

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 27th July 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr R. Lancaster Tel: 020 8379 4019

Ward: Bush Hill
Park

Application Number : TP/10/0396

Category: Change of Use

LOCATION: 152, WELLINGTON ROAD, ENFIELD, EN1 2RH

PROPOSAL: Change of use of part of ground floor of bungalow to nursery/day care centre for a maximum of 8 children at any one time during the hours of 8:00-18:30.

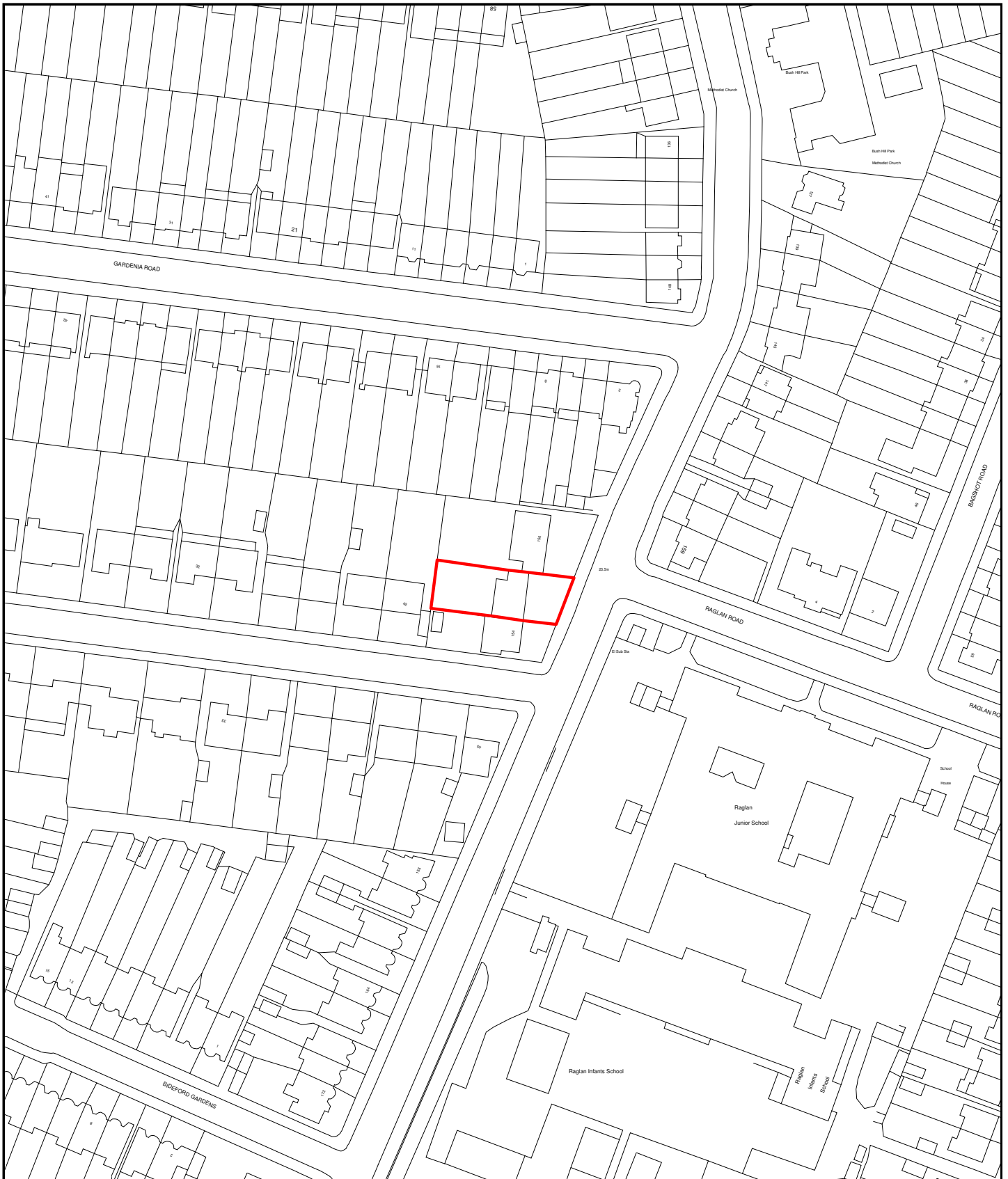
Applicant Name & Address:

Ms Sotiroula Elias
84, AMBERLEY ROAD,
ENFIELD,
EN1 2RA

Agent Name & Address:

RECOMMENDATION:

That planning permission be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 11:26

Date of plot: 09/07/2010

1.0 Site and Surroundings

- 1.1 A semi-detached bungalow on the western side of Wellington Road, the surroundings area has a predominantly residential character. The property is opposite Raglan Junior School, a bus stop and the junction of Wellington and Raglan Road. It is also 12m from the junction between Wellington Road and Manorway.
- 1.2 This section of Wellington Road is relatively narrow and much of the highway has on-street parking on each side of the highway, with the exception of parking restrictions outside the school.

2.0 Proposal

- 2.1 Permission is sought for the use of part of the ground floor of the bungalow as a day care centre / after school club for a maximum of 8 children. The ground floor has five rooms. Only the lounge/living area, kitchen and bathroom will be used as a nursery. The first floor will remain solely in residential use.
- 2.2 The hours of use would be 08.00 hours to 18.30 hours Monday to Friday, term time only. Apart from the occupier there will be no other staff.
- 2.3 The applicant has indicated that the front forecourt area can contain five parking spaces. However these spaces would not be independent and egress from the forecourt area would involve reversing onto the highway if five cars were to use the forecourt simultaneously.
- 2.4 The applicant's have indicated that they run a similar facility at No.84 Amberley Road, EN1 and seek to relocate to the application site.

3.0 Relevant History

- 3.1 TP/09/1760: Change of Use to a Nursery for up to 17 children was refused planning permission on the following grounds:
 1. The proposal by virtue of its location and the nature and intensity of use would cause undue noise and disturbance to neighbouring residents at Nos.150 & 154 Wellington Road, detrimental to levels of residential amenities and contrary to Policies (I)GD1, (I)GD2, (II)GD1, (II)GD3 and (II)CS4 of the Unitary Development Plan.
 2. The proposal fails to demonstrate that the first floor would be a self-contained unit and therefore would result in the loss of residential accommodation, detrimental to the maintenance and improvement of the Borough's housing stock and therefore would be contrary to Policies (II)GD1, (II)GD3 and (II)H2 of the Unitary Development Plan.
 3. There is insufficient evidence that the floor area/ head height would be sufficient to provide a reasonable standard of residential accommodation, detrimental to the living conditions of future occupiers contrary to Policy (II)H16 of the Unitary Development Plan and Supplementary Planning Guidance: Flat Conversions.
 4. The proposed conversion of the single family dwelling into a Day Care Centre/After School Club provides inadequate off-street parking and

would result in the potential for future on street parking in the surrounding roads, resulting in an unacceptable increase in kerbside parking in the adjacent streets to the detriment of safety and free flow of traffic on the Highway including pedestrian and public transport traffic using the public highway. In this respect the proposal is contrary to Policies (II)GD6, (II)GD8 and 3C.22 of the London Plan.

5. The proposed use would give rise to vehicles calling at the site and waiting on the adjoining highways leading to on-street parking which could be hazardous, cause congestion or have an adverse impact on safety and free flow of traffic on the surrounding highways, this would be exacerbated by the site's proximity to Raglan School and a Bus Stop, contrary to Policies (II) GD1, (II) GD6 and (II) T13 of the Unitary Development Plan.
6. The proposed off street parking spaces due to the restricted size of the forecourt and the absence of turning facilities would result in vehicles leaving the site in reverse gear. Due to the nature of traffic flow and the close proximity to the junction of Wellington Road/Raglan Road, vehicles reversing onto Wellington Road would have a detrimental effect upon the free flow of traffic and safety on the public highway, contrary to Policies (II) GD6 and (II) GD8 of the Unitary Development Plan.

4.0 Consultation

4.1 Statutory and Non Statutory Consultation

- 4.1.1 Thames Water raise no objections.
- 4.1.2 Transportation raise no objections on the grounds of parking and traffic (see detail in report).
- 4.1.3 ECSL Early Years Team raise no planning objections to the scheme.
- 4.1.4 Environmental Health raise no objections subject to conditions.

4.2 Public

- 4.2.1 Consultation letters were sent to 34 neighbouring properties. 13 letters of objection have been received raising all or some of the following points:
 - Inappropriate use
 - Highway safety and traffic issues
 - Noise and disturbance
 - Sufficient nurseries in the area
 - Increased traffic and congestion
 - Increased demand for on-street parking
 - Reversing off the forecourt area on the highway would be detrimental to highway safety
 - Vehicle movements detrimental to safety of children
 - Commercial enterprise in residential area
 - Noise and disturbance associated with the children using the rear garden
 - Over-intensive use of the property and out-of-scale for the location
 - Limited outdoor space inappropriate for the intended use

- Unsafe structure

5.0 Relevant Policies

5.1 London Plan

- 3A.18 Protection and Enhancement of Social Infrastructure and Community Facilities
- 3A.24 Education Facilities
- 3C.23 Parking Strategy
- 4B.8 Respect Local Context and Communities

5.2 Unitary Development Plan

- (I)GD1 Regard to surroundings
- (I)CS1 Community services appropriate to the needs of the Borough
- (II)CS4 Day nurseries
- (II)GD6 Traffic Generation
- (II)GD8 Site Access and Servicing
- (II)H2 Change of use from Residential
- (II)H16 Flat conversions
- (II) T13 Pedestrian Safety

5.3 Local Development Framework

The Enfield Plan is now proceeding through the Examination in Public process into the soundness of the Plan. It is considered some weight can now be attributed to the policies contained in the Core Strategy and the following policies from this document are of relevance:

- SO5 Education, health and wellbeing
- CP8 Education

5.4 Other Material Considerations

- PPS1 Delivering Sustainable Communities
- PPG13 Transport

6.0 Analysis

6.1 Background

- 6.1.1 In assessing any proposal involving a children's day nursery, the criteria and guidance within Policy (II)H2 of the UDP is applicable. In the preamble to this Policy, paragraph 9.2.6, states that certain non-residential uses are appropriate in residential areas where they serve the needs of the local communities. In particular, day nurseries are specifically mentioned as an example of an appropriate use and should be assessed in accord with the provisions of Appendix A1.6. This Appendix states that:

“For semi-detached houses, noise and disturbance maybe a concern and therefore the number of children involved will be an important consideration, that car facilities will need to be carefully located and

that the nursery should be of modest scale, probably confined to part of the ground floor”.

“Day nurseries must provide adequate off-street parking. If a residential unit is to be retained, then off-street parking will also need to be provided for the occupiers. On classified roads or roads where there is a high level of on-street parking, off-street setting down and picking up facilities may also be an essential requirement. In assessing the benefits which the facility will provided to the local community, the Council, as the LPA, will take account of the views of Directors of Social Services and Education”

“The provision of outside play space is highly desirable and the Council will take into account when considering the overall acceptability of any proposed day nursery”.

6.2 Loss of Residential

- 6.2.1 There is a general presumption against the loss of residential accommodation especially that of family size. However, Policy (II)H2 recognises that it may be appropriate where the use supports the wellbeing of the local community. The proposed nursery constitutes such a use. Moreover, as the layout has been revised to remove the semi self-contained of the first floor, the proposal now supports more effective continued residential occupation to overcome the previous refusal reason.

6.3 Impact on Residential Character

- 6.3.1 As a semi detached dwelling, it is considered that the property is appropriate for use as a children’s day nursery subject to it involving an appropriate number of children. There is no guidance regarding what constitutes an appropriate number but when considering such proposals, focus is on activity, the feel of the surrounding area in terms of composition and proximity of other dwellings and whether the intensification of use would be noticeable and materially enough to constitute harm that could be used to support a reason for refusal
- 6.3.2 In this case, it is considered 8 children given the only staff is the occupier of the property, would not generate an intensification of use that would materially affect the outward character of the property and its integration into the surrounding area. A contributory factor in this is the existing activity associated with the Raglan School.
- 6.3.3 Subject to a condition limiting the number of children and the extent of the property set aside for the nursery use, it is considered the proposed use would not harm the character of the area.

6.4 Impact on Amenities of Neighbouring Properties

- 6.4.1 It is considered that 8 children would not be inappropriate in itself in terms of the intensity of use. An important factor to assess is the noise and general disturbance associated with the property, in particular the use of the rear garden. It is considered that appropriate conditions limiting the numbers and times of children using the garden would mitigate this concern. As a result

this revised proposal is unlikely to give rise to a change in conditions which would be significantly detrimental to the amenities of neighbouring residents.

6.5 Traffic Generation

6.5.1 It is acknowledged that the proposed development is a relocation of an existing facility within the area. Therefore, on the basis that a new facility isn't being introduced, it is accepted that the proposed development will generate minimal additional trips on the surrounding highway network.

6.5.2 However, it is important to note that Wellington Road is an important local distributor road and as such is subject to relatively high volumes of commuter trips during the peak periods. It is a relatively narrow road subject to traffic calming features, including within the vicinity of the site, and a main bus route. Together with the traffic associated with the adjacent school, all of these factors combined mean that during the peak periods Wellington Road can experience congestion and delay.

6.5.3 Nevertheless, it is also recognised that a number of children attending the nursery are siblings, that some others are siblings of children otherwise being picked-up and dropped-off from Raglan School and that some children will arrive before and leave after the times associated with peak traffic flows, it not considered that the proposal would have the potential to significantly increase congestion and hazards particularly associated with vehicles slowing to enter the site or find a car parking space, thus exacerbating the existing problems already experienced on this part of the network.

