



REGULATORY SERVICES COMMITTEE

31 March 2016

REPORT

Subject Heading:

P1848.15 - South Hornchurch Modular Building, Rainham Road, Rainham

Retention of and works to existing modular building and use for Class D1 purposes (day nursery, playgroup, pre-school or educational day centre only). (Application received 22nd December 2015, description revised 17th March 2016)

Ward:

Squirrels Heath

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
Planning Practice Guidance

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for [X]
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

The proposed development comprises of the permanent retention of a one-storey modular building for either day nursery, playgroup, pre-school or educational day centre use only (Class D1 use) and associated external alterations of the building.

The full planning application has been called before the Regulatory Services Committee as the modular building is a Council-owned facility and an objection from a member of the public has been received.

The proposal raises considerations in relation to the principle of development, design, as well as its impacts on the street scene and amenity of nearby residential occupiers.

The application is recommended for approval subject to conditions.

RECOMMENDATIONS

To authorise the Head of Regulatory Services to grant planning permission subject to the conditions as set out below:

1. Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission but at least prior to the first occupation of the building for the use authorised.

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Number of parking spaces

Before the building(s) hereby permitted is first occupied, provision shall be made within the site at South Hornchurch Library for 10 car parking spaces and an area for drop-off and pick-ups shall be made available on site; thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: -

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF

4. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 and 19:00 on Mondays to Fridays, 09.00 and 17.00 on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

5. Restriction of Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be limited to either a day nursery, playgroup, pre-school or educational day centre use only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Number of children

The number of children accommodated within the premises hereby approved shall not exceed 65 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site is situated approximately 90m north-west of 'Rainham Road Minor Local Centre' and is bounded by Nelson Road to the west and Rainham Road (the A125) to the north.
- 1.2 To the north, south and west of the site are predominantly two-storey residential dwellings and to the east and south-east lies the South Hornchurch Library and South Hornchurch Social Hall respectively. It is noted that there is an existing nearby nursery school known as 'Cornerstone Academy' (No. 175 Rainham Road) and is located approximately 20m west of the site.
- 1.3 The application site currently accommodates a rectangular-shaped single-storey pre-fabricated modular building with a shallow pitched roof and associated external off-street car parking area (vehicular access via Nelson Road) that provides 10 no. car parking spaces and 3 no. cycle parking spaces. The application building measures approximately 12m wide by 30m in length by 4m high and is currently used by staff of neighbouring South Hornchurch Library for library-related storage.
- 1.4 It is notable that the application building forms part of a wider community facility that includes South Hornchurch Social Hall (a one-storey brick-built building located just 2m south of the site and appears to be run by the South Hornchurch Airfield Community Association) and South Hornchurch Library (a one-storey brick-built building located approximately 28m south-east of the site and that its western corner of the building adjoins onto the eastern corner of the Social Hall). Vehicular access to the three buildings is via Nelson Road, where there are off-street car parking spaces.

- 1.5 The main entrance to the modular building is located centrally to its south-eastern elevation and can be accessed via Rainham Road. An external timber-made access ramp and staircase is positioned at the main entrance to enable access into the building as its internal floor level is located approximately 1m-1.5m higher than the external ground level. In addition, timber-made external staircases are also placed close to the doors situated on the south-western and north-eastern elevations of the building.
- 1.6 In terms of boundary treatment, the application building is surrounded by steel palisade fencing of approximately 2m high that is set back from the external walls of the structure by approximately 1m-1.5m.
- 1.7 Approximately 11m south-west of the application building is a bin store owned by the Social Hall and beyond that (approximately 18m) is a substation owned by UK Power Networks (UKPN).
- 1.8 The application building is not a Listed Building nor is it within a Conservation Area.

2. Description of Proposal

- 2.1 The proposed development is for the permanent retention of the single storey pre-fabricated modular building for day nursery, playgroup, pre-school or educational day centre use only (Class D1 use) as well as to install partial cedar timber cladding along the elevations of the building
- 2.2 The application form indicates that the following improvement works to the modular building are also proposed but as these are not 'operational development', it is considered that such works do not require planning permission in themselves:
 - Repairs to gutters.
 - Re-painting of door frames (to match that of existing).
 - Repair damaged pre-fabricated external walls.
 - Repair external timber rails and stairs (to include fitting of anti-slip decking treads).
 - Re-painting of existing perimeter fencing (i.e. palisade fencing).
 - Pruning of existing trees in close proximity to the modular building.
- 2.3 A flexible use is sought by the applicant to maximise the opportunities for leasing the building to a tenant. As a result, possible staff numbers are unknown.

