

**Application reference: 11/2587/FUL**  
**TEDDINGTON WARD**

Date application received	Date made valid	Target report date	8 Week date
01.08.2011	01.08.2011	26.09.2011	26.09.2011

**Site:**

133 High Street, Teddington, TW11 8HH,

**Proposal:**

Change of use from offices (B1) to Day Nursery with associated minor alterations (D1)

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

**APPLICANT NAME**

Buttercups And Chalfont Park Day  
Nursery

**AGENT NAME**

Cunane Town Planning  
67 Strathmore Road  
Teddington  
Richmond Upon Thames  
TW11 8JH

**DC Site Notice:** printed on 09.08.2011 and posted on 19.08.2011 and due to expire on 09.09.2011

**Consultations:**

**Internal/External:**

**Consultee**

LBRUT Transport  
14D POL

**Expiry Date**

23.08.2011  
23.08.2011

**Neighbours:**

Rear Of 127 To 131, High Street, Teddington, TW11 8HH, - 09.08.2011  
129A High Street, Teddington, TW11 8HH, - 09.08.2011  
Flat, 135 High Street, Teddington, TW11 8HH, - 09.08.2011  
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2 Cambridge Road, Teddington, TW11 8DR, - 09.08.2011  
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**History: Development Management, Appeals, Building Control, Enforcements:**

Development Management

Application: 99/2165

Status: GTD  
Date: 03/12/1999

Provision Of One Car Parking Space And Turning To The Rear Of The Premises.

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Development Management

Status: PCO

Date:

Application: 11/2587/FUL

Change of use from offices (B1) to Day Nursery with associated minor alterations (D1)

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Building Control

Deposit Date:

30.11.2010

Reference:

11/FEN00225/GASAFE

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Installed a Gas Boiler

**Constraints:**

11/2587/FUL  
133 HIGH STREET  
TEDDINGTON

TEDDINGTON WARD  
Contact Officer:  
S Graham-Smith

**Proposal:** Change of use of property from office use (B1) to day nursery (D1) with associated minor alterations

**Applicant:** Cunane Town Planning for Buttercups and Chalfont Park Day Nursery

**Application received:** 1<sup>st</sup> August 2011

**Main development plan policies:**

Local Development Framework

Core Strategy Policies: CP 1, 8, 16, 18, 19

Development Management Plan Policies: DM SD 1; TC 2; SI 1; EM 2; TP 2; DC 4, DC 5

**Present use:** Vacant Offices

*The proposal is for a change of use of a vacant office building to a day nursery. It has been demonstrated that the property has been marketed for an extended period for office use without being taken up and the proposed use provides employment and serves the community. Concerns about parking and the impact on amenity are acknowledged and conditions are included to mitigate against these concerns.*

**Recommendation:** PERMISSION

**Site, proposal and history:**

The site is approximately 0.03 hectares in size. The property has four storeys, the lowest being a semi basement and the highest contained within the roofspace. It is at the end of a terrace of four properties which may have originally been built as houses, but all are now in commercial use. There is a 23m long rear garden which adjoins an office building, 2a Cambridge Road, and backs on to a residential garden at 2 Cambridge Road. To one side is the Royal British Legion Club and to the other, another office use. The site is located in the Teddington High Street Conservation Area and the building is designated a Building of Townscape Merit. It is also located in a Mixed Use Area, being an area where the Council seeks to concentrate uses which serve the local community or attract visitors

The only planning history in recent years relates to an approval for the creation of a parking space in the rear garden in 1999 (Ref 99/2165), however this permission was not implemented.

The proposal involves a change of use to a day nursery for up to 31 children aged from 3 months to five years and up to 9 members of staff. The side entrance, facing the British Legion Club, and the front entrance would be used by parents dropping off and collecting their children.

**Public and other representations:**

Objections have been received from two neighbouring properties, one commercial and one residential. The objections relate to the impact on local parking, increased traffic and potential danger as a result and noise and disturbance. Concern is expressed as to whether the building is appropriate for such a use. Trees have been recently removed from the rear garden. Fencing between the application site and 2a Cambridge Road would result in loss of

light.

**Professional comments:**

The main planning considerations in this case relate to the principle of allowing the loss of the office use, the suitability of the proposed use, the impact the proposed use would have on the area including traffic and parking and the impact on neighbour amenity.

Loss of employment use and proposed day nursery use

Policy DM EM 2 states that the Council seeks to retain land, sites and buildings which were last used for employment purposes (office, industrial, warehousing) , in employment use. The use of employment land for other purposes will only be permitted where:

(a) There is satisfactory evidence of completion over an extended period of time of a full and proper marketing exercise of the site at realistic prices both for the existing use and for redevelopment (if appropriate ) for other employment uses; or suitable alternative evidence; and either

(b) A sequential approach has been applied to the development of the site as follows:

i) solely employment-based redevelopment;

ii) mixed-use or other alternative employment creating uses, where the employment floorspace is retained. Such sites should maximise the amount of affordable housing provided as part of the mix;

iii) maximum provision of affordable housing in accordance with CP19;

Or (c): The location has such exceptionally severe site restrictions due to very poor access and servicing arrangements that its continued employment use would be inappropriate.

In addition, the supporting text also advises that *'if these are not practicable then alternative employment generating uses for instance health clinics, nurseries and crèches, ..... or other uses identified for community purposes.'*

The marketing evidence provided is not particularly comprehensive and pre-dates the application by seven months. The property became vacant in December 2009 and was marketed from March 2010. Two years have now past since that date and the property remains vacant. This evidence on its own would not normally be sufficient to allow an exception to the employment policy. However it is also necessary to consider what is replacing it.

Policy DM SI 1 refers to the provision of new social infrastructure and states that permission will be granted where:

1. it provides for an identified need;
2. where practicable is provided in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which encourage dual use and increase public access;
3. it is in a location that is accessible by public transport, walking and cycling;
4. is of high quality design providing inclusive access for all;
5. it does not have a significant adverse impact on residential character and amenity;
6. provision of car parking and effect on traffic movement and highway safety is in accordance with Policy DM TP 8 'Off Street Parking - Retention and New Provision'; and
7. is in accordance with other relevant policies

Policy CP 18 of the Core Strategy states that future requirements to provide pre-school places for all will need to be met.  
a need to retain nursery places

There is clearly a strong need for this type of use in the borough. The building is reasonably

adaptable and accessible and the applicants, who run a number of other such day nurseries, consider it appropriate. The design will not change. The impact on local amenity and transport are discussed below. The proposed new use will provide some local employment opportunities and therefore the employment use is not wholly lost. The use proposed is in particularly great demand and will provide a service to the community. In these circumstances it is considered that the principle of the change of use is acceptable.

#### Transport

The parking standards will normally be expected to be met, unless it can be shown that there would be no adverse impact on the area in terms of street scene or on-street parking. The parking standards would require: *1 space per 2 staff.* In addition, one cycle parking space per three staff should be provided and this should be covered and secure.

No parking can be provided and no setting down area is possible within the site. There is a bus stop in front of the property. A Transport Statement was submitted with the planning application. This suggests that the number of vehicle movements of the proposed use would be similar to a fully manned office use (11 per day), but the parking need for a day nursery would be short term rather than all day, which a normal office use would require. The experience of the applicant is that around a third of children are brought to school by car, based on their other nurseries. This is not necessarily agreed with and it was requested that the applicant use TRAVL data rather than TRICS (these are methods of predicting the impact of a proposed use on travel) as this is felt to be more representative of the site and proposed use. A travel plan using the template which the Council makes available was also requested. The applicant has declined to supply this additional information.

The application therefore needs to be considered on the basis of the information provided. The impact of additional traffic and short term parking needs to be balanced with the need for this facility.

In the case of a recent refusal at 359 Lower Richmond Road (ref 11/2189/COU), one of the reasons was as follows:

*In the absence of any mechanism for controlling on street parking, and as a result of the under-provision and unsuitable design and location of the off street parking spaces provided, it is considered that the proposal would not provide suitable or sufficient off-street parking spaces for staff, fails to provide acceptable setting down / picking up space for parents, and may encourage commuter parking in local roads. The proposal would therefore result in danger to pedestrians and in particular the proposed vulnerable users of the building, congestion in local roads resulting from additional vehicle movements to and from the site, and unacceptable pressure on on-street parking in neighbouring roads. The scheme would therefore be contrary to Core Strategy policies CP 5, 16, and 18, Unitary Development Plan policies TRN2, 4 and 8, CCE11, and emerging Development Management Development Plan Document policies DM SI 1, DM TP 1, DM TP 6 and DM TP8.*

Although the sites are quite different, one in a High Street and the other in an industrial area, the reasons for concern are the same. In the case of Lower Richmond Road the appeal was allowed.

