



Appeal Decision

Site visit made on 3 April 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/E5330/W/18/3218198

37 Warepoint Drive, London SE28 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Violet Temisan against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 18/1104/F, dated 28 March 2018, was refused by notice dated 12 October 2018.
 - The development proposed is retrospective change of use from residential (class C3) to a daycare nursery (Class D1).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that there is a difference between the description in the application form and that used by the Council in its decision notice. I have considered the appeal on the basis of the description shown in the Council's decision notice, as used on the appeal form, as this more precisely describes the appeal proposal.
3. At the time of my inspection there were very young children in the property and staff providing care. I have determined this appeal on that basis.

Main Issues

4. The main issues are:
 - 1) the principle of development/loss of housing;
 - 2) the impact on the living conditions of neighbouring residential properties, in particular noise/disturbance;
 - 3) the impact on parking provision in the locality; and
 - 4) whether there would be a satisfactory level of accommodation for the number of children proposed.

Reasons

5. The appeal property is one of a pair of two storey semi-detached dwellinghouses (37-39 Warepoint Drive) with a rear garden and driveway to the front.

6. There is a bus stop in front of Nos 37-39 with yellow bay markings and consequent stopping restrictions. Directly behind the rear garden are flats on Princess Alice Way.
7. Planning permission is sought to change the use of the dwellinghouse to a nursery, with 4 staff providing day care for up to 13 children of "junior ages", between the hours of 0700-1900 Monday-Friday.

Principle of development/loss of housing

8. The proposed change of use would result in the entire loss of a dwellinghouse, that could house a family, from the supply of housing. Although National Planning Policy Framework (the Framework) 2019 (paragraph 92) and Policy 3.18 of the London Plan 2016 support the provision of childcare facilities, this is not absolute and regard must be had to other provisions of the development plan. London Plan Policy 3.14 resists the loss of housing unless replaced or an exemption applies. The proposed development would not maintain any form of residential accommodation and would not be considered as an exemption. Therefore, Policy 3.14 is not complied with.
9. Similarly, Policy CH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (Local Plan) supports the provision of community facilities but only in, or on the edge of, town and local centres. The appeal site is not in an edge of centre location and is more than 300m from the boundary of any centre, and thus, would not comply with this policy. I agree that the loss of a single dwellinghouse would cause harm, however unsubstantial, to the supply of housing. However, there is a recognised shortage of housing in London, generally, and it has not been demonstrated that any public benefit that the proposed development may have, would outweigh that harm.

Living conditions

10. The proposed nursery, with up to 13 children attending, 12 hours a day, would, to my mind, generate significantly more noise than habitation of a 2 bedroom home. I consider that the noise generated would be more audible, and disturbing to neighbours, when children would be at play in the rear garden. The appeal property is bounded by flats and dwellinghouses. Housing is a noise sensitive land use and the appellant has not provided any information on the nature of any noise (or possible impacts) from the proposed nursery operation, nor any proposals to mitigate any impacts.
11. Therefore, I consider that the proposed development does not comply with London Plan Policy 7.15 and Local Plan Policy H(a), that among other things, require development to manage noise so as to avoid adverse impacts on adjacent occupiers.

Car parking

12. The proposed nursery would operate for 12 hours, Monday-Friday. I consider it unlikely that a staff member or child would be there for the entire 12 hours, resulting in change overs and thus movements of people throughout the day, dropping off/collecting. The appellant suggests that 60% of children will arrive on foot but does not quantify the number of children likely to arrive/depart by vehicle. I accept that a travel plan and co-ordinator can encourage members of staff to travel by means other than private vehicle.

13. However, I consider that some children will be brought to the appeal site by car. There is no off street dropping off/picking up facility, only nose-to-tail parking. Stopping on the street, in the bus stop, in front of the appeal site is prohibited. I observed during my site visit that a stopped bus brings traffic behind it to a halt, and queuing, as there is limited opportunity for overtaking. The appellant has suggested, on the application drawings, that part of Princess Alice Way could be used for dropping off. I consider that doing so would likely obstruct other off-street parking spaces.
14. Therefore, I consider that the proposal would not accord with London Plan Policy 6.13; and Policies CH1 and IM(c) of the Local Plan that, among other things, require development to provide for necessary car parking, safe pick-up/drop-off and safe streets.

Level of accommodation

15. Unless exempt, other legislation requires nurseries providing care to children under the age of 8, to register with Ofsted. Ofsted is responsible for assessing whether premises are safe and suitable for childcare, this includes overall floor space and outdoor spaces. Therefore, I do not need to consider this issue, as part of this appeal.

Conclusion

16. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR