

RECEIVED: 27 March, 2006

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Doctors Surgery, 301A Kingsbury Road, London, NW9 9PE

PROPOSAL: Change of use from offices (Use Class B1) to day nursery (Use Class D1)

APPLICANT: Mrs N Halai

CONTACT:

PLAN NO'S: 301AKINGS-04, 301AKINGS-05, Un-numbered drawings titled: "Proposed ground floor plan", "Proposed first floor plan"

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

To pay to the Council upon the commencement of the Nursery Use:

- The sum of £5,000 to be utilised by the Council towards improvements to non-car access, parking controls or improvements to highway safety in the vicinity of the land.

EXISTING

The subject site contains a two-storey detached building in office (Use Class B1) use that is situated on the corner of Kingsbury Road and Slough Lane. The subject site is not within a conservation area, nor does it contain a listed building.

PROPOSAL

Change of use from offices (Use Class B1) to day nursery (Use Class D1).

HISTORY

Planning permission for a change of use from a doctors' surgery to offices and the erection of a 2-storey side extension was granted in 2001 (our ref: 01/0821).

POLICY CONSIDERATIONS

The following are the policy considerations relevant to this application.

Strategic

STR 37 Accessible community facilities to meet the needs of the Borough, including its workers and multi-cultural population will be permitted.

Community Facilities

CF 2 Proposals for community facilities servicing local catchments may be located within residential areas outside centres subject to the protection of neighbourhood amenity.

CF 11 Nurseries and other day care provision for young children, and the extension of such premises, will be permitted providing:

- The amenity of neighbouring residential properties is not adversely affected.
- The property is large enough
- Safe transport access
- Not an over intensive use of the premises
- Loss of residential accommodation is kept to a minimum.

Transport

TRN 3 Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused.

TRN 22 The level of private non-residential parking permitted will be restricted to no greater than the standards in appendix TRN 2

Parking Standards

PS12 Non - Residential Institutions (Use Class D1)

Employment

EMP9 The use of local employment sites will be resisted unless there are unacceptable environmental problems associated for the use or there is no effective demand for the premises and no reasonable prospect of re-use or redevelopment for B1, B2 or B8 purposes.

SPGs

Supplementary Planning Guidance 14 - Childcare Facilities

CONSULTATION

Consultation period (**12 April to 15 May 2006**)

9 neighbours were consulted.

Letters of objection were received from the residents of Nos. 150, 150A and 152 Slough Lane and from the managing agents for 1 & 2 Cornerways, Old Kenton Lane, noting some or all of the following issues:

- Free and safe flow of traffic and pedestrians:
 - Site is located at busy intersection with heavy traffic;
 - Many accidents occur at this intersection;
 - Slough lane is very narrow;
 - Inadequate short term parking in vicinity;
 - Traffic safety issues due to larger number of cars reversing out of site;
 - Congestion is exacerbated by proximity to existing schools;
- Child safety due to proximity to busy intersection;
- Land around this building may be owned by London Transport;
- Noise and disturbance relating to use.

Transportation: No objection providing following criteria are met: (Transportation comments discussed within the main text of this report)

- Revision of parking area to provide 1 staff parking space and 3 parent parking spaces and an in/out arrangement to allow ingress and egress in a forward direction. This shall include one disabled parking space;
- Total number of children limited to 34;
- Any approval conditional to the submission and approval of a Travel Plan;
- Nursery must operate flexible starting and finishing times;

S106 contributions (£5,000) required for improvements to non-car modes of access in the vicinity;

Vectra (disabled access consultants):

- Entrance door threshold should be level;
- Accessible WC should be retained on ground floor;
- Kitchenette/staff room should be on ground floor to allow disabled members of staff to access the facilities;
- If disabled child requires it, facilities at first floor level should be duplicated at ground floor level, or a lift provided to the first floor level.

REMARKS

The building is currently used as office space and its use falls within the B1 use class. The applicants have applied for permission for a change of use to D1 (Day Nursery).

Loss of Employment Use

Policy EMP9 seeks to protect such local employment sites unless there are unacceptable environmental problems associated with the site or there is no effective demand for the premises and no reasonable prospect for reuse for B1, B2 or B8 purposes in the medium term future. The subject site is currently occupied and used for B1 (office) purposes and there is no evidence that this use is causing a significant amount of disturbance within the locality. However, it previously contained a D1 use and planning permission for the change of use to B1 was only granted in 2001. The proposed nursery use would provide significant benefit for the local community and your officers accordingly consider it unreasonable to require the retention of the B1 use.

Number of Children and Staff and Operating Hours

The following figures have been based on the Ofsted guidelines being applied to the proposed floor area of 83.7 m2 (excluding sleep/special rooms, office, lobby, kitchen and toilets).

