



REGULATORY SERVICES COMMITTEE

5 December 2013

REPORT

Subject Heading:

**P1014.13 – Harold Wood Park Pavilion,
Harold View, Romford**

**Shed and change of use of the sports
pavilion to a mixed D1/D2 use
(including a pre-school nursery)
(Application received 9th September
2013)**

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	[x]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a shed and change of use of the

sports pavilion to a mixed D1/D2 use (including a pre-school nursery). Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

1. Time Limit – 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. 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 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Hours of use - The sports pavilion shall not be used for the pre-school nursery hereby permitted other than between the hours of 08:30 and 15:30 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.

4. Restricted use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be used for a sports pavilion and day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 and D2 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.

5. Number of children - The number of children accommodated within the premises hereby approved shall not exceed 15 at any one time, including the applicants own children 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 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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 comprises of a sports pavilion in Harold Wood Park. Access is via the main gates in Harold View off Squirrels Heath Road and a road leads to a car park for 34 vehicles. The nearest residential properties are located in Brinsmead Road, which are north of the site. The site is Council owned and located in Metropolitan Green Belt.

2. Description of Proposal

- 2.1 The application seeks permission for a shed and change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery). The sports use of the pavilion would continue and the floor area for the nursery would be 42 square metres.
- 2.2 The metal shed would have a depth of 2.65 metres, a width of 1.83 metres and a height of 1.74 metres to the eaves and 2 metres to the ridge. The shed would be located in between the cricket net enclosures and a compound fence. The shed would be used to store nursery equipment when it is not in use during weekends, holiday periods or large items that are not in use regularly.
- 2.3 As an existing playgroup returning to the local area, it is expected that there would be less than 10 children for a short while when the nursery opens. There would be a maximum of 15 children in total. The playgroup would

utilise the pavilion. The age of the children would be from 2-4 years. The opening hours are proposed to be from 09:00 to 15:00 Monday to Friday. There would be at least 3 full time members of staff for the playgroup. The playgroup would use the existing paved area to the rear of the pavilion as an outdoor play area. The playgroup are planning to use the general ladies toilets and baby changing facilities along with the male referees changing room as temporary storage during the week.

3. Relevant History

- 3.1 P0018.07 – Provision of dog training facility – single storey hall and associated car parking and landscaping – Refused.

P0537.06 – Two no. portacabins for temporary use by Harold Wood Sports Association – Approved.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press and neighbour notification letters have been sent to 4 neighbouring properties. No letters of representation were received.

- 4.2 Fire Brigade – No objection.

- 4.3 Childcare Services – 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. There is, therefore, a real need to increase the number of childcare places within this area.

5. Relevant Policies

- 5.1 Policies CP7 (Recreation and Leisure), CP8 (Community needs), CP17 (Design), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC26 (Location of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC45 (Green Belt), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework are material planning considerations.

- 5.2 Policies 3.18 (Education facilities), 3.19 (Sports Facilities), 3.6 (Children and young people's play and informal recreation facilities), 7.13 (Safety, security and resilience to emergency), 7.4 (Local character) and 7.6 (Architecture) of the London Plan 2011.

- 5.3 Chapters 4 (Promoting sustainable transport), 8 (Promoting healthy communities) and 9 (Protecting Green Belt Land) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the land being Council owned and located in Metropolitan Green Belt. The issues arising in respect of this application will be addressed under the headings principle of development, impact on the Metropolitan Green Belt, impact on the streetscene, amenity issues and parking and highways implications.

7. Principle of Development

- 7.1 The application site falls within the Metropolitan Green Belt. Chapter 9 of the National Planning Policy Framework (NPPF) states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance, the change of use of the sports pavilion to a mixed use D1/D2 use (including a pre-school nursery) and the shed to be permanently retained on site for storage are not considered appropriate in principle by the NPPF. The use and shed are also contrary to the provisions of Policy DC45 of the LDF Development Control Policies DPD, which states that planning permission for development in the Green Belt will only be granted if it's for agriculture and forestry, outdoor recreation, nature conservation and cemeteries.

- 7.2 The NPPF makes it clear that there is a general presumption against inappropriate development which is harmful to the Green Belt except in very special circumstances. In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

8. Impact on the character and appearance of the Green Belt

- 8.1 It is considered that the shed would marginally reduce the open character of the site, as it would be located in between the cricket net enclosures and compound fence. Furthermore, the shed is relatively modest in terms of its size and height, particularly in comparison to the two large storage containers on the site. The shed would be green in colour and be screened by mature trees to the north of the site, which would help to mitigate its impact. The playgroup would use the existing paved area to the rear of the pavilion as an outdoor play area, which would not affect the open character or appearance of the Green Belt. Staff consider that the proposed D1/D2 use (including a pre-school nursery) would not materially affect the green belt, as it would take place within the existing pavilion building. Overall, it is considered that the proposal would not have a significant detrimental impact on the open character and appearance of the Green Belt.

