



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

26 April 2012

**Subject Heading:**

**P0414.12 – Forest Row Community Centre, Lodge Lane**

**Part change of use of existing sports hall to allow for a childcare facility. External awning to elevation, fencing (2-3m high) and external storage containers (application received 29/03/2012).**

**Report Author and contact details:**

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**Policy context:**

**Local development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

This proposal is put forward before the committee due to the development site being in Council ownership, and elements of the being scheme contrary to the relevant Green Belt policies.

Allowing for margins of judgement, Staff consider the proposals to be acceptable and it is therefore recommended that planning permission be granted.

## RECOMMENDATIONS

Subject to the expiration of the consultation period on 27<sup>th</sup> April 2012 and any consultation responses received raising no new material considerations other than those already considered by Committee it is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the following conditions. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution:

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 storage containers hereby permitted shall be used for a limited period only expiring on 31 May 2014 on or before which date the containers shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of protecting the character and appearance of the Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policy DC45.

3. 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.

4. The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 16:30 on Mondays to Fridays and not at all on Saturdays, Sundays and Bank 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. The number of children accommodated within the nursery shall not exceed fifty (50) 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.

6. There shall be no more than twenty five (25) children playing in the external enclosed area at any one time, without the prior written consent of the Local Planning Authority.

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

7. Prior to commencement of the development, details of the external finish and colour of the fencing hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The fencing shall be provided in strict accordance with the agreed details and thereafter permanently retained in the form agreed.

Reason: In the interests of amenity and the character and appearance of the Green Belt.

## **INFORMATIVES**

### **INFORMATIVE:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC36, DC53, DC55, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document. Other material considerations namely the need for childcare provision in Havering Park ward, justify exception in this case to the strict application of DC45 of the LDF Core Strategy and Development Control Policies and Chapter 9 of the National Planning Policy Framework,.

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 is located east of Lodge Lane and comprises a contemporary sports hall with associated changing rooms in a single building located to the northwest of the site. Vehicular access into the site is via Lodge Lane. Parking is provided around the building.
- 1.2 Ground levels rise to the north where there is a mature line of trees, this provides a screen for the sports hall. Views from the west, east and south are more open in character. The site is wholly located within the Metropolitan Green Belt. Open fields surround the site to the north, west and south. To the east lining Lodge Lane are residential properties, these are located approximately 75m east from the application site.

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

- 2.1 Planning permission is sought for a part change of use from the existing sports hall to allow for the provision of a child care facility. The existing sports hall is able to be divided by screens to create two spaces; the childcare facility would occupy one half, with the other left for other sporting uses. In the evenings and weekends, the hall would be re-opened to create a single space.
- 2.2 Outside of the sports hall would be an area of fencing up to 3m in height to provide a secure outdoor play area. A retractable awning would be installed on the external elevation to provide shade over this outdoor area.
- 2.3 To the rear of the building would be 2 external metal storage containers. The first measuring 1.3m high, 1.5m wide and 0.95m deep and the second measuring 2m high, 2.2m wide and 2.25m deep.
- 2.4 The childcare facility would cater for up to a maximum of 50 children at any one time, with a maximum staff ratio of 10. This provider is to be relocated from an existing facility which is due to close. The use is proposed to run between the hours of 08:30-16:00 Mondays to Fridays only.

### **3. Relevant History**

- 3.1 P0675.06 – New community facility incorporating sports hall, changing rooms, meeting rooms, multi use games area, play area and parking – approved.

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

- 4.1 Neighbour notification letters were sent to 43 properties. At the time of writing this report, the 21 days for consultation has not expired and no representations had been received. At the time of the committee date, the consultation period for neighbour letters will have expired; any representations received will be reported verbally to Members. The site notice is dated 6<sup>th</sup> April and will expire the 27<sup>th</sup> April, and press publicity will also expire on the 27<sup>th</sup> April, both of which are after the committee date. Staff therefore request that authorisation be given for the Head of Development and Building Control to grant planning permission on expiry of the publicity period, subject to the conditions set out at the beginning of this report, provided that no representations are received. In the event that representations are received, Staff seek that the Head of Development and Building Control, after considering the representation, be authorised to grant planning permission provided such representations do not raise any new material considerations which haven't been considered within this report. In the event that new material considerations are so raised, the application shall be referred back to the Regulatory Services Committee for determination.

### **5. Relevant Policies**

- 5.1 Policies DC26 (Community Facilities), DC33 (Car Parking), DC36 (Servicing), DC45 (Appropriate Development in the Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.
- 5.3 Policies 3.17 (health and social care facilities), 3.18 (education facilities), 3.19 (sports facilities) 6.13 (car parking), 7.6 (architecture), 7.16 (green belt) of the 2011 London Plan are also relevant.
- 5.4 Section 9 (Green Belts) of the National Planning Policy Framework (2012) is also relevant.

### **6. Staff Comments**

- 6.1 The issues for Members to consider are the principle of development, demolition, impact upon the setting and character of the Green Belt, the existing community facility, neighbouring residential amenity, the highway and parking.
- 6.2 Principle of Development

- 6.2.1 The site is situated within the Metropolitan Green Belt where development is restricted in order to restrict the sprawl of urban settlements, safeguard the countryside from encroachment and preserve the setting and character of historic towns. Green Belts are characteristically open in character where, Section 9 of the National Planning Policy Framework states the construction of new buildings is inappropriate unless for certain agricultural, forestry and certain recreational uses. Where a building is proposed with a use not outlined in the NPPF, it constitutes inappropriate development, and should not be approved except in 'very special circumstances; which clearly outweigh the identified harm to the Green Belt.
- 6.2.2 The NPPF further states that the re-use of existing buildings in the Green Belt, need not be inappropriate, provided that they do not conflict with the purposes of including land in Green Belt. In this instance, the use proposed includes an associated awning to the building, boundary fencing and external storage containers. LDF Policy DC45 state that planning permission will not be granted for development which has an impact on the openness or character of the Green Belt. Where development is contrary to the provisions of the NPPF and DC45, or where development is judged to be harmful to the character of the Green Belt, the applicant should provide very special circumstances to justify the proposal.
- 6.2.3 The proposals constitute inappropriate development. Prior to the appraising, the very special circumstances which are being promoted in this case, the impacts of the scheme must be assessed.

### 6.3 Green Belt Implications

- 6.3.1 The site is accessed from Lodge Lane and comprises a sports hall building located to the north east corner of the site, surrounded by open area of hard standing used for parking and a playground. From the access the sports hall building is screened by existing residential properties in Lodge Lane and Stapleford Gardens. From the south, west and north, the sports hall is partially visible through boundary trees across the open fields providing an established, developed appearance.
- 6.3.2 The existing site is enclosed with a 2m high palisade fence. The proposed fencing reaches up to 3m high, and would enclose an area to the north/ east of the building. This proposed arrangement is not considered to be intrusive in the streetscene or open Green Belt, where it would enclose existing areas of hard standing, rather than soft landscaping. The proposed awning to the building is located on the western elevation facing Lodge Lane. Staff raise no objection to the awning, as this would appear integral to the building and given it's positioning to one section of the sports hall would not appear dominant, as it is located away from the primary front elevation.
- 6.3.3 The proposed external storage containers arise from the fact that the existing sports hall benefits from little internal storage. Where it is proposed to use half the sports hall unit on a flexible weekday basis, on site storage is required. Given the layout of the building, there is little scope for internal

storage without either reconfiguration of the building or extension to the building.

6.3.3 In setting terms the site is designated as Metropolitan Green Belt and is a developed site, largely covered in hard standing. To the north, west and south are open fields; these are set at a higher level than the sports hall, where the containers are likely to have minimal prominence, their presence in the Green Belt however is inappropriate by definition, for which very special circumstances have been submitted.

#### 6.4 Impact on Amenity

6.4.1 The building is set approximately 77m east from the nearest properties in Stapleford Gardens and over 100m north of properties in Litten Close. This distance is not considered to be harmful to residential amenity. Activity within the site would largely take place to the northern end, away from residential properties.

