

**PLANNING APPLICATIONS COMMITTEE
2013**

Item No: 06

**UPRN
VALID**

APPLICATION NO.

DATE

12/P3253

20/06/13

Address/Site 48 Leopold Road, Wimbledon, SW19 7JD

(Ward) Village

Proposal: Application for a change of use from residential (Class C3) to day Nursery (Class D1) for a maximum of fifteen children.

Drawing Nos: Existing Floor Plan, Proposed Floor Plan and Site Location Plan (1:1250 scale).

Contact Officer: David Thompson (0208 545 3116)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 14
- External consultations: No
- Controlled Parking Zone: Yes (PS2)

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site is on the north side of Leopold Road almost opposite the junction with Bernard Gardens. It is a two storey gable end semi detached house with rooms in the roof space and a basement. The property dates from the late Victorian/ Edwardian period, with a projecting gabled frontage, tall sash windows set in prominent bays and a recessed decorative entrance. The house has a paved forecourt and a small front garden and at the rear of the house there is a flat roofed two storey extension in the spacious rear garden. Land levels descend quite sharply to the north of the site and there is a steep descent into the rear garden via a set of concrete steps. It has a net site area of 75m².
- 2.2 The application site is not in a conservation area and it is not a listed building. The area is predominantly residential, comprising two and three storey properties on large plots of land that were developed from the 1890's onwards. The Leopold Road Conservation Area is further east of the site and is only 70m in length, comprising a total of eighteen shops and commercial properties on either side of the road.
- 2.3 The site is not subject to any Tree Preservation Orders.

3. CURRENT PROPOSAL

- 3.1 This application is a proposal for a change of use from residential (Class C3) to Day Nursery (Class D1) for a maximum of 15 children. Day care provision is for the under 5 age group. The day care facilities will be on the ground floor and lower ground floor of the property, with the resident retaining the first floor and the rooms in the roof space as residential, and the ground and lower ground floor will revert to residential use outside of nursery hours. The hours of use that are proposed are weekdays 8 00 am to 6 00 pm. The applicant advises that they would employ 2 full time and one part time member of staff. The owner is a qualified childminder and is registered with OFSTED. She currently operates a child minding service that is ancillary to the use of the 48 Leopold Road as a dwellinghouse. The proposed increase in numbers and employment of additional staff requires planning permission, hence the current application.

4. PLANNING HISTORY

- 4.1 WIM 6235 - Use of premises as an old people's home to accommodate eleven elderly people and three resident staff – Granted with conditions – 01/05/1962.
- 4.2 97/P1462 - Erection of two storey extension on rear elevation of dwellinghouse, involving demolition of existing single storey extension – Granted with Conditions 15/02/1998.

5. CONSULTATION

5.1 The application has been advertised by press notice, site notice, and letters of notification to occupiers of neighbouring properties. A total of 12 representations were received that are objections to the proposal on the following grounds:

- To provide a day care nursery for up to 15 children in a residential property will generate undue noise and disturbance for neighbours, particularly as much of the supervision will involve play activity in the garden. This will be a great distraction for residents who work from home. The concentration of so many children in one place is quite different to individual children playing in their own gardens, which can be tolerated.
- LB Merton guidelines require that day nurseries provide between 2.3m² and 3.5m² per child. The applicants would need to provide between 34.5m² to 52.5m² for an intake of 15 children. The application states that three rooms will be provided for the nursery, it is believed that this will fall short of the figure required in the guidelines.
- The application states that two car parking spaces can be provided off street; this is incorrect as when two cars are parked on the forecourt one will overhang the footpath, disrupting foot traffic.
- No provision is shown on the plans for the disposal/recycling of waste and refuse. It is assumed that there are standards in this respect and it is expected that large commercial waste storage bins would need to be provided for which there is insufficient space on the site frontage. Moreover, such storage bins would not be in keeping with the character of the area.
- This part of Leopold Road is residential in character, whereas the lower part of Leopold Road, towards the south east of the application site is more commercial; the proposed use would be more appropriately located in that part of the road, because the noise that children create through play activity would be less noticeable, whereas in the proposed location it will be more noticeable because of the much quieter suburban residential setting of the site location.
- There are no off street parking facilities available in the area and there is only one off street parking space within the application site. The area suffers from heavy on street parking and the site is close to a dangerous bend in the road, which makes visibility for drivers difficult. The proposal will require children to be dropped off and picked up at peak times of the day; this will generate increased levels of traffic movements in the locality where there is already a lot of trip generation around the two local schools, Bishop Gilpin Primary School and Ricards Lodge High School. Inevitably, the proposal will result in parents trying

