

**Committee Report
Planning Committee on 16 March, 2010**Case No. 10/0124

RECEIVED: 20 January, 2010**WARD:** Brondesbury Park**PLANNING AREA:** Kilburn & Kensal Consultative Forum**LOCATION:** Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL**PROPOSAL:** Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse**APPLICANT:** Crickets Montessori Nursery School**CONTACT:** Gerald Eve**PLAN NO'S:**

Elevations (Proposed Nursery)

Plan (Proposed Nursery)

Proposed Layout

Existing Elevations (Pavilion)

Proposed New Pitch Roof (Pavilion)

Existing & Proposed Plans (Pavilion)

RECOMMENDATION

Refusal

EXISTING

The subject site located on the north-eastern corner of the junction between Chatsworth Road and Mapesbury Road, is occupied by the Brondesbury Bowling Club. The Brondesbury Bowling Club is bound by the railway line towards the north and the residential property, 49 Chatsworth Road, towards the east. The existing site generally consists of the bowling green, a single-storey pavillion building towards the north and a strip of open land towards the east. The subject site is designated in the Adopted Brent Unitary Development Plan as forming part of the Wildlife Corridor which runs along the nearby railway embankment and rear gardens. The area surrounding the site is predominantly residential.

PROPOSAL

Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse

HISTORY

There is no history of any recent planning applications on the site.

Officers have engaged in pre-application discussions with the applicant prior to the submission of the current planning application. During these discussions a wide range of issues were discussed and concerns were raised by Officers regarding the principle of development on the site, given its designation as Urban Greenspace and as part of a Wildlife Corridor within the Unitary

Development Plan. Concerns were also raised regarding the impact of the proposed development on the amenity of neighbouring occupiers.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application. These policies have been saved by way of a direction made under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004.

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
EP2	Noise & Vibration
TRN3	Environmental Impact of Traffic
TRN4	Measures to make Transport Impact Acceptable
TRN22	Parking Standards - Non-Residential Developments
TRN24	On-Street Parking
TRN34	Servicing in New Developments
PS12	Parking Standards - Non-Residential Institutions (Use Class D1)
OS11	Urban Greenspace
OS14	Wildlife Corridor
CF11	Day Nurseries

Supplementary Planning Guidance

Supplementary Planning Document 17:- Design Guide For New Development

Local Development Framework - Core Strategy

As the Council has now submitted its Core Strategy to the Secretary of State for independent examination, and the examination in public (EIP) has now concluded, it is considered that the policies contained in this document carry a level of material weight. Policy CP18 Protection of and Enhancement of Open Space, Sports and Biodiversity is considered relevant to the current application.

SUSTAINABILITY ASSESSMENT

The development does not reach the threshold that would require the submission of a sustainability assessment.

CONSULTATION

EXTERNAL

Consultation letters, dated 25th January 2010, were sent to 200 neighbouring owner/occupiers and a notice, advertising the application, was displayed outside of the site. In response 100 letters of support, 2 letters with comments and 5 letters of objection have been received in response.

The majority of the letters of support are in the form of a standard letter signed and addressed by representees. The standard letter sets out the constraints of the current nursery site, the benefits of the care that is provided and highlights the limited nursery provision in the local area. Supporters consider that the proposed site would be accessible by public transport and that the application would benefit the existing Bowling Club.

The concerns raised by objectors include:-

- The proposed development would cause parking and traffic flow problems within the locality of the site.
- The proposed development would result in the loss of urban greenspace.
- The proposed pitched roof to the existing club house would detract from the open nature of the site
- The proposed development would cause noise disturbance to surrounding properties.

The subject site lies within Brondesbury Park Ward but is close to the boundary with Mapesbury Ward. As such, Councillors from both Wards have been consulted in a letter dated 25th January 2010. Kilburn Ward Councillors Mary Arnold and Anthony Dunn have also been sent consultation letters at their earlier request.

In response, letters of support for the application have been received from Councillor Carol Shaw (Brondesbury Park) and Councillor Mary Arnold (Spokesperson for Education, Children & Families). Councillor Bob Wharton has contacted Officers to ensure that the head of Brent's Early Years Service has been consulted (see below).

