

Delegated Report		Analysis sheet	Expiry Date:	11/05/2018
		N/A / attached	Consultation Expiry Date:	12/04/2018
Officer			Application Number(s)	
Lisa McCann			2018/0050/P	
Application Address			Drawing Numbers	
14 Prince of Wales Road London NW5 3AW			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Proposed change of use from residential dwelling flat (class C3) to day nursery (class D1).				
Recommendation(s):	Refused			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	32	No. of objections	4
Summary of consultation responses:	<p>No. electronic 00</p> <p>Site notice displayed 22/03/2018, expired 12/04/2018. Press notice advertised 22/03/2018, expired 12/04/2018.</p> <p>A total of 32 representations have been received both objecting and supporting the proposal on the following grounds:</p> <p>28 letters of support</p> <ul style="list-style-type: none"> - Demand for service in the local area - Creation of employment - No environmental impact - No impact on traffic <p><i>Officer response:</i></p> <ul style="list-style-type: none"> - <i>The above points have been considered. However it is not considered that the reasons for support outweigh the Councils concerns regarding the proposal which is discussed in the assessment section of the report.</i> <p>4 letters of objection</p> <ul style="list-style-type: none"> - Impact of the proposed use on the communal boiler - Issues with waste disposal - Lack of notification of the application - Impact on traffic congestion - Property unsuitable for use as a commercial nursery and should be retained as a dwelling - Impact on neighbouring privacy - Noise and disturbance - Safety and access issues of proposed location of nursery <p><i>Officer response:</i></p> <ul style="list-style-type: none"> - <i>Issues regarding the impact of the use on the boiler fall outside the remit of planning control.</i> - <i>Occupiers of commercial premises are legally obliged to make an arrangement with either the Council or a licensed waste carrier for the collection of the waste produced from the premises.</i> - <i>The statutory consultations were carried out for the application with site notices and a press notice as outlined above.</i> - <i>All other points raised have been addressed in the assessment section of the report.</i> 					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

The application site is located on the northern side of Prince of Wales Road, on the western side of the junction with Willes Road. The application property is a Grade II listed building and located within the Inkerman Conservation area, whilst the application itself relates to the existing lower ground and ground floor 2 bedroom flat (Use Class C3).

Relevant History

2007/4426/P - Refurbishment and restoration of the centre to provide 2 swimming pools, learner pool, gym & studio spaces including internal and external alterations to the building; works of conversion, partial demolition and extensions to provide 10 self-contained flats (3 x 1 bed, 7 x 2 bed) and 4 x 4 bed town houses – Granted 13/05/2008

Relevant policies

National Planning Policy Framework 2012

London Plan 2016

Policy 7.2 An inclusive environment

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy C2 Community facilities

Policy C6 Access for all

Policy H1 Maximising housing supply

Policy H3 Protecting existing homes

Supplementary Planning Policies

CPG Amenity (2018)

Assessment

1.0 Proposal

1.1 The application proposes the change of use of a ground floor and lower ground floor residential flat (Class C3) to a day nursery (Class D1). The Planning, Design and Heritage Statement submitted with the application states that the proposed nursery would be operated by Little Garden Day Nurseries and would accommodate up to 14 children under the age of 2 and 6 members of staff. The proposed opening hours would be 7.00am to 6.30pm Monday to Friday and it does not include any external or internal alterations to the property.

1.2 The main areas for consideration are:

- Principle of change of use
- Impact on access
- Impact on amenity
- Impact on transport

2.0 Principle of Change of use

2.1 Policy C2 of the Camden Local Plan 2017 states: "Childcare provision is an important means of tackling the Borough's inequalities as a lack of childcare can prevent our residents from taking up employment opportunities or restrict parents to part-time work close to home. The Council will, therefore, encourage non-residential developments to include provision for child care facilities."

2.2 Whilst the importance and need for childcare services is acknowledged, Policy C2 clearly states that this provision is encouraged in non-residential developments. The proposed day nursery would be located within a residential development which is contrary to Policy C2. The proposed use within a residential development raises amenity concerns for neighbouring occupiers which is addressed in the amenity section of the report.

2.3 Local Plan policy H1 identifies self-contained housing as the priority land use of the Local Plan and states that the Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households. Policy H3 states that the Council will aim to ensure that existing housing continues to meet the needs of existing and future households by resisting development that would involve a net loss of residential floorspace. It states that exceptionally, the Council may support development that involves a limited loss of residential floorspace where this provides for the expansion of existing health premises to meet local needs.

2.4 The proposed change of use would involve the loss of a residential unit at ground floor and lower ground floor level with a floor space of approx. 135 square metres. Since the proposal is not for a small-scale health care facility, it is not considered that the proposal demonstrates an exceptional circumstance which could justify the loss of residential floorspace and the proposal is clearly contrary to policy H3 of the Local Plan 2017.