The main attraction for visitors at this end of Teddington High Street is Marks and Spencer which has its own parking which is free to shoppers. There are several restaurants and pubs which are more likely to attract additional cars in the evening. There is a day nursery in Hampton Hill High Street which has operated successfully for some years. Bearing in mind that day nurseries operate flexible times for dropping off and picking up the presence of the eleven or more car movements is likely to be staggered. A proportion of children will arrive

on foot or on public transport.

In the absence of a travel plan permission would not normally be granted, but in the case of the appeal mentioned above the Inspector considered that a condition was sufficient and the same condition is appropriate to this case:

*Prior to the first occupation of the building for the permitted use, a methodology for staff and customer/visitor travel surveys shall be submitted to and agreed in writing by the Local Planning Authority. Surveys shall then be undertaken in accordance with the agreed survey methodology and within 6 months of the use commencing, a Travel Plan shall be submitted to the Local Planning Authority that is based on the results of the surveys and which sets clear objectives, targets, actions and timeframes to manage the transport needs of staff and customer/visitors, to minimise car usage and to achieve a shift to alternative transport modes. Following written approval by the Local Planning Authority of the Travel Plan, the approved details/actions shall be implemented within 3 months of the date of that approval. The Travel Plan shall be reviewed annually (which may include new surveys) and a written review submitted to the Local Planning Authority on the first anniversary of its approval and then yearly thereafter. Every third year the Travel Plan shall be resubmitted for the approval of the Local Planning Authority. Following written approval by the Local Planning Authority of the resubmitted Travel Plan, the approved revisions and/or any new actions shall be implemented within 3 months of the date of that approval.*

#### Residential Amenity

The occupants of adjoining properties are understandably concerned about noise. These concerns have come from 2A and 2 Cambridge Road, both of which are located towards the end of the 23m long back garden. Whilst outdoor activity is likely to take place, it does not need to be concentrated at the far end of the garden. Permission should be subject to a landscaping condition (see below). It would be appropriate for the end part of the garden to be landscaped to provide a buffer and some relief for the adjoining properties. Concern has been expressed at erecting a fence, however this would not require planning permission.

#### Trees

The Council was informed that a tree at the rear had been removed during the course of the application. Permission would have been required for this as the site is in a Conservation Area. The applicant has stated that a tree fell down onto the adjoining British Legion site and was removed. A landscaping condition is required and a replacement tree will be required at the rear in order to mitigate.

#### Sustainability

In the case of the Upper Richmond Road application the Inspector considered that the re-use of the property, having been empty for over 3 years, would be inherently sustainable when compared to the likely alternative that it would remain vacant. Policy DM SD3 supports high standards of energy and water efficiency in existing development wherever possible through retrofitting. The Inspector considered it appropriate to have a condition requiring details of these aspects. The Inspector was not convinced that the Council's requirement that the building achieves BREEAM excellent was reasonable, given that the application was for a change of use and the Council had not required that of other recent changes of use in the Borough.

#### Summary

The proposal is for a change of use of a vacant office building to a day nursery. It has been demonstrated that the property has been marketed for an extended period for office use without being taken up and the proposed use provides employment and serves the community. Concerns about parking and the impact on amenity are acknowledged and conditions are included to mitigate against these concerns.

I therefore recommend **PERMISSION** subject to the following conditions and informatives.

**Standard conditions:**

AT01 - Development begun within 3 years

DV48 - Approved Drawings – PDA-11-119/002, 003, 004 received on 1<sup>st</sup> August 2012.

