

PLANNING COMMITTEE - Date:3 June 2015

**Report of the Executive Head for Economic Development, Planning and Sustainability.**

Ref: A2015/71612/FUL	WARD: A04 / CHEAM	Time Taken: 6 weeks, 5 days
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Site: The Old Stables Cheam Park Tudor Close Cheam SM3 8QS  
 Proposal: Erection of single storey extensions, alteration and renovations together with replacement of two dormer windows and installation of rooflights all in connection with use of premises as a day nursery with enclosed children's play area.  
 Applicant: Mr Charles Eggleston  
 Agent: Mr Colin Shea

**Recommendation:**

**GRANT PLANNING PERMISSION**

**Reason for Report to Committee: The Council has an interest in the land.**

**Summary of why application proposals are acceptable:**

- The proposal is acceptable in design terms and would renovate and reuse an existing vacant Locally Listed building which would enhance and preserve the Cheam Village Conservation Area.
- The proposal would not result in an unacceptable impact on neighbouring amenity.
- The proposal would not have a significant impact on traffic/highway and parking grounds.

**1.0 BACKGROUND**

**1.1 Site and Surroundings:**

1.2 The application site comprises the Old Stables within Cheam Park, Tudor Close, Cheam. The Old Stables are single storey in height and form an 'L' shaped building currently in a poor state of repair. The Old Stable is situated approximately 75.00 metres from the boundary with Tudor Close and approximately 95.00 metres from the park entrance and approximately 60.00 metres to the rear boundary of the property at Willowmeade set within the park on the western side of Tudor Close.

1.3 The recreation ground also contains allotments, tennis courts, a playground, bowling green and car park. There is a Council Parks maintenance depot located within the adjoining yard and buildings.

**1.4 Site specific designation:**

1.5 The park and the Old Stables are designated as Metropolitan Open Land, Metropolitan Green Chain, Public Open Space and the site is located within Cheam Conservation Area. The building is Locally Listed.

1.6 **Relevant Planning History:**

1.7 None.

2.0 **APPLICATION PROPOSALS**

2.1 **Details of Proposal:**

2.2 This application is for the erection of single storey extensions, alteration and renovations together with replacement of two dormer windows and installation of rooflights all in connection with use of premises as a day nursery with enclosed children's play area.

2.3 The proposed extension would be located on the western elevation, increasing the width of the existing building with a larger attached new element created at the northern end. The proposed extensions would utilise glazed roofing to limit the bulk and massing of the proposed extensions. The width of the existing building would be increased by approximately 2.00 metres to the west with a glazed roof over to link to the existing roof. The larger element to the north-west would attach to the existing building at the shorter element of the 'L' shaped building to increase the footprint of the building. This element would be 8.70 metres in width and a maximum of 10.00 metres in depth with a glazed roof. A pitched roof would be added to the existing disabled toilets to replace the existing flat roof and the doors replaced with windows.

2.4 At roof level 15 rooflights would be inserted and two existing dormer extensions replaced. The proposed extensions and internal alterations would facilitate the change of use of the building to provide a day nursery for up to 80 children and 20 members of staff. Externally an outside play area would be created within the enclosed yard.

2.5 **Significant amendments to application since submitted:**

2.6 None.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 Letters were sent to 11 adjoining occupiers, the application was advertised by way of a site notice and a notice was published in the press.

3.4 **Number of Letters Received:**

3.5 Three letters were received from 9, 14 and 15 Tudor Close.

3.6 **Summary of material responses in objection to the proposal:**

- Parking / traffic generation
- Noise and disturbance
- Incompatible use within park location
- Welcome refurbishment of building

3.7 **Official Consultation**3.8 **Parks Department:**

3.9 No comments received.

3.10 **Senior Highways Engineer:**

3.11 No significant concerns on highway/traffic grounds relating to the provision of new nursery.

3.12 **Waste:**

3.13 No objection.

3.14 **Councillor Representation:**

3.15 None.

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- The London Plan March 2015
- The Core Planning Strategy December 2009
- The Site Development Policies DPD March 2012

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF).
- National Planning Practice Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.

4.3 Core Planning Strategy DPD1

- BP4 – Education & Skills
- BP12 – Good Urban Design and Heritage

4.4 Site Development Policies DPD (Proposed submission)

- DM1 – Character and Design
- DM2 – Protecting Amenity
- DM16 – Open Space
- DM22 – Parking

4.5 Supplementary Planning Guidance

- Supplementary Planning Document 14 – Creating Locally Distinctive Places

5.0 **PLANNING CONSIDERATIONS**

5.1 The principal considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Use**
- **Public Open Space**

- **Design**
- **Impact on Neighbours**
- **Traffic and parking**

5.2 **Use:**

5.3 The London Plan (Policy 3.18) states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Policy BP4 of the adopted Core Planning Strategy (DPD1) states that the Council will work with its partners to support the provision / improvement of education and training facilities to meet the educational needs of the community.