INTERNAL

PLANNING POLICY & RESEARCH

Raise objection to the proposal which they consider would be harmful to the Council's objective of protecting open space. They state that the incremental loss of greenspace in this location , which is deficient in public open space provision (local & district), should be resisted.

LANDSCAPE DESIGN TEAM

Raise objection to the proposal due to the location of the site within a Wildlife Corridor. The objection is amplified by the absence of suitable landscaping proposals for the site, consideration of the impact on trees, and the absence of details for refuse/recycling and cycle storage.

TREE PROTECTION OFFICER

Has provided comments on the likely impact of the proposal on trees on, and just outside of the site. These will be discussed in the main body of the report.

TRANSPORTATION

No objection to the proposal subject to the suitable revision of the submitted School Travel Plan and its securement in the form of a s106 agreement. Cycle and refuse storage should also be secured by condition for the proposal to be acceptable.

EARLY YEARS SERVICE (CHILDREN AND FAMILIES)

Have expressed support for the application on the basis of the proposed developments contribution to child care provision within the local area.

STANDARD CONSULTEE

NETWORK RAIL

No objection to the application

It is evident from the letters of support submitted by the parents who currently have children at the existing nursery, and those whose children have previously attended that the nursery is popular and well thought of officers do not challenge this. However the key issue here does not concern the quality of childcare, but rather must focus on whether or not the right site for such a use in planning terms. As a result whilst the strength of support here is noted, it should not alter the principle policy considerations dismissed below. These considerations would need to be discussed even if a particular applicant was notable to call on the level of support organised by this childcare provider.

REMARKS BACKGROUND

The proposal seeks permission for the erection of a single-storey nursery building on land forming part of the Brondesbury Bowling Club. The nursery building is required to accommodate the relocation of Cricket's Montessori Nursery School. The nursery school is currently located in the pavilion at the South Hampstead Cricket Club on Milverton Road, NW6 and is attended by approximately 30 children. The proposed relocation would allow the nursery attendance to expand to approximately 45 children. Officers have engaged in extensive pre-application discussions with the applicant regarding the proposed relocation of the nursery and the possibility of securing an acceptable site within the Borough.

PRINCIPLE OF DEVELOPMENT

The proposals would involve the subdivision of the strip of open land that runs along the eastern side of the bowling club site adjacent to the boundary with 49 Chatsworth Road. The subdivided area would provide a site, approximately 12m wide and 58m long, to be used to provide the proposed nursery. Whilst the application site is considered to be the curtilage of the Bowling Club as a whole, owing to the proposals to replace the roof of the existing pavilion, it is considered that the proposed development would result in the subdivision of the site into two distinct planning units, the bowling club and the proposed nursery. These uses would be entirely self-contained and would not in any way be ancillary to one another. As such, when considering the principle of development, in terms of the nursery site, it is considered that the current association of the land to the Bowling Club should be attached very limited weight. The development of the land within the curtilage of the site to be used to provide the nursery should therefore be considered on its own merits.

URBAN GREENSPACE

The site of the proposed nursery is a strip of open land, consisting mainly of a general grassed area with a limited number of trees and other landscaping features. The rearmost part of the site, which has been fenced off, is generally overgrown and there appears to be a small dilapidated shed building. The applicant argues that the subject site constitutes previously developed land, as defined in Annex B of PPS3, by virtue of the shed building that would have been ancillary to the use of the bowling club. However, this view is not shared by Officers who consider that given the open and undeveloped nature of the land, under the exemptions set out in Annex B, that the site would constitute urban greenspace.

Policy OS11 of Brent's UDP sets out that proposals to develop urban greenspace should not normally be accepted unless the greenspace can be replaced on a site nearby or in an area of openspace deficiency and the site has no recreational, amenity or nature conservation value. It is important to note that the policy requires both criteria to be met. The subject site is located within an area of local and district open space deficiency and, whilst it is acknowledged that the presence of Japanese Knotweed has diminished the sites nature conservation value, it is considered that the site does, despite being in private ownership, have a value in terms of recreation and amenity. It is considered that the proposal would fail to meet both criteria set out in policy OS11.