9. Design/impact on street/Garden scene

- 9.1 It is considered that the shed would not be harmful to the streetscene, as it would be located in between the cricket net enclosures and a compound

fence, which is approximately 30 metres from the end of Brinsmead Road. In addition, the shed is relatively modest in terms of its size and height, it would be green in colour and partially screened by the pavilion and mature trees to the north of the site. The shed is considered to be of an acceptable appearance.

10. Impact on amenity

- 10.1 It is considered that the shed would not be harmful to residential amenity, as it would be green in colour, is relatively modest in size and height and would be partially screened by the pavilion and mature trees to the north of the site. Furthermore, the shed would be located in between the cricket net enclosures and a compound fence, which is approximately 30 metres from the end of Brinsmead Road.
- 10.2 The total number of children that would be on the site is 15. There would be at least three full time members of staff. It is considered that the proposed D1/D2 use (including a pre-school nursery) would not result in a significant loss of amenity to neighbouring properties, as the pavilion is detached. In addition, it is considered that the proposed D1/D2 use (including the pre-school nursery) would not result in significant levels of noise and disturbance over and above existing conditions, particularly as the building is currently in use as a sports pavilion. Consideration has also been given to the fact that the application site is located within Harold Wood Park, which has recreation facilities including tennis courts. Also, there would be a separation distance of approximately 14 metres between the play area and the rear part of the pavilion for the proposed nursery from the northern boundary of the site and the southern flank of the nearest residential property at No. 3 Brinsmead Road.
- 10.3 The opening hours are proposed to be from 09:00 to 15:00 Monday to Friday. It is considered that the opening hours are deemed to be acceptable, as they are concentrated during the day time, (as opposed to very early morning or late evening) and would comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition.
- 10.3 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 not result in a significant loss of amenity in terms of vehicular movements, traffic, noise, disturbance and fumes over and above existing conditions, given that people would use the existing car park within Harold Wood Park. Adhoc parking is also available along the access road between the main car park and the gates. Overall, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity.

11. Highway/parking issues

11.1 The Highway Authority has no objection to the proposals, as the proposal is in close proximity to a Council owned car park (with 34 parking spaces), accessed by a park driveway (with space for 25 vehicles) and ample parking is also available in the park car park. It is considered that the proposal would not create any highway or parking issues.

12. The Case for Very Special Circumstances

12.1 The applicant's case for very special circumstances can be summarised as follows:

- Buddies is a pre-school group local to the area, who had to relocate last Summer from Harold Wood Primary School, after they were informed they needed the use of the classrooms they were renting. At that stage, Buddies had 66 children attending for various sessions and had received two Ofsted inspections, both giving a 'Good' judgement. Since then, the pre-school has been looking for premises within the Harold Wood area, as parents were very keen to keep their children with Buddies. The pre-school is currently operating in Worthington Hall, Collier Row, however, they are still receiving telephone calls from parents asking if they have found new, local premises.

- The pavilion building is a child friendly prime location in the residential area of Harold Wood and is well placed for children to explore the area in safety where they can learn all of the Early Years Foundation Stage curriculum areas. Buddies aim to provide pre-school provision with an emphasis on children's participation in sports and exercise activities which use the facilities in the park.

- There is a new, large housing development on the site of the old Harold Wood Hospital and the mix of flats and 3, 4 and 5 bedroom homes suggests that pre-school places will be needed. Recent increases in intake numbers for Harold Wood Primary School show that planning has been done to cater for the increased numbers of children in the area.

- Policy CP8 seeks to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by allowing the development of essential community facilities necessary to meet the specific needs of the community on non-allocated land. Staff consider that the change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery) and shed are essential to meet the current and future needs of the local community. The proposal provides a practical and economical way of enhancing this community facility both now and in the future, which adheres to Policy CP8.

- When considering the merits of the application, consideration was given to the fact that the shed is relatively modest in terms of its size and height. The playgroup are planning to use the general ladies toilets and baby changing facilities along with the male referees changing room as temporary storage during the week. The container would be used to store nursery equipment when it is not in use during weekends, holiday periods or large items that are not in use regularly.

Separate from the applicant's case for very special circumstances, the Council's childcare services Department has advised that 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. There is, therefore, a real need to increase the number of childcare places within this area.

11. Conclusion

- 11.1 It is considered that the shed and change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery) comprises inappropriate development in the Green Belt. However, it is considered that the very special circumstances that have been submitted justify the inappropriate development proposed. It is considered that the proposal would not materially harm the open and spacious character of the Green Belt and would not adversely affect the streetscene. Staff consider that the proposal would not be detrimental to neighbouring amenity or create any highway or parking issues. For the reasons outlined in this report, it is considered that planning permission should be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form and plans received on 9th September 2013.