listed building
 - d) transport impacts

Planning policy

- 10 National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning

applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

Relevant Sections

1. Building a strong competitive economy
4. Promoting sustainable transport
8. Promoting healthy communities
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

- 11 London Plan Policies 2011:
Policy 3.16 Protection and enhancement of social infrastructure
Policy 7.8 Heritage assets and archaeology
Policy 7.17 Metropolitan Open Land

Core Strategy 2011

- 12 Strategic Policy 3 – Shopping, leisure and entertainment
Strategic Policy 10 Jobs and Businesses
Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 13 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.
- 14 Policy 2.2 'Provision of new community facilities'
Policy 3.7 'Waste reduction'
Policy 3.11 'Efficient use of land'
Policy 3.2 'Protection of Amenity'
Policy 3.17 'Listed buildings'
Policy 3.25 'Metropolitan open land'
Policy 5.2 'Transport impacts'
Policy 5.3 'Walking and cycling'
Policy 5.6 'Car parking'

Principle of development

- 15 The established use on the site is residential. The proposed use is a D1 use and it is will occupy some of the ground floor rooms for a period during the day. A permission was granted for a change of use from residential to nursery on 20/01/1997 under reference 9700152.
- 16 While loss of residential accommodation is contrary to saved Policy 4.6 'Loss of Residential Accommodation of the Southwark Plan (2007)', it is noted that the majority of the floorspace remains in residential use. The two storey dwelling is considered large enough to accommodate a nursery use without comprising the ability of the site to function as a residential unit also.
- 17 As such the principle of the use is acceptable in this instance as there is not total loss of a residential unit.

Environmental impact assessment

- 18 The proposed development lays outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such will not require the submission of an environmental impact assessment.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 19 This detached dwelling stands on a large site and is set back from any neighbouring dwellings. As such there is little potential for residential amenity to be impacted upon having regard to noise levels. The proposed opening hours of the nursery are Monday to Friday from 7.30am to 6.30pm excluding bank holidays. This are considered to be appropriate hours having regard to the nature of the use. A total of 30 children are expected to be accommodated.
- 20 The residential properties to the south east, along Colyton Road, are approximately 45m away from the south eastern boundary of the site. The terrace to the south west, comprising Nos. 2 to 18 Forest Hill Road, is approximately 50m from the front elevation of the proposed nursery. Nos. 2 to 18 Forest Hill is a mixed use terrace with commercial on the ground floor and residential on the upper floors. The residential terrace, Nos. 74 to 97 St Aidan's Road, lies approximately 65m to the west / south west of the facade of the proposed nursery. Given the substantial separation distances between the site and closest properties there is not expected to be any detrimental impact on adjoining occupiers arising from noise, disturbance and activities associated with a nursery.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 21 The surrounding uses are mainly residential and it is not considered that this use would detrimentally impact on the users of the nursery service.

Traffic issues

- 22 Car Parking:
- 23 Appendix 15 of the Southwark Plan does not contain any maximum car parking standards for a D1 use. Instead parking standards are applied flexibly and are to be assessed on an individual basis through the Transport Assessment.
- 24 Officers note that the site is not located within a Controlled Parking Zone (CPZ), and is located within an area that has a low Public Transport Accessibility Level (PTAL) rating. As such there is the potential for a high level of car use. The applicant has however provided some evidence of expected levels of car use.
- 25 The applicants have submitted a Travel Plan as part of this application. This notes the availability of Public Transport options in proximity to the site and notes that Honor Oak park is approx 0.5 miles away with Peckham Rye 1.0 mile away. It also notes the bus services which serve the site and these include the No. 363 and No. 63 buses.
- 26 The Travel Plan lists the numbers of expected children as 28 (whereas the maximum for the site would be 30), their predicted origin and expected method of transport. The design and access statement states that there may be a requirement for 5 or 6 parent drivers. The travel plan however predicts, based on 1 parent driver, that 96% of parents will use non-car based transport to bring their children to the site. The origin of

the staff are also listed and it is predicted that 93% of the 11 staff will utilise non-car based transport.

