

**Bambini Day Nursery Ewell Court House Lakehurst Road Ewell  
Surrey KT19 0EB**

Change of use of existing storage space to class room and kitchen space (D1)

<b>Ward:</b>	<b>Ewell Court Ward;</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

## **1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PMSZMSGYM6N00>

## **2 Summary**

- 2.1 The applicant seeks permission for the change of use of an existing storage building located within the grounds of Ewell Court House a Grade II listed building to a class room and kitchen space (Use Class D1)
- 2.2 The application is submitted to Committee as the property is Council owned.
- 2.3 The principle of the proposed change of use is considered to be acceptable
- 2.4 No external changes to the building are proposed.
- 2.5 A Listed Building Consent application has been submitted in tandem with this application under reference 19/01159/LBA.
- 2.6 The application is recommended for APPROVAL of Planning Permission**

## **3 Site description**

- 3.1 Ewell Court House is a substantial former residential property located to the south of Lakehurst Road which is now owned by Epsom and Ewell Borough Council. The building is Grade II listed.
- 3.2 It is a Jacobean style building of 1879 which incorporates an earlier house of 1690 in its service wing. It is a mostly two-storey building with red brick walls, sandstone window dressings and a pitched tiled roof.

- 3.3 The building sits in substantial grounds on the edge of the Hogsmill Countryside Area. The building is used as a library and function rooms and the northern part is used as a children's nursery.
- 3.4 The application site comprises a single storey building located within the curtilage of Ewell Court House.
- 3.5 The single storey building has a rectangular footprint measuring approximately 4.5m (w) x 7.8m

#### **4 Proposal**

- 4.1 The application is for the change of use from storage to a classroom and kitchen space for use as part of the current occupier, Bambini Nursery. The applicants submit that the room would be used as a classroom for 3-5 year old children as an addition to their existing operation located in the West Wing of the Main house adjacent to the dairy. The building would only be internally refurbished (addition of electric wall heaters, addition of a single toilet and a small kitchen area)
- 4.2 The room would be in use Monday - Friday 08:00 - 18:00 hrs. The maximum number of children would be 10 with 2 members of staff.

#### **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 12 neighbouring properties. To date (08.01.2020) no letters of objection have been received.

#### **6 Consultations**

- 6.1 Highways: No objection
- 6.2 Conservation Officer: No objections, there is no heritage significance to the storage building and no harm to the significance of Ewell Court.

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01845/FUL	13.05.2016	Conversion of unused toilet outbuilding to habitable classroom/playroom for use as part of the Bambini Nursery.	GRANTED

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2012

Chapter 8 Promoting healthy and safe communities

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

### Core Strategy 2007

Policy CS1 Creating sustainable communities

Policy CS5 The built environment

### Development Management Policies Document 2015

Policy DM8 Heritage assets

Policy DM9 Townscape character and local distinctiveness

Policy DM10 Design requirements for new development

Policy DM34 New Social Infrastructure

## 9 Planning considerations

### Principle of Proposed Development

9.1 Chapter 8 para 92 of the NPPF states that “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments

- 9.2 Chapter 16 para 190 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.3 Para 192 sets out that In determining applications, local planning authorities should take account of inter alia a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.4 The proposal would bring back into use an unused storage building as a community facility. The proposed alterations are to a part of the building which is of less historic significance because of its later construction more minimal architectural embellishment which does not continue the Jacobean character of the main body of the building and because the works are all internal.
- 9.5 The internal room plan is not of historic significance and there should be no harm resulting from the proposed works. Therefore the proposal is acceptable in principle, subject to the detailed consideration of the other planning considerations below.

#### Impact on the Significance of a Listed Building

- 9.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, officers have given considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.7 The application building abuts the Grade II listed Ewell Court House. The (storage) building is a contemporary addition to the main listed building, and there are no external alterations proposed. The proposal would therefore not harm the historical significance of the listed building.
- 9.8 The proposal would therefore comply with Policy DM8.

#### Visual Impact

- 9.9 Chapter 12 of the NPPF relates to the achievement of well-designed places. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- 9.10 Policy DM9 sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 9.11 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
  - Prevailing density of the surrounding area;
  - Scale, layout, height, form, massing;
  - Plot width and format which includes spaces between buildings;
  - Building line build up, set back, and front boundary; and
  - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.12 The existing storage building is a contemporary addition to the Listed Building, and is of no architectural or historic interest. No external alterations are proposed. The proposed conversion to a compatible new use causes no harm to the significance of the principal designated heritage asset or to the significance of the other listed elements within the curtilage and there is no objection in terms of Policy DM8.

#### Highways

- 9.13 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.14 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

- 9.15 There would be a maximum of 10 children attending the nursery school with two members of staff. Ewell Court House is served by a car park with 36 spaces (Free, Monday to Friday with a maximum stay of 3 hours). The applicants are in possession of an annual permit for two parking spaces.
- 9.16 The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
- 9.17 The Highways Officer stated that the proposed change of use from storage space to classroom/kitchen space would not amount to a significant increase in trip rates to and from the site and concluded that the proposal does not raise a concern that it will impact on highway safety in terms of parking and/or capacity grounds and we therefore hold no objection.

#### Residential Amenity

- 9.18 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.19 Given the location of the proposed works within the site, there would be no adverse impact on the occupiers of any adjacent residential dwelling.
- 9.20 The scheme would therefore comply with PolicyDM10

#### Community Infrastructure Levy

- 9.21 The proposed scheme would not be CIL liable

### **10 Conclusion**

- 10.1 The proposed development would not result in any heritage impact and would restore and re-use of a storage building. The proposed change of use and principle of the internal alterations would provide public benefit, supporting the existing nursery school. The proposal would not result in any material highway impact and therefore the proposed scheme is considered to be an acceptable development and is recommended for approval.

### **11 Recommendation**

- 11.1 This application is recommended for APPROVAL subject to the following conditions.

#### **Condition(s):**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.**

- (2) The development hereby permitted shall be carried out in strict accordance with the approved drawings:**

**Proposed floorplan**

**Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).**

- (3) The operating hours of the nursery school hereby permitted shall be between the hours of 08:00 -18:000 (Monday – Fridays) only.**

**Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC10 of the Development Management Policies Document 2015**

**Informative:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**