to park in other roads nearby, for example at Dora Road and Kenilworth Avenue, where there are only waiting restrictions between the hours of 11am and 3 pm. There is also a great deal of pedestrian activity at peak times with children walking to and from these locations in groups on foot. Leopold Road is controlled by single yellow lines and the chances of drivers mounting the pavement to drop off their children will increase. There have been three accidents already along this stretch of road in the last eighteen months; one involved a 4 x 4 vehicle demolishing the boundary wall of 1 Leopold Avenue and another incident outside 41 Leopold Road, both of them required ambulances to be called. The extra traffic activity that would be generated by the proposal can only mean that car accidents will increase.

5.2 Transport Planning

This site has a PTAL rating of 3-4 and is located in Controlled Parking Zone PS2. Leopold Road operates as a local distributor road and is reasonably heavily trafficked. The trip generation is minimal because the catchment area is localised with children being brought to the site from the Wimbledon Park and Wimbledon village area. However that area is quite congested in peak time and dropping off at that location so close to a junction could impact on road safety.

From a transport perspective there will be no transport objections subject to a condition to cap the use to 15 maximum and providing that a condition requiring that a Nursery Travel Plan is submitted and monitored annually for 5 years. The travel plan will include details of how the applicants are going to encourage both sustainable transport options and manage the road safety issues related to the safe movement of pre-school aged children accessing the site.

5.3 Metropolitan Police Crime Prevention Design Advisor

Subject to the following recommendations, there is no objection to the proposal - the Lawson's Cypress tree in the front garden should be pruned regularly and should not have foliage of more than 2m in height. Shrubs at the front of the site and in the side alley way should be kept to a minimum of 1m in height. This is to ensure that natural surveillance of the site is enhanced and to prevent potential intruders from using the vegetation as cover.

It is also recommended that a gate be installed flush with the front building line to prevent intruders or unauthorised persons from having access to the rear garden, that the main entrance door should be installed with an electronic security pass system for staff only and that CCTV be installed at the front of the site to monitor the entrance. This apparatus should be installed in accordance with the principles of

Secured by Design as a minimum standard for the security of the building when the refurbishment takes place.

6. POLICY CONTEXT

6.1 The relevant policies contained within the Adopted Merton Unitary Development Plan (October 2003) are

LB Merton Adopted Unitary Development Plan (October 2003) -

BE15 (Privacy, Visual Intrusion and Noise)

BE22 (Design of New Development)

C7 (Day Care Provision)

HP2 (Retention of Residential Accommodation)

Waste and Recycling Storage requirements for Commercial and Residential Premises in the London Borough of Merton – Guide for Architects (LB Merton Waste Services).

LB Merton Adopted Core Strategy (July 2011)

CS18 (Active Transport)

CS19 (Public Transport)

CS 20 (Parking, Servicing and Delivery)

The London Plan (2011)

National Planning Policy Framework (2012)

7. PLANNING CONSIDERATIONS

7.1 The proposal needs to be assessed in terms of the principle of the change of use of part of the property to a day nursery for young children; the impact that the proposal would have on the living conditions of neighbouring residents, in particular the impact of noise and disturbance generated by children's play activities; the effect of the proposal on highway conditions and road safety and the adequacy of the layout of the building and whether it would provide a safe and secure environment for the children.

7.2 Principle of Change of Use and the Layout of the Building

The site is not in an area that has any specific designations in land use terms other than the fact that it is in a CPZ (Controlled Parking Zone). No extensions or alterations are proposed to the property, other than

minor security related additions such as the introduction of a gate to the alley way at the side of the property and the installation of CCTV cameras that have been recommended by the Crime Prevention Design Officer. With regard to saved UDP policy HP2 (Retention of residential accommodation), it is proposed that the upper floors remain in residential use and the ground floor will also revert to residential use outside of nursery hours therefore there is no net loss of residential accommodation. In any event, the policy permits changes of use in specific circumstances and this includes community uses such as day care facilities where there is evidence of need and where the use is ancillary to the residential area.

- 7.3 There is a high level of demand for under 5's day care provision in the area; and in making the planning application for a change of use the owner has to be qualified as a childminder and the property has to meet a number of OFSTED requirements. This includes a minimum floorspace of 3.5m² for children under 2 (with 1:3 staff/child ratio), 2.5m² for children aged 2 (with 1:4 staff/child ratio) and 2.3 m² for children aged 3 (with 1:8 staff/child ratio). These figures do not include bathrooms, staff rooms or kitchen and storage space.
- 7.4 The internal floor space of the three ground floor rooms proposed for nursery use (which excludes the kitchen and the circulation area in the lobby) is 72.8 m². Combined with the lower ground floor room this gives 99.5m². The proposed gross internal floor area exceeds the upper figure of 52.5m² that is an OFSTED requirement for 15 nursery age children. OFSTED do not have any minimum requirements for outdoor play space, however in this regard the rear garden of the host site is spacious and has an area of approximately 138m, which is considered to be more than adequate as an outdoor play area to accommodate a maximum number at any time of 8 children.
- 7.5 The existing arrangements regarding refuse/ waste/recycling storage and disposal are considered to be satisfactory; .these comprise two large wheelie bins to which a third will be added as a supplement to the additional intake of children and staff. It is proposed to locate the refuse/waste bin and recycling bin storage in a secure shed located behind the front boundary wall at the main entrance to the property.
- 7.6 Saved UDP Policy C.7 encourages the provision of day nurseries, and sets out a number of considerations to be taken into account where they are located in residential areas. These include retention of upper floors of semi-detached houses as residential, provision of adequate soundproofing as appropriate, provision of back garden play space, any adverse impact on neighbours, any adverse effect on traffic flows and highway safety, concentration of similar facilities and demand for childcare.

7.7 Neighbouring Amenity

- 7.8 The application site is in a residential area and objections have been made by local residents on the grounds that noise generated by children's play activity would be intrusive to neighbours and the quiet enjoyment of their amenities. One objection letter points to the residential character of the area and therefore concludes that the introduction of a commercial use is inappropriate.
- 7.9 With the exception of D1 uses that are purpose built, other D1 uses are commonly located within former residential properties within residential areas rather than more urban or commercial locations.
- 7.10 The noise that is generated by children's play activity is transient and is also limited by the weather and the time of year. Moreover, the under 5's age group do not normally generate the levels of noise that are associated with the playground activities of older children and youths. The site has a large garden that is bounded on three sides by high boundary walls and fences topped with trellis. Conditions are proposed limiting the use of the garden to the hours of 9 00am to 5 00pm (weekdays only) and to 8 children at any one time. Subject to these limitations, it is considered that noise levels generated by outdoor play activity would not be of a level that would affect the existing living conditions of neighbours to a degree that would warrant refusal. The overall hours of use that are proposed (8 00am to 6 00pm weekdays) are also considered to be reasonable in terms of limiting any impact on adjoining occupiers.
- 7.11 A condition is proposed preventing use of amplified music audible at the site boundaries.
- 7.12 It is concluded that with these conditions in place, no material harm would result for neighbouring residents. As such the proposal complies with saved UDP policies C7 and BE22, which require that changes of use should not have any unacceptable adverse impacts on residential amenity.

