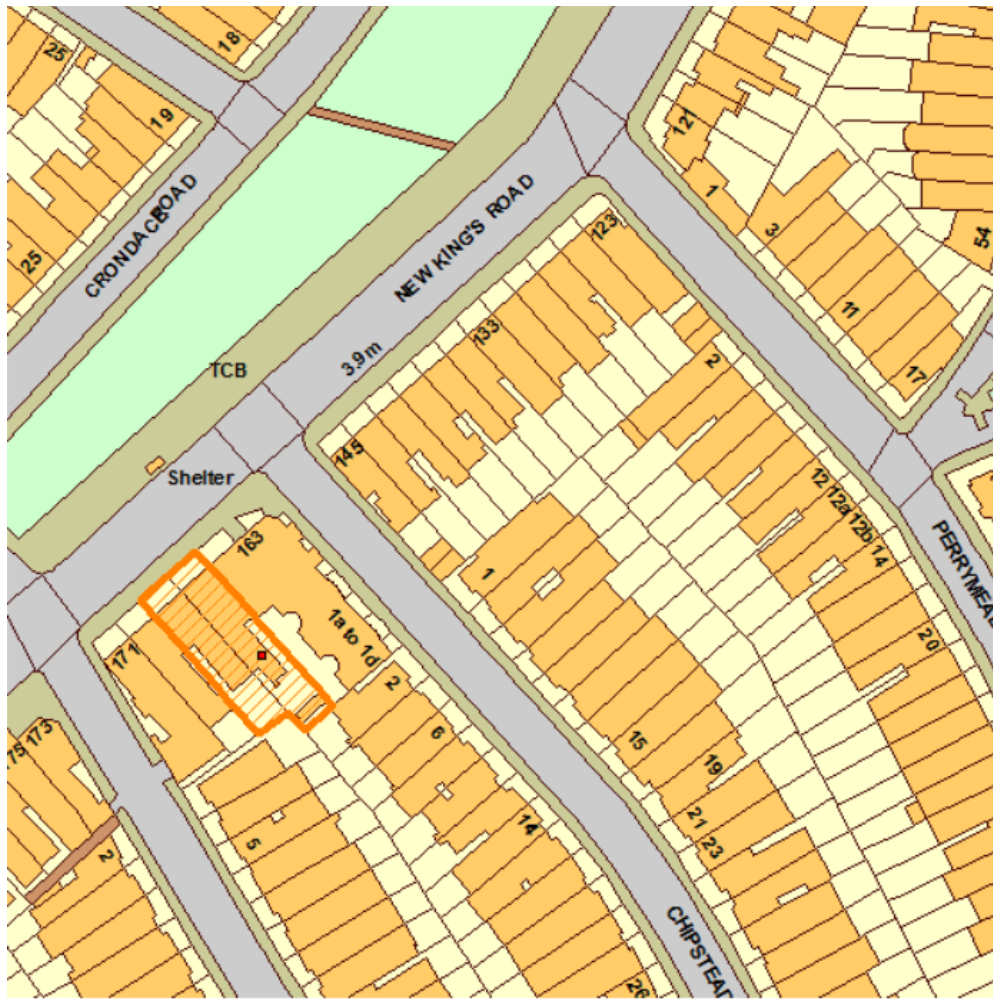


Ward: Parsons Green And Sandford

Site Address:

165 - 167 New King's Road London SW6 4SN



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For identification purposes only - do not scale.

Reg. No:
2024/00292/VAR

Date Valid:
09.02.2024

Committee Date:
04.06.2024

Case Officer:
Benjamin Hicks

Conservation Area:
Constraint Name: Studdridge Street Conservation
Area - Number 7

Applicant:

Mr Gosling

Poppins Nurseries Limited 165-167 New King's Road Fulham London
SW6 4SN

Description:

Variation to the wording of Condition 3 of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time.", Variation to the wording of Condition 5 of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays." and update to nursery Use Class from Class D1 to Class E(f) (Conditions 4 and 7).

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

1. That the Committee resolve that the Director of Planning and Property be authorised to grant the variation of planning permission subject to the conditions listed below.
2. That the Committee resolve that the Director of Planning and Property, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:**Timeframe**

- 1) Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision.

Approved Drawings

- 2) The development shall not be carried out otherwise than in accordance with the details shown in the following approved drawings of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022: A_PL_099 Rev B,

A_PL_100 Rev C, A_PL_101 Rev C, A_PL_102 Rev C, A_PL_200 Rev A, A_PL_201 Rev A, A_PL_300, A_PL_301; A_PL_002 Rev B.

To ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy DC1, DC4 and DC8 of the Local Plan 2018.

Maximum Number of Children

- 3) The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time.

To safeguard the amenities of neighbouring occupiers and the area generally, in accordance with policies CC11, CC13 and T1 of the Local Plan 2018.

Use as Nursery (Use Class E)

- 4) The basement and ground floors of the premises as shown on the plans hereby approved shall be used only as a children's day nursery and for no other purpose, including any other purpose within Class E(f) of the Town and Country Planning (Use Classes) Order 1987.

In granting this permission, the Council has had regard to the particular circumstances of the case. The use of the site for any other purpose, including other purposes within Class E(f), could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policy CC11 and CC13 Local Plan 2018.

Hours of Use

- 5) The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.

To safeguard the amenities of neighbouring occupiers and the area generally, in accordance with Policy CC11 and CC13 Local Plan 2018.

Outside Play Area Hours of Use

- 6) Other than for fire safety drill and emergency purposes, the open area of private amenity space at the rear of 165 and 167 New Kings Road shall not be used by staff or children attending the nursery/pre-preparatory school, other than for a maximum of one hour between 10:15 - 11:15 and 14:45 - 15:45 hours.

To safeguard the amenities of adjoining properties in terms of noise and disturbance, in accordance with CC11 and CC13 of the Local Plan (2018).

Noise Levels – Machinery

- 7) Noise from machinery or equipment operated in connection with the Class E(f) use hereby approved shall not be less than 10dB LAeq below the existing background LA90 noise level, which exists in the absence of such machinery or equipment operating. The background level shall be measured, for the

purposes of this condition, from the nearest noise sensitive location, in accordance with BS4142.

Any machinery and equipment used in connection with the permitted development should not give rise to conditions that would be detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policy CC11 and CC13 of Local Plan 2018.

Enhanced Sound Insulation (between residential dwellings)

- 8) Within three months of the date of this decision, details shall be submitted to, and approved in writing by, the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings. Within six months of the date of this decision the development shall be carried out in accordance with the approved details and the approved noise attenuation measures shall be fully installed. They shall be permanently retained thereafter.

To safeguard the amenities of adjoining properties in terms of noise and disturbance, in accordance with CC11 and CC13 of the Local Plan (2018).

Enhanced Sound Insulation (between commercial and residential)

- 9) Within three months of the date of this decision, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ceiling/ walls separating the commercial part(s) of the premises from dwellings and neighbouring dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. The approved details shall be implemented within six months of the date of this decision and thereafter be permanently retained.

To safeguard the amenities of adjoining properties in terms of noise and disturbance, in accordance with CC11 and CC13 of the Local Plan (2018).

School Travel Plan

- 10) Within 3 months of this decision, a revised detailed Travel Plan shall be submitted to and approved in writing by the Council and thereafter the development shall be carried out and operated in accordance with the agreed details contained within the plan. A School Travel Plan monitoring report shall be submitted to the Council on the first, third and fifth anniversary after the details have been approved.

To ensure and promote sustainable and active travel to and from the site and thereby reduce negative impact on traffic, congestion and parking stress in the local area, in accordance with London Plan policies and policy T2 and T3 of the Local Plan (2018).

- No flues or pipes**
- 11) No plumbing, extract flues or pipes (other than rainwater pipes) shall be affixed to the front elevation of the building without the prior approval in writing of the Local Planning Authority.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4 and DC8 of the Local Plan 2018.

- No Water Tanks**
- 12) No water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the extensions hereby permitted.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan 2018.