DV18A – Refuse arrangements

HM01 – Specific use within use class – Day Nursery

NP02 – Permitted hours and number of children – 0800 – 1800; 31

**Standard conditions:**

NS01 - Prior to the first occupation of the building for the permitted use, a methodology for staff and customer/visitor travel surveys shall be submitted to and agreed in writing by the Local Planning Authority. Surveys shall then be undertaken in accordance with the agreed survey methodology and within 6 months of the use commencing, a Travel Plan shall be submitted to the Local Planning Authority that is based on the results of the surveys and which sets clear objectives, targets, actions and timeframes to manage the transport needs of staff and customer/visitors, to minimise car usage and to achieve a shift to alternative transport modes. Following written approval by the Local Planning Authority of the Travel Plan, the approved details/actions shall be implemented within 3 months of the date of that approval. The Travel Plan shall be reviewed annually (which may include new surveys) and a written review submitted to the Local Planning Authority on the first anniversary of its approval and then yearly thereafter. Every third year the Travel Plan shall be resubmitted for the approval of the Local Planning Authority. Following written approval by the Local Planning Authority of the resubmitted Travel Plan, the approved revisions and/or any new actions shall be implemented within 3 months of the date of that approval.

REASON: In order to comply with the objectives of national and local Planning Policies (within the Council's Local Development Framework) which promote sustainable development with particular regard to transport.

NS02 – Before the development commences details of the energy and water efficiency measures to be installed in the building shall be submitted to and approved in writing by the local planning authority. The approved detailed measures shall be put in place prior to the first occupation of the building for the permitted use.

REASON: To ensure a sustainable form of development.

NS03 – Cycle Store - A covered and secure cycle store shall be constructed prior to occupation and in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to specify the design and external finishes thereof.

REASON: To ensure that the proposed development is in keeping with the existing building and locality and to promote sustainable development with particular regard to transport.

**Standard informatives:**

IE05A - Noise control

IL10A - Building Regulations

IL16HA - Relevant policies and proposals;

Local Development Framework

Core Strategy Policies: CP 1, 8, 16, 18, 19

Development Management Plan Policies: DM SD 1; TC 2; SI 1; EM 2; TP 2; DC 4, DC 5

IL19 - Summary reasons for granting planning permission: See conclusion

IM02 – Disabled persons – educational buildings

**Background papers:**

Objection letters

Application forms and drawings and accompanying documentation



DCM?

**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - YES / NO

**I therefore recommend the following:**

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

Case Officer (Initials): SGS

Dated: 29/3/12

**I agree the recommendation:**

Team Leader/Development Control Manager

Dated: .....

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager: [Signature]

Dated: 29/3/12

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

<b>CONDITIONS:</b>	
<b>INFORMATIVES:</b>	

**ADDITIONAL NOTES CONTINUED FROM ABOVE:**

Professional Comments:

**Application reference: 11/2587/FUL**  
**TEDDINGTON WARD**

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Buttercups And Chalfont Park Day  
Nursery

**AGENT NAME**

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**Internal/External:**

**Consultee**

LBRUT Transport  
14D POL

**Expiry Date**

23.08.2011  
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11/2587/FUL  
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**Recommendation: PERMISSION**

**Site, proposal and history:**

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a need to retain nursery places

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on foot or on public transport.

In the absence of a travel plan permission would not normally be granted, but in the case of the appeal mentioned above the Inspector considered that a condition was sufficient and the same condition is appropriate to this case:

*Prior to the first occupation of the building for the permitted use, a methodology for staff and customer/visitor travel surveys shall be submitted to and agreed in writing by the Local Planning Authority. Surveys shall then be undertaken in accordance with the agreed survey methodology and within 6 months of the use commencing, a Travel Plan shall be submitted to the Local Planning Authority that is based on the results of the surveys and which sets clear objectives, targets, actions and timeframes to manage the transport needs of staff and customer/visitors, to minimise car usage and to achieve a shift to alternative transport modes. Following written approval by the Local Planning Authority of the Travel Plan, the approved details/actions shall be implemented within 3 months of the date of that approval. The Travel Plan shall be reviewed annually (which may include new surveys) and a written review submitted to the Local Planning Authority on the first anniversary of its approval and then yearly thereafter. Every third year the Travel Plan shall be resubmitted for the approval of the Local Planning Authority. Following written approval by the Local Planning Authority of the resubmitted Travel Plan, the approved revisions and/or any new actions shall be implemented within 3 months of the date of that approval.*

#### Residential Amenity

The occupants of adjoining properties are understandably concerned about noise. These concerns have come from 2A and 2 Cambridge Road, both of which are located towards the end of the 23m long back garden. Whilst outdoor activity is likely to take place, it does not need to be concentrated at the far end of the garden. Permission should be subject to a landscaping condition (see below). It would be appropriate for the end part of the garden to be landscaped to provide a buffer and some relief for the adjoining properties. Concern has been expressed at erecting a fence, however this would not require planning permission.

