



# REGULATORY SERVICES COMMITTEE

22 August 2013

# REPORT

**Subject Heading:**

**P0298.13 South Hornchurch Library,  
Rainham Road**

**Retention of a portacabin and change  
of use to a nursery and storage for the  
library service (Application received 13  
May 2013).**

**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

The application is for the retention of the building on a temporary basis and a change of use from B1 (Offices) to D2 (Day nursery). The proposal is considered

acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact, parking and highway issues. The proposal is judged to be acceptable in all material respects and subject to safeguarding conditions it is recommended that planning permission is granted.

The application site comprises Council owned land.

## RECOMMENDATIONS

That the Committee notes that the development proposed is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

The proposal is acceptable as it stands subject to the conditions set out below.

1. This permission shall be for a limited period only expiring on 22.08.16 on or before which date the temporary building on the site shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

The temporary nature of the building is such that permanent permission would not be appropriate in the interests of amenity. This permission is therefore granted on a temporary basis to enable the Local Planning Authority to retain control, and that the development accords with LDF Development Control Policies Development Plan Document Policy DC61.

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents approved by the local planning authority:

PLAN 3  
SPS1724

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the building(s) hereby permitted is first occupied, provision shall be made within the site at South Hornchurch Library for 10 nursery staff 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 Development Control Policies Development Plan Document Policy DC33.

4. 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.

5. 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

6. Hours of Use of Outdoor Area - The outdoor play area shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:30 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

7. Cycle storage - Prior to completion of the works hereby permitted, 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Storage of refuse - 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.

9. Boundary treatment – Prior to the commencement of the change of use hereby approved, details of all proposed walls, fences and boundary treatment of the play area shall be submitted to, and approved in writing by, the Local Planning Authority. The fence or wall shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. The Highway Authority requires the Planning Authority to advise the applicant 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. The Highway Authority requests that these comments are passed to the applicant. 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 notification and approval will be needed for any highway works (including temporary works) required during the construction of the development.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The subject site positioned to the south east of Nelson Road and west of Rainham Road consists of South Hornchurch Library and Community Centre.
- 1.2 To the north of the site is an existing portacabin. The siting of the portacabin was approved in 2004 on a temporary basis for a two year period as a Health Care Facility under planning application P0632.04. In 2007 a further two year extension was granted for the retention of the portacabin under planning application P1098.07.
- 1.3 In 2008 planning permission for the retention of the portacabin building as ancillary offices and storage space to the library was approved on a temporary basis only until 10th December 2011 under application P1669.08.
- 1.4 To the south side of the site are the Community Centre and Library buildings. The car parking provisions on site are located to the south west of the site.
- 1.5 The surrounding area is characterised by residential properties to the north, east, south and west.
- 1.6 The property immediately to the northwest across Nelson Road is an existing nursery.

### **2. Description of Proposal**

- 2.1 The application is for the retention of the 322sqm building on a temporary basis until 22.08.2016 and a change of use from B1 (Offices) to D2 (Day nursery).
- 2.2 The nursery would employ 13 full time members of staff with 11 on site at a single time.
- 2.3 The nursery would cater for up to 65 children ranging from 18months to 6 year olds.
- 2.4 The proposed opening hours would be 7.30am to 7.00pm Monday – Friday and 9.30am to 5.00pm on Saturdays. The Nursery would be closed on Sundays and Bank Holidays.
- 2.5 No external changes are proposed to the building. A play area would be created to the southeast of the building and north east of the community centre.

2.5 The existing 10 car parking spaces to the south west of the application site would be retained and serve the Nursery.

### **3. Relevant History**

3.1 P1669.08 Retention of the temporary building to be used as offices – approved.

3.2 P1098.07 Extension for a further two year period until 31st May - approved.

3.3 P0632.04 Erection of single storey building for temporary health - approved

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

4.1 The application was publicised by the direct notification of adjoining properties. One letter of objection was received as summarised as follows:

- Noise and Disturbance
- Traffic Issues and Congestion

4.2 One letter of support was received as summarised as follows:

- Meet the needs and increase the number of childcare

4.4 The Fire Brigade is satisfied with the proposal.

4.5 Environmental Health raise no objections on the grounds there is no intention to cook food.

4.6 The Environment Protection Officer has no objection to the proposal, subject to the attachment of safeguarding conditions.