- No External Alterations**
- 13) No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy CC11 and CC13 of the Local Plan 2018.

- Cycle Storage**
- 14) Within six months of the date of this decision the cycle storage facilities as shown on approved drawing No. A_PL_002 Rev B of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 shall be provided and thereafter such facilities shall be retained, and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policy T3 of the Local Plan 2018 and Policy T5 of the London Plan 2021.

- Refuse Storage**
- 15) Within six months of the date of this decision, the refuse storage arrangements shown on approved drawing No. A_PL_002 Rev B of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 shall be provided and made available for use by the occupiers of the dwellings and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with the Policy CC7 of the Local Plan 2018.

Second Floor Side Window - Non-openable

- 16) Within 6 months of this decision, the approved new windows to the side elevation of the rear roof extension atop the back addition at second floor level of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 shall be installed so as to be non-openable and with obscure glazing to a height of 1.7 metres from the floor level. Thereafter the windows shall be retained in the form approved.

To ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policies HO11 and DC4 of the Local Plan 2018 and SPD Key Principle HS7 of the Planning Guidance Supplementary Planning 2018.

17) Operational Management Plan

Within 3 months of this decision, an Operational Management Plan shall be submitted to and approved in writing by the Council. Details shall include initiatives on how arrivals and departures are managed including initiatives to discourage informal parking and stagger departures and arrivals. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that the amenity of occupiers of the development site/ surrounding premises are not adversely affected by noise, in accordance with in accordance with Policies T2 and T3 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The hours of operation and numbers of children for the nursery use will continue to meet a local need, and it is not considered that the use will have an unacceptable impact on the amenities of surrounding residents or adversely affect traffic and road safety subject to the attached conditions. The proposals would preserve the character and appearance of the surrounding conservation area. In these respects, the proposed development complies with the relevant provisions of the London Plan (2016), Policies HO2, HO11, DC1, DC4, DC6, DC8, CC3, CC4, CC7, CC11, CC13, CF1, T3 and T4 of the

Local Plan (2018) and relevant Key Principles of the Planning Guidance
Supplementary Guidance Document (2018).

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 8th February 2024

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document
2018

Neighbour Comments:

Letters from:

Dated:

1 Quarrendon St London SW6 3ST	06.03.24
4 Quarrendon Street Fulham LONDON sw6 3su	12.03.24
5 Quarrendon street London Sw6 3ST	09.03.24
8 Quarrendon Street London SW6 3SU	11.03.24
10 Quarrendon street London Sw6 3SU	10.03.24
15 Quarrendon Street London SW6 3ST	10.03.24
19 Quarrendon Street London SW6 3ST	12.03.24
20 Quarrendon Street London SW6 3SU	09.03.24
45 Quarrendon street London Sw6 3ST	12.03.24
55 Quarrendon Street London Sw6 3St	12.03.24
59 Quarrendon Street London SW63ST	10.03.24
2B Chipstead Street London SW6 3SS	25.02.24
2C Chipstead Street London SW6 3SS	24.02.24
2D Chipstead Street London SW6 3 SS	21.02.24
169A New Kings Road New Kings Road London SW6 4SN	11.03.24
NAG	21.03.24
NAG	24.03.24

1. SITE DESCRIPTION

- 1.1 The application site is on the southern side of New King's Road. It contains Nos. 165 and 167 New King's Road, an adjoining pair of three-storey mid-terrace properties with both additional floors and basements.
- 1.2 The existing day nursery occupies the ground and basement levels. There are separate self-contained residential properties above the ground floor and on part of the ground floor at No. 167.
- 1.3 Neither of these buildings are listed or locally listed buildings. The site falls within the Sturridge Street Conservation Area and immediately to the north is Parson's Green Conservation Area.
- 1.4 New King's Road is a London Distributor Road. The site has a PTAL of 4 with Parsons Green Station located 0.3 miles north-west of the site, and bus stops with services running directly to the centre of London adjacent to the properties.
- 1.5 The site is located in Environment Agency Flood Zones 2 and 3 with high residual risk.