7.13 Parking and Traffic

- 7.14 The site can provide 1 - 2 off street parking spaces and is in an area with an average PTAL rating (3-4). It is also in a CPZ (P2s) and there are single yellow lines on both sides of the road and the connecting roads that allow on street parking only between the hours of 11 00am and 3 00pm on Mondays to Fridays. There are double yellow lines at the corner of Bernard Gardens and Leopold Road, close to the application site. There is a plate for no waiting and loading between 8.30am and 6.30pm on the double yellow lines that end just before the property boundary and there are two parking meters on Leopold Road, one that allows parking for one hour from Mondays to Saturdays between the hours of 8 30am and 6.30pm. The additional parking

meter allows on street parking from Mondays to Fridays between 11 00am and 3 00pm.

- 7.15 The applicants have applied for a nursery that would accommodate a maximum of 15 children and advise that all of their parents live either within very close proximity, i.e. in the Wimbledon Park/Wimbledon Hill area, or from slightly further away in the vicinity of the town centre. The furthest distance where users of the proposed facility live is in the area of the town centre. This is a distance of approx 750 metres to the south of the application site and this is considered to be a reasonable distance to walk. There are frequent bus services that serve the location.
- 7.16 The area is one of high traffic activity at the usual times of day, i.e. the morning and evening rush hour and trips to and from schools, however, Traffic and Highway Services have recommended that subject to the intake of children being limited to a maximum of 15, which can be secured by a condition and subject to the applicants producing a satisfactorily detailed nursery travel plan that shows how the applicants will encourage sustainable modes of travel and address the road safety issues related to the dropping off and picking up of pre-school children, then they have no objection to the proposal. This is something that is readily achievable, given the catchment area of the people who will be using the facility.
- 7.17 Many of the objections have raised the issue that road safety conditions will worsen if the change of use is allowed. However, it should be noted that the opening hours of 8 00am and the closure of the premises at 6 00pm do not coincide with the opening and closing times of schools in the area which vary from place to place and are not concentrated on one particular time of the day. The Nursery Travel Plan condition that is recommended will require the applicants and their clients to consider alternative forms of travel to the car, principally by walking and by making use of public transport in the area. This will ensure that the potential for road accidents to occur as a result of greater trip generation is less likely.
- 7.18 In relation to the existing child minding being undertaken at the property, the proposed change of use would result in a modest increase of between 7-9 children. With the commitment to the Nursery Travel Plan in place, central to which is the aim to encourage non car borne forms of travel over short distances and taking into account the current restrictions on local on street parking that are in place, it is concluded that this increase in numbers would not have a significant impact on the existing highway conditions in the locality.
- 7.19 **The Safety and Security of the Site.**

7.19 The Metropolitan Police Crime Prevention Design officer is satisfied with the internal layout of the property and the arrangements that are proposed for the safety and security of the building, subject to the provision of a gated alley way and the introduction of CCTV cameras. A secure entry system will also need to be installed. It is concluded that with these facilities in place, the site will provide a safe and secure environment for the children and staff that complies with the requirement of UDP policy BE22. It states that proposals for changes of use of buildings should provide layouts that are safe, secure and take account of crime prevention.

8. CONCLUSION

- 8.1 The proposed change of use of part of the lower floors of the house during the daytime only for a nursery of up to 15 children, with the remainder of the property remaining wholly in residential use will not result in the loss of a residential property, it is not considered to have any unacceptably adverse impacts on the living conditions of neighbouring residents or on local highway conditions that would be sufficient to warrant refusal, it will have an acceptable internal layout that meets the requirements of OFSTED and it will be able to provide a safe and secure environment for the children and staff that will be designed in accordance with the principles of 'Secured by Design'.
- 8.2 Accordingly, it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions and Informatives:-

1. A.1 Commencement of Development (Full Application)
2. A.7 Approved Plans
3. This permission is for the purposes of using the premises for a day nursery for up to 15 children (Class D1) and 3 staff (Monday-Friday), as an adult education facility (Class D1) and for no other use within class D1.