4.7 Highways raise is no objection to the proposal. The attachment of an informative is requested.

### **5. Relevant Policies**

5.1 Policies CP8, DC26, DC27, DC28, DC32, DC33, DC55 and DC63 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document are material considerations.

5.2 Policies 3.6 (children's play facilities), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking) and 7.4 (local character) of the London Plan are material considerations.

5.3 The provisions of the National Planning Policy Framework are also a material consideration.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, the impact of its design, scale and massing on the character of the area, impact on neighbours living conditions and parking and highway matters.

### **6.2 Principle of Development**

6.2.1 Government Policy states that Local Authorities can play a part in rebuilding the economy. When determining planning applications Authorities should support enterprise and facilitate development where it could create jobs and business productivity.

6.2.2 Nurseries are accepted as being community facilities, where there is a requirement for places within the borough. The Boroughs Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places. The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by child minders. The proposed Nursery would contribute, albeit in a small way to providing for the significant shortfall of places.

6.2.3 LDF Policy CP8 states 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 community 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

6.2.4 The proposal would further be subject to Policy DC26 of the LDF document. 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

6.2.5 The proposed use will provide a day nursery which would introduce a use which will have a positive contribution to the community, and provided it has no harmful impact on the amenities of neighbouring occupiers or parking and highway implications, is acceptable in principle.

### **6.3 Design and impact on streetscene**

6.3.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

- 6.3.2 The further retention of the building for a temporary period of three years would have a neutral effect on the existing character and appearance of the site and surrounding area, and subject to safeguarding conditions, no lasting impact.
- 6.3.3 No external works are proposed to the building. The proposed play area by reason of its nature and use would be in keeping with the character and appearance of the site that provides community facilities in the form of a community centre and library. The design of boundary treatment to the play area would be secured by way of condition.
- 6.3.4 Subject to safeguarding conditions, it is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and advice contained within the NPPF.

#### **6.4 Impact on Amenity**

- 6.4.1 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.
- 6.4.2 Noise would arise from the use of any outdoor area. However, as the outdoor play area by reason of its positioning centrally in the site would be screened on three sides by the existing buildings and separated from the residential properties to the north by Rainham Road. It is considered that the proposal would not significantly impact on residential amenity in terms of noise and disturbance, subject to a condition limiting hours of outdoor play.
- 6.4.3 The proposed hours of use are between 7.30am and 7.00pm on week days and 9.30am to 5.00pm on Saturdays are hours of operation similar to that existing on site. The proposed hours of use of the outdoor play area are between 9.00am and 5.30pm on week days and 9.00am to 5.00pm on Saturdays.
- 6.4.5 The proposal by reason of its separation distance from residential properties and nature of the proposed use would not result in any significant loss of outlook, overshadowing or loss of sunlight and daylight to neighbouring properties.
- 6.4.6 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties. The development is therefore considered acceptable in accordance Policy DC61.

#### **6.5 Highway/Parking**

- 6.5.1 Policy DC26 requires community uses to be accessible by a range of transport modes including walking, cycling and public transport and sufficient on street car parking should be provided. For D1 use, which



includes day nurseries and creches, 1 car parking space per member of staff should be provided. There is also a requirement for a drop off area.

- 6.5.2 The site consists of 10 car parking spaces on site and no more than 11 staff would be working at a time. The existing space to the rear of the community centre would be used as a dropping off area for the children.
- 6.5.3 The Highway Authority confirmed that as the level of car parking space on site is only slightly lower than required on site they have no objection to the proposed change of use.
- 6.5.4 The peak time early morning and late afternoon traffic caused by parents dropping off/picking up children would cause an increase in activity in this part of the Borough and 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.

## **8. Conclusion**

- 8.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed change of use and retention of the building on a temporary consent would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.
- 8.2 The application therefore complies with aims and objectives of Policies DC26, DC61 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None

### **Legal implications and risks:**

The application site comprises Council owned land.

The planning merits of the application are considered separately from the land interest.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development provides a community facility and contributes to the provision of child care for all elements of the community.

**BACKGROUND PAPERS**

Application forms, plans and supporting statements received 19 March 2013.