- 27 The applicant notes the large amount of available parking for the drop/off pick ups that may be carried out along Colyton Road and Dunstons Road, as well as St. Adians Road.
- 28 It is also noted that arrivals at the premises is staggered between 7.30am and 9am and again between 5 and 6.30pm.
- 29 It is noted that the previous permission to allow for a change of use to a nursery (granted 201/01/97) had a number of conditions attached to it, including a limitation on the number of children attending the nursery to 25 in order to reduce parking demand in the surrounding area. However having regard to the nature of the use, and the evidence submitted by the applicant as to the predicted origin of staff and parents, it is likely that car use will not be substantial, and coupled with the fact that arrivals and departures are staggered in the mornings and evenings, with a short parking time, it is not considered reasonable to impose a condition limiting the numbers to 25 in this instance. The applicant has applied for permission for a total of 30 children. It is considered reasonable to have a limitation on numbers so that the council has some control of the potential traffic impacts of larger numbers of parents/children. As such it is considered a condition limiting the numbers to 30 is reasonable in this instance.
- 30 A further condition limiting the use of the front of the site to deliveries only was imposed as a result of poor sight lines from the property. However since this application a new boundary wall has been constructed and officers are satisfied that the sight lines are adequate as a result and parents should be allowed to use this hard standing area to the front. As such, a revised travel plan should be requested by way of condition that makes provisions for parents to utilise this area rather than the surrounding street network.
- 31 Cycle Parking:
- 32 The Southwark Plan does not contain cycle parking standards for D1/D2 uses. Instead cycle parking standards are taken from Appendix 2 of the Transport for London (TfL) Workplace Cycle Parking Guide which states that for D2 uses there is a requirement for 1 space per 10 staff and 1 space per 20 peak period visitors. There is therefore a requirement for 2 cycle spaces in this instance.
- 33 While no details have been provided as part of this application, there is a large amount of space to the front of the site for cycles and details of cycle parking can be required by condition.
- 34 Servicing:
- 35 There is not forecast to be significant service movements associated with the nursery and while this is likely to be greater than a solely residential use, it is unlikely to have a material impact on the surrounding road network.

Design issues and Impacts on the Grade II Listed Building

- 36 No amendments to the elevations are proposed and as such no design issues are raised. Furthermore no internal alterations are proposed and as such there is no impacts on the listed building. Any internal alterations would be subject to a Listed Building Consent.

Impact on the MOL

- 37 While it is noted that the site is located on the Peckham Rye MOL, it is not considered that the setting of the MOL will be impacted upon by this change of use application, as no design changes are proposed and no additional built form is envisaged.

Waste and Recycling

- 38 No details have been provided in relation to waste and recycling. However it is not expected the levels of waste and recycling would be materially different from that of a residential use and it is expected the existing arrangements in relation to waste collection are sufficient.

Conclusion on planning issues

- 39 Having regard to the above the proposal is acceptable, subject to conditions in relation to a limitation on numbers to 30 children, further details of cycle parking and a revised travel plan.

Community impact statement

- 40 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

- 41 a) The impact on local people is set out above.
- 42 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: none
- 43 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are: none.

Consultations

- 44 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 45 Details of consultation responses received are set out in Appendix 2.

- 46 Summary of consultation responses
No neighbour consultation responses received.

Human rights implications

- 47 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 48 This application has the legitimate aim of providing a change of use to a nursery unit. The rights potentially engaged by this application, including the right to a fair trial and

the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1101-45 Application file: 12-AP-0294 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5420 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour Consultee List
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ronan O'Connor, Planning Officer	
Version	Final	
Dated	29 June 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Planning, Chief Executive's Department	Yes	Yes
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team		6 July 2012

Consultation undertaken

Site notice date: 19/04/12

Press notice date: 05/04/12

Case officer site visit date: 19/04/12

Neighbour consultation letters sent:

04/04/12

Internal services consulted:

Transport

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

None

Consultation responses received

Internal services

Transport - require additional information - verbal discussions re sightlines (29/06/12 with SH)

Statutory and non-statutory organisations

None

Neighbours and local groups

None

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 12/AP/0294

TP No	TP/2614-U	Site	THE ELMS, FOREST HILL ROAD, LONDON, SE22 0SH
App. Type	Full Planning Permission		

Date Printed	Address
04/04/2012	14 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	16 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	4 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	THE ELMS FOREST HILL ROAD LONDON SE22 0SH
04/04/2012	85 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	86 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	87 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	FIRST FLOOR FLAT 3 COLYTON ROAD LONDON SE22 0NE
04/04/2012	GROUND FLOOR FLAT 3 COLYTON ROAD LONDON SE22 0NE
04/04/2012	SECOND FLOOR FLAT 3 COLYTON ROAD LONDON SE22 0NE
04/04/2012	FIRST FLOOR AND SECOND FLOOR FLAT 4 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	6A FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	2 COLYTON ROAD LONDON SE22 0NE
04/04/2012	1 COLYTON ROAD LONDON SE22 0NE
04/04/2012	10 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	12 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	10A FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	LIVING ACCOMMODATION 2 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	82 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	83 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	84 ST AIDANS ROAD LONDON SE22 0RW
04/04/2012	8 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	18 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	HERNE HILL TAVERN 2 FOREST HILL ROAD LONDON SE22 0RR
04/04/2012	6 FOREST HILL ROAD LONDON SE22 0RR