

PLANNING APPLICATIONS COMMITTEE 18th March 2021

UPRN	APPLICATION NO. 20/P3778	Item No: DATE VALID 17.11.2020
Address/Site	Nursery School 1 Cricket Green Mitcham CR4 4LB	
(Ward)	Cricket Green	
Proposal:	APPLICATION FOR THE REMOVAL OF CONDITION 1 (RETENTION OF RESIDENTIAL FLAT) AND VARIATION OF 4 (NUMBER OF CHILDREN) ATTACHED TO PLANNING PERMISSION REF 10/P1388, THEREBY ALLOWING FOR THE USE OF ALL THE PROPERTY AS A NURSERY BY THE CHANGE OF USE OF THE EXISTING FLAT TO PROVIDE FURTHER FLOORSPACE FOR THE NURSERY AND TO INCREASE THE TOTAL NUMBER OF CHILDREN THAT CAN ATTEND THE NURSERY TO A MAXIMUM OF 42 CHILDREN (CURRENTLY 30).	
Drawing Nos:	Site location plan and drawing 01 Rev. A	
Contact Officer:	Richard McMichael	

RECOMMENDATION

Grant permission, subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 44
- Press notice: Yes
- Site notice: Yes
- External consultations: Yes – ‘Highways’, ‘Children, School and Families’
- Archaeological Priority Zone: No
- Flood risk zone: No
- Controlled Parking Zone: No
- PTAL 4 on a scale of 0 to 6B, where 6B is highest
- Located with Mitcham Cricket Green Conservation Area

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the proposal being deemed as a departure from the local plan.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a detached two storey property with a large rear garden, located on the eastern edge of Cricket Green, within Mitcham Cricket Green Conservation Area. The ground floor and part of the first floor of the premises is in use as a children's day nursery, with the remaining space at first floor being occupied for residential purposes.

3. CURRENT PROPOSAL

- 3.1 The application proposes to remove Condition 1 and vary Condition 4 of planning permission 10/P1388. Condition 1 states that the residential accommodation shall be retained for occupation by staff or those responsible directly for management of the day nursery. The proposal would provide an additional 34 sq.m of space for nursery school children by converting a kitchen, bedroom and bathroom from staff accommodation.
- 3.2 Condition 4 restricts the total number of children that the nursery can accommodate at any one time to 30. The proposal would increase this to 42 as a result of the additional space provided by releasing the non-self-contained flat as described above.

4. PLANNING HISTORY

- 4.1 03/P0310 – Erection of single storey rear extension and detached building in connection with existing nursery use, involving also change of part of the first floor from residential to nursery. Approved (PAC), Jun 2003.
- 4.2 10/P1388 – Application for variation of condition 5 attached to permission 03/P0310. Approved, July 2010. Condition 5 of permission 03/P0310 was varied to remove the specific reference to Mr & Mrs Jackson (the owner and operator of the nursery), while retaining the residential accommodation at first floor level.

5. CONSULTATION

- 5.1 Public consultation was undertaken by letter to neighbouring properties. A press notice was deemed to be necessary, as the proposal, by reason of the loss of residential accommodation, was considered to be a departure from the Local Plan. A new site notice and a reconsultation of the neighbouring properties were all carried out to ensure that the departure from the plan was communicated to all interested parties. No objections were received during either consultation period.

5.2 LB Merton Highways.

No objections, subject to the submission of a travel plan.

5.3 LB Merton Children, School and Families.

Officers provided nursery place numbers in the area and the surrounding wards. They stated that an increase in pre-school places in the Cricket Green ward would be welcomed.

6. POLICY CONTEXT

6.1 London Plan 2021:

SD1 – Opportunity Areas

H1 – Increasing Housing Supply

H8 – Loss of existing housing and estate redevelopment

S3 – Education and childcare facilities

E8 – Sector growth opportunities and clusters

6.2 Merton Sites and Policies Plan 2014:

DM C2 – Education for children and young people

DM H2 – Housing mix

DM T2 – Transport impact of development

DM T3 – Car parking and Servicing Standards

6.3 Merton Core Strategy 2011:

CS 9 – Housing Provision

CS 11 – Infrastructure

CS 12 – Economic Development

CS 18 – Active Transport

CS 19 – Public Transport

CS 20 – Parking, Servicing and Delivery

7. PLANNING CONSIDERATIONS

7.1 The planning considerations for the removal of Condition 1 and the variation of Condition 4 will include the impact from losing a non-self-contained residential unit, how it will impact on highway movement and parking arrangements, the benefits from the expansion of a local business and the provision of more child nursery spaces.

7.2 The application sets up a tension between adopted policies that seek to safeguard existing housing and those that promote improved educational facilities and that seek to promote and enhance the borough's social infrastructure. The assessment therefore considers the weight that may reasonably be attached to these considerations and whether there are circumstances unique to this application that warrant supporting a departure from the development plan.

Loss of residential accommodation

7.3 The NPPF, London Plan Policy 3.3 and Core Strategy Policy CS9 all seek to promote the provision of new housing units in the borough. Policy CS9 specifically does not support proposals that result in a net loss of residential units.