2. RELEVANT HISTORY

No.165

- 2.1 In 1976, planning permission (ref 1976/00373/HIST) was granted for the continued use for a further limited period of the studio building as the rear as a children's nursery.
- 2.2 In 1989, planning permission (ref 1989/01446/FUL) was granted for the continued use of the back addition at ground floor level and the basement as a nursery and the relocation of the remainder of the nursery from the garden into the rest of the ground floor and erection of a conservatory at ground floor level.
- 2.3 In 2008, planning permission (ref 2007/03997/VAR) was granted for the continued use as a day nursery for up to 70 Children.
- 2.4 In 2015, planning permission (ref 2015/00635/FUL) was granted for the erection of a rear extension at second floor level over part of the existing back addition, to provide a staff room in connection with the existing nursery.
- 2.5 In 2015, planning permission (ref 2015/00636/FUL) was granted for the erection of a front and rear roof extension; 2 rooflights in the front roof slope to provide office space in connection with the existing nursery.
- 2.6 In 2016, planning permission (ref 2016/00488/VAR) was granted to vary Condition 2 of the planning permission ref: 2015/00636/FUL granted 16th April 2015 to allow amendments to the front mansard roof extension.

- 2.7 In 2018, planning permission (ref 2017/04704/VAR) was granted to vary Condition 6 of planning permission ref: 2007/03997/VAR granted 2nd January 2008 to allow the open area of private amenity space at the rear of 165 New Kings Road to be used by children attending the nursery/pre-preparatory school for a maximum of two hours between 10:15am - 11.15am and 2.45pm - 3:45pm.
- 2.8 In 2020, a temporary 18-month planning permission (ref 2018/03562/VAR) was granted to vary Condition 1 and 2 respectively of the 2018 planning permission (ref: 2017/04704/VAR) to allow the number of children to increase from 70 to 90 and the nursery to operate 15 mins earlier from 0800-1800 hours Mondays to Fridays (not at all on Saturdays, Sundays or Bank Holidays). This permission expired in February 2022.

Nos 165 and 167

- 2.9 In 2018, planning permission (ref 2018/02454/FUL) was granted for the erection of various extensions and alterations at front and rear roof level, rear extensions at ground and second floor, a roof terrace at second floor, lowering of the existing basement and other internal and external alterations in connection with the conversion of the existing dwellinghouse into a mixed use building comprising of 2 x 1 bed and 2 x 2 bed self-contained flats at basement, ground, first, second and third floors, and 83.7 sqm of D1 (non-residential institution) floorspace at ground and basement floor to be used by the existing children's day nursery and preparatory school at 165 New Kings Road.
- Condition 3 restricts the total number of children to 70 at any one time.
 - Condition 5 restricted the operation hours to between 08.15 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.
- 2.10 In 2020, temporary planning permission (ref 2018/03565/VAR) was granted to vary Conditions 3 and 5 respectively of the 2020 planning permission (ref: 2018/02454/FUL) to allow the total number of children to rise from 70 to 90 at any one time and the nursery to operate 15 mins earlier from 0800-1800 hours Mondays to Fridays (not at all on Saturdays, Sundays or Bank Holidays). This permission expired in February 2022.
- 2.11 In 2021, planning permission (ref 2020/03423/VAR) was refused for the removal of the suite of car free conditions 10, 11 and 12 of the 2018, planning permission (ref 2018/02454/FUL): Condition 10 prevents occupier of new flats from applying for a parking permit (except blue badge holders); Condition 11 requires that no new flats are occupied until a written scheme is in place to restrict occupiers from having permits and 12 prevents occupation of the new flats until the Council is notified of new postal addresses.
- 2.12 In September 2022, this permission was allowed on appeal (ref APP/H5390/W/21/3269642) and repeats the conditions set out under the

section 73 variation and the relevant conditions from the original planning permission.

Condition 3 states that 'The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time for a temporary period of 18 months from the date of this decision. The number of children is permitted for a limited period only and shall revert back to 70 on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.'