2.5 The Planning, Design and Heritage statement states that the proposal will be beneficial in providing care for 14 children, childcare is key to children's development, and that the site is highly accessible. Whilst these are valid comments, they do not in themselves justify a proposal which is clearly contrary to Policy H3 and does not warrant permission in this instance.

2.6 The statement also notes that the applicant is operating nearby at Ryland Road and over 60 families are on the waiting list for this service. This is not a material consideration as the demand for local nursery place does not outweigh the clear policy protection for residential floorspace, however the applicant has not provided any analysis of whether there are any alternative premises available that may be more suitable, and ideally larger given the stated demand for the service. It is considered that the onus is on the applicant to demonstrate some form of site search showing other available sites and why they have been discounted. The statement acknowledges that there are a number of

other nurseries in the area, but there is no clear indication that they have comparable waiting lists.

2.7 The applicant has made an unsubstantiated claim that the proposed nursery would operate as an expansion to the Sure Start Programme. However further details of this would be needed if it is to be weighed as a consideration.

2.8 Overall the applicant has failed to demonstrate that there are other material considerations sufficient to outweigh the loss of residential floorspace. It is considered that the principle of the proposed development for this site is unacceptable as housing is the priority land use of the Local Plan and the proposal would result in the loss of residential floorspace, contrary to policies H1 and H3 of the Camden Local Plan 2017.

3.0 Impact on Access

3.1 Policy 7.2 of the London Plan 2016 requires the highest standards of accessible and inclusive design and supports the principles of inclusive design which seek to ensure that developments can be used safely, easily and with dignity by all.

3.2 Policy C6 of the Camden Local Plan 2017 states that the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.

3.3 There are concerns regarding access for the proposed nursery as no analysis of the merits of the property layout for nursery provision has been provided. The applicant has only stated that the proposal will be compliant with the relevant requirements of Part M1 & M2 of the Building Control Act which is a basic level of accessibility. No further information has been provided regarding access and the applicant has failed to clarify how they will accommodate children with disabilities. Furthermore, the proposal fails to address the fact that London Plan inclusive environment Policy 7.2 and Camden's Access for all planning policy C6 require inclusive design. For example there is no clarification regarding where buggies would be stored or where refuge points are located. A site visit confirmed that there is currently no step-free access to the entrance level of the property. The applicant has stated that no external or internal alterations to the property are proposed which indicates that no handrails are proposed on the entrance steps and fails to demonstrate appropriate access to the property for all.

3.4 Overall the applicant has failed to demonstrate that the proposal would provide a sufficient level of access to the property or include an inclusive design approach, contrary to policy C6 of the Camden Local Plan 2017 and Policy 7.2 of the London Plan 2016.

4.0 Impact on Amenity

4.1 Policy A1 of the Camden Local Plan 2017 states that the Council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful impact on amenity.

4.2 Under Camden planning guidance CPG Amenity (2018), all developments are required to have regard for the amenity of existing and future neighbouring occupants.

4.3 There are concerns that the use of the property as a day nursery within an existing residential development would result in unacceptable levels of noise and disturbance to the amenities of the adjoining residential properties, the most affected being the residential flats located in numbers 14, 16 and 18 Prince of Wales Road.

4.4 The property has a number of doors and windows through which noise could escape and noise from up to 14 children would be significantly louder than could be reasonably expected from a single family dwelling. A condition that the windows and doors be kept shut during noisy activities would be neither reasonable nor enforceable and this demonstrates that the site is unsuitable for nursery use.

4.5 Overall, it is considered that the proposal would result in unacceptable levels of noise and disturbance to adjoining residential occupiers, contrary to policy A1 of the Camden Local Plan 2017 and Camden planning guidance CPG Amenity (2018)

5.0 Impact on Transport

5.1 The site has a PTAL score of 6a, which indicates that it has an excellent level of accessibility by public transport. The nearest station is Kentish Town West, located a short distance to the west of the site on Prince of Wales Road, whilst the nearest bus stops are located on Prince of Wales Road and to the east of the site on Kentish Town Road.

5.2 The site is located within Controlled Parking Zone CA-L, which operates between 8.30am and 6.30pm Monday to Friday. The nearest Permit parking bays are located on the opposite side of Willes Road, whilst Pay For parking bays are located on the side of Willes Road closest to the site.

5.3 In accordance with Policy T1 of the adopted Local Plan, the Councils transport department would expect cycle parking at developments to be provided in accordance with the standards set out within the London Plan. However, given the constrained nature of the property and its Grade II listed status it would not be possible to accommodate any cycle parking within the property. The nearest on-street cycle parking facilities are located outside the property on either side of the corners of Willes Road, with 2 M-shaped stands on each side providing a total of 8 spaces. This is considered sufficient to cater for the proposed use.

5.4 The proposed nursery is intended to serve the local population and as such the transport impact is expected to be minimal with most parents travelling to and from the site on foot. The Councils transport department have therefore raised no objections to the proposed development on transport grounds.

6.0 Recommendation:

Refuse Planning Permission