Age of Child	Floorspace per Child (m2)	Max. No. Children	Staffing Ratio	No. Staff Required
< 2 years	3.5	24	1:3	8
2 years	2.5	33	1:4	8.25
> 2 years	2.3	36	1:8	4.5

The applicants have indicated that a maximum of 47 children (subject to Ofsted approval) and 9 members of staff would be present within the site at any one time. This would exceed the Ofsted standards for the maximum number of children.

Your officers recommend that the total number of children be restricted through condition to a maximum of 34 in order to ensure that the use is not likely to result in conditions prejudicial to the free and safe flow of traffic and pedestrians on the adjoining highways (please see parking section below). While the maximum number of children would be lower than 34 if the children are aged 2 years or younger, it is not considered necessary to further restrict this through condition as this will be controlled by Ofsted and this will not affect the parking and traffic congestion associated with the use.

The nursery would operate between 8am and 6pm, Monday to Friday. It would also be used for additional educational purposes (e.g. Maths, English or drama classes for older children) between 10am and 5pm on Saturday and Sunday. Such weekend use will benefit the local community while not coinciding with the weekday peak hours of the nearby schools which is one of the factors affecting the main nursery use.

Disturbance

The subject site is bounded by a Doctor's Surgery (No. 301 Kingsbury Road), Kingsbury Road and Slough Lane. It does not adjoin any residential dwellings. The nearest dwellings are on the opposite side of Slough Lane and at the start of Old Kenton Lane, limiting the level of disturbance for nearby residential occupiers.

Parking and Highway Safety

The PTAL rating for this site is 2. The applicants have proposed alterations to the parking area to allow additional space for the "Children's Play Area". This would only allow parking for 4 vehicles, and those vehicles could not enter and exit in a forward direction unless this was reduced to 3 spaces. Your Transportation Planners have indicated that it would be possible to provide an "in/out" parking layout within the site which provides parking for four vehicles. A scale drawing that details a suggested configuration has been provided by the Transportation Planners.

Staff Parking

The Council's parking standards allow a maximum of 1 parking space per 5 staff. The applicant has specified that a maximum of 9 staff will be employed. The resulting maximum staff parking provision is accordingly 1.8 spaces. Your Transportation Planning Officers have recommended that no more than 1 of the spaces should be provided for staff members. Your officers recommend that a condition be attached to this effect.

Short Term Parking

Kingsbury Road is a Strategic Road and high levels of traffic are experienced on the adjacent intersection of Kingsbury Road, Slough Lane and Roe Green. The entrance to the adjacent Doctors' Surgery is situated on Slough Lane, to the rear of the site. The Doctors' Surgery has a car park which is accessed from Slough Lane but appears to be restricted to staff vehicles only.

On-street car parking in the locality is limited by the presence of yellow lines and the narrow nature of Slough Lane and the proximity to the site to the intersections of Kingsbury and Slough Lanes and the intersection of Slough Lane and Old Kenton Road. The site is also in reasonably close proximity to Kingsbury Green Primary School and the St. Robert Southwell Primary School. This results in additional parking and traffic congestion in the vicinity during school opening and closing hours. There are two on-street disabled parking bays adjacent to the vehicle entrance to the Doctors' Surgery.

When assessing the potential traffic impact, the Council's Transportation Planners examined eight nurseries across outer London. These examples showed that, for a nursery of at least 47 children (as proposed by the applicant), one could expect approximately 15 children to arrive and leave by car during the peak hours (morning and evening). Car parking accumulation would generally be 4 cars at a time. However, a higher peak of 6 cars could be expected in the afternoon. This could result in overspill on-street parking in the vicinity and the potential for illegal parking on the nearby pavements at a time when on-street parking demand in the locality is high due to the proximity to the nearby schools. It is accordingly recommended that the maximum number of children be reduced to a maximum of 34 which would generally keep parking demand down to 4 cars at any one time.

The nursery should also operate flexible starting and finishing times to spread the arrivals and departures across longer periods of time (e.g. 8-10 am, 4-6 pm).

Management Plan and Section 106 contributions

The applicants should be required through Section 106 agreement to submit a Management Plan. The Management Plan shall include:

- The means by which the use of non-car modes of transport is promoted and car access is discouraged for both clients and staff;
- The means to ensure that the pick-up and drop-off times for children are staggered;
- The means to ensure people park in allocated space and do not park on pavement or block adjacent highway which may include signage and marshalling of traffic by a parking attendant;
- Monitoring of the compliance with and effectiveness of the proposed measures.

Section 106 developer contributions of £5,000 are required toward the improvement of non-car modes of access to the site.