5.4 The proposal seeks to extend and alter the building to allow a day nursery use. National, Regional and Local policy supports the principle that community facilities should be located within the catchment of the residential areas that are close to these facilities, there is no objection to the nursery in land use terms

5.5 The existing building is in a poor state of repair and therefore in its current condition fails to make a positive contribution towards the character and appearance of the Cheam Village Conservation Area. The building is also Locally Listed and historic buildings are an irreplaceable part of Sutton's history and contribute to the local character of the Borough. Therefore, while the planning system provides protection to prevent inappropriate changes to listed buildings, loss of historic and architectural fabric can also occur if they are neglected and allowed to decay. Consequently, the Council adopts a flexible approach towards the change of use of listed buildings, providing this is the only course of action in order to secure the buildings survival.

5.6 In this instance given the period in which the building has been vacant it is considered that the alteration and extension of this building represents the most appropriate available course of action to secure its survival and preserve and enhance the character and appearance of this locally listed building.

5.7 The disabled toilets located at the southern end of the existing building would be replaced elsewhere within the park.

5.8 It is therefore considered that the proposed use of the site as a day nursery is acceptable as a matter of principle in land use terms, as the proposal would secure the survival of a locally listed building and is therefore welcomed in respects of Policy DM4 and the proposal is supported by national, regional and local policies to provide additional educational facilities.

5.9 The proposed land use is considered acceptable in principle, subject to all other policy guidance and material considerations below.

5.10 **Public Open Space**

5.11 Policy DM16 of the Site Development Policies DPD states the Council will not grant planning permission for proposals for built development that would result in the loss of open space, unless an assessment has been undertaken which shows that the open space is surplus to all the functions that an open space can perform. The proposed extensions would be located within an existing enclosed yard, fenced off from the park and therefore would not result in the loss of open space.

5.12 Policy DM16 also states the Council will only grant planning permission for small-scale structures on Public Open Space or Urban Green Space where the development is directly related and ancillary to any recreational use of the land and the predominant

- open character of the open space is maintained. The small scale single storey extensions are directly related to the proposed use of the enclosed site as a day nursery and would retain the predominant character of the open space.
- 5.13 As such the proposal is acceptable as it would not result in the loss of public open space and would maintain the predominant character of the open space.
- 5.14 **Design:**
- 5.15 Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD and SPD14 Urban Design, seek to ensure that extensions are sympathetic with the appearance of the original dwelling, and that all development complements and improves the character of the area and streetscene.
- 5.16 The proposed extensions would be located on the western elevation facing the enclosed yards and therefore would not be readily visible from the park. The proposal would provide additional internal floor space for the nursery and would appear as lightweight additions which would respect the form of the existing locally listed building. The use of matching materials with glazed roofing would ensure the extensions respect and preserve the existing building. The alterations at roof level would also preserve the character and appearance of the existing building.
- 5.17 As such, the proposal is considered to be acceptable in design terms as it would respect the appearance of the existing building and would not adversely affect the streetscene or the area in general and would preserve the predominantly open character of the public open space.
- 5.18 **Impact on Neighbours:**
- 5.19 The building would be separated by in excess of 60.00 metres to the rear boundary of the closest property, Willowmeade, located within the park and approximately 85.00 metres to the closest residential boundary on the eastern side on Tudor Close and further to other boundaries with residential properties. As such given these separation distances and the building shielding the outdoor play space from the residential properties, it is not considered that the use of the building as a nursery would adversely impact on nearby residential occupiers.
- 5.20 However, to ensure that the use of the building does not cause impact on the amenity of the nearby residents in the future, it is necessary to set out limitations on the use through suitably worded conditions. Conditions to limit the hours of operation of the nursery to Monday to Friday opening with ancillary uses only on one Saturday and one weekday evening per calendar month to include staff meetings, open evenings and social events which are all connected to the nursery, would be appended if planning permission is granted.
- 5.21 The number of children and minimum staffing numbers are regulated by Ofsted. Ofsted now specifies the space required per child, which differs depending on the age of the child. Therefore the number of children is flexible depending on the number of children attending the nursery within the various age groups. Due to the location of the Old Stables, set a significant distance from the nearest residential property it is not considered appropriate to restrict the number of children. This number would be set by Ofsted. As such, a condition to ensure that the number of children attending the nursery does not exceed those specified with the Ofsted regulations, or any another subsequent regulatory body responsible for Early Years Child Care, would be appended if planning permission is granted.