#### Trees

The Council was informed that a tree at the rear had been removed during the course of the application. Permission would have been required for this as the site is in a Conservation Area. The applicant has stated that a tree fell down onto the adjoining British Legion site and was removed. A landscaping condition is required and a replacement tree will be required at the rear in order to mitigate.

#### Sustainability

In the case of the Upper Richmond Road application the Inspector considered that the re-use of the property, having been empty for over 3 years, would be inherently sustainable when compared to the likely alternative that it would remain vacant. Policy DM SD3 supports high standards of energy and water efficiency in existing development wherever possible through retrofitting. The Inspector considered it appropriate to have a condition requiring details of these aspects. The Inspector was not convinced that the Council's requirement that the building achieves BREEAM excellent was reasonable, given that the application was for a change of use and the Council had not required that of other recent changes of use in the Borough.

#### Summary



The proposal is for a change of use of a vacant office building to a day nursery. It has been demonstrated that the property has been marketed for an extended period for office use without being taken up and the proposed use provides employment and serves the community. Concerns about parking and the impact on amenity are acknowledged and conditions are included to mitigate against these concerns.

I therefore recommend **PERMISSION** subject to the following conditions and informatives.

**Standard conditions:**

AT01 - Development begun within 3 years

DV48 - Approved Drawings – PDA-11-119/002, 003, 004 received on 1<sup>st</sup> August 2012.

DV18A – Refuse arrangements

HM01 – Specific use within use class – Day Nursery

NP02 – Permitted hours and number of children – 0800 – 1800; 31

**Standard conditions:**

NS01 - Prior to the first occupation of the building for the permitted use, a methodology for staff and customer/visitor travel surveys shall be submitted to and agreed in writing by the Local Planning Authority. Surveys shall then be undertaken in accordance with the agreed survey methodology and within 6 months of the use commencing, a Travel Plan shall be submitted to the Local Planning Authority that is based on the results of the surveys and which sets clear objectives, targets, actions and timeframes to manage the transport needs of staff and customer/visitors, to minimise car usage and to achieve a shift to alternative transport modes. Following written approval by the Local Planning Authority of the Travel Plan, the approved details/actions shall be implemented within 3 months of the date of that approval. The Travel Plan shall be reviewed annually (which may include new surveys) and a written review submitted to the Local Planning Authority on the first anniversary of its approval and then yearly thereafter. Every third year the Travel Plan shall be resubmitted for the approval of the Local Planning Authority. Following written approval by the Local Planning Authority of the resubmitted Travel Plan, the approved revisions and/or any new actions shall be implemented within 3 months of the date of that approval.

REASON: In order to comply with the objectives of national and local Planning Policies (within the Council's Local Development Framework) which promote sustainable development with particular regard to transport.

NS02 – Before the development commences details of the energy and water efficiency measures to be installed in the building shall be submitted to and approved in writing by the local planning authority. The approved detailed measures shall be put in place prior to the first occupation of the building for the permitted use.

REASON: To ensure a sustainable form of development.

NS03 – Cycle Store - A covered and secure cycle store shall be constructed prior to occupation and in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to specify the design and external finishes thereof.

REASON: To ensure that the proposed development is in keeping with the existing building and locality and to promote sustainable development with particular regard to transport.

**Standard informatives:**

IE05A - Noise control

IL10A - Building Regulations

IL16HA - Relevant policies and proposals;

Local Development Framework

Core Strategy Policies: CP 1, 8, 16, 18, 19

Development Management Plan Policies: DM SD 1; TC 2; SI 1; EM 2; TP 2; DC 4, DC 5

IL19 - Summary reasons for granting planning permission: See conclusion

IM02 – Disabled persons – educational buildings

**Background papers:**

Objection letters

Application forms and drawings and accompanying documentation

DCM?

**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - YES / NO

**I therefore recommend the following:**

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

Case Officer (Initials): SGS

Dated: 29/3/12

**I agree the recommendation:**

Team Leader/Development Control Manager

Dated: .....

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager: [Signature]

Dated: 29/3/12

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>

**ADDITIONAL NOTES CONTINUED FROM ABOVE:**

Professional Comments: