

APPLICATION NO:	P0400.13	
WARD :	Cranham	Date Received: 28th March 2013 Expiry Date: 23rd May 2013
ADDRESS:	24 Severn Drive Upminster	
PROPOSAL:	Side and rear single storey extension ,garage conversion ,external works including 2 No. dropped kerb width increases. Change of use Revised plan received	
DRAWING NO(S):	8954 01 8954 03 Revision E	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Ford requested this application be called in to committee unless it was refused under delegated powers, on the grounds of existing traffic problems due to school activity, the estate was designated as residential, increased noise activity and drainage concerns.

SITE DESCRIPTION

The application site is a detached dwelling located on the junction of Severn Drive and Clyde Crescent. Engayne Primary School is located opposite the site. There is a driveway leading to a block of garages to the rear of the site. The surrounding area is characterised by two storey detached, semi-detached and terraced properties. There is a low brick wall on the western boundary of the site. There is a low brick wall and timber paling fence with trellis above on the southern boundary of the site. There is a timber paling fence with trellis above on the northern and eastern boundaries of the site.

DESCRIPTION OF PROPOSAL

Permission is sought for side and rear single storey extensions, a canopy, a garage conversion, external works including 2 No. dropped kerb width increases and a change of use from a dwelling (C3) to a day care nursery (D1) entitled Little Explorers Day Care Nursery.

On the southern side of the property, level with the main front wall, an extension is proposed which will be 4m wide and will project 3.7m beyond the rear wall of the property to adjoin a single storey rear extension. Setback 6m from the main front wall on the northern side of the property, a 1m wide extension is proposed which will project to adjoin the single storey rear extension. A 3.7m high gabled end roof will be provided on the northern side with a hipped roof to the same height (2.4m high to eaves) provided to the rest.

The proposed nursery would operate within three age ranges (under 2's, 2 to 3 and 3 to 5) and occupy 5 separate nursery classrooms together with an office, reception, kitchen and laundry facilities.

There would be a maximum of 52 children in total. The age of the children would be from 0-5

years. The opening hours are proposed to be from 07:30 to 19:30 Monday to Friday. There would be six full time members of staff and six to seven part time members of staff. There would be an outdoor play area to the rear of the site. A maximum number of 16 children will only be allowed access to the garden between the hours of 9.15am and 4.30pm Monday to Friday. The canopy in the rear garden consists of a shade sails fixed to the building and posts.

RELEVANT HISTORY

P1533.12 - Single storey side and rear extension - Approved.

P0199.11 - Single storey side extension - Approved.

P0647.10 - Subdivision of single dwelling into 2 No. 3 bedroom houses and single storey rear extension. Front bay extension with canopy - Approved.

P1845.08 - Two storey side/rear and single storey rear extension and sub-division of single dwelling into 2 no. four bedroom houses - Refused. Appeal dismissed.

P1163.02 - Single storey rear extension - Approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 22 properties. 21 letters of objection were received with detailed comments that have been summarised as follows:

- Proximity of the site to Engayne primary and junior schools and Cranham Baptist Church.
- Traffic and congestion.
- Queried as to whether the proposed opening hours would clash with the school.
- Parking.
- Highway safety.
- There are two nurseries in close proximity to the site and queried the need for a third nursery.
- Concerns regarding the extent of the consultation of neighbouring properties.
- Noise from traffic and children in the garden.
- Impact on neighbouring amenity including noise and disturbance.
- This residential area is not an appropriate location for a day care nursery.
- Concerns regarding the enforcement of planning conditions if minded to grant planning permission.
- Reference was made to legal covenant restrictions.
- The use of a business premises within a residential area.
- Loss of a residential dwelling given the current housing shortage.
- It was alleged that acoustic fencing was not shown on the plans.
- Concerns regarding the day nursery being operated over 6 or 7 days.
- Pollution.
- Drainage.
- Work has commenced on the extensions prior to this application being determined.
- Concerns that the nursery will use Kennet Close Green for activities, which may result in litter and noise.
- Lack of security and site safety during the construction of the extensions.

In response to the above comments, details of the acoustic fencing are shown on Drawing No. 8954 03 Revision B. Comments regarding drainage are not material planning considerations. The Council has a statutory obligation to consult neighbouring properties that adjoin the common boundary of the application site, although the Council uses its discretion to undertake a wider

Comments regarding legal covenants are not material planning considerations. The single storey side and rear extension was approved under a Householder planning application, P1533.12 on 25th February 2013 and it was necessary to apply for full planning permission due to the inclusion of the change of use and the fact that works had not been completed prior to the submission of the application. Comments regarding the commencement of the works for the extensions are not material planning considerations. The remaining issues will be addressed in the following sections of this report.

London Fire and Emergency Planning Authority is satisfied with the proposals.

Environmental Health - Recommend a contamination informative if minded to grant planning permission.

RELEVANT POLICIES

Policies CP8 (Community needs), CP17 (Design), DC1 (Loss of housing), DC26 (Location of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 Noise), DC61 (Urban Design) and DC62 (Access), of the Local Development Framework.

Policies 3.18 (Education facilities), 7.13 (Safety, security and resilience to emergency), 7.4 (Local character) and 7.6 (Architecture) of the London Plan 2011.

Chapters 4 - Promoting sustainable transport and 8 - Promoting healthy communities of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

The main issues in this case are the principle of the change of use, the impact on the streetscene, the amenity of neighbouring occupiers and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

Policy DC1 states that planning permission resulting in the net loss of housing will only be granted in exceptional circumstances where it involves the provision of community facilities, or is necessary to meet the specific needs of the community or necessary to deliver a mixed and balanced community. The development would need to satisfy aspects of DPD policies DC26 and DC61, which provide, in combination, that new development, including the provision of community facilities, should not have a significant adverse effect on residential character and amenity. This will be assessed in the following sections of this report.

Nurseries are accepted as being 'community facilities', where there is a requirement for places within the borough. Childcare Services has investigated childcare sufficiency in the locality of the proposed new setting and has identified four pre-schools/day nurseries within one mile of Engayne Primary School. Two of which offer day care provision on mornings only and two operate between 8.35am and 15.25pm Monday to Friday. Childcare Services support the full day care facility, as the four pre-schools/day nurseries specialise in sessions of care. The opening hours of the proposed nursery will support parents. The government is paying for 2 year olds to access 15 hours of early years education, which will contribute to the need for additional childcare places. There is also an increase in live birth data.

As a London Borough, Havering is duty-bound to deliver Section 13 of the Childcare Act 2006

and the Childcare Sufficiency Assessment (CSA) highlights areas of need within the Borough. The CSA 2011 supports the evidence that there is a fundamental shortage of childcare provision in Cranham. There is, therefore, a real need to increase the number of childcare places within this area.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Planning permission was granted for a single storey side and rear extension under application P1533.12 on 25th February 2013. The dimensions and design of the proposed extensions remain the same as that previously approved and therefore, are deemed to be acceptable and would not adversely affect the streetscene.

It is considered that the parking spaces on the site would not be visually intrusive, as the front gardens of some neighbouring properties in the vicinity already comprise of hard surfacing. In addition, details of the hard and soft landscaping can be secured by condition if minded to grant planning permission.

From a design point of view, no objection is raised to the conversion of the garage. A pair of entrance doors and a window will be provided in the front elevation and matching brickwork will be provided. It is considered the garage conversion will integrate satisfactorily with the character of the property and the streetscene.

It is considered that the external works including increasing the width of two dropped kerbs and the canopy in the rear garden would be acceptable and would not adversely affect the

IMPACT ON AMENITY

The dimensions and design of the proposed extensions remain the same as that previously approved under application P1553.12 and therefore, are deemed to be acceptable and would not adversely affect the amenity of neighbouring occupiers.

The total number of children that would be on the site would be 52. There would be six full time members of staff and six to seven part time members of staff. It is considered that the proposed nursery (D1) use would result in some loss of amenity to neighbouring properties, although on balance, this is deemed to be within acceptable limits. One mitigating factor is that the building is detached. Environmental Health have been consulted and have indicated that it is not necessary to insulate the building in respect of noise.

It is proposed to retain a number of the existing trees in the rear garden. There would be a 2m high acoustic fence inside the existing fence partially along the northern and eastern boundaries of the site and boundary vegetation, which would help to buffer any noise from outdoor play and learning and these can be secured by condition if minded to grant planning permission. The supporting information details that the surface materials of the garden area will include the latest technology to absorb noise. Also, any larger play apparatus and any potentially noisier activities are located towards the southern boundary, which borders Clyde Crescent, to increase its separation distance from residential neighbours.

The opening hours are proposed to be from 07:30 to 19:30 Monday to Friday. It is considered that the opening hours are acceptable, as they comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition. In addition, there would be a maximum of 16 children accessing the garden at any given time, between the hours of 9.15am and 4.30pm Monday to Friday and this can also be secured by condition.

Consideration has been given as to whether the proposed use would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. It is considered that the proposed use would result in some loss of amenity to neighbouring properties, although on balance, this is deemed to be within acceptable limits. When reviewing the merits of this application, weight was attached to the benefit of linked trips, whereby parents could drop off their children to Engayne Primary School and the proposed nursery at the same time. In addition, the operating hours for the nursery are from 7.30am to 7.30pm Monday to Friday, which would help to stagger the pick up and dropping off times.

HIGHWAY/PARKING

The off street parking requirement for a Day nursery/creche is 1 space for each equivalent full time member of staff. There would be six full time members of staff and six to seven part time members of staff. The average and minimum requirement for the site at full occupation is twelve members of staff.