3. History

- 3.1 The application building was originally erected on the basis of a temporary planning permission that was granted by the Local Planning Authority (LPA) on 26 May 2004 (LPA Ref. P0632.04), which permitted the structure (for temporary healthcare accommodation use) to exist for the duration of

24 months (i.e. 2 years). It is clear that the original intention of the modular building was for temporary use only.

- 3.2 A subsequent temporary planning permission was granted on 26 July 2007 (LPA Ref. P1098.07) to extend the life of the structure (and its use as healthcare accommodation) for a further two years (i.e. until 31 May 2009).
- 3.3 Prior to the expiration of temporary planning permission P1098.07, another temporary planning permission to further extend the life of the application building (i.e. until 10 December 2011 and to be used by South Hornchurch Library as Class B1 ancillary office and storage) was granted on 12 December 2008 (LPA Ref. P1669.08).
- 3.4 On 30 August 2013, temporary planning permission (LPA Ref. P0298.13) was again granted to extend the life of the application building (i.e. until 2 August 2016) and to change the use from Class B1 to D1, which involves using the structure as a nursery school as well as storage for South Hornchurch Library.
- 3.5 It is understood from the applicant that the building has only been used for ancillary storage by South Hornchurch Library (note that this remains the case at present) and that it has never been used as a nursery school despite the grant of temporary planning permission for such use on 30 August 2013 (i.e. via planning permission P0298.13). It was explained by the applicant that this was due to the limited time period in which the modular building had planning permission for the nursery use and that such uncertainty proved unattractive to nursery operators.

4. Consultation/Representations

- 4.1 A total of 26 no. of local residents were consulted on 30 December 2015. Only 1 no. of objection letter has been received from a local objector (dated 16 January 2016) and that this relates to concerns on the level of litter left in the car parking area and allegedly caused by visitors to the Library and Social Hall. The objector is also concerned that users of the modular building will create more litter problems in the area, this issue is considered at paragraph 6.6 of this report
- 4.2 In relation to internal consultees within Havering Council, the following were consulted:
 - Environmental Protection - no objection
 - Highways Authority - no objection.
- 4.3 In terms of external consultees, the London Fire Brigade was consulted and it confirmed that it has no objections to the proposed development.

5. Relevant Policies

- 5.1 Policies CP8 (Community Facilities); CP9 (Reducing the Need to Travel); CP10 (Sustainable Transport); CP17 (Design); DC26 (Location of Community Facilities); DC32 (Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC61 (Urban Design); DC62 (Access); and DC63 (Delivering Safer Places) of the adopted 'Core Strategy and Development Control Policies Development Plan Document' (CSDCP DPD) (2008) are considered to be relevant.
- 5.2 Other relevant documents include 'Designing Safer Places' Supplementary Planning Document (SPD) (2010).
- 5.3 Policies 3.16 (Protection and Enhancement of Social Infrastructure); 3.18 (Education Facilities); 6.3 (Assessing Effects of Development on Transport Capacity); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.1 (Lifetime Neighbourhoods); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); and 7.6 (Architecture) of the adopted London Plan (2015).
- 5.4 The National Planning Policy Framework (NPPF) (2012), specifically Sections 4 (Promoting Sustainable Transport); 7 (Requiring Good Design); and 8 (Promoting Healthy Communities) are relevant to the proposed development.

6. Staff comments

- 6.1 This proposal is put before the Committee owing to the application site being a Council-owned property and that there is a third party objection (i.e. a letter of objection has been formally received from a local resident). The main considerations in this case are the principle of development, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.
- 6.2 *Principle of Development*
 - 6.2.1 A day nursery, playgroup, pre-school or educational day centre use would fall within the umbrella of a community facility. LDF Policy CP8 states that the council will work in partnership with other bodies to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by ensuring all new facilities are located in places that are or will be accessible by a range of transport, including walking and cycling and that the development itself is accessible to all groups.
 - 6.2.2 Policy DC26 indicates that new community facilities will only be granted where they a) are accessible by a range of transport modes; b) do not have a significant adverse effect on residential character and amenity; c) are, where practicable, provided in buildings which, are multi-use, flexible and adaptable.

6.2.3 The proposed flexible use would positively contribute to the community providing a facility for which there is demand. Indeed, it is located within the grounds of an existing community facility. The site is accessible by a range of transport options and the building itself is accessible to all via access ramps and stairs. The impact of the use is assessed below. In principle, the development is considered to be acceptable.

