



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

21 July 2011

<b>Subject Heading:</b>	<b>P0301.11 – 63 Pettits Lane, Romford</b>  Variation to condition 4 of P2091.04 to increase the number of children on site from 20 to 30 (Application received 15 <sup>th</sup> March 2011)
<b>Report Author and contact details:</b>	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
<b>Policy context:</b>	Local development Framework
<b>Financial summary:</b>	None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

The application seeks permission to vary condition 4 of P2091.04 to increase the maximum number of children permitted at the nursery at any one time from 20 to 30.

This proposal is put forward before the committee due to the applicant being a direct relative of an elected councillor. This report has been passed to the

Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.

Staff consider that the proposal would accord with relevant policies contained in the LDF Core Strategy and the Development Control Policies Document Plan. Approval is therefore recommended, subject to planning conditions.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. The number of children accommodated within the nursery shall not exceed thirty (30) at any one time, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control and to avoid disturbance to the adjoining residents.

4. There shall be no more than ten (10) children playing in the nursery garden at any one time.

Reason: In order to protect the amenity of adjacent residential occupiers.

5. There shall be no increase in children on site until the increase in parking spaces approved under P0322.11 has been implemented in full. The provision of such parking shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure on-site parking is available.

6. The premises shall not be used for the purposes hereby permitted other than between the hours of 7.30am and 6.30pm on Mondays to Fridays and not at all on Saturdays, 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.

## **INFORMATIVE**

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC33, DC36, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The site lies on the eastern side of Pettits Lane on the junction with Havering Drive and comprises a detached two storey building currently used as a nursery. Off street parking is provided in bays accessed from Havering Drive. The front of the property is occupied by a grassed area with nursery signage, while the boundaries are enclosed by close boarded fencing. The locality is predominantly residential in nature and typified by two storey dwellings with off street parking.

### **2. Description of proposal**

- 2.1 Permission is sought for a variation of condition 4 of planning application P2091.04 in order to increase the maximum number of children from 20 to 30.

- 2.2 This application is linked to P0322.11 which seeks to revise the existing parking layout to provide 8 parking spaces. This is discussed in a separate report, found elsewhere on the agenda.

### **3. Relevant History**

- 3.1 P0322.11 – Revised parking layout to create additional parking space with relocated boundary fencing – under consideration.

P1211.10 – Variation to condition 3 and 4 of P2091.04 to increase the number of children on site from 20 to 34 and number of children allowed outside from 10 to 20 – withdrawn.

P1212.10 – single storey garden pavilion – approved.

P2091.04 – Permanent retention of day nursery to first floor – approved.

P1593.03 – Extension of temporary planning permission for a further year – use of first floor as day nursery) – approved.

P0597.02 – Erection of no. 2 covered ways, and change of use of first floor from domestic to early years centre – approved.

P1470.99 – Single storey side extension and change of use of ground floor to day nursery with self contained flat above – approved.

### **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 15 properties. Three representations was received, stating the following objections and comments:

- Area is residential in nature
- Garden would decrease in size
- There are already excessive noise levels from the garden
- Current garages are not used by the nursery, so there is a shortfall in parking
- Parking is a problem on the junction with Pettits Lane with parents parking on the highway.
- Creating more parking spaces is welcome due to road congestion.

### **5. Staff Comments**

- 5.1 The issues for Staff to consider relate to the impact the increase in the number of children allowed on site would have upon the amenity of neighbouring occupiers, highway and parking demand.
- 5.2 Policies to be considered are DC29 (Community facilities), DC33 (Car Parking) and DC61 (Urban Design).

## 5.4 Principle of development

- 5.4.1 Nurseries are accepted as being 'community facilities', where there is a requirement for places within the borough. The Borough's Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places.
- 5.4.2 Policy DC29 seeks to ensure that the provision of educational facilities is of sufficient quantity and quality. The nursery here has an Ofsted rating of 'Good' meaning that it provides high quality care for children.
- 5.4.3 The Borough's Childcare Sufficiency Assessment 2011, states that in 2010 there were 1000 under 5's in Romford Town ward, and 13560 for the whole borough. By 2015, the projected population figures for under 5's in Havering are set to increase, Romford Town has a projected 20% increase in population. This will have a resultant impact on the demand and requirements for day care.
- 5.4.3 The Boroughs Childcare Sufficiency Review 2010/2011 states that Romford Town ward has the highest level of enquiry about childcare provision, accounting for 12% of the entire borough. The age group the nursery caters for is 0-5 year olds. This age group represents 86.1% of the total demand of care for the entire borough. An increase in the number of children on site would contribute towards the demand for places and is considered acceptable in principle; however, this will need to be assessed in terms of neighbouring residential amenity and the impact upon car parking.
- 5.4.4 The same review, on page 6, states that there is a particular gap in places ages 3-4, which is covered by the nursery, Hyland's ward has a deficit of 128 places and Mawney's ward 126 places deficit for example. An increase in the number of children within this nursery would contribute, albeit in a small way to providing for the significant shortfall of places.
- 5.4.4 There are a number of other day care nurseries located nearby which have been converted from residential dwellings, their permitted numbers of children are listed below. These are considered comparable to the application site in terms of context and neighbouring residential amenity.

Fledglings, 61 Eastern Avenue – 34 children on site. No children outside.

Hunnypot Corner, 140-142 Squirrels Heath Road – 32 children on site, 6 outside.

The increased numbers proposed at the nursery here are in line with the above and are considered to be acceptable in principle.

## 5.5 Design/Impact on Street scene

5.5.1 The increase in the numbers of children would have no impact within the street scene. The alterations to the parking layout are discussed in a separate report for P0322.11.

## 5.6 Impact on Amenity

5.6.1 It was originally intended to vary condition 3 and 4 of P2091.04 to increase the number of children from 20 to 34 and the number of children allowed outside from 10 to 20. This however, was later revised following staff concerns regarding the potential for noise disturbance, to no longer increase the number of children allowed outside and to reduce the total number of children on site to 30. There would be a total of 6 staff members.

5.6.2 Representations received objected due to concerns over the level of noise from the site in a residential area. The nursery is detached and an increase in number of children internally is not considered to result in adverse noise levels to neighbouring properties. As there is no increase in the number of children proposed outside within the garden, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity. It is also not proposed to extend the hours of operation at the nursery which remain as previously approved on P2091.04, which permit hours between 7:30am and 6:30pm Mondays and Fridays and not at all on Saturdays, Sundays, Bank or Public holidays.

## 5.7 Highway/Parking/Access

5.7.1 In order to look after 30 children, 6 members of staff are needed. DC33 requires 1 parking space per staff member and a drop off zone for day nurseries. There are a total of 8 spaces which therefore satisfies the policy. Staff also note that existing staff do not all drive into work, but walk, or use public transport and the use of part-time staff means that spaces would be available during the day. The applicant has calculated the parking on the assumption that all staff members would drive to work. This is considered acceptable and would provide adequate on site parking.

## 6. Conclusion:

6.1.1 Staff consider that the proposal to increase the maximum number of children on site from 20 to 30 is acceptable. Members are invited to exercise their judgement as to whether this increase in children would materially impact residential amenity.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None

**Legal implications and risks:** None

**Human Resources implications and risks:** None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity. There is an existing need for nursery school places in Havering, as outlined in the Borough's Childcare Sufficiency Review 2010/2011 and Sufficiency Assessment 2011. This nursery would be able to accommodate some of that need in an Ofsted 'Good' rated establishment.

## BACKGROUND PAPERS

Application forms and plans received 28/02/2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.