7.4 The proposal would result in the loss of a residential unit. However, this unit is conditioned for use by a member of staff of the nursery and the flat has a floor area of only 34sqm, which is significantly smaller than the minimum gross internal floor area for a one bed, two person flat, as set out by the Technical Housing Standards document. Also, the flat can only be accessed via the ground floor of the nursery. Therefore, this unit is not considered to be a fair reflection of the housing stock in the borough, to which these policies are aiming to protect, as the reality of an extremely small flat that can only be accessed via a ground floor business that closes during the evening and night time would not be a viable option for the majority of prospective occupiers.

Enlargement of pre-school provision

7.5 The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

7.6 The consultation response from Children, School and Families outlined the need for nursery spaces within the Cricket Green and surrounding wards, especially at the 0-2 year age range, as many nursery place providers do not offer places within this range. It was also stated that the overall need for spaces was exacerbated by a recent loss of a nursery business in the area. These needs and opportunities are what the NPPF is seeking for planning decisions to take advantage of when it comes to business growth.

7.7 Policy CS12 of the Core Strategy 2011 seeks to facilitate new employment by protecting and improving scattered employment sites for small and growing businesses.

7.8 As a result of the enlargement of pre-school provision, the nursery business will grow which in itself is beneficial to the employment opportunities in Merton. Given the demand for spaces in the area, according to the consultation response from Children, School and Families, it is likely that all 12 spaces will be filled. This growth will utilise the internal space more appropriately for the business use, rather than retaining it for residential use.

Highways Impact

7.9 Policy DMT2 of the Site & Policies Plan 2014 seeks to ensure that development has minimal impact on the existing transport infrastructure and local environment. Policy CS20 of the Core Planning Strategy 2011 requires developers to demonstrate that their development will not adversely affect on-street parking and traffic management.

7.10 The Council's Transport Planner was consulted on the application, given the proposed increase in nursery spaces from a limit of 30 to 38-42. A trip generation forecast was undertaken by the applicant, based on the existing traffic patterns at the nursery. The forecast determined that the additional proposed capacity could generate up to 16 additional arrivals and 16 additional departures per day. Of these 4 arrivals and 4 departures are likely to be by car.

7.11 The applicant's Transport Statement concluded that the proposed development will generate 2 additional vehicular movements between hours 08:00-09:00. Highways have agreed with this conclusion, due to the low increase of single occupancy car trips during the AM and PM peak periods and the implementation of a Travel Plan with extensive measures to reduce single car occupancy. Therefore, it is considered that there will be minimal impact on the local highway network and the proposal meets the requirements of

Policy DMT2 and CS20 of the Site & Policies Plan 2014 and the Core Planning Strategy 2011, respectively.

- 7.12 Notwithstanding the information provided by the applicant pertaining to regulating and limiting vehicle movements, it would be prudent to attach a condition to formally require the submission of a Travel Plan for the enlarged nursery school use and for this to have been agreed before the increase in capacity commences.

8. CONCLUSION

- 8.1 The proposal would result in a loss of a substandard non-self-contained residential unit and would therefore conflict with the more general objectives of London Plan policies 3.3, 3.4, 3.8 and 3.14, Merton Sites and Policies Plan policy DMH2 and Merton Core Strategy policy CS9.
- 8.2 However, the proposal would cater for a need for local nursery places, thereby enhancing the social infrastructure of the area, support the growth of the business, and, suitably conditioned, would not adversely impact on the local highway network or parking areas in the vicinity of Cricket Green. In thew respect, it is therefore considered to meet London Plan policy 4.1, Merton Sites and Policies Plan policies DME1, DMT2 and DMT3, and Merton Core Strategy CS12, CS18 and CS20.
- 8.3 The benefits of the enhancement of local social infrastructure, the growth of the business and the provision of in-demand nursery places are considered to outweigh the loss of the poor quality residential unit, in this instance. A departure from adopted housing policy may reasonably be supported mainly due to the quality of the living space and the unique circumstances regarding the access to the property, which is unlikely to be replicated in subsequent applications in the borough. Endorsement of the application would therefore not undermine the application of the Council's policies to retain housing more generally. The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

Grant planning permission for the continued use of 1 Cricket Green as a nursery school, subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other Order revoking or re-enacting this Order) no windows or other openings shall be formed in the flank elevations of the building without the prior written approval of the Local Planning Authority.
2. The use shall only operate between the hours of 8am and 6pm Monday to Saturday and not at all during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

3. Not more than 12 additional children shall use the nursery facilities at any one time. The total number of children using the nursery facilities at the premises shall not therefore exceed 42 at any one time.
4. The existing trees to be retained in accordance with Condition 5 shall be maintained to the highest arboricultural standards. Should any tree surgery be required at any time thereafter, an application for consent to carry out said works shall be submitted to and approved by the Local Planning Authority.
5. The trees shown on the deposited plan 467/F/01A, of planning approval 10/P1388, shall be retained and maintained to the satisfaction of the Local Planning Authority.
6. Prior to the commencement of the hereby approved increase in nursery spaces, a Travel Plan shall be submitted with the objectives to promote walking, cycling and public transport use, in order to achieve a sustainable transportation strategy for the site. The nursery shall operate in accordance with the Travel Plan.

Informative:

1. NPPF informative.