6.5.4 In order to try and establish the impact an increase in on-street parking demand could have on the surrounding highway network, parking beat surveys were undertaken on Monday 25th January and Tuesday 26th January 2010 between 3-6pm. These surveys confirmed concerns that there is already a significant demand for on-street car parking with substantial levels of parking recorded on Raglan Road, Manorway, Bagshot Road and Amberley Road during the whole of the 3-hour survey period. On Wellington Road, the parking and waiting restrictions somewhat limit the on-street parking opportunities within the vicinity of the site, with what parking is available heavily used at present.

6.5.5 However given the limited intensity and nature of the use, as well as the picking-up and dropping-off times, it is not considered to be to the detriment of free-flow of traffic on the highway, including on Wellington Road, for all users particularly buses and highway safety and has overcome the previous refusal reasons.

6.6 Parking

6.6.1 The PTAL of the site is 2 which indicates a relative low access to public transport. The proposed level of car parking is sufficient to accommodate the residential parking within the site in accordance with the relevant parking standards within the UDP. Furthermore it is considered that 1 or 2 vehicles at a time could use the forecourt as a dropping-off area and still egress the site in forward gear.

6.6.2 Therefore it is considered, taking account of the frequency and times of vehicles entering and exiting the proposed site and general highway network

peak period; the use and associated movements would not be to the detriment of the free flow of traffic and highway safety for road users including pedestrians and public transport, in accordance with Policies (II) GD6 and (II) GD8 of the Unitary Development Plan and has overcome the previous refusal reasons.

6.7 Quality of Provision

6.7.1 It is Ofsted not the Local Authority that is the relevant authority to consider the quality of provision. Furthermore, a day nursery requires a Certificate of Registration from Ofsted in order to operate legally.

6.7.2 Notwithstanding the above, a consideration as identified by the Unitary Development Plan is the desirability of outside play space. There are no statutory standards for minimum outdoor space standards. However Early Years Statutory guidance highlights that 'Wherever possible, there should be access to an outdoor play area, and this is the expected norm for providers. In instances where outdoor space cannot be provided, outings should be planned and taken on a daily basis (unless circumstances make this inappropriate, for example unsafe weather conditions). In this case, the garden appears to provide sufficient space for an outdoor play area. In this case, the application site has a rear garden sufficient for the needs of the children.

6.7.4 The Statutory Framework for the Early Years Foundation Stage (May 2008) whilst not a material planning policy, highlights the legal requirements in terms of space: 3.5 sqm per child under 2; 2.5sqm per child two years old; 2.3sqm per child per child aged 3-5years. However the information submitted has not indicated the specific ages of the children and therefore it is not possible to calculate whether this standard would be met. It is fair to say however that the full use of the ground floor is likely to be of sufficient size to the meet these minimum standards.

6.7.5 In addition, it is also noted that statutory guidance highlights 'daylight should be the main source of light'. The submitted plans showing the layout and windows indicate that the nursery would receive good levels of natural light.

6.7.6 It should also be noted the Council's own Early Years team have raised no objections to the proposal.

7.0 **Conclusion**

7.1 In the light of the above assessment it is considered that the previous refusal reasons have been overcome and that the application should be approved for the following reasons:

1. The proposed use would not result in an over-intensive use of the dwelling or unduly detract from the residential amenities of neighbouring occupiers, having regard to the likely increase in comings and goings, traffic generation and noise and disturbance. The proposal is considered to be in accordance with Policies (I)GD1 and (II)CS4 of the Unitary Development Plan.
2. The proposed increase in numbers would not prejudice the provision of on-street parking nor would it give rise to conditions prejudicial to the free

flow and safety of traffic on the adjoining highways having regard to Policies (II)GD6 and (II)GD8 of the Unitary Development Plan, Policy 3C.23 of the London Plan and PPG13.

8 Recommendation

8.1 That planning permission be **GRANTED** subject to the following conditions:

1. That for the purpose hereby approved the children's nursery and its ancillary accommodation shall be used only between the hours of 0800 to 1830 Mondays to Fridays and not at all on weekends or school holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that the proposed development does not unduly prejudice the amenities of nearby occupiers of adjoining and nearby residential properties.

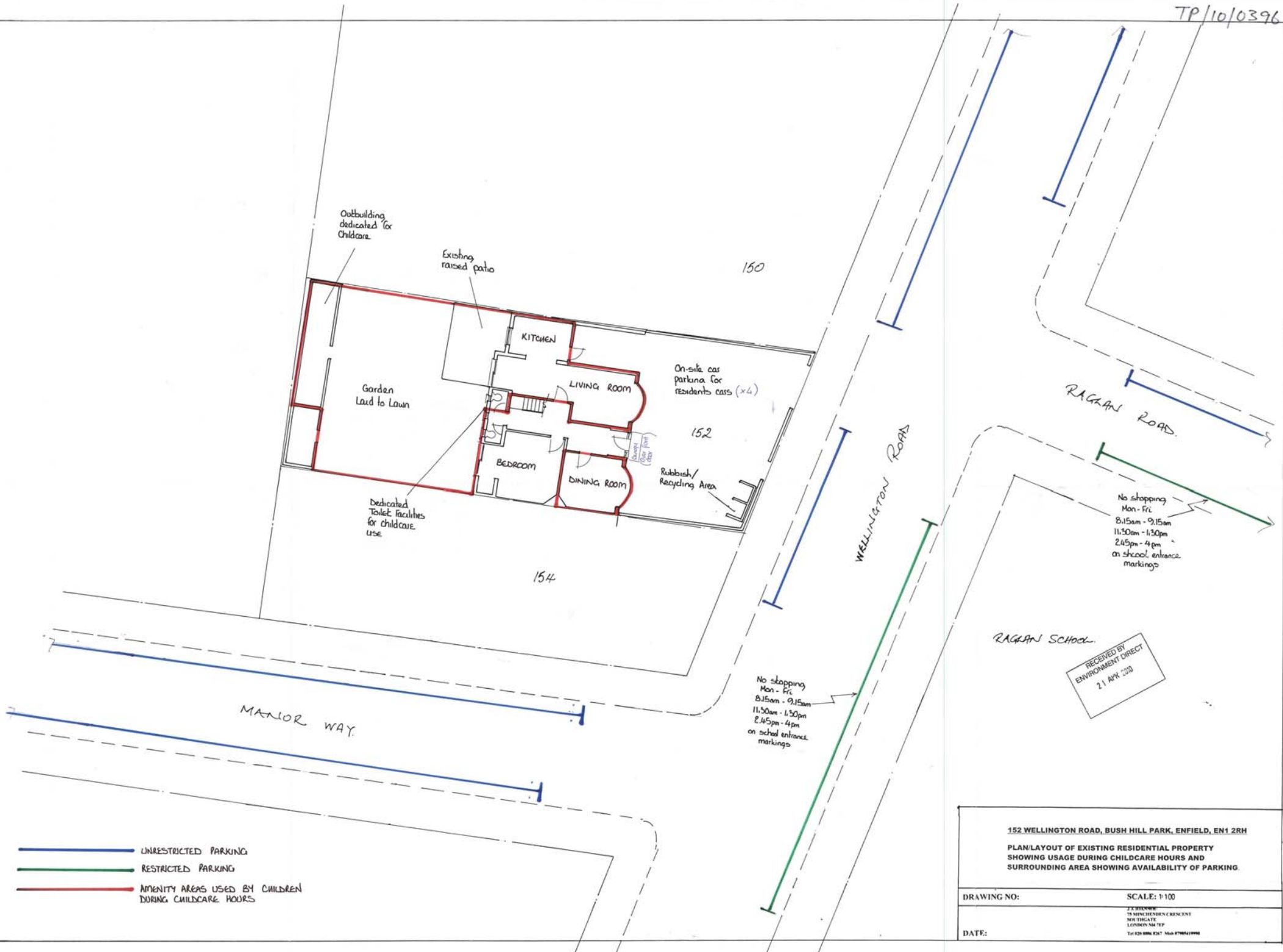
2. That the garden area shall be used for outdoor recreation in connection with the use of part of the ground floor of the premises as a children's nursery only between the hours of 1020 to 1040 and 12.20 to 13.15 for a maximum of five children and between the hours of 15.30 to 16.30 for a maximum of eight children may use the garden area at any one time unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that the proposed development does not unduly prejudice the amenities of nearby occupiers of adjoining and nearby residential properties.

3. That the lounge/ living room, kitchen and bathroom on the ground floor of the premises hereby approved shall be used as a children's day nursery/ after school club for a maximum of 8 children and for the times specified, and for no other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 without the prior written consent of the Local Planning Authority, or shall be used for purposes ancillary to the remainder of the residential use.

Reason: to prevent an unacceptable escalation or intensification of the permitted use or establishment an alternative D1 use detrimental to the amenities of nearby residential occupiers and/or free flow or safety of traffic on the adjoining highways.

4. C15 Private Vehicles Only - Garages
5. C16 Private Vehicles Only - Parking Areas
6. C51A Time Limited Permission
7. C59 Cycle parking spaces



- UNRESTRICTED PARKING
- RESTRICTED PARKING
- AMENITY AREAS USED BY CHILDREN DURING CHILD CARE HOURS

No shopping
 Mon - Fri
 8.15am - 9.15am
 11.50am - 1.30pm
 2.45pm - 4pm
 on school entrance markings

No stopping
 Mon - Fri
 8.15am - 9.15am
 11.50am - 1.30pm
 2.45pm - 4pm
 on school entrance markings

RECEIVED BY
 ENVIRONMENT DIRECT
 21 APR 2010

152 WELLINGTON ROAD, BUSH HILL PARK, ENFIELD, EN1 2RH
PLAN/LAYOUT OF EXISTING RESIDENTIAL PROPERTY SHOWING USAGE DURING CHILD CARE HOURS AND SURROUNDING AREA SHOWING AVAILABILITY OF PARKING.

DRAWING NO: _____ SCALE: 1:100

DATE: _____

J & B PLANNING
 75 MARLBOROUGH CRESCENT
 NOTTINGHATE
 LONDON N6 7EP
 TEL: 020 8866 8267 FAX: 020 8866 1999

TP/10/0396

WARNING - THE CLIENT AND CONTRACTOR SHOULD BE AWARE THAT HE NEEDS TO COMPLY WITH CERTAIN PARTS OF THE CDM REGULATIONS AND THE PARTY WALL ACTS, 1939 ON THIS PROJECT. VARIOUS PUBLIC SERVICES EXIST ON THE SITE. A BUILDING OVER AGREEMENT WITH THE LOCAL WATER UNDERTAKER WILL BE NECESSARY. WARNING

- A. GENERAL**
1. All dimensions are in millimetres unless shown otherwise.
 2. All dimensions are to be verified by the Contractor on site.
 3. Discrepancies to be notified to Engineer prior to commencement of work.
 4. All work is to be carried out to the Building Regulations relevant British Standards, in accordance with accepted industry good practice and to the satisfaction of the Local Authority Building Inspector.

- C. WALLS**
1. External render to be 20mm in two coats to BS5262 and incorporating a waterproofing agent.
 2. All wall voids to be supported on double joists.
 3. All new walls to be filled with skirting to match existing.
 4. All walls supporting stairs to be 1 hour fire resistant from both sides, to the double layer of 130mm Firestopping with staggered joints, finished with 5mm plaster, on 100/60mm timber studs at 450mm c/c vertically and 400mm c/c horizontally.
 5. All external, areas to be filled with EXPANET board.

- D. CEILING AND FLOOR**
1. All timber to be stress graded to BS 4978 grade C16.
 2. All timber to be treated with an approved preservative to BS5268 Pt 5.
 3. All new floors to be 22mm tongue and groove.
 4. All existing floors above ground floor to be lined with 6mm dense type hardboard with all joints sealed.

- E. ROOFS, WINDOWS AND VENTILATION**
1. Minimum ventilation area to any room to be 1/20th of floor area.
 2. Background ventilation to all habitable rooms rooms to be via 226x226mm airbrick at high level of 2m above finished floor, and 400mm to air-chimney, utility rooms and bathrooms.
 3. New kitchen to be provided with electric extractor fans of capacity not less than 80 litres per second and which may be operated intermittently.
 4. External bathrooms and WC's to be fitted with extractor fans of capacity 15 litres per second and which may be operated intermittently. Internal bathrooms to be fitted with electric extractor fans of capacity 15 litres per second. All extractors to have a minimum of 80 litres per second with 15 minute overrun. A gap of 10mm to be provided under doors.
 5. New windows and external doors to be aluminium double-glazed in hardwood frames.
 6. Glazing to doors to be in laminated glass to BS5296 in accordance with N1 of part N of Building Regulations with insulations from 150mm above finished floor level. Glazing to comply with Approved Document N.
 7. Internal doors to be to client's specification, but of 1/2 hour fire resistance, to be self-closing with steel closing devices, to be fitted with 20mm fire hardened stops, which are to be screwed and glued and to be provided with intumescent strips.
 8. Each bathroom, living room and kitchen to be provided with one operable window for fire escape purposes. Escape window to have minimum CLEAR opening level of 900mm wide a 900mm high fitted with "Firemax" trigger.

- F. CONCRETE AND STEELWORK**
1. All concrete to be to BS1187 grade 30 and well compacted on casting.
 2. Cement for concrete below DPC to be OPC and OPC above DPC.
 3. All steelwork to be new and of grade 43.
 4. Minimum bearing of rolled sections to be 150mm and 150mm for CATNCS.
 5. All existing lintels which are to take additional loads to be exposed and inspected for adequacy to take extra loads. To be replaced with agreed lintels if inadequate.