Reason for Condition: In order to ensure that residential amenity, and parking and highway safety surrounding the site are not prejudiced and to ensure compliance with policies CS18, CS19 and CS20 of the

Adopted Merton Core Planning Strategy Unitary Development Plan (2011).

4. C6 Refuse and Recycling (Details to be Submitted)
5. D1 Hours of Use
6. D3 Restriction on Music/Amplified Sound
7. D4 Soundproofing of Building
8. No use of the rear garden as an outside play area associated with the day nursery use shall take place other than between the hours of 08.30 and 17.00, Monday - Friday only.

Reason: To protect the amenities of neighbouring occupiers and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

9. No more than 8 children shall use the rear garden as an outside play area associated with the day nursery use at any one time and these children shall at all times be appropriately supervised.

Reason: To protect the amenities of neighbouring occupiers and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

10. Prior to the occupation of the development hereby permitted, a Nursery Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This travel plan shall be revised three months after the first intake of pupils. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - i) Targets for sustainable travel arrangements.
 - ii) A plan for the safe drop off and pick up procedure (the primary objective of which is to demonstrate how this can be achieved without stopping on the public highway outside the nursery).
 - iii) Effective measures for the ongoing monitoring of the plan.
 - iv) A commitment to delivering the Plan objectives for a period of at least five years from the first intake of pupils of the development.
 - v) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The Travel Plan shall subsequently be updated and submitted to and approved in writing by the Local Planning Authority on a yearly basis and the development shall be implemented only in accordance with the approved Travel Plan.

The development shall be implemented only in accordance with the approved Travel Plan

Reason: To promote road safety and sustainable travel measures and comply with policies CS18, CS19 and CS20 of the Adopted Merton Core Planning Strategy (2011).

11. Details of Secure Gate to Alleyway

INFORMATIVES

- a) The Metropolitan Police Crime Prevention Officer advises that the Lawson's Cypress tree in the front garden should be pruned on a regular basis and should have no foliage below 2 metres from ground level and that shrubs in the front garden and in the side alley way should be no higher than 1 metre from ground floor level. This is to ensure that enhanced natural surveillance is provided that will safeguard children and staff during the hours of use. They further advise that a CCTV system should be designed, installed and maintained in accordance with the principles of 'Secured By Design' and 'Safer Places'.

12. Reason for Approval:

The policies listed below were relevant to the determination of this proposal.

Adopted Merton Unitary Development Plan (October 2003)

BE15 (Privacy, Visual Intrusion and Noise)

BE22 (Design of New Development)

C7 (Day Care Provision)

HP2 (Retention of Residential Accommodation)

PE2 (Pollution and Amenity)

Adopted Merton Core Strategy (July 2011)

CS 14 (Design)

CS18 (Active Transport)

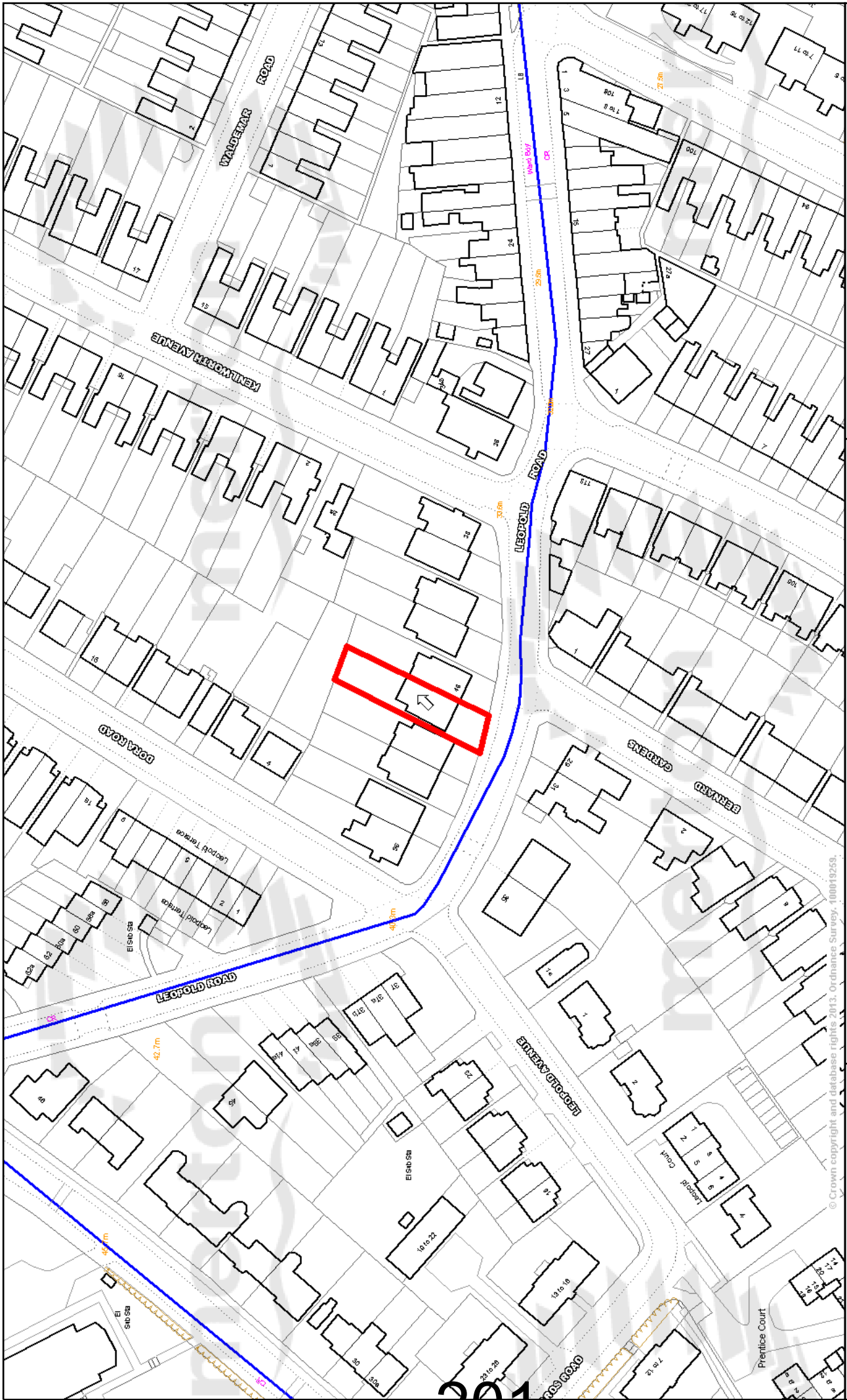
CS19 (Public Transport)

CS 20 (Parking, Servicing, and Delivery)

The London Plan (2011)

7.4 (Local Character)

National Planning Policy Framework (2012)



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 4/6/2013

48 Leopold Road

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DEVELOPMENT CONTROL



APPROX. GROSS INTERNAL FLOOR AREA 3168 SQ FT / 294 SQ M



Comment:

The rooms marked with a star is the rooms planned to be used for the nursery. No change of floorplan in the house is needed.

Family Room: 5.8m x 4.5m, this room is located on a lower level in the house with direct access to the garden.

Dining Room: 4.4m x 3.4m

Reception Room: 6.0m x 3.7m

Kitchen: 5.9m x 4.6m

Garden: 16.2m x 8.5m

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