Your Transport Planners have indicated that the above measures have previously been sufficient to ensure that a number of other day nurseries do not result in significant traffic congestion and parking issues, prejudicial to the free and safe flow of traffic in the vicinity.

Size of Original Building and External Play Area

The original building would not exceed 110 m². However, the applicants do not propose the loss of an existing residential dwelling as the building is already in B1 use.

The applicants have proposed an outdoor play area which is situated on the corner of Kingsbury Road and Slough Lane. However, the siting of a play area forward of the building line would not be ideal and the required alterations to the parking layout would reduce the usable space to the side of the building. Section 4.11 of the Ofsted guidelines regarding outdoor play space indicates that *“Exceptionally, where outdoor play space cannot be provided, children are safely escorted to local parks, playgrounds or the equivalent on a regular basis.”* The site is opposite Roe Green Park, a large area of public open space. The proposal would accordingly meet the Ofsted guidelines for amenity space providing that the children are safely escorted to this park. In addition, the revised site layout that is to be required through condition should include a small external play area to the side of the building together.

Provision of Facilities (Toilets, Kitchen, Staff Room/Office, Changing facilities)

The Ofsted guidelines require the provision of at least one toilet and hand basin for every 10 children above the age of 2. The proposal exceeds this requirement but does not include an accessible WC. A condition should be attached requiring the retention of the accessible WC at ground floor level.

The applicants have proposed an office on the ground floor and a small kitchen/staff room on the first. Vectra has recommended that the kitchen/staff room be located on ground floor level to ensure that disabled members of staff can access these facilities. The kitchen of the existing office is sited in this location. The aforementioned management plan should include measures to ensure that any disabled staff can have access to such facilities (for example, disabled staff able to use office as a staff room, etc).

Vectra has also commented that facilities at first floor level should be duplicated at ground floor level (or a lift provided) should a disabled child require it. Both the ground and first floor contain an open play area and a special class room and it would accordingly be possible to achieve this with the existing layout. The means by which this is to be achieved should be included within the management plan.

Issues raised by objectors but not addressed previously in this report

Ownership

The applicants have signed Certificate A which specifies that they are the owners of the property.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent's Unitary Development Plan 2004
Council's Supplementary Planning Guidance 14

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning

Act 1990.

- (2) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) This permission shall be for a limited period of two years (beginning with the first day of the commencement of the use) at the expiry of which the permission shall cease and the use shall be discontinued, unless a further application has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.

- (4) Notwithstanding the plans hereby approved, details of the proposed parking and landscaping scheme for the site, including the layout, design and materials to be used for the hard and soft landscaping which shall include details of the planting scheme including plant species, density and size, any means of enclosure, a refuse storage area, an external play area for children and a parking layout which includes one staff and three parents' parking spaces within an arrangement that allows vehicles to enter and exit the site in a forward direction, including any samples where necessary, shall be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following commencement of the Nursery Use and shall be maintained thereafter.

Reason: To ensure a satisfactory standard of appearance and a development that enhances the visual amenity of the locality and is not prejudice to free flow of traffic and in the safety of the users of the adjoining and nearby highways and footpaths.

- (5) Notwithstanding the plans hereby approved, further details showing adequate means to ensure that disabled people (including wheelchair users and people with sensory disabilities) can gain access to and escape from the premises, the provision of a disabled WC at ground floor level and the means to ensure that facilities that are provided on the first floor are available to any disabled staff and children shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approval prior to the commencement of the nursery use.

Reason: To ensure satisfactory provision for disabled people.

- (6) The building shall be used only for the purpose of nursery care for a maximum of 34 children aged 0 to 5 years to be cared for by a maximum of 9 staff and for no other purpose within the D1 Use Class as specified in the Schedule of the Town and Country Planning (Use Classes) Order 1897, as amended, nor for any other purposes without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commence without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (7) Nursery activities shall only be permitted between 0730 and 1800 hours Mondays to Sunday, with the premises opened for staff an hour before the opening time for preparation and cleared within 30 minutes of the closing time, and at no other times without the consent in writing of the Local Planning Authority.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (8) The use shall not commence until a Travel Plan (whose measures include means by which

the use of non-car modes of transport is promoted and car access is discouraged for both clients and staff, means to ensure that the pick-up and drop-off times for children are staggered, means to ensure people park in allocated space and do not park on pavement or block adjacent highway which may include signage and marshalling of traffic by a parking attendant during peak hours and monitoring of the compliance with and effectiveness of the proposed measures) has been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved.

Reason: To ensure the satisfactory management of parking of traffic congestion associated with the use and to ensure the proposal does not prejudice the enjoyment of the neighbouring occupiers in the area.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Doctors Surgery, 301A Kingsbury Road, London, NW9 9PE

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