Condition 5 states that 'The nursery use hereby permitted shall only operate between 08:00 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays. These hours are permitted for a limited period only and shall revert back to 08:15 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays, on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.'

- 2.13 The appeal allowed in September 2022 (ref APP/H5390/W/21/3269642) is the relevant operative planning permission for the application site (ref 2020/03423/VAR). That decision was due to expire in March 2024 unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.

3. CURRENT APPLICATION

- 3.1 The current application was submitted on 8 February 2024, prior to the March 2024 expiry date of the 2022 permission allowed on appeal (ref 2020/03423/VAR). The application seeks to permanently vary the wording of that permission in respect of various conditions:
- Condition 3 of the planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time."
 - Condition 5 of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays." and
 - Update Conditions 4 and 7 from nursery Use Class D1 to Class E(f)

4. PUBLICITY AND CONSULTATIONS

- 4.1 The planning application was publicised by site and press notices together with 79 notification letters sent to neighbouring properties.

4.2 In total, 17 representations have been received objecting on the grounds that the increased number will result in the following:

- traffic generation, unauthorised parking and narrowing of two way streets;
- idling engines impact on air quality;
- pedestrian safety;
- cumulative traffic impact combined with adjoining existing Nursery at Millie's House
- excessive noise disturbance during use back garden play space

4.2 Officer response: the above matters are considered in the subsequent paragraphs within the main body of the report.

5.0 PLANNING CONSIDERATIONS

5.1 The main planning considerations in light of the London Plan (2021), and the Local Plan 2018 (hereafter referred to as LP 2018) and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD), and the Climate Change SPD 2023 include: the principle of the development in land use terms; existing residential amenities of neighbouring properties; environmental matters; and traffic impact on the highway network.

Principle

5.2 Local Plan Policy CF1(g) supports the provision of childcare nurseries. Policy CF2 states that new or expanded community uses should meet local needs, be compatible with and minimise impact on the local environment and be accessible and inclusive to all in the community they serve.

5.3 The principle of using this location as a nursery is long established.

- In 1989, when planning permission (1989/01446/FUL) was granted for the use of the ground and basement at No.165 on a permanent basis, Conditions 2 and 3 respectively restricted the maximum number of pupils to 30 and the hours of operation to between 0800 and 1830.
- In 2008, the above permission was varied (ref 2007/03997/VAR) to allow Conditions 1 and 2 to a maximum number of 70 children and hours between from 0815 and 1800.
- In 2018, the nursery was expanded (ref 2018/02454/FUL) to include part of the ground and basement at No.167 with Conditions 3 and 5 retaining the maximum number of 70 children and hours between 0815 and 1800.
- In 2020, temporary planning permission (ref 2018/03562/VAR) was granted at No 165 for 18 months to extend the maximum number from 70 to 90 and expand the start operating opening hours by 15 minutes from 0815-1800 to 0800-1800.
- Also in 2020, a temporary planning permission (ref 2018/03565/VAR) was granted at Nos 165-167 to vary Conditions 3 and 5 to extend the maximum

number from 70 to 90 and expand the start operating opening hours by 15 minutes from 0815-1800 to 0800-1800.

- In allowing, the appeal against a refusal to remove car free conditions (ref 2020/03423/VAR) the Inspector reattached temporary conditions relating to the maximum number of 90 pupils and operating hours between 0800 and 1800. This permission expired in March 2024 and the current application seeks to retain the pupil numbers and hours on a permanent basis; the proposals remain in place while the application is under consideration.

- 5.4 The difference between the current relevant operative conditions and the proposed conditions is set out below.

Condition 3: Maximum Pupil Numbers

- 5.5 Condition 3 of the planning permission (ref 2020/03423/VAR) allowed on appeal in September 2022 states

The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time for a temporary period of 18 months from the date of this decision. The number of children is permitted for a limited period only and shall revert back to 70 on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council. The number of children attending the premises in connection with the operation of the nursery use shall not exceed 70 at any one time.

- 5.6 The current application seeks to retain the maximum number of pupils at 90 rather than revert to 70 on a permanent basis:

The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time.

Condition 5: Hours of Operation

- 5.7 Condition 5 of the planning permission (ref 2020/03423/VAR) allowed on appeal in September 2022 states

The nursery use hereby permitted shall only operate between 08:00 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays. These hours are permitted for a limited period only and shall revert back to 08:15 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays, on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.

- 5.8 The current application seeks to vary the condition to allow hours to continue from 0800 to 1800 state:

The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.

- 5.9 Notably, the temporary permissions granted in 2020 provided the Council with an opportunity to assess the impact of the expanded nursery operation on the amenities of surrounding residential occupiers. Aside of a short period during the Covid-19 Lockdown, the nursery has been operating the same expanded pupil numbers of 90 and hours between 0800 and 1800 for some 4 years. Regarding this period of use, Officers have consulted colleagues in Environmental Protection, Highways and Planning Enforcement; since 2020, the Council has received no complaints on the grounds of noise, disturbance, highways nor any other grounds.
- 5.10 The continued use of this community use in an expanded form would contribute to meeting local needs. The proposals accord with Local Plan Policies CF1 and CF2.

6.0 RESIDENTIAL AMENITY CONSIDERATIONS

- 6.1 The key objections received from residents relates to the impact of the proposed development on the amenity of the surrounding residential occupiers in terms of noise and disturbance. Other residential amenity matters relating to daylight/sunlight, overshadowing, loss of outlook and overlooking and privacy are not material in this case.

Noise

- 6.2 London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 6.3 Local Plan Policy CC11 relates to noise impacts of development. The supporting paragraph 13.63 makes clear that any proposal for a noise generating development close to dwellings or other noise sensitive uses will be assessed to determine the impact of the proposed development in relation to these existing uses.
- 6.4 Local Plan Policy CC13 requires all proposed developments (including new buildings, demolition of existing buildings, conversions and changes of use) to show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties, particularly where commercial and service activities will be close to residential properties. Notably, where appropriate, the Policy requires mitigation measures for nuisances such as noise.
- 6.5 The existing premises front a busy section of New Kings Road, which is subject to high volume of vehicular and pedestrian movements. Along New King's Road and towards the rear are residential properties in Quarrendon Street and Chipstead Street.

- 6.6 As noted in preceding paragraphs, the site has been allowed to operate with 90 children over the last 4 years through temporary planning permissions. Officers have consulted colleagues in Environmental Protection and Planning Enforcement regarding the use for that temporary period and the Council has received no complaints on the grounds of noise nor disturbance.
- 6.7 The children primarily make use of internal areas within the existing nursery building and would thereby contain and minimise any increase in noise and disturbance from the additional 20 children. However, to mitigate any noise increase from the building, the relevant conditions attached to the original and temporary permissions would be reattached to secure details of enhanced sound insulation, maximum noise levels from machinery or equipment and restricted hours of opening during the day.
- 6.8 Furthermore, the use of the outside play area at the rear of the site is limited to a maximum of 2 hours per day. Other than for fire safety drill and emergency purposes, that open area would not be used by staff or children other than for a maximum of one hour at any one time between 10:15 – 11:15 and 14:45 - 15:45 hours. Given the nature of the nursery operations, the outside activities are scheduled during these times when ambient noise levels are generally higher.
- 6.9 The site fronts New Kings Road, which is subject to high volume of vehicular and pedestrian movements. The expanded proposals have been considered by the Council's Environmental Protection Team and they raise no objections. Officers are satisfied that in the absence of any noise-related complaints throughout the temporary permissions period, the proposed hours of operation and number of pupils on a permanent basis would not result in any additional undue noise and disturbance.
- 6.10 Overall, trial periods over the last 4 years have demonstrated that the proposals have caused no harm. Subject to appropriate noise, sound insulation and operational mitigation measures that would be secured through conditions the proposals would have no undue residential amenity impacts from noise.
- 6.11 The proposals accord with London Plan Policy D14, and Local Plan Policies CC11 and CC13.

Transport

Policy

- 6.12 London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services.

- 6.13 Local Plan Policy T1 seeks to improve transportation provision, accessibility, and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail.
- 6.14 Local Plan Policy T2 requires all development proposals to be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network. The existing and potential availability of public transport, and its capacity to meet increased demand will also be assessed for any development. Local Plan Policy T3 supports increasing and promoting opportunities for cycling and walking. Local Plan Policy T6 seeks to regulate the impact of development on the borough's road network.

Local Context

- 6.15 The site has a good level of public transport accessibility with a PTAL level of 4. There are also additional rail services within reasonable walking distance of the site. New King's Road forms part of the London Cycle Network (LCN) with on-street cycle lanes and the site has a significant residential catchment within walking distance is an appropriate location for sustainable modes of transport.
- 6.16 New King's Road (A308) is the main traffic route in the vicinity of the site which is aligned approximately northeast to southwest. This connects to Chelsea and Central London to the northeast, and Parsons Green and Putney Bridge to the southwest. There are also connections to the south across Wandsworth Bridge, which can be accessed just to the northeast of the site.
- 6.17 Waiting and loading restrictions operate on both sides of New King's Road, preventing parking for most of the day (08.00-20.00). No loading is permitted on Monday to Saturday between 08.00-09.30 and 16.30-18.30 on New King's Road outside the nursery school. These restrictions coincide with peak arrival and departure times.
- 6.18 On-street parking is provided on the local residential streets which are included within controlled parking zone Q. The restrictions are in operation from Monday to Saturday between 09.00 and 17.00. During these hours parking is for permit holders or pay and display.
- 6.19 New King's Road is a signed route for cyclists, with an advisory cycle lane in the south-westbound direction along parts of its length. Cyclists are also able to cycle within the bus lanes. Cycle parking is also provided along New King's Road and there are advanced cycle stop lines provided at signal-controlled junctions. The cycle route on New King's Road is connected to the wider network of signed and recommended routes within the London Cycle Network (LCN).
- 6.20 The pedestrian environment within the vicinity of the site is good. The local roads provide wide footways and there are several crossings along New

King's Road. These include a zebra crossing to the west of the site by Quarrendon Road as well as uncontrolled crossings with dropped kerbs and refuge islands.

- 6.21 The site is within walking distance of a number of bus stops. The nearest bus stops are located directly opposite the site, and on New King's Road between Quarrendon Street and Chiddingstone Street. These bus stops are served by bus route 22 which operates between Putney Common and Piccadilly Circus. There are further bus routes accessible from the bus stops on Wandsworth Bridge Road (approximately 400m away) and Harwood Road (some 500m away).
- 6.22 Parsons Green is located approximately 500m from the site is served by the District Line. Imperial Wharf station is located approximately 1,200m from the site and is served by overground trains.

Transport Assessment

- 6.23 The nursery school operates a Travel Plan which explains how travel to and from the school would be appropriately managed. When the 2020 temporary planning approval (ref 2018/03565/VAR) was granted for the expanded school to allow 90 children and opening from 0800 rather than 0815, an updated Travel Plan was submitted. That Travel Plan continues to operate and would be updated and secured by condition.
- 6.24 The key objectives of the Travel Plan are as follows:
- to encourage walking and active travel as the main modes of travel for pupils and parents and after that cycling and public transport;
 - to ensure that staff and parents are aware of the travel choices available to them;
 - to discourage car use by raising awareness for staff and parents of school travel issues and their impact upon the local environment;
 - to minimise impact on the local community and ensure good relations with local residents and businesses; and
 - to monitor the travel patterns to and from the school so that the Travel Plan can be reviewed and developed accordingly.
- 6.25 The following measures are in place to implement the above objectives:
- Admissions policy: gives priority to those families who live closest;
 - No car parking on site: parents informed of school's car free objectives;
 - 'Walk to school week' initiatives: rewards for walking to school; topics associated with walking incorporated into class and assemblies.
 - Promote road safety: weekly topics and visits from the local police.
 - Cycle parking facilities: staff parking facilities are provided.
 - Cycle to Work scheme: interest free for staff to buy a bicycle tax free
 - Provide TfL cycle route maps for staff/ parents
 - Interest-free season ticket loans: for staff
 - 'Parents Guides': parents are asked not to park outside the school, on the yellow lines.