6.3 *Design/Impact on Streetscene*

6.3.1 The modular building was only originally envisaged by the applicant to be a temporary form of development given the pre-fabricated nature of the structure when compared to the other nearby brick-built public buildings (i.e. the Library and Social Hall).

6.3.2 However, it is clear that there is now a desire for the building to be retained on a permanent basis and to be used for a flexible D1 use. To help improve the modular, pre-fabricated appearance of the building, the applicant is proposing its renovation and that the external façade is treated with the intermittent installation of cedar timber panels.

6.3.3 The proposed façade treatment is considered by Staff to be appropriate and an improvement to the existing monotonous appearance of the building, which is now showing signs of its age. In addition, given that the low-lying one-storey modular building is set within the established development context/backdrop of the nearby Library and Social Hall (that are both taller than the modular building) and appears to be a natural ancillary extension to such community facilities (when viewed along Rainham Road and Nelson Road), the development is considered to be acceptable in terms of design and impact on the streetscene.

6.4 *Impact on Amenity*

6.4.1 The modular building has existed for over 10 years (having benefited from a number of temporary planning permissions) and is considered an established structure that has become a familiar feature locally. In terms of proximity to nearby residential dwellings, the nearest is situated approximately 21m north-west of the site (i.e. located on Nelson Road). Due to the low-lying nature of the modular building that is set within the larger development context of the nearby Social Hall and Library, together with adequate set-back distances from nearby residential properties, it is considered that impacts to the amenity of the occupiers of neighbouring properties are minimal and that there is also no loss of privacy.

6.4.2 The occupation of the building would give rise to a degree of noise. However, the application site is located in an area which is characterised by community facilities where a certain level of activity and associated noise is to be expected. The site is also next to Rainham Road which is a busy through route, where ambient noise levels will be higher.

6.4.3 No hours of use are identified by the application, partly as a product of the flexible use sought. In order to align with the previous grant of temporary planning permission, a condition limiting the hours of use to between 7.30am and 7.00pm on week days, 9.00am to 5.00pm on Saturdays and not at all on Sundays, Bank or Public Holidays, is recommended. A condition preventing use outside of the group of uses identified is also recommended.

6.5 *Highways / Parking Issues*

6.5.1 There is currently 10 no. off-street car parking spaces located to the south-east of the modular building as well as 3 no. cycle parking spaces to the east.

6.5.2 Annex 5 of the adopted 'Core Strategy Development Control Policies Development Plan Document' (DPD)(2008) stipulates maximum car parking standards for various Class D1 related uses and that, for example, day nurseries are expected to provide 1 space per each member of staff. Whilst the exact use has not been confirmed, it is considered that the existing car parking provision is likely to be adequate for either of the flexible uses identified. Indeed, this level of provision was considered acceptable in giving permission on a temporary basis for a day nursery in 2013.

6.5.3 Annex 6 of the DPD contains cycle parking standards for Class D1 related uses. This appears to be approximately 1 cycle space per every 10 staff/student/visitor, although there is no cycle standard for nurseries (only primary school and above). It is considered that the current 3 no. cycle spaces are adequate. Again, this level of provision was considered acceptable in giving permission on a temporary basis for a day nursery in 2013.

6.5.4 Any peak time early morning and late afternoon traffic caused by parents dropping off/picking up children in association with any day nursery, playgroup or pre-school use may cause an increase in activity in this part of the Rainham Road. However, it is considered that any resulting increase in the level in traffic from the proposed use would not be of such magnitude as to warrant a reason for refusal.

6.5.5 The Highways Authority has no objection to the scheme.

6.5.6 In summary, the development is considered acceptable from a highways perspective.

6.6 *Other Issues*

6.6.1 The applicant has submitted details in relation to the storage of waste associated with the modular building. It proposes a total of 1 no. of general waste bin and 1 no. of recyclable waste bin (i.e. 360 litre wheelie bins) to

be located on the southern edge of the site and within close proximity to the existing waste storage facility that serves the Social Hall.

6.6.2 It is considered that the proposed waste storage facility is adequate and addresses residents' concerns relating to the treatment of waste created by the development proposal.

7. Conclusion

7.1 Staff consider the proposed permanent retention of the modular building with external façade improvement to be acceptable.

7.2 Staff do not consider that the proposed development raises concerns in relation to the impact on the character and appearance of the streetscene or the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

The Council's interest as landowner is considered independently from the planning merits of the proposal.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 22nd December 2015.