- 5.22 As such, given the location of the site within a public park located a significant distance from residential dwellings, the extensions would not be harmful to the amenity of nearby residents by way of loss of light, outlook or overshadowing. Whilst the use of the site as a nursery would generate additional activity to the park this would only be certain times of the day and would not be significant enough to cause harm to residential amenity, by way of general noise and disturbance. It is also noted that an uncontrolled number of people can enter and exit the existing park at all times of the day and utilise all areas of the park.
- 5.23 **Traffic and Parking**
- 5.24 Policy DM22 of the Site Development Policies DPD states developments will be expected to provide the appropriate amount of car parking necessary in accordance with the Council's restraint-based maximum car parking standards.
- 5.25 The recreation ground is served by a large car park located along to the north-east of the Old Stables accessed via Tudor Close, which can accommodate approximately 72 vehicles. As such, the nursery use would benefit from sufficient parking to ensure that there is no adverse impact on on-street parking. This provision would significantly exceed the required 1 space per 4 members of staff and to accommodate drop offs and pick ups. The Council's Asset Management department has also confirmed that the nursery would benefit from two allocated car parking spaces within the adjacent allotment car park.
- 5.26 Parents would be able to utilise the park car park to drop their children in the morning and pick up in the evening and as such it is expected that additional traffic generation will take place when compared with the existing disused site. However, the proposed use when compared to the previous lawful use in full operation is likely to be small if not at all. The Principal Highways Engineer has confirmed that the existing car public park is not used to its full capacity and that it can accommodate both the set down/pick up activities by parents. The application also proposes 5 cycle spaces will be provided on site.
- 5.27 Given the nature of the use the drop off and pick up times will be staggered as children are dropped off and picked up at different times.
- 5.28 As such, although it is apparent that the proposal will result in additional traffic when compared with the previous use of the building. However, when compared with a fully operational facility it would likely be a marginal change. The adjacent public car park is available for parent set down and pick up and this level of traffic increase and parking demand is not seen as significant and on the basis the Principal Highways Engineer has no significant concerns on highway / traffic grounds relating to the provision of new nursery to replace the existing depot.
- 6.0 **CONCLUSION AND RECOMMENDATION**
- 6.1 The proposed use of the building as a nursery is acceptable in land use terms, and the extensions and alterations are acceptable in design terms as they would renovate and reuse an existing vacant Locally Listed building which would enhance and preserve the Cheam Village Conservation Area.
- 6.2 The proposal would not result in an unacceptable impact on neighbouring amenity.
- 6.3 The proposal would not have a significant impact on traffic/highway and parking grounds.
- 6.4 On this basis, it is recommended that permission is granted.

Background Papers: A2015/71612/FUL

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **A2015/71612**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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A2015/71612/FUL

# DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

## FIRST SCHEDULE

The Old Stables Cheam Park Tudor Close Cheam SM3 8QS

Erection of single storey extensions, alteration and renovations together with replacement of two dormer windows and installation of rooflights all in connection with use of premises as a day nursery with enclosed children's play area.

## SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

(2) All external facing materials, treatments and finishes shall be similar to those of the original building. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the Local Planning Authority prior to the development being carried out.

Reason: To ensure that the extension harmonises with the existing building.

(3) The nursery use hereby permitted shall operate only between the hours of 06.45 and 19.00 Mondays to Fridays and at no time on Saturdays, Sundays, Bank Holidays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent residential properties.

(4) The premises may be used for ancillary purposes connected with the nursery use outside of the permitted nursery hours only between the hours of

09.00 and 18.00 on Saturdays and between

19.00 and 21.30 on one weekday evening per calendar month.

and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

(5) The premises may accommodate no more children than is permitted by the current Ofsted regulations (or other subsequent Regulatory Government Organisation for Early Years Child Care).

Reason: To protect the amenity of adjoining residential occupiers.

(6) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1.00, 1.01, 1.02, 1.10, 1.11, 1.20, 2.00, 2.01, 2.02, 2.03, 2.10, 2.11, 2.20, 2.21 and Design & Access Statement incorporating Sustainability and Transport submitted by Colin Shea Design Associates March 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### INFORMATIVES.

(1) This application has been assessed against the relevant policies of the London Plan 2011, Sutton's Core Planning Strategy 2009 and the Site Development Policies DPD 2012. The proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

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