6.4.2 The proposed use is to run between the hours of 08:30-16:00 Mondays to Fridays, with no hours on weekends or bank holidays. These hours are within those permitted for the Sports Hall and are therefore acceptable. The applicant has confirmed that there would be a maximum of 50 children on site, with a maximum staff ratio of ten staff per day. There are currently 25 staff members who work for the childcare business on a shift/ rota basis.

6.4.3 Given the relative isolation of the sports hall, away from residential properties and ability to control the intensity of the use with conditions. Staff consider that there would be no adverse impact to neighbouring occupiers.

#### 6.5 Highway/Parking

6.5.1 The site has access from Lodge Lane with an open forecourt covering the majority of the site; this provides significant areas for parking. No changes to the access are proposed, and it is proposed to utilise the existing parking areas, of which there are 133 parking spaces. Given the limited hours of use proposed, restricted to weekdays, it is not considered that there would be any harmful impact upon the highway or existing parking situation.

#### 6.6 Very Special Circumstances

6.6.1 The applicant has submitted a very special circumstances case in order to justify the proposals. These revolve around the need for child care provision in the borough, especially in light of their existing premises which are due to close. These are discussed below.

##### *Childcare provision*

6.6.2 The applicants existing premises, at Dukes Hall, in Hornchurch are due to close in May, and it is therefore imperative that an alternative suitable premises is found. Part of the existing childcare business is funded by grants, provided by the Councils Foundation Years and Independent Advice

Service (FYIAS). Should an alternative provision not be found before funding deadlines, then there is the real possibility that the business would see closure, resulting in the displacement of childcare places in the borough.

- 6.6.3 The existing sports hall is classed as a community facility, open to the general public. Nurseries are also 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.
- 6.6.4 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.
- 6.6.5 The Borough's Childcare Sufficiency Assessment 2011, states that in 2010 there were 1400 under 5's in Havering Park ward, and 21100 for the whole borough. By 2015, the projected population increase for under 5's in Havering are 7% on average for each ward, with higher projections for South Hornchurch (33%), Romford Town (20%) and Brooklands (18%). This will have a resultant impact on the demand and requirements for day care throughout all wards in the borough.
- 6.6.6 The Boroughs Childcare Sufficiency Review 2010/2011 states Havering Park has amongst the highest level of enquiry about childcare provision, accounting for 8% 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. The provision of a childcare facility in this location would therefore contribute towards filling this demand for places.
- 6.6.7 The same review, on page 35, states that there is a particular gap in places for children aged 3-4, which is covered by the nursery, Havering Park has a deficit of 171 places and adjacent Mawney's ward has a deficit of 152 places. The provision of a child care facility in this location would therefore contribute towards providing for this significant shortfall in places.
- 6.6.8 The provision of a childcare facility within the existing unit is therefore considered acceptable, as this is located within an existing building and is classified as a 'community use'. The required fencing, although up to 3m in height, is located around a modest section of the building footprint, well away from the principle front elevation. It would also allow for a secure enclosure, which would allow the childcare facility to meet the Ofsted requirements of 'free flow'. The storage containers are also located in a position where they would be least visible from surrounding public view points, and would provide much needed storage space whilst the nursery becomes established.



## 6.7 Conclusions

- 6.7.1 Staff consider that the very special circumstances case submitted is acceptable. The childcare facility is considered to be acceptable, where there is a genuine need in the borough for this type of provision. Externally, the fencing and storage containers are required elements of the child care business. The fencing specifically raises no concern, and whilst the storage containers are located in a position to the rear of the building as to minimise their impact, a temporary consent of these is recommended for a two year period, until a more permanent solution is found.
- 6.7.2 The proposed fencing and external storage containers would remain sufficiently screened the higher ground levels north of the site and surrounding boundary screening. There are not considered to be any adverse highway or amenity implications arising from the proposals. In view of the above factors, staff consider that the proposal accords with the provisions of LDF Policy DC33, DC36, DC53, DC55, DC61, DC63 and that the justification presented warrants a departure from Policy DC45 and Chapter 9 of the National Planning Policy Framework, in this instance, where it is recommended that permission be granted subject to conditions.

### 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. The proposals would provide much needed childcare provision within a ward which has a shortfall of places.

### BACKGROUND PAPERS

Application forms, site plan, received 29<sup>th</sup> March 2012.