- Journey planning: Staff/ parents informed of TfL's journey planner and travel apps to ensure that users are aware of available travel choices.
- Provide travel packs: route maps/ timetables for local public transport
- Cycle route maps: TfL cycle route maps for the local area will be made available to staff and parents so that they are aware of the potential for cycling.
- Pippa Pop-ins website: includes dedicated travel section with emphasis on car free travel.

6.26 In 2020, the primary targets were to

- reduce the nursery car mode share from 35% of pupils/parents travel by car, to 28% over a five year period.
- reduce the staff members driving to and from the school, in particular by single occupancy vehicles from 21% to 15% over a five year period.
- increase the staff travel mode share by walking and cycling.

6.27 To ensure that the Travel Plan is achieving its objectives, document includes an Action Plan that is subject to ongoing monitoring and review. This will ensure that it continues to be fit for purpose and the measures are appropriate and effective. A condition will be attached to ensure that an updated Travel Plan together with an operational management plan are secured for the current proposals.

6.27 The Council's Highways team has reviewed the proposals and support the continued implementation of a Travel Plan subject to an on-going annual review in years 1, 3 and 5. The site has been operating at with a capacity of 90 pupils with an 0800 start (excluding weekends and Bank Holidays) since August 2020, without any transport-related complaints to the highways colleagues or planning enforcement. Based on this, the existing mitigation measures are successfully managing the impact on the local transport infrastructure and highway safety. An operational management plan would provide details of how arrivals and departures are managed including initiatives to discourage informal parking and implement staggered departures and arrivals.

6.28 Subject to an updated Travel Plan and a satisfactory operational management plan, it is not considered that the existing nursery which has been in place for in an expanded form for the last 4 years would have any undue adverse impact on New Kings Road or the surrounding streets in terms of traffic generation, parking or pedestrian safety. Similarly, it is not considered that the combined impact of the long established adjoining nursery at 163 New Kings Road and the proposed expansion at the application site which has been tested over 4 years would not result in harm that would be sufficient to withhold planning permission.

Other Matters: Air Quality

6.29 The London Plan Policy SI 1 and Local Plan Policy CC10 seeks to reduce the

potential adverse air quality impacts of new developments. The Climate Change SPD Key Principle KPC14 sets out key aims which includes making provision to address local problems of air quality. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The application site is located within the borough wide Air Quality Management Area (AQMA), and in an area of existing poor air quality due to the road traffic vehicle emissions from New King's Road.

- 6.30 The Council's Air Quality Officer has considered the proposed development. This is an existing long established nursery and officers consider that the proposed increase in pupil numbers on a permanent basis from 70 to 90 is modest. On this basis, it would not be appropriate to seek air quality mitigation measures. Notwithstanding this, as part of the Council's drive to help tackle poor air quality across the borough, on 1 November 2018 new traffic orders under Section 42 of the Road Traffic Act 1988 were introduced to fine motorists who pollute the borough by leaving their engines running. Our traffic wardens are able to issue penalty charges notice to motorists who have stopped with their engine idling in parking and loading bays, taxi ranks, or any roads where waiting is restricted. The Council's Planning Enforcement and Highways officers have advised that they have not received any complaints about parking during the 4 year period that the expanded facility has operated.
- 6.31 Overall, officers are satisfied that the proposals accord with London Plan Policy SI 1, Local Plan Policy CC10 and the Climate Change SPD.

Conditions 4 and 7

- 6.32 Following updates to national planning legislation, Use Class D1 which includes school nurseries has been deleted from the Use Classes Order. School nurseries now fall within Class E(f) of the updated Order. In accordance with this Conditions 4 and 7 should be amended to reflect the current legislation.

7. RECOMMENDATION

- 7.1 Approve the variation of conditions 3 and 5 to extend the hours of operation of the nursery and increased student capacity permanently, and update conditions 4 and 7 to reflect changes to the Use Class Order.