

## REPORT

# REGULATORY SERVICES COMMITTEE

5 December 2013

Subject Heading:

P0203.13 – The Albany College,  
Broadstone Road

New build for a children's day nursery,  
new access road. Self-contained  
secure outside area with canopy  
(Application received 22nd February  
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	[ ]
Opportunities for all through economic, social and cultural activity	[ ]
Value and enhancing the lives of our residents	[x]
High customer satisfaction and a stable council tax	[ ]

### SUMMARY

The application is reported back to committee following deferral from the 14 November 2013 meeting.

The application is sought for full planning permission for a new build for a children's day nursery, new access road and secure outside play area with canopy.

The proposed vehicular access to the nursery comprises Council owned land which is the grass verge on a piece of land adjoining the eastern side corner of Hartland Road and Broadstone Road, which runs to the north of adjoining properties 36-42 Hartland Road, and to the south of property No.55 Broadstone Road. The planning merits of the application are considered separately from the land interest.

The application is considered to be acceptable in all material respects and, it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That planning permission be granted subject to the conditions set out below.

### 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 as detailed on page one of the decision notice.

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 premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:30 on Mondays to Fridays, 09:00 and 16:00 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.

#### 4. Restriction of use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be D1(a) use 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.

#### 5. Materials

Details of all new external finishes shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted and the development shall be constructed with the approved materials.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area.

#### 6. Screen fencing

Before the building hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected to the application site 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.

#### 7. Community safety

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or

used until written confirmation of compliance with agreed details has been submitted to and approved in writing by the LPA.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and policies CP17 'Design' and DC63 'Delivering Safer Places' of the LDF Development Control Policies Development Plan Document Policy.

#### 8. Hours of construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 9. Land contamination

Following submission by the Developer of a Phase I Report and prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason:-

To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

#### 10. Construction methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

11. No additional flank windows

Other than those shown in the approved plans, no windows or other opening shall be formed in the flank walls of the building 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.

12. Alterations to Public Highway

The proposed alterations to the Public Highway shall be submitted to and approved in detail by the Council prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

13. Licence to alter Public Highway

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 CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

14. Levels

Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason:-

To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

#### 15. Wheel washing

Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development.

#### 16. Storage of refuse

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

#### 17. 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.

#### 18. Soil contamination

Prior to the commencement of any works pursuant to this permission the developer shall submit confirmation of details for the written approval of the Local Planning Authority: Site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved by the Local Planning Authority. Without prejudice to the generality of the foregoing all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason:-

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policy DC53 of the LDF Development Control Policies Development Plan Document.

19. Number of children

The maximum number of children accommodated within the premises hereby approved shall not exceed 45 at any one time, without 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.

20. Parking provision

Before the building hereby permitted is first occupied, the area set aside for car parking and drop-off/pick-up shall be laid out in accordance with hereby approved plan; P-05 Revision A, and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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 that the development accords with the Development Control Policies Development Plan Document Policy DC33.

21. External lighting

No development shall take place until a scheme for external lighting, including details of how it will be maintained in future, has been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include the low level lighting of the access road. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

22. Landscaping



No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, 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.

### 23. Screen

Before any of the buildings hereby permitted is first occupied, a screen 2 metres (6ft. 7ins.) high shall be erected on the top of the external staircase facing west in accordance with hereby approved plan; P-06 Revision A, and shall be permanently retained and maintained thereafter.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property No.42 Hartland Road, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### 24. Access

Prior to any of the works in connection with the construction of the building hereby approved is commenced on site, the access road to the nursery hereby permitted shall be fully completed and shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the passage of vehicles visiting the site and shall not be used for any other purpose.

Reason: -To ensure that suitable access is made permanently available in connection with the nursery and to the standards adopted by the Local Planning Authority in the interest of highway safety.

## **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.

2. 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. 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 Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 7 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
4. 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 in satisfying condition 18, 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.
5. 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.
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,420. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

<b>Report Detail</b>
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## **1. Background**

- 1.1 This planning application was previously reported to the Regulatory Services Committee on 14 November 2013. Following debate, the Committee

resolved to defer the application to enable staff to bring back a report identifying additional details and clarifying the details for the following;

### **Need for the proposed nursery**

- 1.2 The Council's Early Years Team advises that there is a requirement for additional nursery places within the borough. The Borough's Childcare Sufficiency Assessment (CSA) 2011 recommends that the Local Authority continues to support provisions in offering more flexible places and that there is a particular gap in places for ages 3-4, which is currently covered by child minders. This nursery would contribute, albeit in a small way, to providing for the significant shortfall of places.
- 1.3 The Early Years Team also added that as a London Borough, Havering has a duty to secure sufficient childcare for working parents. Section 6 (1) of the Childcare Act 2006 states:

“An English local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them—

(a) to take up, or remain in, work, or

(b) to undertake education or training which could reasonably be expected to assist them to obtain work.”

### **Proposed catchment area**

- 1.4 Havering's last full CSA was published in April 2011, whilst this assessment showed that across the Borough there were more than sufficient childcare places, it did show that there was a shortage of places in the Hylands Ward. The CSA showed that there were estimated to be 250 no. 3 and 4 year old children in the Hylands Ward but only 122 no. Childcare Places.
- 1.5 The latest projections for the Hylands Ward is that this population may have fallen to about 230 no. 3 and 4 year olds but is projected to rise again to 270 by 2019, taking into account the the impact of housing developments, such as that at Roneo Corner.
- 1.6 Since September 2013 the Local Authority has had a statutory duty to provide early education and childcare places for 2 year old children that meet certain qualifying criteria. Nationally, 20% of 2 year olds are expected to qualify for this entitlement. This is expected to increase to 40% of 2 year olds from September 2014, when the qualifying criteria are expanded. It is currently

estimated that there are 117 no. 2 year olds in the Hylands Ward, projected to rise to 127 by 2019.

**Relationship of the nursery to the education activity on main Albany site.**

- 1.7 The applicant states that Parklanes Wykeham Childcare will be a sole provider for Early Year's education and they have strong links with the Albany and are working closely by providing an on-site nursery enabling them to provide quality childcare provision within the Hylands ward with a new purpose built nursery within the grounds.
- 1.8 With this partnership, the applicants mention that they aim to provide places for Albany teachers children and provide work experience for the Albany students in a safe environment. They would also provide funded places for Two, Three and Four year olds in line with current government legislation.
- 1.9 Early Years confirm that the applicant, Beverly Nicholls, Owner of Parklane Wykeham, has been a registered provider in Havering since 2001 and that during this time she has successfully worked in partnership with Havering on several projects and her dedication and commitment to the provision of high quality childcare has resulted in a Good Ofsted award for her current provisions in Hornchurch and Collier Row, in which she has worked with parents and children to improve childcare standards and her provision offers funded places to vulnerable two-year-olds whilst also promoting the benefits of breastfeeding to parents and has engaged with the Local Authority in piloting and developing the 'Basic Skills Quality Mark in Early Years' Award, with her own provision attaining the award in 2008 and again in 2013

**Expected mode and volumes of traffic/parking movements by staff/users**

- 1.11 The applicant states that, as with public transport, the parent catchment zone is Hylands ward. Some families would be in walking distance to their home so this would minimise congestion to the neighbourhood.
- 1.12 They add, following discussions with the Council's Highways department, that it is acknowledged that a percentage of parents would be coming in by private transport, in which they responded by submitting a proposed parking plan which would provide sufficient parking for all staff and a pick/up and drop of area in accordance to the council's parking policy for nurseries.
- 1.13 Within their additional justification statement, the applicant mentions that the nursery would encourage the parents and children to walk to their settings and to respect local residents. They also expect people to cycle, and proposed cycle racks to be provided for staff, children and other visitors.
- 1.14 The planning statement states that the nursery would have staggered drop off times between 8.30am to 9am and collection times between 3pm and 6.30pm,

in which the main volume of traffic to the nursery of 45 children and 6 full time staff would be concentrated.

- 1.15 It is concluded within the statement that the proposed new access road is intended to avoid on-street Parking on Hartland Road as result from the proposed nursery.
- 1.16 The report set out below is that originally presented to committee on 14<sup>th</sup> November.

## **2. Site Description**

- 2.1 The application site at present it is an open grassed space which is situated within the south-west of the Albany College grounds. The site is enclosed by a 1.8 metre high green hooped top metal fence to the east of the site, to the south of the site is enclosed by a 1.8 metre metal palisade fence with landscaping, and to the rear of No.55 Broadstone road a timber fence also measuring at 1.8 metres.
- 2.2 To the south of the boundary of the application site is Harold Lodge Park, to the eastern side of the boundary contains the school buildings within Albany College's grounds, and to the west outside the boundary surrounds a predominantly residential area consisting of mainly semi-detached 2 storey houses with rear gardens. The ground level is relatively flat and adjoining the residential properties of No.42 Hartland Road and No.55 Broadstone Road. The site it not within a designated conservation area nor is the property listed.

## **3. Description of Proposal**

- 3.1 The application seeks full planning permission for a new building to provide a children's day nursery, new access road and secure outside play area with canopy. It is proposed that the nursery would accommodate up to 45 children ages from 6 months old up to 5 year olds, 6 full time staff and 2 part time staff. The opening times would be between 08.00 to 18.30 Monday to Fridays, and 09.00 to 16.00 on Saturdays (for cleaning purposes) with no opening on Sundays and Bank holidays.
- 3.2 The proposed building would measure at 6 metres in height to the rear elevation sloping down to 5.5 metres at the front, 9 metres depth and 18 metres wide, with a front projection at the same height, 2.8 metres deep, and 10 metres wide with a front canopy. There would also be a rear external staircase (south), an open canopy adjoining the eastern flank which would measure at 3.5 metres height, 9 metres depth and 3.9 metres width and an external canopy stand alone at approximately 5 metres in height within the outdoor play area.
- 3.3 The building would have a flat 'green roof system' with 6 rooflights. The main external materials for the walls would be in a textured rendered finish.

- 3.4 The proposed tarmac car park would contain 7 vehicular parking spaces for staff, 6 parent drop-off parking spaces, 1 disabled parking spaces and a recycling area with proposed landscaped surround.
- 3.5 There is an existing pedestrian footpath with a grassed verge that leads to and from the corner of Hartland Road and Broadstone Road and the college buildings itself, it is proposed to be used as a tarmac vehicular access, measuring 26 metres in length and 7.5 metres wide. This land is not in the ownership of the applicant. Permission from the landowner (the Council) would separately be required in order to implement the proposal, should planning permission be granted.

#### **4. Relevant History**

- 4.1 No relevant planning history on this particular site. However there is an extensive history in regards to the school site itself, most notably the tennis court planning application which is the closest Albany school development to the application site.

#### **5. Consultations/Representations**

- 5.1 96 neighbouring occupiers were notified of the proposal by individual letter. The following paragraphs are based on a combination of the original consultation and the re-consultation replies following the revised plans. Original consultation letters went out 19<sup>th</sup> September 2013 and the re-consultation date 15<sup>th</sup> October 2013.
- 5.2 18 different letters of objections have been received to date, in regards to;
- Lack of car parking spaces within the area and would be worse as a result of the nursery
  - Noise and disturbance from the people going into the nursery and the higher volume of traffic coming in and out of the proposed site
  - Loss of privacy from people entering and leaving the site
  - Light spillage from the vehicles and nursery building
  - Harmful design and appearance in that the building would not be in-keeping with the residential properties on the site
  - Anti-social behaviour in regards to the increase of people using the proposed access to the Albany College and the nursery.
  - Difficulties for emergency vehicles to enter the site.

The above points are addressed in the paragraphs below in this report.

- Issues in regards to previous planning applications within the school grounds

The above points are considered to not be material to determining this particular planning application.

- 5.3 Early Years Organisation Team – As a London Borough, Havering is duty-bound to deliver Section 31 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 the area.
- 5.4 Highways – No objections to the revised parking layout and access subject to suitable highway conditions.
- 5.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.
- 5.6 London Fire and Emergency Planning authority – The brigade is satisfied with the revised proposals.
- 5.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report and A Phase III (Risk Management Strategy).
- 5.8 Strategic Property Services – The proposed access into the new nursery is across the Council's private land (it is not adopted highway or adopted pedestrian footpath). The land does not belong to the Albany School or the applicant. At this stage it cannot be presumed by the applicant or by the planning process that any permission to cross the Council's private land would be forthcoming.
- 5.9 Environmental Protection – No objection subject to a condition to ensure that any soil imported to site is free from significant contamination and pose no risk to human health, property, ecological system and controlled water.
- 5.10 London Fire Brigade Water Team – Based on the revised plans, we are happy for the works to go ahead as planned.

## **6. Relevant Policies**

- 6.1 Policies CP8 (Community Facilities), CP17 (Design), DC26 (Location of community facilities), DC55 (Noise), DC61 (Urban Design), DC62 (Access) and DC63 (Delivering safer places) of the LDF Core Strategy and Development Control Policies Development Plan Document. In addition, Policy 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

## 7. Staff Comments

7.1 There is no specific definition given in planning legislation for the term "crèche", "Nursery" or "pre-school playgroup" however the following is a broad description which would cover the uses:

"A place where a number of children under 5 years of age are brought together for part or all of a working day on a regular basis and where provision is made for their care, recreation and in some cases meals"

In planning law the type of activities allowed in a building are grouped together in "use classes". Day nurseries and crèches fall within a use class group called D1 – "Non-residential institutions".

7.2 As outlined in the Childcare Act 2006 Section 13 states it is a statutory duty of London Borough of Havering Authority to undertake a Childcare Sufficiency Assessment to ensure there is sufficient childcare provision available for families in their area.

7.3 The issues arising from this application are the principle of the D1 use, the quality of the design of the building and site layout and impact on the streetscene, the impact on residential amenity and parking and highway considerations.

7.4 Due to concerns arising from the initial proposal first submitted with the application, the applicant has submitted revised plans. A summary of the main changes are as follows;

- The play area which was initially adjoining the eastern side of neighbouring property No.42 and the building to the east of the play area have been switched, with the building now adjacent to No.42 and the play area to the other side.
- Revised orientation of the building to be in line with the residential properties to the south of Hartland road.
- Removal of the proposed pedestrian access and gate, immediately to the south side boundary of No.55 has been removed and to be replaced with a proposed landscaping screen.

Several alterations to the proposed layout of the vehicular parking and which now sees the majority of the parking moved towards the eastern border of the application site and space for fire appliances to manoeuvre

7.5 The Council owned land adjoining the eastern side corner of Hartland Road and Broadstone Road currently consists of a grassed verge and a footpath towards Albany college, this is proposed to be altered to create the main access to the nursery. The applicant has submitted a notice under the section 66 within the Town and Country planning act 1990 to the councils Strategic Property Services.



## **8. Principle of Development**

- 8.1 The site does not fall within any pertinent policy areas as defined by the Havering LDF. The current site does not appear to serve any particular purpose other than providing open land within the setting of the school and this suburban residential area. Subject to satisfactory design and layout (considered below) the loss of open space is not considered to be contrary to any planning policies. A nursery use is considered to be a suitable community use on a site with an existing educational land use. Staff consider the proposal to be acceptable in principle, providing a much needed community facility.
- 8.2 At the heart of the NPPF is a presumption in favour of sustainable development. The presumption is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.
- 8.3 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.
- 8.4 LDF Policy CP8 aims to retain and re-provide community facilities where a need exists. Community facilities include, amongst others, day care nursery facilities. The provision of community facilities forms a vital component in improving quality of life and therefore in line with the NPPF and the London Plan, Policy CP8 seeks to reduce social inequalities and address accessibility both in terms of location and access.
- 8.5 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
- 8.6 It is considered that 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.

## **9. Design, scale and impact on streetscene**

- 9.1 Council policy DC61 and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.
- 9.2 The application site measures at 1420 square metres and the proposed nursery would have a footprint of 236 square metres, with the majority of the remaining space taken up by vehicular parking, circulation space and play space.
- 9.3 The proposed building and associated parking would be located within the Albany College grounds and would not be within wider public views from Hartland Road and Broadstone Road, however it would be seen from the eastern-end corner of between these roads. The proposed building itself would be smaller in height than the residential properties and is considered that it would not be intrusive to the local area.
- 9.4 The revised layout proposes the building to be within the adjoining building line. The design itself differs from the surrounding houses, in that it would have a flat roof and coloured render finish. This design is more a result of its function and given its position within the school grounds it would not appear particularly out of place in the streetscene.
- 9.5 Final details of external materials, boundary treatments, enclosures and landscaping would be needed to be finalised and to be conditioned to be submitted and approved by the local Planning Authority.
- 9.6 With the above taken into consideration, the proposals would not detract from the character of the local area and would therefore be acceptable in this instance. 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.

## **10. Impact on amenity**

- 10.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties. It is considered that the change of use would not result in a significant loss of amenity to neighbouring occupiers.
- 10.2 As mentioned above, the site would be adjoining the residential properties of No.42 Hartland Road and No.55 Broadstone Road, these are the neighbours that would be the most affected by the proposal.

- 10.3 The building would be positioned at least 5.5 metres from the boundary and 8.2 metres away from the building of the closest residential house at No.42. The proposed siting of the building would comply with the general principles set out within the Havering Residential Extensions SPD of avoiding breaking any 45 degree lines taken from the side, front or rear windows serving a habitable room of the adjoining house. Such layout would not result in undue loss of sunlight or daylight to the affected habitable rooms of the adjoining property. Due to position of windows, provision of screen to external staircase platform and distance to neighbours (over 20 metres to boundary of no.55) there is considered to be no adverse impact in terms of overlooking.
- 10.4 The proposed nursery would result introduce a new source of noise and general disturbance to the area and adjoining neighbouring properties, mainly from noise being carried from the play area and vehicular activity. The minimum distance between the adjoining residential property No.42; to the nursery building would be 8 metres, to the car parking area would be 15 metres, to the play area would be 28 metres. The minimum distance between the adjoining residential property No.55; to the nursery building would be 21 metres, to the car parking area would be 18 metres, to the play area would be 35 metres. Given the separation distance between the subject building and these dwellings (as mentioned above), and the day time opening hours, staff do not consider any noise to be of such a nature as to warrant a refusal. However it is acknowledged that the new access would introduce a new noise source as a result of vehicle movements to the front, side and rear of the properties.
- 10.5 Amendments also show a revised location of the main play area away from the residential properties and facing towards to Albany School grounds, the distance of the play area at the nearest residential property would be approximately 25 metres apart.
- 10.6 Neighbour's concerns with regards to noise levels have been noted and care should be taken to ensure the levels of noise and disturbance to occupiers of nearby properties are not significantly greater than that which could be generated by the existing use of the field, which is part of the school grounds. On this basis, staff consider the noise generated by outdoor play would not be to such a degree as to warrant a refusal.
- 10.7 Revised plans removed the proposed additional pedestrian walkway immediately to the southern flank boundary of No.55 and instead replaced this with a landscape screen which would be to the full extent of the boundary which would contribute to prevent potential noise and disturbance.
- 10.8 Opening hours for the will be 8.00 to 18.30 hours Monday to Friday of 08:00 and 18:30 on Mondays to Fridays, 09:00 and 16:00 Saturdays (Cleaning purposes only), and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority. It is considered that the opening hours should not result in a significant loss of amenity to neighbouring occupiers.

- 10.9 The permission would contain a condition that use hereby shall be a day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 to ensure that no other use or other operations other than Albany Nursery are allowed to use it in the future.
- 10.10 A condition would also be added to ensure that the maximum number of children accommodated within the premises does not exceed 45 at any one time.
- 10.11 There is a first floor side facing window facing west towards the front garden of No.42, however there would not be any proposed side facing windows that would directly overlook the windows of adjoining neighbour. The proposed rear external staircase would have a 1.8 metre high solid screening panel which would prevent directly overlooking into the neighbour's rear garden area. As such, the proposal would not create harm in overlooking and loss of privacy. Furthermore, a condition would be added to the permission to prevent any additional flank windows on the west flank elevation to avoid potential overlooking to No.42.
- 10.12 The distance of the property from the nearest residents and the number of children proposed are considered sufficient to accommodate the nursery without a significant impact on neighbour's amenities. It is therefore considered on balance, that the relationship of the application site with adjoining and nearby residential properties is not one for concern.

## **11. Highway/parking issues**

- 11.1 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 for parents.
- 11.2 As mentioned above, the proposed car park provision would contain 7 car parking spaces for staff and 6 parking drop off points and disabled car parking space. There would also be a bicycle rack located to the west side of the building and a turning area for fire appliances adjacent to the access road.
- 11.3 The proposed parking provision complies with the Council's requirement as set out in Appendix 5 which is based on 1 space per member of staff, and no objections are raised by the Highway Authority.
- 11.4 Although the peak time early morning and late afternoon traffic caused by parents dropping off children would cause an increase in activity in this part Hartland Road and Broadstone Road, it is considered that this would not be of such magnitude as to warrant refusal of permission.
- 11.5 Residents raised concerns that the proposed access would remove 3 existing on-street parking spaces. It is considered that this would not materially be

detrimental to the supply of parking within this area. The majority of the households on this road have existing front off-street parking which many of the houses can accommodate 2-3 vehicular parking spaces. During officer site visits during the daytime houses on this road, it is observed that there were available parking spaces on-street.

- 11.6 The parking arrangements proposed are acceptable and it is therefore considered that an adverse impact to highway safety would not occur at this point. It is considered that there would not be detrimental highway or parking implications as a result of the proposed use.

## **12. Mayoral CIL implications**

- 12.1 The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL), charged at £20 per square metre. The GIA of the proposed building would be 171 square metres, as such the CIL liability contributions for this proposal would be £3420.

## **13. Conclusion**

- 13.1 In conclusion, it is considered that, given the scale of the property and the size of day nursery proposed, the proposals could be accommodated within this site. Staff consider that the increase in activity in the early mornings and early evening would not significantly adversely affect neighbouring amenity.
- 13.2 The design and layout of the proposal site would be acceptable and reasonably located to avoid adverse impact to neighbours amenities. It is considered that the use has an acceptable relationship with adjoining properties and is sufficiently separated from neighbours.
- 13.3 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, the proposed nursery is considered to be acceptable in principle Staff are of the view that the proposal would not adversely affect the streetscene or residential amenity. It is considered that the proposal would not create any highway or parking issues. It is recommended that planning permission is granted, subject to conditions.

## **IMPLICATIONS AND RISKS**

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

None directly arising from this application.

**Legal implications and risks:**

The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The proposal includes a new disabled car parking space and DDA compliant space within the building itself.

**BACKGROUND PAPERS**

The plan, application form and supporting documents were received on 22<sup>nd</sup> February 2013.