- H. DRAINAGE**
1. All gutters to be in black PVCu, gutters to be 12mm HR and RWHs to be 63mm dia.
 2. RWHs and waste pipes to discharge below ground and above water level.
 3. New drains to be 100mm diameter PVCu flexible jointed in 150mm concrete at a fall of 1:40.
 4. All above ground drainage to be to BS5752. All wastes to have 50mm seal traps.
 5. All connections of new drains into existing to be to the satisfaction of the Local Authority.
 6. New S&VP to be in 100mm diameter PVCu and is to extend 1500mm above eaves level.
 7. Connections to S&VP of HWB and bath not to be within 200mm of WC connection.

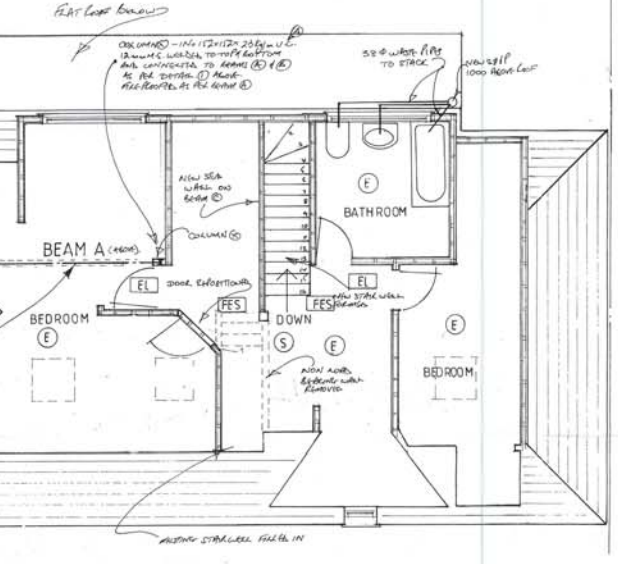
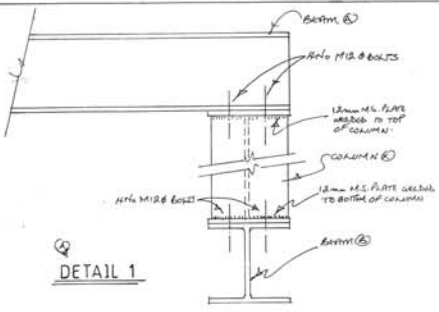
- I. FIRE ALARM, SMOKE DETECTION AND FIRE PRECAUTIONS**
1. All positions marked (S) to be fitted with smoke detectors connected to alarm.
 2. To be hard wired from separate circuits from the mains and fitted with battery backup.
 3. First floor to be upgraded for fire resistance by applying firm dense type hardboard nailed over floorboards all joints sealed. All doors leading to common areas to be FD30S.
 4. All services penetrating separating floors or walls to be enclosed in double layer of 150mm fire lining and 5mm plaster and to be fire stopped.
 5. All positions marked (H) to be fitted with heat detectors connected to alarm.
 6. To be hard wired from separate circuits from the mains and fitted with battery backup.
 7. Positions marked EL to be fitted with emergency lights to be hard wired from separate circuits from the mains and fitted with battery backup.
 8. Positions marked (E) to be fitted with Fire Escape Signs.

- J. ELECTRICALS, PLUMBING, HEATING AND DECORATIONS**
1. All wiring and electrical work will be designed, installed, inspected and tested in accordance with the requirements of BS7671, IEE 18th edition, Wiring Guidance and Regulation Part P (Electrical safety), by a competent person registered with an electrical self-certification scheme authorized by the Secretary of State. The competent person is to send to the client and the local authority a self-certification certificate and a BS7671 Electrical Installation test certificate within 30 days of the completion of the electrical work.
 2. Light switches to be positioned so that their centres are at 1100mm above finished floor level.
 3. Power sockets to be positioned so that their bottoms are at 450mm above finished floor level.
 4. Positions marked (L) to be fitted with energy efficient light bulbs.

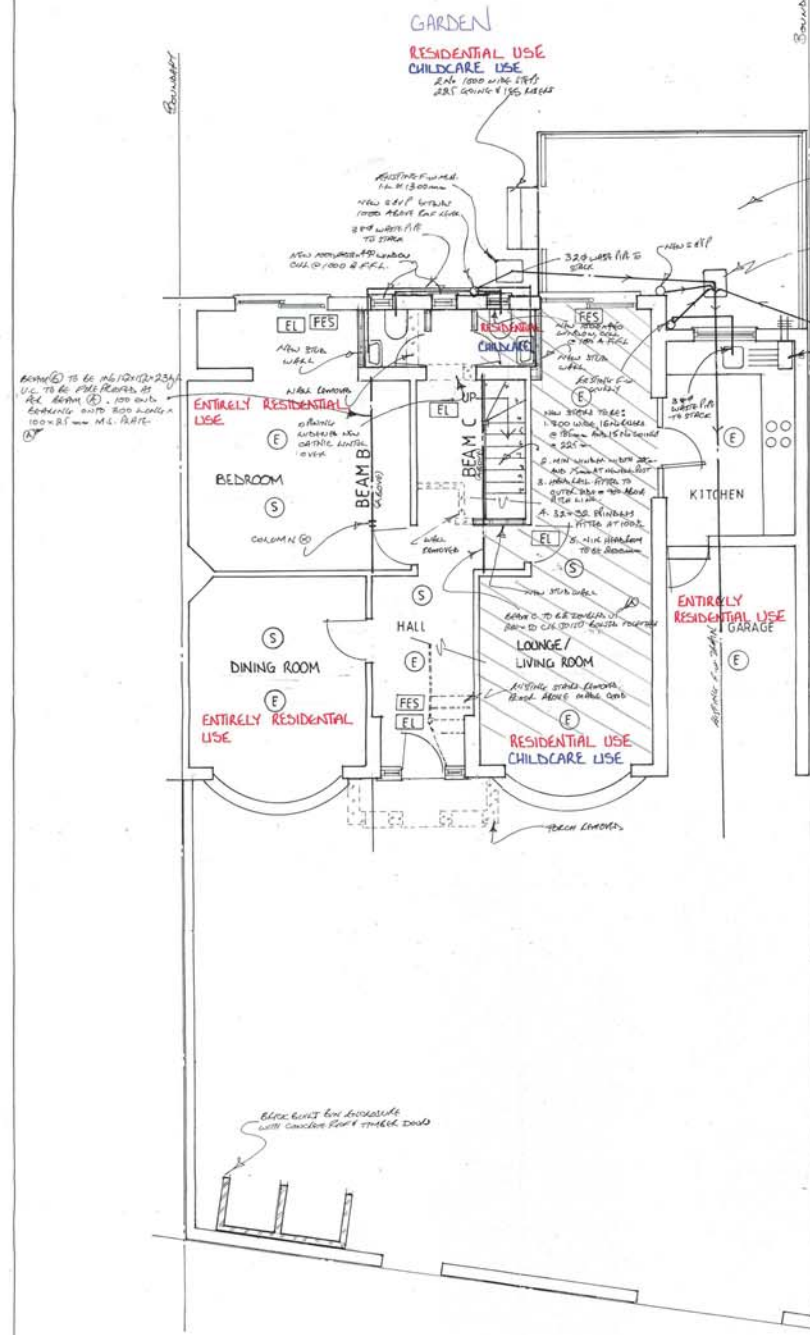
- K. CONTROL OF HEATING**
1. All radiators to be fitted with thermostatic valves, hot water cylinder to be fitted with thermostat controlling boiler. Boiler to be fitted with timing devices to control hot water and heating provision and thermostat.
 2. The contractor is to label and commission the boiler and extend central heating hot water heating system to conform with Approved Document L 1 paragraph 1.47 - 1.50. The contractor is to provide the client and the Local Authority with a certificate of compliance.

L. IMPORTANT - RISK ASSESSMENTS UNDER THE CDM REGULATIONS - IMPORTANT -

1. TO THE CLIENT - I am required under the CDM Regulations to undertake risk assessments for my design work and to inform you, other designers and your contractor of pertinent issues. I have undertaken risk assessments and I have informed you of my recommendations. It is important that YOU INFORM ME of your contractor and other designers WELL BEFORE the start of the works, so that I can inform them of my findings. I need to inform the relevant parties of risks such as those due to demolition work, working at heights, working near live services and unloading and lifting into place of heavy members, etc.



FIRST FLOOR PLAN
ENTIRELY RESIDENTIAL USE



GROUND FLOOR PLAN

RECEIVED IN ADVANCE
ENVIRONMENT DIRECTORATE
12 APR 2010
LONDON BOROUGH OF ENFIELD
23 MAR 2010

S. K. ELIA
152 WELLINGTON ROAD, BUSH HILL PARK, ENFIELD EN1 2RH
EXISTING PLANS
DRAWING NO: WRE/ELI 2 OF 3 SCALE: 1:50
DATE: NOVEMBER 2009

Rev. A 1 2 3
A.M. 2008/12 EC. PAGE