WILDLIFE CORRIDOR

The subject site lies within the Wildlife Corridor, as designated in the UDP. Policy OS14 sets out that Wildlife Corridors will normally be protected from developments that would sever or otherwise unacceptably harm the importance for wildlife conservation or visual amenity.

The Wildlife Corridor runs along the nearby railway embankment and rearmost part of the adjoining gardens at a relatively constant width before expanding to encompass the entire bowling club site. The proposed nursery building would be set away from the boundary with the railway embankment by approximately 20m and would not obstruct the general assignment of the wider Wildlife Corridor along Chatsworth Road. As such, on balance, it is not considered that the proposed nursery would sever, or significantly infringe, on the Wildlife Corridor. As mentioned above, the site has an on-going problem with Japanese Knotweed which may well have diminished the nature conservation value of the rearmost part of the site. It is also noted that, unlike much of the Wildlife Corridor, the section of railway embankment adjacent to the site has not been designated as having Borough (Grade I) Nature Conservation Importance. The proposed occupation of the site by a nursery, which would primarily operate during the day, would also have less impact on nocturnal wildlife than a more intensive form of development, such as housing. It is considered that the open and green nature of the site does have some importance in terms of contributing to the visual amenity of the Wildlife Corridor, particularly when viewed from the nearby railway bridge on Mapesbury Road. However, on balance, it is not considered that the proposed development, because of its siting away from the railway embankment and in relation to the bowling green pavilion, would cause such significant harm to the wider visual amenity of the Wildlife Corridor that it would be considered to contravene policy OS14.

LANDSCAPING

At present, other than two trees, there is little in the way of substantial landscaping features on the site. The applicant has provided details of the on-going process to remove the Japanese Knotweed from the site which is expected to conclude in summer/autumn 2010.

No details of the proposed landscaping of the site or for the protection of trees has been submitted as part of the site which is of concern, particularly given the location of the site within a Wildlife Corridor. The applicant has stated that a sedum roof would be incorporated into the proposed nursery. The Council's Tree Protection Officer has suggested that the tree along the boundary with 49 Chatsworth Road would likely need to be removed to accommodate the proposed development.

IMPACT ON ADJOINING OCCUPIERS

The site of the proposed nursery would be located adjacent to the neighbouring residential property at 49 Chatsworth Road. 49 Chatsworth Road has been converted into flats and the garden has been subdivided into two sections. It appears that the ground level to the rear of 49 Chatsworth Road is significantly lower than the ground level of the proposed nursery site. Unfortunately, the plans submitted as part of the application do not confirm the height of this difference. Officers have asked the applicant to confirm this level difference. There are habitable room windows at the rear of 49 Chatsworth Road to both the ground and first floors.

The proposed nursery building would consist of rectangular single-storey building with a mono-pitch roof. The roof of the proposed building has significant overhanging eaves, particularly to the front and rear. The main body of the building would have a footprint of approximately 11.5m in width and 20m in depth. The roof to the proposed building would have a footprint of approximately 12.5m in width and 27m in depth. The roof of the proposed building would slope upwards from a height 3m, towards 49 Chatsworth Road, to an overall height of 4.2m towards the bowling club. The proposed nursery building would be set off the joint boundary by approximately 1.5m. The existing property at 49 Chatsworth Road is set off the boundary by approximately 1m.

The roof of the proposed nursery building would project beyond the rear wall of 49 Chatsworth Road by approximately 14m.

As discussed, above there is a significant level difference between the subject site and 49 Chatsworth Road, giving the proposed nursery building a perceived height of greater than 3m for the full projection of 14m when viewed from the ground floor windows and rear garden of 49 Chatsworth Road. In terms of outlook, it is considered that the proposed nursery building would have an overbearing impact on the occupiers of 49 Chatsworth Road.

