

Agenda Item: **6.2**

07/00333/P

19/03/2007

Ashburton

Application for full planning permission

Applicant:

Mr R Green & T Naldini
88 Ashburton Avenue
Croydon
Surrey
CR0 7JF

Location: 86-88 Ashburton Avenue, Croydon, CR0

Description: Use of property to provide childcare facilities for a maximum of 21 children

Drawing No(s): Un-numbered x 2

Recommendation: **Refuse Permission**

Reason(s) for refusal :-

1. The development represents an over intensive use in a residential area, resulting in increased noise and general disturbance which would be detrimental to the amenities of nearby residential occupiers and would thereby conflict with Policies CS1, EP1, H1 and SP14 of the Croydon Replacement Unitary Development Plan

Ward: Addiscombe

Lead Officer: Head of Planning Control

Planning Committee

7 June 2007

Application NO. 07/00333/P 86-88 Ashburton Avenue, Croydon

1. SUMMARY

- 1.1 This report concerns an application for the use of the properties for childcare facilities for a maximum of 21 children.

2. RECOMMENDATIONS

- 2.1 That planning permission be refused for the reasons set out in the agenda.
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3. BACKGROUND

(a) Site Description

- 3.1 The application site is occupied by a pair of semi detached houses located on the north western side of Ashburton Avenue, Croydon. Both properties have vehicular accesses. The major parts of both front gardens are paved with shrubs, separating the two. The ground floor of No. 86 is currently used in conjunction with the nursery use at 88 Ashburton Avenue.
- 3.2 No.88 has had a single storey rear extension with an area of decking and a loft extension in the rear roof slope of the property.
- 3.3 The area is predominately residential and is characterised by semi detached and terraced dwellings. To the rear of the subject properties is a detached building which is used as a Scout Hall which is accessed from Compton Road.

(b) **Relevant Planning History**

3.4 **86 Ashburton Avenue**

06/1157/LP - Use for childcare for a maximum of 5 children. Granted 16/05/06. A letter was received from the applicant during the consideration of the application which confirmed that the premises would be used for childminding between the hours of 08.00 to 18.00, Monday to Friday. Outside of these hours the whole of the premises was to be used as a single family dwelling house. No staff were to be employed.

88 Ashburton Avenue

03/0342/P - Use of part of the property to provide childcare facilities for a maximum of 8 children. Granted 10/04/2003. Conditions limited the hours of use from 08.00 to 18.00, a maximum of 8 children and except for the daytime use of the ground floor and garden for the provision of childcare facilities, the property was to otherwise remain in residential use.

05/1271/P - Use of part of the property to provide childcare facilities for a maximum of 14 children. Refused 26/05/2005. Appeal dismissed 19/12/05

At some point in 2004 a dormer extension to the rear roof slope was added. This does not have the benefit of planning permission and is the subject of a separate investigation.

(c) **Proposal**

- 3.5 A full planning application has been received for the use of 86 and 88 Ashburton Avenue to provide childcare facilities for a maximum of 21 children. The plans show that the ground floor of both properties would be used as a nursery. The dividing wall in the hall, and the kitchen of no.86, would be removed and the remainder of the space divided into 4 rooms with two sets of toilets and a utility area. The kitchen at no.88 and the two sets of staircases would remain. There are two buggy stores indicated in the front garden areas. The first floor plans for no.88 show three bedrooms and a bathroom and at no.86 the plans show three bedrooms with no indication what the fourth room is used for.
- 3.6 Alterations have already been made to the two properties and the use as a nursery on the ground floors of both properties have already started. 16 children and 3 staff were at the property at the time of an officers visit.

3.7 The submitted drawings show the removal of planting that currently separates the individual forecourts of the two properties.

4. PLANNING POLICIES

4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP3, H1, EP1, CS1, SP14, T8 and T11

5. CONSULTATIONS

5.1 The occupiers of 36 nearby properties were notified of the application. 25 letters of support have been received, 23 of which were from parents whose children attend the nursery and are happy with the service and care the nursery provides.

5.2 A petition with 36 signatures was also received with the wording "Neighbourhood Amenity Questionnaire". The questionnaire asked general questions relating to nurseries in the area and did not specifically mention the subject address.

5.3 6 representations were received objecting on the following grounds:- Excessive noise levels particularly when the children are in the garden, increase in traffic including the noise and disturbance when the children are dropped off, inconsiderate parking, business use in a residential area.

5.4 The Early Education and Childcare Department were notified of the application and advised that the floor area could accommodate a total of 21 children.

5.5 Councillor Eddy Arram has objected to the proposal on the following grounds:- Noise and nuisance, traffic and parking issues, site not suitable for such a large number of children, loss of 2 residential properties, business use in a residential area.

5.6 Councillors Avril Slipper and Richard Chatterjee have asked to be kept informed of the progress of the application.

6. CONSIDERATIONS

6.1 The principal issues are:

- 1) The suitability of the properties for use as a day nursery for 21 children
- 2) The effect of the development on the visual character of the area
- 3) The effect of the proposed increase in children upon the amenities of nearby occupiers.
- 4) The parking and highway considerations.

6.2 Policy CS1 of the UDP states that the development of new community facilities will be permitted provided that they would not cause unacceptable noise, disturbance, cumulative impact and other potential harm to the character and amenities of any surrounding residential areas. Within the reasoned justifications for the policies it is stated that a balance needs to be struck between the benefits provided by these services and their impact on the

environment and amenity of nearby residential areas. Parking requirements for staff and drop-off/pick up areas should not create a hazard for pedestrians or vehicles.

- 6.3 It is considered that the noise and disturbance from the large increase in numbers of children would have a significant detrimental effect on the amenities of the adjoining and nearby residential occupiers. The increase in general noise and disturbance in the garden is further considered to be unreasonable as there would be larger numbers than previously approved and there would be a longer periods of time when groups of children would be in the garden. Furthermore the arrival and departure of guardians would also result in unreasonable disturbance.
- 6.4 The removal of the soft landscaping separating the forecourts of the individual properties would not be acceptable. Its loss and the replacement with parked cars would be harmful to the visual amenity of the area.
- 6.5 From the information provided approximately 50% of parents would live outside of walking distance to the premises. Whilst some may use public transport it is probable that a significant number would arrive by car. However, it is not considered this would result in effects on traffic and parking conditions such as to justify a refusal of planning permission. Parking in Ashburton Avenue is very limited due to the majority of the properties having a vehicular access but the arrival and departure of parents only results in short term parking problems.
- 6.6 The absence of a secure pedestrian footway to the buildings across the enlarged forecourt would put young children at risk but this matter could have been dealt with by condition had the scheme been acceptable in all other respects.

7. ENVIRONMENTAL CONSIDERATIONS

- 7.1 Contained within the report

8. EQUALITIES CONSIDERATIONS

- 8.1 Whilst the provision of nursery places assists parents and particularly mothers to return to work this has to be a balanced against the need to protect the general amenities of neighbours. In this instance the development would prejudice their reasonable enjoyment of their houses.

Case Officer Jean Jackson
Background Documents Petition
31 Letters

Councillor Eddy Arram
Councillor Avril Slipper
Councillor Richard Chatterjee

Contact Officer Mr P Mills 0208 760 5419