The total number of spaces required is 14, which includes two spaces for a drop off area. A transport statement and travel plan was submitted with this planning application. Car parking and drop-off is provided at the front of the site. The hardstanding area is proposed to be extended. Following negotiations with the agent, two additional car parking spaces have been provided to the rear of the site, which brings the total to 14 off street parking spaces including two spaces for drop offs and pick ups. Of these fourteen spaces, there would be ten off street parking spaces in the front and rear garden of the site (with one disabled space), which includes two for dropping off and picking up. In addition, there are two garages and two parking spaces in front of the garages, accessed via the driveway in Clyde Crescent to the rear of the site. Two of these four parking spaces are reserved for the Manager and her assistant. Therefore, the proposal meets the Council's maximum parking standard.

Areas to the side of the building will consist of hardstanding for buggy parking and cycle storage. The supporting statement refers to a local recruitment drive to encourage applications from the local population to minimise staff travelling. In addition, there would be the benefit of linked trips, whereby parents could drop off their children to Engayne Primary School and the proposed nursery at the same time. In addition, the operating hours for the nursery are from 7.30am to 7.30pm Monday to Friday, which would help to stagger the pick up and dropping off times.

The Highway Authority has no objection to the proposal and is satisfied with the number of parking spaces for a day care nursery in this location. Balanced against that is a recognition that the proposal comprises a 52 place nursery which would be located opposite a primary school with known difficulties during picking up and dropping off times. To ensure that Staff are encouraged to use alternative methods of travel to the site, a condition can be placed to ensure that the submitted travel plan is implemented.

Overall, on balance, it is considered that there are sufficient grounds to recommend approval for this application, given that there is sufficient car parking provision, staggered operating times and a travel plan.

KEY ISSUES/CONCLUSIONS

Staff consider that the principle of the change of use from a dwelling to a day care nursery is acceptable in this instance, as it involves the provision of a community facility, which would help to contribute to the number of childcare places in Cranham.

The dimensions and design of the proposed extensions remain the same as that previously

approved and therefore, are deemed to be acceptable and would not adversely affect the streetscene or the amenity of neighbouring properties.

It is considered that the external works including increasing the width of two dropped kerbs, the garage conversion and the canopy in the rear garden would be acceptable and would not adversely affect the streetscene or the amenity of neighbouring occupiers.

When considering the merits of this application, significant weight was attached to the notable demand for nursery facilities and the benefits of these facilities to the wider Cranham community. Staff consider that the proposed use would result in some loss of amenity to neighbouring properties, although on balance, this is deemed to be within acceptable limits and would be mitigated by the staggered operating hours, the benefit of linked trips between Engayne Primary School and the nursery and the detached nature of the application site. Conditions can be placed regarding the provision of acoustic fencing, landscaping, parking provision, maximum numbers of children and the use of the rear garden if minded to grant planning permission. Staff consider that the conditions will help to minimise any noise and disturbance to neighbouring properties. It is acknowledged that Members may place different weight on these issues and as such, are invited to apply their judgement.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. S SC4 (Time limit) 3yrs

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. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. S SC32 (Accordance with plans)

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

4. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. SC59 (Cycle Storage)

Prior to the first occupation of the building, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

6. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 and 19:30 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.

7. S SC19 (Restricted use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be used for a day nursery 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.

8. S SC28 (Number of children)

The number of children accommodated within the premises hereby approved shall not

9. SC06 (Parking provision)

Prior to the first occupation of the building, provision shall be made within the site for 14 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed by the Local Planning Authority.

Reason:-

To ensure that adequate off street car parking provision is made in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

10. SC14A (Visibility splay)

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

11. Non Standard Condition 31

Before the building hereby permitted is first occupied, the acoustic fencing shall be erected on the northern and eastern boundaries of the application site, in accordance with drawing No. 8954 03 Revision D and retained permanently.

Reasons:- In the interests of amenity and to ensure that the proposal complies with Policy DC61 of the Core Strategy and Development Control Policies DPD.

12. Non Standard Condition 32

Prior to the first occupation of the building, a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

13. Non Standard Condition 33

The rear garden shall only be used between the hours of 09:15 and 16:30 Monday to Friday and the maximum number of children using the rear garden for outdoor play

14. SC13 (Screen fencing) ENTER DETAILS

Before the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 1.8 metres high shall be erected on the eastern and southern boundaries of the site in accordance with Drawing No. 8954 03 Revision D and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. SC58 (Refuse and recycling)

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Non Standard Condition 35

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

17. Non Standard Condition 36

The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

18. Non Standard Condition 37

Prior to the first occupation of the building, a Travel Plan for the day care nursery shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

Reason:-

In the interests of promoting sustainable travel patterns, and in accordance with Policy

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP8, CP17, DC1, DC26, DC33, DC34, DC35, DC55, DC61 and DC62 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

3 Highways Informatives

The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

Any statutory undertakers equipment/street furniture requiring diversion/relocation due to this construction shall be diverted at the developers cost.

4 Non Standard Informative 1

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Development Control Policies Development Plan Document Policy DC53.