In terms of disturbance, resulting from noise and activity generated by the proposed nursery, the applicant has submitted a noise assessment as part of the application. The noise assessment includes an analysis of predicted noise levels to the neighbouring property as a result of the proposed development and concludes that in terms of the equivalent continuous noise level, which could be considered as the average noise, that there would be a minimal increase as a result of the proposed development. It also notes that the existing average noise level to the rear garden of 49 Chatsworth Road would exceed the recommended upper limit of BS 8233.

However, it is noted that the rear garden of Chatsworth Road directly faces a busy railway line where the actual noise levels would be likely to fluctuate quite significantly from the average throughout the day, from high levels of noise disturbance when trains are passing to much lower levels when they are not. Despite average trends, it is considered that in terms of general disturbance the impact of the proposed nursery, in terms of noise and activity would be quite noticeable to neighbouring occupiers during play times, particularly when trains are not passing, which would be harmful to the amenity of neighbouring occupiers. This, when considered in association with the physical impact of the proposed building, reinforces the view that this is not an acceptable site for a use of this kind.

The existing bowling pavilion is a significant distance from the nearest residential property and it is considered that the proposed pitched roof would have a minimal impact on adjoining occupiers. For clarity, officers that the proposed roof raises no issues and is acceptable.

TRANSPORTATION

The proposed use of the site would be likely to result in a significant increase in demand for parking and an increase in traffic flows in the surrounding area, particular at drop off and collection times. The proposed development does not provide any additional off-street parking facilities to accommodate this additional demand. This section of Chatsworth Road is not designated as being heavily parked and there is a controlled parking zone in operation from 10:00 to 15:00 Monday to Friday. There are a limited number of pay-and-display spaces directly outside of the site.

Whilst it is acknowledged that some general increase in demand for parking could be accommodated within the locality, given the proposed number of children who will attend the nursery it is considered that if more sustainable forms of transportation were not adopted by staff, parents & children attending the nursery, that the increase in traffic flows and demand for parking would be likely to result conditions that would be prejudicial to pedestrian & highway safety, the amenities of local residents and the general quality of the environment. In order to address this issue the applicant has submitted a draft Travel Plan which seeks to encourage more sustainable forms of transportation. The Travel Plan has been assessed by the Council Transportation Unit using the TfL "attribute" system and failed to pass. However, the opinion of the Transportation Unit is that the Travel Plan could be revised to score a pass. In order for the Travel Plan to be effective in ensuring that the proposed Travel Plan would adequate mitigate the potential transportation problems that the nursery could cause Officers would expect the plan to be secured by way of a s106 legal agreement. However, as the current application has been recommended for refusal no agreement has been made between the Council and the applicant. In the absence of such an agreement it is considered that the proposal would give rise to unacceptable highway conditions within the locality of the site.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development of the site, which is considered to constitute valuable urban greenspace in recreational and amenity terms, is considered harmful to opportunities to improve or provide open space uses, within an area of local & district open space deficiency, which would be of benefit to the enjoyment, health and wellbeing of local residents contrary to policy OS11 of the London Borough of Brent Unitary Development Plan 2004 and policy CP18 of the emerging Local Development Framework Core Strategy.
- (2) The proposed development would result in an unreasonable loss of amenity to neighbouring residential occupiers of 49 Chatsworth Road, in terms of outlook and visual amenity by reason that the overall size and unsympathetic siting of the proposed building would constitute an overbearing and intrusive form of development and in general amenity terms by virtue of the likely noise and disturbance that would be caused during play times, contrary to policies BE2, BE9, EP2 and H22 of the London Borough of Brent Unitary Development Plan 2004.
- (3) In the absence of a legal agreement to control the matter, the proposed development would fail to provide adequate measures, in the form of a Travel Plan, to mitigate the impact of the proposed development, in terms of an increased demand for on-street parking and increased traffic congestion, which cannot be accommodated locally to the detriment of pedestrian & highway safety, the amenities of local residents and the quality of the local environment contrary to policies TRN3, TRN4, TRN23 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL

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