



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
4 August 2011**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

Richard Cursons (01708 432430)

E-mail: richard.cursons@havering.gov.uk

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 1 - 14)

5 P0886.11 - DYCORTS SCHOOL, SETTLE ROAD, HAROLD HILL (Pages 15 - 22)

6 P0019.11 - 395-405 BRENTWOOD ROAD, HEATH PARK, ROMFORD (Pages 23 - 44)

- 7 **PROPOSED VARIATION OF SECTION 106 AGREEMENT IN CONNECTION WITH PLANNING PERMISSION P0478.08 - UPPER FLOORS 25 TO 31 SOUTH STREET, ROMFORD** (Pages 45 - 48)

- 8 **ALLEGED BREACH OF PLANNING CONTROL AT LAND ON THE NORTH SIDE OF WILLOUGHBY DRIVE, RAINHAM, ADJACENT TO NO.1** (Pages 49 - 52)

- 9 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS OUTSIDE STATUTORY LIMITS** (Pages 53 - 76)

- 10 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster
Committee Administration and
Member Support Manager**

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Regulatory Services Committee

ITEM 4

4 August 2011

WITHIN STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-4	P0930.11	Brooklands	68 Birkbeck Road, Romford
5-11	P0976.11	Rainham & Wennington	Former Rainham Police Station 1-6 New Road, Rainham

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WITHIN STATUTORY PERIOD

APPLICATION NO:	P0930.11	
WARD :	Brooklands	Date Received: 17th June 2011
ADDRESS:	68 BIRKBECK ROAD ROMFORD	
PROPOSAL:	2 storey side and single storey rear extensions	
DRAWING NO(S):	02 08	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

The planning application was called in by Cllr Robert Benham. The application was called in due to the history of the site and the surrounding location.

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

The dwelling in question is a residential two-storey semi-detached dwelling with existing parking for one vehicle on a hardstanding in front and one to the side. The dwelling is situated on the corner of Birkbeck and West Road. No trees are affected by the proposal. The surrounding area is characterised by a mixture of residential uses. The dwelling has a brick and pebble dash finish. The rear flank boundaries consist of high wooden fencing. The ground is relatively level.

DESCRIPTION OF PROPOSAL

The Council is in receipt of an application seeking planning permission for a two storey side and single storey rear extension at No. 68 Birkbeck Road.

The two storey side extension would measure 1.95m in width, 6.4m in length and 7.9m in height to the top of the gable ended roof. The additional space created would be utilised for a study and bedroom at ground floor and two bedrooms at first floor.

The single storey rear extension would be constructed to the east of an existing single storey rear extension and would measure 1.95m in width, 3.2m in depth and 3.2m in height to the top of the flat roof. The additional space would be utilised for an extension to a bedroom.

RELEVANT HISTORY

P1179.10 - Two storey side and single storey rear extension - Refused and Dismissed on Appeal

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of adjoining properties. No letters of objection were received.

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The Highway Authority objects to the proposals; we are concerned that the property cannot meet the standard of off street parking required by Havering for a development of this type in Romford. The requirement is between 2 - 1.5 parking spaces per unit. We would therefore require that the applicant/developer submit a plan showing that 2 correctly dimensioned spaces of 4.8m x 2.4m can be accommodated within the house curtilage and with adequate access to those spaces.

Environmental Health requested a condition requiring a site investigation to assess the level of landfill gas present.

STAFF COMMENTS

A previous application under P1179.11 was refused for the following reason:

The proposed development would, by reason of its height, bulk and mass and close proximity to the flank boundary, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area.

The Inspector commented that the proposal would result in the addition of an appreciable volume of built form close to the boundary of this prominent site and well forward of the building line on this side of West Road. It would thus largely close the existing gap to the boundary, damaging the open feel of the junction, and appear unduly intrusive in the street scene.

The applicant has reduced the overall width of the two storey side extension from 2.72m to 1.95m in order to maintain a 1m setback from the back of the pavement on this corner location. The acceptability of this reduction would be evaluated later in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The acceptability of a residential extension depends on its effect on the general streetscene and neighbouring properties. The extension should be carefully designed and sympathetic in character and appearance to the original dwelling and the neighbourhood.

The subject property is situated on a prominent corner location. However, Staff consider the reduction in overall width and the 1m setback from the back of the pavement on this corner location to have sufficiently addressed the previous reason for refusal. The 1m gap would be in line with policy guidelines and would result in a more open feel to this junction when compared to the previous refused scheme. Although the proposal would still be forward of the properties along this side of West Road, Staff do not consider it to be unduly intrusive to warrant a refusal.

Two storey side addition is subservient to the subject dwelling as it has a 1m setback from the front building line at both floors and is finished with a lower roof form. The two storey side addition relates satisfactorily to the existing dwelling and is considered acceptable from a visual perspective.

The two storey element would not protrude beyond the existing rear building line and would therefore not result in an unacceptable impact on the rear garden environment.

The single store rear element is of modest height and size, relates satisfactorily to the existing dwelling and would not have a harmful impact on the rear garden or streetscene.

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IMPACT ON AMENITY

The two storey side extension would be situated on the eastern side of the dwelling and would therefore not have an impact on the attached neighbour which is situated to the west. No impact would result to the neighbouring occupiers to the east as West Road separates the proposal from these properties.

The single storey rear addition would not result in an impact to neighbouring occupiers as there is a similar rear extension to the attached neighbour and no neighbour to the east.

No flank windows are proposed. There would therefore not be any harmful impact in terms of overlooking. Any views from the additional front and rear windows would not result in additional harm to that which is already present.

HIGHWAY/PARKING

There is currently the provision for the parking of two vehicles on a hardstanding to the front and side of the property. The proposal would result in the loss of one parking space and the addition of three bedrooms. Staff do not consider the loss of one parking space sufficient reason to refuse the application in this particular situation. At the time of the site visit it became apparent that there were sufficient parking provision to neighbouring occupiers and in the street. Parking did not seem to be problematic within this part of Birkbeck Street, however should Member disagree a condition could be added to ensure that a minimum of two parking spaces be provided on site. An additional parking space could be provided to the front or the rear of the property. On balance therefore, staff consider the resultant parking arrangements to be acceptable.

KEY ISSUES/CONCLUSIONS

The proposal is considered to acceptable in term of impact on the streetscene and rear garden environment. The applicant has sufficiently addressed the previous reason for refusal by reducing the overall width of the two storey side addition and setting it 1m off the flank boundary.

The proposal is therefore considered to be in keeping with the aims and objectives of the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

1. S SC4 (Time limit) 3yrs
2. S SC10 (Matching materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. S SC48 (Balcony condition)
6. Non standard condition
The development is situated on or within 250 metres of a current or historic landfill site or gravel pit and the following planning condition relating to landfill gas is required for this development proposal

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Prior to the commencement of any groundworks or development of the site;

a) A site investigation shall be undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing

b) If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.

Reason: To protect those redeveloping this site and any future occupants from potential landfill gas.

1 INFORMATIVE:

Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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WITHIN STATUTORY PERIOD

APPLICATION NO:	P0976.11	
WARD :	Rainham & Wennington	Date Received: 24th June 2011
ADDRESS:	Former Rainham Police Station 1-6 New Road Rainham	
PROPOSAL:	Change of Use and external alteration from former Police Station to 6No. three bedroom dwellings with off street parking and private amenity.	
DRAWING NO(S):	2710_PL01 2710_PL02 2710_PL03 2710_PL04 2710_PL05 2710_PL12 2710_PL13 2710_PL06 2710_PL07 2710_PL08 2710_PL09 2710_PL010 2710_PL11 2710_PL14	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No call in.

RECOMMENDATION

That planning permission is granted subject to conditions.

SITE DESCRIPTION

The site lies to north of New Road and comprises three semi-detached buildings, finished in brick and white render, currently vacant but previously used as police buildings.

The site is accessed via an in and out carriage driveway from New Road. The front of the site is covered in hard standing. The buildings have gardens to the rear, separated by fencing and shrubs. These are open to the front but enclosed to the rear by a close boarded boundary fence. There is mature boundary screening to the rear and eastern boundaries.

The surrounding locality is predominantly residential in nature, typified by two storey houses and flats, there is a recently constructed nursing home directly west of the site. To the south of the site is Chandlers Corner cross roads which connects New Road to Upminster Road South.

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DESCRIPTION OF PROPOSAL

Permission is sought for a change of use from police buildings into 6 three bedroom dwellings with external alterations.

The external alterations are limited to replacement windows and the insertion of double doors to the rear ground floor elevations to provide access into the rear gardens, partial rendering of the ground floors and canopies to the front entrances. Plot 3 would have some of the existing single storey ground floor extensions removed.

Each dwelling would have 2 parking spaces allocated to the front and a garden to the rear measuring between the ranges of 80 square metres and 165 square metres.

RELEVANT HISTORY

G0002.91 - Renewal of no.3-4 as permanent police station and change of use of no's 1 and 6 police houses to separate element of the police station - approved.

G0002.94 - Retention of use of no 2 as a crime prevention unit. Change of use of no. 5 to Police Training Centre and creation of car park in the rear garden - approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 41 properties. No representations were received.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community facilities), CP17 (Design), DC2 (Housing Mix and Density), DC20 (Access to recreation and Leisure Including Open Space), DC27 (DC33 (Car Parking), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document, the Supplementary Planning Document for Residential Design and government guidance contained in Planning Policy Statement 3 (Housing) are considered relevant to the determination of this application.

STAFF COMMENTS

The issues for consideration including the principle of development, design and streetscene, highway access and parking and residential amenity.

Principle of development:

Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for housing development in principle subject to the detailed design of proposals. PPS3 encourages high quality residential development with access to a good range of facilities. The site is currently vacant and the re-use of previously developed land is also encouraged. The former police station have been vacant for some time now and are currently empty.

Policy CP8 refers to community facilities, police facilities are included within this definition. The policy states that the Council will seek to plan for increasing birth rates and plan for an ageing population through the retention of suitably located facilities. Policy DC27 states that planning permission for the redevelopment of community facilities will be granted where it has been demonstrated that there is no longer a need for the facility affected, or where alternative

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provision is made. The police station has been sold and is currently vacant. There is another police facility in Rainham, located on Bridge Road and it is considered that the loss of this site would not result in an loss of services to the local community.

Policy DC2 states that housing should reflect its locality; the dwellings proposed here are a 6, no. 3 bedroom units with parking and amenity space. This type of housing is considered to reflect the character of local housing stock.

The proposal is considered to be in accordance with Policy 3A.1 of the London Plan which seeks to increase London's supply of housing.

DENSITY/SITE LAYOUT

Policy DC2 states that development in this location should have a density between 30-50 dwellings per hectare. The site covers an area of 0.22 hectares. The dwellings proposed represent a density of 27 dwellings per hectare, which is just below the stated ranges. However, density is not the only measure of acceptability.

The Residential Design Supplementary Planning Document does not provide prescribed levels of amenity space, but instead encourages development to provide single, enclosed, non overlooked blocks which benefit from both natural sunlight and shading. Each dwelling proposed has its own private enclosed amenity space measuring between 80 square metres and 165 square metres. These are considered acceptable.

The buildings are existing structures and arranged in a crescent shape. These are accessed via a shared driveway with two crossovers onto New Road.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The three pairs of semi-detached properties are existing structures on site; the changes are considered to be minor in nature and are listed below.

Plots 1 and 2 would have canopies installed over the entrance and the lower brick work rendered. To the rear the single window would be replaced by a door and window. Additional doors would be inserted into the flank elevations.

Plot 3, has a side entrance with no canopy and would have the existing side and rear extensions removed. Plot 4 would be partially rendered at ground floor and would have additional entrance doors to the rear providing access to the garden and a front facing canopy.

Plots 5 and 6 would be rendered at ground floor and include the same entrance canopies as the other units with doors proving access into the rear garden.

The current expanse of hard standing to the front would be broken up with the introduction of soft landscaping to the front plots 1-2 and 5-6 and to the front highway accesses from New Road. This remaining hard standing would provide shared vehicular access and 12 parking spaces. The reduction of hard standing is welcomed here as it currently appears dominant in the streetscene and the soft landscaping would lend to a more residential appearance. It is recommended that a landscaping scheme be attached via condition to ensure that planting and materials are appropriate.

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IMPACT ON AMENITY

The buildings are arranged as a crescent shape within the site, where each dwelling has a different sized garden. Unit 1 is positioned close to the eastern boundary and has a garden provided mainly to the side (south) of the property. This is enclosed by a fencing with trees and shrubs fronting onto New Road. Plot 2 is located in the same position with its garden facing mostly north. These units are located a minimum of 2.8m and maximum of 4m from the eastern boundary shared with the neighbouring community centre. This is closer than the Council would normally accept, however, the buildings are existing structures and the community hall behind is not in residential use and is located 10.5m away from the rear elevation of Plot 2 and is separated by a mature line of trees and hedges. Given this is an existing relationship, Staff raise no objections. The first floor flank windows of Plots 1 and 2 serve bathrooms and the stair case and these are not considered to result in overlooking.

The rear north eastern corner of Plot 3 is located 4m back from the eastern boundary and is positioned 7.5m away from the community centre building. There is the same mature boundary screening between the two sites. Plot 4 is located centrally within the site and raises no concerns. Bedroom 1 on the first floor of both plots has secondary windows to the flank elevations. These would face onto the gardens of Plots 2 and 5. It is considered that a condition be attached requiring these windows to be obscure glazed and non opening, given the orientation of surrounding gardens.

Plot 5 and 6 are located to the western edge of the plot. Plot 6 is located partially on the boundary facing Glebe House, a residential nursing home. Glebe house does not have flank windows and is set away from the boundary. First floor flank windows to Plots 5 and 6 are restricted to bathrooms and staircases, where these are not considered to result in a loss of overlooking and can be conditioned to be obscure glazed and non opening accordingly.

The existing relationship between the pairs of semi-detached properties raises no concern for residential use, however, given their proximity it is considered that a condition be attached to any consent restricting the ability to install flank windows which could lead to overlooking beyond existing acceptable levels.

The site is currently vacant; however, the former use as a police station and training centre would have involved large volumes of passing traffic and large numbers of people. A change of use to residential would result in some vehicular traffic and intensity, but this is considered to be at a lower level than previously experienced and therefore raises no concern from Staff.

Existing refuse arrangements are via commercial bins to the front of the buildings which are unsightly. These are inappropriate in a residential context as proposed here and it is recommended that a condition be attached, requiring details of refuse storage and collection points.

HIGHWAY/PARKING

The density matrix of Policy DC2 requires that new development makes off street parking provision for between 2-1.5 spaces per dwelling. Two spaces have been provided for each dwelling which is acceptable. The existing Highway access would remain unchanged which raises no objection from Staff.

OTHER ISSUES

The site proposed a development for 6 units and is therefore classified as a minor residential scheme. Where schemes are brought forward for 9 or less units, DC6 states that Staff will need to be convinced that the proposal does not represent an underdevelopment of the site with

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regard to density and that a large site is not being brought forward in phases to avoid the major scheme threshold and subsequent contributions at each stage. Here, a change of use is sought only as the buildings are existing structures. Staff are satisfied that the scheme proposed is a acceptable density for the site and that there would be no other phased development as the proposal makes use of the entire site.

Secured by Design:

The Metropolitan Policy CPDA has indicated that if planning permission is granted, suitable condition would need to be attached in order to ensure that this development needs this standard.

KEY ISSUES/CONCLUSIONS

In conclusion, it is considered that residential development on this site is acceptable. The 6 units would each have acceptable levels of amenity and parking. There would be little change from the streetscene in terms of physical appearance; however, the reintroduction of activity would reuse a currently prominent vacant site. In all other respects the proposal is considered to comply with the objectives of the Local Development Framework and as such the application is recommended for approval subject to conditions.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. S SC10 (Matching materials)
4. M SC62 (Hours of construction)
5. SC05A (Number of parking spaces)

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 12 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

6. M SC11 (Landscaping)
7. SC46 (Standard flank window condition)
8. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A,B,C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosure shall be erected within the garden areas of the dwellings

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9. S SC58 (Storage of refuse)

12. SC34B (Obscure with fanlight openings only)

The first floor flank windows to plots 1-6 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted 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 the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan (published February 2008) and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

11. Non standard condition

The building(s) shall be upgraded as to provide sound insulation of 45 DnT,w Ctr dB (minimum value) against airbourne noise to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

2. INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC4, DC33, DC55, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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- 3** 1. In aiming to satisfy condition 10 The applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the policy of the Local Planning Authority to consult with the Borough CPDA in discharging of community safety condition(s)
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. 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.
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where a developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 August 2011

Subject Heading:	P0886.11 – Dycorts School, Settle Road, Harold Hill
	Demolition of existing mini-bus garage and erection of new mini bus garage
Report Author and contact details:	Helen Oakerbee (Planning Control Manager) 01708 432800
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	<input checked="" type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to the demolition of existing mini-bus garage and construction of new mini-bus garage. Existing mini-bus garage measures 31sq m. proposed new mini-bus garage will be 82sq m. it will be located in the same place as the existing garage. The planning issues are set out in the report below and principally focus on the impact of the proposal on the Green Belt. Staff are of the view that the proposal is acceptable and it is recommended that permission be granted 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. Ancillary use to school - The use of the garage hereby permitted shall remain ancillary and subservient to the host property, and shall not be subdivided, separated or altered in any way so as to create separate units.

Reason: To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP17, DC29, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the western side of Settle Road within the grounds of Dycorts School. The school site is characterised by single storey building, play areas, car parking and landscaping. To the north of the site is a public open space. Proposed garage is adjacent to the main entrance and the car park. The site is designated in the Local Development Framework as Metropolitan Green Belt.

2. Description of Proposal

- 2.1 This application seeks full planning permission for the demolition of existing mini bus garage covering 31 sq m and erection of new larger mini bus garage and storage covering 82 sq m. The proposed garage will be located adjacent to the main entrance and the car park. The proposed garage would be finished in concrete panels with cream 'plastisol' coated sheets above door/ window height. Roller shutter doors and pedestrian doors will be dark brown.

Measurements:

Height: 2.8m at eaves level and 4.2m at ridge level

Depth: 10.7m

Width: 7.7m.

3. Relevant History

- 3.1 P1551.09 – single storey metal storage container. Withdrawn on 11th February 2010.

4. Consultations/Representations

- 4.1 The application was advertised and notification letters were sent to adjacent addresses with no letters of representation being received.

5. Relevant Policies

- 5.1 Policies CP17 (design), DC29 (educational premises), DC45 (green belt) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 5.2 Policies 3D.8 (green belt) and 4B.1 (design principles) of the London Plan are relevant.

5.3 National policy guidance set out in Planning Policy Guidance Note 2 “Green Belts” is also relevant.

6. Staff Comments

6.1 This proposal is put before the Committee due to the application being submitted by, and for, land in Council ownership. The main issues to be considered by Members in this case are the principle of development; impact on the Green Belt; design/street scene issues; amenity implications and parking and highways issues.

6.2 Background

6.3 Dycorts School is a small is a school for disabled children, covering the Key Stages 1 – 4 (4-16 year old) age group with moderate to severe learning disabilities, including autism, and a number of other medical conditions.

6.4 A majority of the pupils require transportation to and from the school. This usually involved parents driving their children to school or using the LA Transport Services. Any additional transport requirements such as educational visits, transport for special services such as hydrotherapy is carried out by the school’s own minibus, which is kept on site. The garage which stores the minibuses is considerably old and in poor condition, which has led to many security concerns. The proposal relates to the reconstruction of the garage to ensure it has better security and has better storage facilities.

7 Principle of development

7.1.1 The application site currently forms part of a wider site which is in educational use with schools and associated hard surfaced areas and green open space including playing fields. The application site and adjoining land is designated in the Local Development Framework as Metropolitan Green Belt. National policy contained in PPG2, reflected in LDF Policy DC45, states that the construction of new buildings inside the Green Belt is inappropriate unless it is for specified purposes. The proposal will replace the existing garage with larger garage, which will also include storage space. The floor area will increase by 51 sq m. The proposal is not one of the specified developments within PPG2 as being acceptable in principle and as such is, by definition, inappropriate. PPG2 provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances that outweigh the harm resulting from the development.

7.1.2 Before discussing the very special circumstances which are being promoted here, it is necessary to consider what other harm may result from the development

7.1.3 Staff are of the view the proposal would not materially harm the character of this part of the green belt as the proposal will be constructed in the same location as the existing garage, the use of the development will be the same as the existing garage. It will however be slightly bigger in size than the existing garage. (From 31 sq m to 82 sq m). The garage will fill the existing area with no loss of open space. The proposed garage will be 73m from the main road and views of the garage will be screened from the north by the school building. All of these factors would suggest there is no material harm to the surrounding area.

7.1.4 Staff are of the view the proposal would not materially harm the character of this part of the Green Belt and that this weighs in favour of the proposal when considering the very special circumstances case.

8 Design/Impact on Street scene

8.1.1 The proposal is similar to existing garage and it is in keeping with the character of the surrounding area. Whilst it is acknowledged that the floor area will be increased, staff do not consider that material harm to the character and openness of the Green Belt will arise from the proposal. Furthermore, the proposal would be largely screened from view by the existing buildings on this site. The proposal would not represent a significant addition to the street scene and it has acceptable design and appearance. The proposal is in accordance with Policy DC61.

9 Impact on Amenity

9.1.1 No neighbours would be materially affected by the proposal. The proposal would be a sufficient distance from any neighbouring property to prevent the proposal from resulting in any loss of amenity.

10. Highway/parking issues

10.1.1 Staff are of the view that the proposal would pose no adverse effect on the function of the highway and no parking issues are raised.

11 Very Special Circumstances

11.1.1 The very special circumstances put forward by the applicant are as follows. Pupils require transportation to and from the school as well as school trips. A large number of pupils are transported by LA Transport Services. Any additional transport requirements during the school day are met by the school's own minibus. The existing garage has become derelict due to constant use and there are security concerns. The redevelopment of the garage will be built with modern and weather-tight materials. This will better protect the minibuses from poor weather and ensure better security for the mini busses. The size of the garage has been increased to allow larger minibuses for the use of school pupils.

11.1.2 The applicant's reasons of very special circumstances are acceptable as the mini-bus is required for educational purpose and there needs to be a safe and secure area to store the mini-buses. The redevelopment of the mini-bus garage will ensure it has good security and it is better protected from poor weather.

12 Conclusion

12.1.1 The proposal is not considered to be a significant material departure from LDF policies relating to the Green Belt or PPG2 and it is not considered that referral to the Secretary of State is necessary in this case.

12.1.2 Members may agree that the erection of new mini bus garage and associated benefits this would bring, amount to very special circumstances that outweigh the degree of harm that the proposed development would cause to the Green Belt.

12.1.3 Staff are of the view that the proposal would not be harmful to the character and appearance of the Green Belt, the street scene or residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission 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 applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

Applications are considered in the context of the relevant equalities legislation. The proposal is to provide better facilities for pupils with medical conditions in education. As such, the proposal is considered to be in accordance with the aims and objectives of LDF Policies, CP17, DC29, DC45 and DC61 and approval is recommended accordingly.

BACKGROUND PAPERS

Application form

Plan No: S2946/3; S2946/2; S2946/1

Design and Access Statement received on 9th June 2011.

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6

REGULATORY SERVICES COMMITTEE

REPORT

4 August 2011

Subject Heading:

P0019.11 – 395-405 Brentwood Road,
Heath Park, Romford

Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3no. residential units and construction of second floor extension to form 2no. residential units together with alterations to the front facade of the building. (Application submitted 6th January 2011, revised plans submitted on 4th February and 7th June 2011).

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy
None

Financial summary:

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application was reported to Regulatory Services Committee on 21st July where it was deferred for Staff to explore whether the applicant was prepared to enter into a legal agreement to restrict the opportunity for future residential occupiers to obtain residents parking permits. Confirmation has now been received from the applicant that they would be willing to enter into such an agreement in the event that Members are minded to grant planning permission. The report presented to the 21st July Committee is appended to this report (Appendix A). The application continues to be recommended for refusal but should Members be minded to grant planning permission, details of suggested conditions and Heads of Terms for a legal agreement are set out in the report.

RECOMMENDATIONS

It is recommended that planning permission be refused for the following reasons:

1. The proposed roof extension would, by reason of its height, bulk and mass fail to relate to the existing building and would therefore appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. In the absence of a legal agreement to prevent future occupiers from obtaining resident parking permits the proposal is likely to result in the unacceptable overspill of cars onto the adjoining roads to the detriment of highway safety contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVE

1. The applicant is advised that in order to address reason for refusal number 2 the Council will be looking to prevent future occupiers from obtaining parking permits through a legal agreement in the event of an appeal or a resubmission.

REPORT DETAIL

1. Site Description:

- 1.1 The application site is located on the western side of Brentwood Road, directly opposite The Drill Public House and in close proximity to The Drill

roundabout. The application site is presently occupied by a two storey building which is currently vacant. Until early 2009 the building was occupied by the Heath Park Motor Company who used the ground floor as a showroom area with the upper floor being used as offices. The application site is loosely a triangular shape with the existing buildings on site covering almost the entire site.

- 1.2 Directly to the north of the site is the Drill Corner minor local centre (fronting Heath Park Road) which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the rear the site is abutted by the garden areas of residential dwellings also fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a further portion of the Drill Corner minor local centre with residential properties beyond. The application site is located on several bus routes and is within 5 minutes walk of Gidea Park Railway Station.

2. Description of Proposal:

- 2.1 This application seeks full planning permission for the partial change of use of the former car showroom to form a retail unit (Class A1), the change of use of first floor to form three residential units and construction of a second floor extension to form two residential units. The application also seeks permission for alterations to the façade of the building and an alteration of the front forecourt layout to provide a lay by.
- 2.2 The ground floor of the building was most recently a car showroom. This proposal would result in the building being split internally to form two separate units. Permission is sought to change the right hand unit nearest to The Drill roundabout into a retail shop of 381 square metres in area. At this stage the applicant has advised that no tenant has been identified. The remainder of the ground floor (the left hand unit) would be retained as a car showroom of 315 square metres in area.
- 2.3 To the front forecourt it is proposed the existing arrangement of dropped curbs would be reconfigured in order that a new lay by could be constructed. The proposed lay by is intended to enable servicing to take place without obstructing the highway. The proposed lay by would measure 22 metres in length and be capable of accommodating a delivery vehicle or four cars. The proposal would also see six parking spaces provided to the forecourt area. The applicant has advised that these spaces would be dedicated to the proposed upper floor flats.
- 2.4 The application seeks permission for a number of minor alterations to the façade of the building. These include the replacement of the existing doors and windows with modern variants, the application of render to a portion of the first floor and the provision of timber panelling above the entrance door to the first floor. The proposed upper roof extension would be sited over the front portion of the building and measure 24.7 metres in width by 6.2 metres

in depth at the deepest point. The roof extension would appear in a mansard style with a height of 2.5 metres above the existing roof height. The proposed upper floor extension would be in two portions with the largest portion being set back from the building's façade by 0.6 metres. A smaller portion of the extension would be located towards the southern end of the building and set back from the façade by 2.7 metres.

- 2.5 The upper floor of the building is presently vacant but was formerly in office use. The proposal would see three flats provided to the existing first floor and two flats provided within the proposed second floor roof extension. 2no. two bedroom flats and 3 no. one bedroom flats are proposed.

3. Relevant History:

- 3.1 The application site has an extensive history relating to its occupation by the Heath Park Motor Company however none of these applications are of relevance to this proposal. The most recent application for this site was;

- P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building – Approved subject to conditions.
- P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day - Approved

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 26 adjoining occupiers with three letters of representation being received. The letters raise objection to the application on the grounds of overlooking from the additional floor, lack of car parking, highway safety, additional noise and impact on existing local shops.

- 4.2 The Council's StreetCare Service raises no objection in respect of highway or parking issues.

- 4.3 The Council's Environmental Health Service raises no objection subject to planning conditions.

- 4.4 The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues but recommends that planning conditions are imposed.

5. Staff Comments:

- 5.1 This application was reported to Regulatory Services Committee on 21st July where it was deferred for Staff to explore whether the applicant was prepared to enter into a legal agreement to restrict the opportunity for future residential occupiers to obtain residents parking permits in any current or future Controlled Parking Zone scheme. Staff have been in discussions with

the applicant and they have confirmed a willingness to enter into such an agreement in the event that Members are minded to grant planning permission.

5.2 Suggested planning conditions and Head of Terms wording

5.2.1 In the event that Members are minded to grant planning permission it is recommended that upon completion of a legal agreement, planning permission is 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. Car parking - Before the retail unit hereby permitted is first occupied, the area set aside for forecourt car parking shall be laid out 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the roof extension shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Hours of Use - The retail premises shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 any day 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. Noise insulation - Before the retail use commences this portion of the building shall be insulated in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority in order secure a reduction in the level of noise emanating from the building.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

7. Details of new plant and machinery - Before any works commence a scheme for any new plant or machinery to be provided to the retail unit shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

8. Details of extract ventilation equipment - If any cooking or food heating facilities are to be provided, before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and to be approved in writing by the Local Planning Authority. After installation a certificate shall be submitted to the Local Planning Authority and the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with Core Strategy and Development Control Development Plan Document Policy DC61.

9. Details of measures to control noise and vibration - If any cooking or food heating is to be undertaken, before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local

Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with Core Strategy and Development Control Development Plan Document Policy DC61.

10. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

11. Sound attenuation - The building shall be so constructed as to provide sound attenuation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

12. Works affecting the public highway - Prior to the commencement of the development, details of the proposed works affecting the public highway including the loading bay shall be submitted to and approved in writing by the Local Planning Authority and all necessary legal agreements secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety.

13. Provision of lay by - Before the retail premises hereby permitted is first occupied, the lay by area shall be provided in front of the site for the loading and unloading of vehicles. Thereafter the lay by shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the

development accords with Development Control Policies Development Plan Document Policy DC36.

14. 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.

15. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

16. 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.

17. Details of a CCTV system - Prior to the commencement of use of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the purposes of community safety and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and Policies CP17 and DC63 of the Core Strategy and Development Control Policies DPD and 4B.6 of the London Plan.

18. Details of trolley bays - Prior to first use of the A1 (shop) use, details of any trolleys and trolley bays shall be submitted to and approved by the Local Planning Authority. Once approved, they shall be implemented in accordance with the approved details and retained

Reason: To protect residential amenity and on highway safety grounds in accordance with Policies DC61 and DC32 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

19. Delivery and servicing hours - No deliveries or servicing shall take place other than between the hours of 08:00 and 18:00 on any day 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.

20. Delivery and servicing plan - Prior to the first occupation of the development hereby approved a delivery and servicing plan (DSP) in accordance with the provisions of the London Freight Plan shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of deliveries. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

5.2.2 In the event that Members are minded to grant planning permission staff also recommend that the following Heads of Terms are included within a S106 legal agreement;

- A restriction on residents of the development, save for blue badge holders, applying for parking permits within the local area.

6. Conclusions:

6.1 In conclusion, the proposed partial change of use of this former car showroom to form a retail unit would bring back into use part of a building which has been vacant for two years. The proposed use is considered to be compatible with the surrounding area and is supported in principle by LDF Policy DC16. In view of this staff are of the view that the proposal would improve the vitality and viability of this part of The Drill Corner Minor Local Centre.

6.2 Staff raise no objection in principle to the provision of residential units to the upper floor of the building. Notwithstanding this concern is raised by the impact of the proposed upper floor roof extension in the street scene which staff consider would be contrary to Policy DC61. The proposed improvement works to the façade of the building are judged to be acceptable. The proposal is judged to be acceptable in respect of potential impact on adjoining residential properties subject to the imposition of planning conditions.

6.3 In respect of parking and highway matters the proposal would provide a lay by to the forecourt of the site which would be capable of accommodating delivery vehicles for the proposed retail unit. Staff are of the view that the proposed lay by would provide an acceptable means of servicing the site without causing obstruction to the highway. In respect of parking the proposal would provide no off street parking for the proposed retail unit however staff are of the view that this is acceptable having regard to the site specific circumstances. These include the presence of on street parking controls and the proximity to local bus routes.

6.4 A total of six parking spaces are proposed for the five upper floor flats. Whilst this would be a rate below that recommend in Policy DC2 staff consider this to be acceptable subject to the applicant entering into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

6.5 Having regard to all material planning considerations, it is recommended that planning permission be refused.

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning agreement would be entered into in the event that planning permission is granted restricting residents from obtaining parking permits.

Legal implications and risks:

Legal resources will be required for the drafting the Section 106 agreement in the event that planning permission is granted.

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, plans and supporting statements received on 6th January 2011 with revised plans received on 4th February and 7th June 2011.

APPENDIX 1 - Report presented to Members at 21st July Committee

Call in:

This application has been called before the Committee at the request of Councillor Tebbutt.

Recommendation:

It is recommended that planning permission be refused for the reasons set out at the end of this report.

Background Information:

Members will be aware that planning permission was granted in March 2011 for the partial change of use of the former Heath Park Motor Company car showroom to form a retail unit. This current application seeks permission for the ground floor change of use element which has already been approved together with a change of use of the first floor to residential and the construction of a new second floor for residential use.

This application was previously reported to Committee on 3rd May but deferred at the request of Members in order that staff could invite the applicant to submit revised plans. Revised plans together with additional computer generated modelling plans were submitted on 7th June. The submitted revised plans propose changes to the appearance of the existing first floor of the building including the provision of a new parapet wall across the central portion of the building and the application of a light coloured render. Although depicted in a slightly different way on the revised plans the proposed upper floor roof extension would remain unaltered from that previously submitted.

At the time when this application was first submitted no occupier or tenant had been identified for the ground floor retail unit. It is now known that the unit will be occupied by Tesco and a separate application has recently been approved to allow store trading between 0700 and 2300 on any day (reference P0636.11).

Given the submission of revised plans and the approval of a separate application for opening hours staff have updated sections of this report to reflect these changes.

Site Description:

The application site is located on the western side of Brentwood Road, directly opposite The Drill Public House and in close proximity to The Drill roundabout. The application site is presently occupied by a two storey building which is currently vacant. Until early 2009 the building was occupied by the Heath Park Motor Company who used the ground floor as a showroom area with the upper floor being used as offices. The application site is loosely a triangular shape with the existing buildings on site covering almost the entire site.

Directly to the north of the site is the Drill Corner minor local centre (fronting Heath Park Road) which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the rear the site is abutted by the

garden areas of residential dwellings also fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a further portion of the Drill Corner minor local centre with residential properties beyond. The application site is located on several bus routes and is within 5 minutes walk of Gidea Park Railway Station.

Description of Proposal:

This application seeks full planning permission for the partial change of use of the former car showroom to form a retail unit (Class A1), the change of use of first floor to form three residential units and construction of a second floor extension to form two residential units. The application also seeks permission for alterations to the façade of the building and an alteration of the front forecourt layout to provide a lay by.

The ground floor of the building was most recently a car showroom. This proposal would result in the building being split internally to form two separate units. Permission is sought to change the right hand unit nearest to The Drill roundabout into a retail shop of 381 square metres in area. At this stage the applicant has advised that no tenant has been identified. The remainder of the ground floor (the left hand unit) would be retained as a car showroom of 315 square metres in area.

To the front forecourt it is proposed the existing arrangement of dropped curbs would be reconfigured in order that a new lay by could be constructed. The proposed lay by is intended to enable servicing to take place without obstructing the highway. The proposed lay by would measure 22 metres in length and be capable of accommodating a delivery vehicle or four cars. The proposal would also see six parking spaces provided to the forecourt area. The applicant has advised that these spaces would be dedicated to the proposed upper floor flats.

The application seeks permission for a number of minor alterations to the façade of the building. These include the replacement of the existing doors and windows with modern variants, the application of render to a portion of the first floor and the provision of timber panelling above the entrance door to the first floor. The proposed upper roof extension would be sited over the front portion of the building and measure 24.7 metres in width by 6.2 metres in depth at the deepest point. The roof extension would appear in a mansard style with a height of 2.5 metres above the existing roof height. The proposed upper floor extension would be in two portions with the largest portion being set back from the building's façade by 0.6 metres. A smaller portion of the extension would be located towards the southern end of the building and set back from the façade by 2.7 metres.

The upper floor of the building is presently vacant but was formerly in office use. The proposal would see three flats provided to the existing first floor and two flats provided within the proposed second floor roof extension. 2no. two bedroom flats and 3 no. one bedroom flats are proposed.

Relevant History:

The application site has an extensive history relating to its occupation by the Heath Park Motor Company however none of these applications are of relevance to this proposal. The most recent application for this site was;

P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building – Approved subject to conditions.

P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day - Approved

Consultations/Representations:

Neighbour notification letters have been sent to 26 adjoining occupiers with three letters of representation being received. The letters raise objection to the application on the grounds of overlooking from the additional floor, lack of car parking, highway safety, additional noise and impact on existing local shops.

The Council's StreetCare Service raises no objection in respect of highway or parking issues.

The Council's Environmental Health Service raises no objection subject to planning conditions.

The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues but recommends that planning conditions are imposed.

Relevant Policies:

Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP4 (Town Centres), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC32 (Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Crime).

Policies 2A.8 (Town Centres), 3C.1 (Integrating Transport and Development), 3C.21 (Walking), 3C.22 (Cycling), 3C.23 (Parking Strategy), 3D.1 (Supporting Town Centres) and 4B.1 (Design Principles) of the London Plan are further material considerations, together with Government Planning Policy contained within Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note 13 (Transport) and Planning Policy Guidance Note 24 (Planning and Noise).

Staff Comments:

The main issues to be considered by Members in this case are the principle of development, density and layout, design/street scene issues, amenity implications and parking and highways issues.

Principle of Development

The application site is designated in the Local Development Framework as falling within The Drill Corner Minor Local Centre. Policy DC16 advises that within the borough's Minor Local Centres retail uses and other uses appropriate to a shopping area will be granted planning permission. The proposed retail use would accord with the provisions of this policy and bring back into use part of a building which has been vacant for two years. Staff are of the view that the proposed use would compliment and support the existing shopping function of the local centre.

Government planning policy contained within PPS4 acknowledges that new retail uses can increase vitality and viability of local centres and meet the government's objectives for prosperous economies. Furthermore advice contained within PPS1 encourages Local Planning Authorities to actively ensure that vacant and underused land and buildings are brought back into beneficial use to achieve the targets the Government has set for development on previously developed land.

The proposal would also contribute to the objectives of the London Plan Policy 3D.1 for supporting town and local centres. Having regard to the above the proposal is broadly supported by national planning guidance providing all other material considerations are addressed.

The upper floor of the building is currently vacant but was most recently used as offices. Staff raise no objection to the loss of the existing offices as there is no policy presumption for them to be retained in this location. In respect of the proposed change of use to form residential units the Council has no policies covering the use of upper floors in local centre locations. The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated or designated areas. Notwithstanding this the provision of residential accommodation to the upper floors of local shopping parades is considered to be acceptable in principle having regard to Government guidance which seeks to encourage a variety of uses within town and local centres. Having regard to this staff also raise no objection in principle to the proposed upper floor extension also to form residential units. The proposal would contribute to the Mayor's London Plan objective of increasing the overall supply of housing.

Density and Layout

Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the Gidea Park PTAL zone where a density of development of 30-65 units per hectare is anticipated. The proposal would result in a density of 45 units per hectare based on a site area of 0.11 hectares. The proposed density of development would fall comfortably within the identified range and as such is considered to be acceptable.

The proposal would see the first floor of the building converted to form three flats with the creation of a second floor extension to create a further two flats. In respect of the conversion element of the scheme consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals

involving conversions to form residential accommodation. Policy DC4 requires that each flat should be adequately sized, self-contained and with reasonable outlook and aspect.

The proposed flats are considered to be adequately sized and are self-contained. The flats have a reasonably open aspect and the attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats. The proposed internal layout is considered to be acceptable in terms of the stacking between the proposed first floor and second floor units. Concern is raised however by the fact that the living area for flat 2 would adjoin a bedroom within flat 1. Policy DC4 advises that the living rooms of new units should not abut the bedrooms of adjoining dwellings. Whilst this can be mitigated through soundproofing, it could nonetheless result in an unsatisfactory living environment. However, future residents would be aware of the situation prior to occupation. Staff are also mindful of the fact that a lower level of amenity is generally afforded to living accommodation in town and local centre locations where the environment is expected to be different to that of a purely residential area. As a matter of judgement, subject to a condition requiring sound attention, the proposal is considered to be acceptable in this respect.

The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. In this case the proposal would see the provision of five residential units above existing commercial premises within a local centre location. Given the location of the proposed flats, the units are unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space. Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of amenity space is acceptable in this instance.

Design/Impact on Street scene

Given that the application building has been vacant for some time the exterior of the building has not benefited from regular maintenance resulting in the façade appearing tired. The proposal would result in the refurbishment of the existing building including the installation of new windows and doors, new shop fronts and the application of a render finish to the exterior walls at ground floor level and a portion of the first floor. No objection is raised to these works which would in staff's view enhance the appearance of the building. The submitted plans indicate a proposed signage zone on the front elevation of the building however any advertisements would be subject to separate application(s).

The proposal also involves the creation of an additional floor over the front portion of the building in the form of a mansard style roof extension. Policy DC61 advises that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. To this end proposals should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding

physical context. The character of the surrounding area is drawn predominantly from a mixture of two storey buildings with either flat or hipped roofs.

The subject building is presently of a comparable height to the adjoining two storey housing to the south owing to the ground floor ceiling height being higher than that of a residential building. The proposal would result in the upper floor extension being 1.5 metres taller than the adjoining semi-detached properties to the south at nos. 391 & 393 Brentwood Road and 1.9 metres taller than the existing buildings fronting Heath Park Road to the north. Staff acknowledge that the proposed additional floor has been designed in manner which would keep its overall height to a minimum. A consequence of this is however that the proposed upper floor would in staff's view fail to relate to the design and form of the existing building. The proposed upper floor would appear somewhat shallow in terms of height. Staff are of the view that the submitted revised plans do not address this concern.

The proposed extension would be set away from the southern end of the building in order to concentrate the bulk and mass of the new upper floor towards the centre of the building. Notwithstanding this staff are of the view that the proposed additional floor would appear at odds with the existing building and street scene. Staff are of the view that the proposed upper floor extension would be unacceptably harmful to the street scene thereby being contrary to Policy DC61. At the Committee on 3rd May Members questioned whether the proposed reason for refusal would stand up in the event of an appeal being lodged. It is for this reason that staff have amended the reason for refusal to more accurately reflect staff's concerns.

Staff acknowledge that planning permission has recently been given for a new flatted development on the eastern side of The Drill Roundabout which comprises a two storey building with pitched roof. Whilst this building is of fairly substantial width the height would be less than the proposed upper floor extension and the proposed pitched roof was judged to provide a more acceptable relationship with adjoining houses. The applicant has also drawn staff's attention to The Drill Public House as being a tall building in the vicinity of the site. Indeed a cross sectional drawing submitted with the application does show that the public house is taller than the proposed upper floor extension. The issue for staff is however not how high the resultant building would be but how it would be seen in the contest of the lower two storey buildings which it would adjoin.

Impact on Amenity

The committee report as presented to Members on 3rd May gave an analysis of the potential impact on residential amenity from proposed opening hours for the ground floor retail unit. Given that no occupier had been identified it was recommended that in event Members were minded to grant planning permission a condition be imposed restricting the opening of the retail unit between 0800 and 2100 on any day. Since this application was first presented to Members a separate planning application to vary the opening hours condition attached to application reference P0018.11 has been submitted by Tesco. This application (reference P0636.11) was subsequently approved allowing opening between 0700 and 2300 on any day. Were Members minded to grant this application it is

recommended that an hours of opening condition be imposed to mirror the condition imposed on P0636.11.

In view of the fact a tenant for the proposed retail unit is unknown at this stage a condition can be imposed to require details of any plant and machinery such as air-conditioning units or fridge cooling systems. In order to ensure that this equipment does not result in noise nuisance the condition stipulates a standard which any such equipment must meet.

The proposed additional floor would be positioned over the front portion of the existing building and as such would be largely removed from adjoining residential properties to the rear. The existing building is positioned directly onto the rear boundary shared with those properties fronting onto Heath Park Road. The proposed additional floor would be set back approximately 7 metres from the rear boundary and 17 metres from the nearest adjoining residential property. The proposed roof extension would be set back from the flank site boundaries and as such no material harm would result to the amenity of adjoining occupiers in Brentwood Road to the south. Having regard to the location of the additional floor and its separation staff are of view that this aspect of the proposal would not have a harmful impact on adjoining properties.

The proposed internal layout of the first and second floors has been designed for the most part with a corridor to the rear. The windows serving this corridor could be conditioned with obscure glazing to prevent views rearwards over adjoining garden areas. To the first floor flat 1 would have a rear facing bedroom and bathroom window with flat 3 having two rear facing kitchen windows. The proposed bathroom and kitchen windows could be conditioned with obscure glazing. In the case of the proposed bedroom window to flat 1 this would be located at the greatest distance from the rear site boundary and would primarily provide a view over the ground floor roof area. Staff are of the view that this window is acceptable and would not result in unacceptable levels of overlooking. In respect of the proposed second floor extension all rear facing windows would be capable of being conditioned with obscure glazing. The remainder of the windows to the upper floor of the building would have towards the street. Staff are of the view that the proposal would not result in a loss of privacy to adjoining occupiers.

Highway/Parking

Policy DC36 seeks to ensure that new developments, including changes of use, make adequate provision for servicing. The application site is located on Brentwood Road which is busy route through the area. Brentwood Road is subject to a fairly consistent amount of traffic throughout the day with the road forming the route of two bus services. Given the nature of the road and the location of the application site adjacent to The Drill roundabout on street servicing is not judged to be an ideal situation. Mindful of this the applicant has undertaken pre-application discussions with the Council's Highway Engineers and a new layby is proposed as part of this application. The proposed layby is intended for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and consider that it would enable servicing of the retail unit to take place without obstructing the highway. In the event that this application were

to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.

Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in a local centre location. The proposal would result in a retail floor space of 381 square metres which equates to a recommended maximum parking provision of 12 spaces. The proposal would provide no dedicated off street parking for the proposed retail unit however the proposed lay-by, as described above, would be capable of accommodating up to four cars during times when the layby is not required for a delivery.

The proposal would provide car parking at a rate below that recommended in the LDF. The Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured.

Staff knowledge of retail shops of a comparable size to that proposed in other minor local centre locations is that the majority of customers arrive by foot as they are likely to live within close proximity of the shop. In reaching a conclusion on the acceptability of this proposal from a parking perspective staff have given consideration to a recent appeal decision for 77-79 Butts Green Road (application reference P1649.09). This application proposed the extension of an existing shop to form a Tesco Metro format store with the resultant floor space being comparable with this application. The appeal was dismissed based upon the impact of the extension on an adjoining property. In respect of parking the proposal made no provision for off street parking. In reaching a decision on the acceptability of the proposal the Inspector had regard to the location of the site being fairly well served by public transport and the availability of some on street parking opportunities in the wider area.

At the time of this application a study was undertaken by the Council's Highway Engineers of the existing Tesco Metro store at Ardleigh Green in order that some comparisons could be made. Staff are of the view that the findings of this study are useful in reaching a judgement on the acceptability of parking provision for this application. The Engineers observed the store for a half hour period on a weekday during which time it was observed that no customer arrived by car to purchase goods from the store.

The application site is located in an area where a number of parking controls are present. The section of Brentwood Road outside the application site is presently controlled by a single yellow line which applies Monday to Saturday between 0830 and 1830. Nearby roads including Heath Park Road, Slewins Lane, Manor Avenue and Balgores Lane are also subject to single yellow line parking restrictions at varying times of day. During periods when this restriction is in force the nearest potential on street parking available to customers is within Heath Park Road (58 metres from the site) or Manor Avenue (92 metres from the site) where there are

several blocks of parking bays. These parking bays are for disc parking only between the hours of 0800 and 1830 Monday to Saturday. Outside of these hours the bays are available for non disc holders. Having regard to the presence of on street parking controls staff are of the view that any potential on street parking would be adequately controlled. Were vehicles to park on street outside of these hours staff are of the view that this would not be materially harmful to the free flow of the public highway.

The retained portion of car showroom would not benefit from off street parking provision however this situation is no different to when the whole building operated as a car showroom for the Heath Park Motor Company. Given the relatively small scale of the retained showroom area deliveries of vehicles by transporter are unlikely to occur on a regular basis as they did when the Heath Park Motor Company occupied the entire building. When deliveries are made vehicles would be able to utilise the proposed lay-by or park on street (as previously) outside the hours of parking controls. Staff are of the view that the parking and servicing arrangements for the retained car showroom are acceptable.

The proposal would see the six parking spaces provided to the forecourt area dedicated to the proposed flats resulting in one space per unit plus one visitor space. Policy DC2 recommends the provision of 2-1.5 parking spaces per unit in this location. The proposed development would therefore provide parking at a ratio below that advised by Policy DC2. As explained above Government guidance contained within PPS3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

In this instance staff are of the view that a reduction in the parking standard would not be materially harmful in this location as there are existing on street parking controls in place as described above. The application site is also located on several bus routes and within walking distance of Gidea Park railway station. In the event that this application were being recommended for approval staff would seek that the applicant enters into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

LDF Policy DC36 seeks to ensure that cycle parking is provided by applicant's in order encourage sustainable forms of transport. In this case whilst the applicant has not indicated cycle parking on the submitted plans however sufficient space would be available to the forecourt area for this to be provided. This could be secured via planning condition.

Other matters

Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the submitted plans indicate that dedicated internal refuse store areas would be provided accessed directly from the front of the building. Staff are of the

view that this arrangement is acceptable however further details could be secured via planning condition.

Conclusion:

In conclusion, the proposed partial change of use of this former car showroom to form a retail unit would bring back into use part of a building which has been vacant for two years. The proposed use is considered to be compatible with the surrounding area and is supported in principle by LDF Policy DC16. In view of this staff are of the view that the proposal would improve the vitality and viability of this part of The Drill Corner Minor Local Centre.

Staff are raise no objection in principle to the provision of residential units to the upper floor of the building. Notwithstanding this concern is raised by the impact of the proposed upper floor roof extension in the street scene which staff consider would be contrary to Policy DC61. The proposed improvement works to the façade of the building are judged to be acceptable. The proposal is judged to be acceptable in respect of potential impact on adjoining residential properties subject to the imposition of planning conditions.

In respect of parking and highway matters the proposal would provide a lay by to the forecourt of the site which would be capable of accommodating delivery vehicles for the proposed retail unit. Staff are of the view that the proposed lay by would provide an acceptable means of servicing the site without causing obstruction to the highway. In respect of parking the proposal would provide no off street parking for the proposed retail unit however staff are of the view that this is acceptable having regard to the site specific circumstances. These include the presence of on street parking controls and the proximity to local bus routes.

A total of six parking spaces are proposed for the five upper floor flats. Whilst this would be a rate below that recommend in Policy DC2 staff consider this to be acceptable subject to the applicant entering into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

Having regard to all material planning considerations, it is recommended that planning permission be refused.

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REGULATORY SERVICES COMMITTEE

REPORT

4 August 2011

Subject Heading:

Proposed variation of Section 106 agreement in connection with planning permission P0478.08 – Upper floors 25 to 31 South Street, Romford

Change of use of second and third floors to form 12 apartments together with alterations to ground floor entrance and rear emergency escape stairs

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Local Development Framework
The 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	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

In July 2008 planning permission was granted for the conversion of the upper floors of nos. 25 to 31 South Street, Romford to form twelve residential apartments

under application reference P0478.08. A S106 legal agreement was completed as part of the application and the wording of the agreement requires the applicant to provide six of the units as affordable housing. The S106 requires that four of the units are made available for rent and two for shared ownership purposes. The remaining six apartments being for open market sale.

The planning permission has now been implemented and a request has been made to the Council to vary under Section 106A of the Town and Country Planning Act 1990 the S106 agreement in order that all six affordable units can be occupied for shared ownership purposes. Staff raise no objection to the requested change.

RECOMMENDATIONS

It is recommended that the variation of the S106 agreement dated 11th July 2008 to change the tenure mix, to that set out below by bilateral Deed of Variation under Section 106 of the Town and Country Planning Act (as amended), be approved:

The provision of at least six units for shared ownership purposes. Such units to be managed by the Registered Social Landlord or Registered Provider with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed by the East London Housing Partnership (or its successor) and that if the affordable housing units are no longer available for eligible users any subsidy is recycled for alternative affordable housing provision in accordance with PPS 3 Housing June 2011.

Save for the variation set out above and necessary consequential amendments the S106 agreement dated 11th July 2008 and all recitals, terms, covenants and obligations in the said Section 106 Agreement will remain unchanged.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. The site to which this proposal refers is located to the upper floors of nos. 25 to 31 South Street, Romford. Planning permission has been implemented at this site for the formation of twelve residential apartments (under planning permission reference P0478.08). Permission for the development was granted by the Council in July 2008 and was subject to a number of planning conditions, as well as a S106 legal agreement signed and dated 8th July 2008.
2. The S106 agreement requires that six of the twelve residential units are affordable in order to comply with the provisions of LDF Policy DC6. The tenure mix, as set out in the S106 agreement, is that four of the six units are for affordable rent and two of the six units are for shared ownership purposes. The remaining six apartments being for open market sale.
3. It is now proposed to vary the S106 agreement so that all six of the affordable units can be occupied for shared ownership purposes. Staff consider the proposed changes to the tenure mix to be acceptable. The provision of all six affordable housing units for shared ownership purposes would accord in principle with Policy DC6 of the LDF. The Council's Housing Service has confirmed that it is supportive of the proposed change of tenure mix. The proposed change in tenure would enable one of the Council's Housing Association Partners to provide six properties to those who would otherwise be unable to purchase a home on the open market.
4. The proposed change to the tenure mix would not change the number of units or bedrooms within the development. Staff have considered whether the proposed change to the tenure mix would materially affect the highway and education contributions, which are secured through the S106 agreement. The highway contribution, which was for town centre improvements, was calculated on the basis of the overall number of units proposed so would not be materially affected by the change in tenure mix. In respect of the education contribution, this was calculated as a bespoke figure for the development when the planning application was considered. Staff are satisfied, in conjunction with advice received from the Education Service, that the proposed changes to tenure mix would not justify any change to the required education contribution.
5. **Conclusion**
 - 5.1 Staff consider that the proposed variation of the S106 agreement to change the tenure mix of the development approved under application reference P0478.08 is acceptable. It is therefore recommended that variation of the S106 agreement in respect of the tenure mix is approved, subject to all other elements of the section 106 agreement remaining as per the original

agreement signed and dated on 11th July 2008 save for those referred to in the recommendation.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications arising from the proposal.

Legal implications and risks:

Legal resources will be required for the variation of the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will assist in the provision of affordable housing within the Borough, consistent with Policy DC6 of the LDF Development Control Policies Development Plan Document.

BACKGROUND PAPERS

1. Email request received from the applicant's solicitors dated 10th June 2011.
2. S106 agreement dated 11th July 2008.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 August 2011

Subject Heading:

Alleged breach of planning control at land on the north side of Willoughby Drive, Rainham, adjacent to No.1

Report Author and contact details:

**Simon Thelwell
Planning Control Manager (Projects & Compliance)
01708 432685
Simon.thelwell@havering.gov.uk**

Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications

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

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

SUMMARY

The site is adjacent to 1 Willoughby Drive, Rainham and is a former allotment site within the Metropolitan Green Belt.

In March 2010 the Planning Enforcement Service received an enquiry regarding the stationing of a mobile home for residential purposes on land. The person siting the mobile home was claiming 'gypsy status'. No planning application has been made for such use.

It is considered that the change of use has a material harmful impact to the Metropolitan Green Belt and it provides a poor living environment for occupiers of the mobile home.

The change of use has occurred within the last 10 years and therefore it is requested that authority be given to issue and serve an Enforcement Notice to seek to remedy the breach.

RECOMMENDATIONS

That the Committee consider it expedient that an Enforcement Notice be issued and served to require within 6 months:

- i) Stop using the land for residential purposes.
- ii) Remove from the land all mobile homes, caravans and vehicles.
- iii) Remove from the land all building materials, debris and rubbish from the site resulting from compliance with (i) and (ii).

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

- 1.1 The site is a Green Belt plot of land some 50m x 5m on the north side of Willoughby Drive, Rainham. To the east of the site is a row of cottages, the closest being No.1 which is in the same ownership as this site. To the west of the site are stables and another mobile home site which has temporary planning permission for another gypsy family.

2. **The Alleged Planning Contravention**

- 2.1 Without planning consent a change of use of the land from allotment to residential including the stationing of a mobile home.

3. **Relevant Planning History**

3.1 None.

4. **Enforcement Background**

4.1 In March 2010 the Planning Enforcement Service received an enquiry regarding the stationing of a mobile home for residential purposes on land.

4.2 Following this officers made enquiries and found that the resident of the mobile home had contacted the Council's Homeless Department for re-housing. She was not considered a priority and therefore began to reside on the land adjacent to her parents' cottage in a mobile home.

4.3 Officers have visited the site and discussed with the resident the need for planning permission for the residential use of the caravan and the stationing of it in the Metropolitan Green Belt.

4.4 This constitutes a material change of use from the authorised use to a residential use. The change of use has occurred within the last 10 years.

4.5 The Authority has made numerous attempts to obtain from the owner and occupants of the land a planning application to regularise the situation without any success. The Council's Planning Enforcement Section are not willing to allow the situation to become further protracted given the harm that is caused by the development.

5. **Material Considerations of the Use of Development**

5.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised change of use. The relevant policies are PPG2 (Green Belt), DC45, DC61 of the Local Development Framework and Policy 30.09 of the London Plan.

6. **Justification for Intended Action**

6.1 The use of the land for residential purposes and the stationing of a mobile home for that purpose constitutes a material change of use that requires planning permission.

6.2 PPG2 (Green Belt) and Policy DC45 of the adopted Local Development Framework assert that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

- 6.3 To date no planning application has been received or a demonstration to the satisfaction of the Planning Authority of a special circumstance. Even if very special circumstances could be demonstrated in this case, which may include for instance the occupiers personal circumstances and the current planning policy position in relation to gypsies and travellers, it is likely that planning conditions would be required to control the use, therefore considered that the continued use is contrary to Policy DC45 of the LDF Core Strategy and Development Control Submission Development Plan Document Policy.
- 6.4 The stationing of a mobile home for the purpose of residential use is detrimental to the visual amenities and character of the surrounding area in general and it is harmful to the essential open nature of this part of the Metropolitan Green Belt contrary to Policies DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as provisions of PPG2 and Policy 30.9 of the London Plan.
- 6.5 For the reasons set out above it is requested that the authority for the service of an Enforcement Notice be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and if required, prosecution procedures will have resource implications for Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

No implications identified as no special circumstances case has been put forward by the occupants.

BACKGROUND PAPERS

1. Ordnance survey extracts showing site and surroundings.



Regulatory Services Committee

ITEM 9

4 August 2011

OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-5	P0056.11	Romford Town	72-74 South Street, Romford
6-10	P0681.11	Romford Town	Sovereign House, 16-22 Western Road, Romford
11-17	P0781.11	Romford Town	Buddha Lounge, Ground Floor 36-38 & first Floor 30-34 North Street, Romford
21-15	P0801.11	Upminster	2 Fen Lane, North Ockendon, Upminster

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REGULATORY SERVICES COMMITTEE

4th August 2011

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0056.11	
WARD :	Romford Town	Date Received: 4th May 2011
ADDRESS:	72-74 South Street Romford	
PROPOSAL:	Aluminium composite and glazed barrier for an external seating area	
DRAWING NO(S):	Ordnance survey map Proposed elevation CEWL.0030 CEWL.0081	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

This application has been called in by Councillor Curtin due to concerns regarding the proliferation of external seating areas in South Street, the impact of their visual appearance on the character and quality of the town centre and his preference to see a more strategic approach.

RECOMMENDATION

It is recommended that planning permission be granted for the reasons set out in this report.

SITE DESCRIPTION

This is a bar premises located on the west side of South Street at its junction with Arcade Place, opposite the junction with Western Road. The premises are within the pedestrianised part of Romford Town Centre.

DESCRIPTION OF PROPOSAL

The application seeks retrospective planning permission for an aluminium, composite and glazed barrier for an external seating area to be retained on a permanent basis.

The seating area measures approximately 12.7 metres in width (across the frontage) by 2.2m in depth. The barrier measures 2 metres in height and encloses the entire seating area. The screens comprise of aluminium black powder coated bottom panels with toughened safety glass above.

This application seeks consent for the screens to be permanently installed and used to control access to and from the forecourt area to the public highway and utilise the area of land as a dining, drinking and smoking area. The justification for the proposal is that the screens would allow for the improved supervision and management of this 'al fresco' area. Furthermore, the permanent means of enclosure would demarcate the curtilage of the use from the public highway.

RELEVANT HISTORY

P1550.09 - Use of public highway for screened external seating area (renewal of application P1858.08) Approved.

REGULATORY SERVICES COMMITTEE

4th August 2011

OUTSIDE STATUTORY PERIOD

P1858.08 Use of public highway for an external seating area (renewal of application P1734.07)
Approved.

P1734.07 Use of public highway for external seating area (renewal of previous application ref: P1388.06) Approved.

P1388.06 - External drinking area on pavement Approved

P0817.03 - Continued use of pavement for external seating - Approved

P0029.02 - Use of pavement as external seating area in connection with operation of premises - Approved

P0057.99 - Use of pavement fronting 72-74 as an external seating area in connection with the operation of the premises - temporary approval granted 30.4.99 (until 30.4.00)

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 20 neighbouring properties. No letters of representation were received.

Crime Prevention Design Advisor (CPDA) Crime prevention and community safety area material considerations. However, the granting of planning permission raises no material concerns. The local Police have no material concerns regarding the application.

Community Safety The aluminium, composite and glazed barrier is much better than the previous plastic screens and is high enough to prevent people from climbing over. The glazed barriers allow a high degree of visibility within this external seating area for observation purposes.

The Highway Authority objects to the proposal given the need for permanent fixings in the public highway. It is considered that building this structure permanently, adversely affects the safe functioning of the highway contrary to development control policy DC32 in that it reduces the access to statutory utility apparatus that may be underneath or even in the exact location of the individual fixings.

Should the applicant make enquires to the land owner and purchase the land, who may or may not be the Council, and then seeks a stopping up order under Section 247 of the Town and Country Planning Act, the Highway Authority would rescind its objection. However this may require the diversion of utility apparatus in excess of any land purchase costs.

Similarly, the Highway Authority would have no objection to the continued temporary use of this area provided no permanent fixings were placed in the public highway.

RELEVANT POLICIES

Policies CP17, DC34, DC61 and DC63 of LDF Development Control Policies Development Plan Document

STAFF COMMENTS

The main issues arising from this application are the impacts on the streetscene, highway safety and amenity, with the policies DC34, DC61 and DC63 of the LDF Development Control Policies DPD being relevant.

There are references in the report to the barriers being 'permanently' installed. For clarification purposes, this application seeks planning permission for the barriers to remain in place 24 hours

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a day, seven days a week.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the barriers do not appear visually intrusive in the streetscene as the metal panels are black in colour and the panels are clear glazed which minimises its impact on the surrounding area and does not create an undue sense of enclosure. The height of the metal and glazed panels is considered to be within the realms of acceptability, as the glazed sections allow a significant degree of visual permeability.

In addition, it is noted that Yates Wine Bar applied for a similar proposal comprising retention of, and alterations to, an existing aluminium and glazed barrier for an external seating area to be retained on a permanent basis. Planning application P1518.10, was granted temporary consent for one year that expires on 5th May 2012, although each application is determined on its individual planning merits.

IMPACT ON AMENITY

The Crime Prevention Design Advisor (CPDA) states that crime prevention and community safety area material considerations and the granting of planning permission raises no material concerns.

It is considered that the permanent retention of the barriers for the external seating area should enable staff to have greater control of patrons, thus improving crowd control and minimising any loss of amenity including noise and disturbance to nearby residents. Given that there is a concentration of other licensed premises in South Street, it is considered that an external seating area that is enclosed by barriers on a permanent basis, whereby staff and management have greater control of patrons would be preferable, compared with patrons exiting the premises through the main entrance to smoke or gather outside.

Through a discussion with regeneration, community safety and licensing colleagues, the Case Officer is aware that a policy or strategy has been formulated for the external seating areas in Romford Town Centre, although this has not been implemented. At this time, the proposed policy/strategy cannot be taken into account for this planning application.

HIGHWAY/PARKING

The proposed seating area would be located directly adjacent to the north western façade of the building, allowing a separation distance of 7m to the Arcade Place highway. This separation distance is similar to the arrangements of other external seating areas within South Street.

The Highway Authority objects to the proposal given the need for permanent fixings in the public highway. However, it is considered that the impact of the proposal on the safe functioning of the highway does not constitute a reason for refusal in planning terms, particularly as it does not obstruct pedestrian movement.

Although the application seeks the retention of the external seating area to be retained on a permanent basis, it is recommended that planning permission is granted for a temporary period of one year, to enable the Local Planning Authority to retain control and monitor the seating area, in the interests of community safety and public amenity.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal integrates well with the streetscene. It is considered that the

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proposal is not harmful to residential amenity and does not create any highway or parking issues. Accordingly, it is recommended that planning permission is granted for a temporary period of one year.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

1. S SC17 (Temporary use)

This permission shall be for a limited period only expiring on 21st July 2012 on or before which date the use hereby permitted shall be discontinued and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control and monitor the seating area, in the interests of community safety and public amenity.

3. S SC32 (Accordance with plans)

2. Non standard condition

The external siting of the seating area hereby approved shall take place only within the area outlined in red on the submitted approved plans.

Reason: In order to contain potential obstruction of the pavement in the interest of highway and pedestrian safety.

1 INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC34, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. This permission only gives consent under the Planning Acts. Separate consents may be required including those from the Highway Authority.

3. The applicant is advised that any advertisements on the barriers of the external seating area will be subject to separate advertisement consent.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the

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Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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APPLICATION NO:	P0681.11	
WARD :	Romford Town	Date Received: 9th May 2011
ADDRESS:	Sovereign House 16-22 Western Road Romford	
PROPOSAL:	Change of use of part of the carpark into data storage facility and supporting plant at ground floor level with generator and chillers/ pumps at roof level Additional Statement Received 25.07.2011	
DRAWING NO(S):	A05701 A05001 A05051 A05700 A05000 A05050 A05801	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

The application has been called in by Councillor Curtin on the grounds that the chillier cabinets would result in excessive noise levels for the occupants of Hylands Court, directly adjacent to the site.

SITE DESCRIPTION

The site lies to south of Western Road and comprises a five storey red brick office building. Directly adjacent is a mixed use block comprising 60, retail, office space and residential flats up to 10 storeys in height. The site lies to the south of Western Road and west of Slaney Way and lies within the designated Romford Office Quarter.

The wider locality is mixed in character with surrounding large office blocks, although there are some residential units located to the rear. Opposite the site is the Liberty Shopping Centre. On street parking is controlled in this location.

DESCRIPTION OF PROPOSAL

Permission is sought for the change in use of the car park into a data storage facility and supporting plant at ground floor with generator and chillers/ pumps at roof level.

RELEVANT HISTORY

P1576.87 - construction of a 5 storey office building - approved.

P1789.05 - Siting of stand by generator plant, oil tank and associated equipment within existing enclosed car park - approved.

P0346.06 - external plant including air conditioning fans, UPS room, switchgear and associated works and boundary treatments - approved.

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CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 89 properties. Three representations were received, stating the following objections:

- Concern that generators and chillers at roof level would create excessive noise levels at night and day.
- Loss of quality of life.

RELEVANT POLICIES

PPG13 (Transport), Policies DC33 (car parking), DC55 (noise), DC61 (urban design) of the LDF Core Strategy and Development Control Policies DPD and the Adopted Residential Extensions and Alterations SPD are considered relevant.

STAFF COMMENTS

The issues for Staff to consider relate to the impact the extensions and alterations to the dwelling would have upon the open character of Western Road streetscene, neighbouring residential amenity, highway and parking and whether they have overcome the previous concerns raised with the previous application.

Principle of Development.

The current tenants specialise in providing off site back up facilities for companies, where the proposed storage facility and supporting plant, generators and chillers for the building are necessary for its day to day maintenance and function. There is no objection to this type of minor development to a commercial building in the designated office quarter, provided it acceptably relates to its surroundings.

Where proposals include the generation of noise i.e. through chillers and pumps, Policy DC55 is relevant. It states that planning permission will not be granted if it results in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Where the proposal would lead to a noise sensitive development being located near to a noise generating activity, a formal assessment will be required to ensure compliance with the noise exposure categories in Planning Policy guidance Note 24, "Planning & Noise". Planning Conditions may be imposed to this effect.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains; enhances and improves the character and appearance of the local area. The building is of red brick construction with black metal grills at ground floor level. These provide ventilation and limited natural light to the car park and servicing area. The creation of the storage facility would enclose some of the car park and grills on the Slaney Road elevation. It is proposed to cover the grills from the inside with a black fascia leaving the grills in place.

In principle there is no objection to the covering of these grills; no details of materials have been submitted. To ensure that the finished development is of a satisfactory development within the streetscene, samples of materials are requested via condition.

The chillers would be located at roof level, where there are existing air conditioning units, pipe work and other servicing equipment. The cabinets would be located centrally within the roof, away from the edges of the building. These would not be visible from the streetscene and raise no objection from Staff on these grounds.

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IMPACT ON AMENITY

Representations received from local residents, objected on the grounds that the pumps/chiller cabinets at roof level could result in excessive noise levels for those adjacent in the residential flats within Hylands Court.

There are existing air conditioning units and other maintenance equipment at roof level adjacent to Hylands Court and it is considered that occupants living in a town centre environment such as this would expect a certain level of noise and disturbance. However, Staff note that Environmental Health have confirmed that no noise complaints have been made in respect of this roof top equipment in the past.

Original representations from Environmental Health recommended conditions that require the submission of a scheme to be submitted and approved in writing by the Local Planning Authority which achieves a certain standard of noise calculated to the nearest noise sensitive property, in this case Hylands Court.

Further to these representations from Environmental Health the applicants have submitted a acoustic report which has been subsequently approved by Environmental Health as it meets a required continuous noise standard to the adjacent residential units. Staff therefore consider that a condition be attached requiring the development to accord with the approved noise assessment.

The chiller cabinets and associated pump equipment are located centrally within the roof 17.5m away from the nearest point with Hylands Court. The physical separation distance between the equipment and the nearest properties in combination with the approved acoustic report means that Staff consider that there are no reasonable grounds to warrant a refusal reason based on residential amenity.

Another condition is recommended to be attached which restricts the hours of construction and deliveries to between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays. This would restrict unreasonable hours of construction on site and further mitigate the impact to neighbouring properties.

HIGHWAY/PARKING

The site is located within Romford Town Centre, where the site has a PTAL rating of 5-6, denoting a central location. Current parking standards, as set within DC33, state that a B1 site as a maximum requires 1 parking space per 100 square metres of gross floor space. The building here has a gross floor space of 9320 square metres which equates to a parking requirement of 93 parking spaces. This figure is quoted on a gross floor space level, rather than net floor space and makes no differentiation between the urban town centres and rest of the borough, where parking demand will vary significantly. The building does not have the capacity for 93 car parking spaces, which Staff consider would be a significant over provision. The original planning permission for the building P1576.87 was approved with a 15% (38 total spaces) increased in parking over the current maximum parking standards for that time.

Applications on the site over the last few years, namely P1798.05 and P0346.06 have resulted in a reduced parking area within the site. This has not raised Highways objections to date.

The proposals here result in the loss of 10 further parking spaces to leave a total of 16. Representations from the Highways Authority have requested a financial contribution of £10,000 (£1000 per lost space) in order to allow for town centre and public realm improvements in light of the reduction in parking spaces resulting in additional demand for town centre parking.

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Staff have considered this request, however, it is felt in this instance that a financial contribution is not justified, where this building is within the town centre, a few minutes walk from the train station and opposite a large multi storey car park. A reduction in parking spaces within a private car park, not accessible by the public could be absorbed by those travelling via public transport and utilising public car parks and business permits. On street car parking is controlled in this location and across the town centre, and it is considered that there would be no significant additional demand for on street parking given the level of surrounding provision available, which is listed below.

Liberty Centre - 850 spaces

The Mall - 996 spaces

Brewery multi storey and surface - 1406 combined spaces

Angel Way - 500 spaces

Town Hall - 61 spaces

PPG13 seeks to promote sustainable transport options and secure a reduction in the need for car travel, given the central location of this building; alternative methods of transport are considered practical.

The applicants have also stated that they would be agreeable to a condition which requires the reinstatement of the car park, if the building is fully occupied. Staff have considered this proposal and recommend that a condition be attached requiring the provision of the 16 car parking spaces permanently and another condition which requires the reinstatement of the car park when the equipment is no longer required. The proposed floor plans showing the retained parking layout also shows space that could provide additional parking if ever required. Staff also note that on the site visit undertaken, the car park was almost empty, which stems from the low occupancy and single tenancy of the building.

In all, Staff consider that a reduction in parking spaces in this instance would be acceptable, however, any further reduction would not be encouraged.

KEY ISSUES/CONCLUSIONS

In conclusion, it is considered that the proposals are acceptable. There would be little change within the outward appearance of the streetscene. The chiller cabinets and pumps at roof level would result in some noise generation however; they are located in a context adjacent to other air conditioning units and extract equipment. A submitted noise assessment has been approved by Environmental Health and conditions can be imposed requiring the development to accord with this assessment. Combined with their location set centrally within the site over 17m away from the nearest occupiers, it is considered that there would be no loss of residential amenity to the occupiers in Hylands Court.

There is a reduction in parking on site, from an already reduced number originally approved. The requested for a S106 from the Highways Authority is not considered reasonable in this instances, given the central location of the office building where there are other measures in use to control on street parking, and substantial public car parking.

Planning permission is therefore recommended to be granted accordingly.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

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1. S SC4 (Time limit) 3yrs

2. M SC09 (Materials)

3. S SC32 (Accordance with plans)

4. M SC62 (Hours of construction)

6. SC05A (Number of parking spaces)

Provision shall be made within the site for 16 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

5. Non standard condition

The development hereby approved shall be carried out in accordance with the approved Acoustic Report compiled by Hilson Moran dated 22nd July 2011 and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy guidance Note 24 "Planning & Noise" 1994.

7. Non standard condition

The car park shall be reinstated in full, to provide 26 spaces, upon when the equipment within the car park is no longer required. These spaces shall then be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate parking provision is made off street in the interests of highway safety.

2 INFORMATIVE:

Reason for approval:

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

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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APPLICATION NO:	P0781.11	
WARD :	Romford Town	Date Received: 25th May 2011
ADDRESS:	Buddha Lounge, Ground Floor 36-38 & First Floor 30-34 North Street, Romford	
PROPOSAL:	Proposed 5yr extension of existing planning permission P1110.08 granted for a limited period expiring on 1st October 2011 and being a variation of planning conditions with approved application P0823.96 to allow extended opening hours	
DRAWING NO(S):	Site Plan 1:1250	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site comprises a Night Club use at first floor level above ground floor shop units to the southern side of North Street. The night club, Buddha Lounge was previously known as Opium Lounge. A roof garden/smokers roof-top area was added in 2008. There is vehicular access to the service area to the rear of the site, known as The Mews which contains public parking spaces. The site is within the Core Retail Area of Romford Town Centre.

The surrounding area is characterised by mainly two- and three-storey commercial development some with residential above, also within the core retail area of Romford Town Centre. An 8-storey block of 24 flats (with commercial and residential parking on the ground floor) - 'Rubicon Court' is directly opposite the application site in North Street. To St Edward's Way is a large office block and the former 'Tokyo Blue' night club site where 24 flats with commercial on the ground floor have been completed, now known as "Emma House" (P2279.04). On the Eastern side of Market Link is a seven-storey 80-bed hotel and 24 residential units (P0012.05). To the south of the application site, planning permission was granted for second and third floor extensions to form 6 residential units at 12-18 North Street (P2138.05). In 2006 planning permission was granted on appeal Planning ref.: P0403.05) for the redevelopment of 23-55 North Street for 86 flats and shops/restaurants to the ground floor fronting North Street; the site has been cleared and details have been submitted for discharge of attached conditions in advance of a start while the scheme has an extant planning permission, i.e., by 4th December 2011.

The application site (barring the most northerly part) is within the Romford Conservation Area and backs onto the rear of St Edward the Confessor Church which is a Grade II* Listed Building built in 1849 and Church House, Grade II Listed.

DESCRIPTION OF PROPOSAL

The proposal is for a variation of condition to extend the hours of use from those approved in 1996 (planning approval P0823.96). The hours approved in 1996 for the night club were between 9am and 11pm every day (Condition 2). In 2006 an application sought the extension of those hours delaying morning opening until 11am but varying closing time to between 3am and 5am the following day. This was granted temporary consent for two years.

In 2008 approval (P1110.8) for the same extended hours was granted for a temporary period until October 2011. This current application seeks to retain the 2008 extended hours for a further period of 5 years. The hours requested are as follows:

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Mondays - Wednesdays: 11am - 11pm
Thursdays: 11am - 3am (the following day)
Fridays: 11am - 4am (the following day)
Saturdays: 11am - 4am (the following day)
Sunday (preceding bank holiday only): 11am - 3:30am (on the Bank Holiday)
Christmas Eve, Boxing Day, New Year's Eve: 11am - 4am (the following day)

RELEVANT HISTORY

There is significant history for the application site. The most relevant are as follows:

P0823.96 - Change of use of basement/ground floor entrance hallway, staircase and first floor area from Financial Use (A2) to Assembly and Leisure (D2) - Approved

P0201.99 - Relaxation of Condition 2 of Planning permission P0823.96 to opening hours 9am to 12 midnight Mon - Wed and 9am to 1.30am Thursday - Sat and two fire escapes - Approved 30/4/99 (temporary until 30th April 2000 or one year from the date of first trading at the approved hours)

P0020.01 - Retention of two fire escapes; retrospective application for front extension and facade changes; extension of trading hours - deemed refused 17/04/02.

P1838.05 - Variation of Conditions 3 and 6 to planning approval P0201.99 to change temporary period to a permanent extension of operating hours - temporary permission granted until 18th November 2006; appeal against temporary period dismissed.

P0015.06 - To extend the approved hours (P1838.05) under a temporary planning application on Saturday nights only so that opening would be from 21:00 to 05:00 hours the following day (Sunday) -Refused

P0162.06 - Rear canopies and lobbies to the top of two external escape stairs - Approved 16/3/06

P1825.06 - Variation of Condition 2 of planning permission P0823.96 to extend opening hours - Temporary approval until 15/11/08

P2450.07 - Extension of the existing fire escape staircase and erection of roof top fencing to enable use of roof as terrace - refused

P0134.08 - Variation of Condition 2 of planning permission P823.96 to extend opening hours Withdrawn 7/3/08

P0110.08 - Variation of Condition 2 of planning permission P823.96 to extend opening hours - Approved for temporary period expiring on 01.10.11

P1756.08 - Retention of an extension of the existing fire escape staircase and the erection of roof-top fencing to enable use of the roof as a terrace in connection with the night club use - Approved for temporary period expiring on 04.12.11

CONSULTATIONS/REPRESENTATIONS

Consultations/Representations: Adjoining and nearby neighbouring occupiers were notified of the proposal. Public consultation had not ended by the time of drafting this report and any further comments will be reported orally at Committee, nonetheless 4 objections have been received on the following grounds:

- noise, particularly on Thursdays, Fridays and Saturdays when the club is open until well into the following day
- noise is so loud it wakes sleeping children
- noise is from the roof garden as well as from the club
- the flats to be built further along North Street will also suffer from the noise the club creates
- it is a drug hangout which will continue
- the Club is forcing people to move out of the town centre
- people who go to the club behave anti-socially towards local residents

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- damage has been caused to surrounding buildings by club-goers
- Club Management is not in control
- it is questionable how the club gets its licence to operate
- now building works are to start on the big flat development in North Street, there will be no respite from noise during the day or at night
- it was outrageous that planning permission was granted last time despite the strong and valid objections of the residents and a recommendation from Police Officers to reject the scheme.

The Metropolitan Police's Borough Crime Prevention Design Advisor advises that he has consulted with the Licencing Inspector for Havering Police and that the proposal for a 5-year extension for the longer hours to continue does not raise significant crime prevention or designing for community safety issues as crime and disorder issues associated with this venue have improved.

RELEVANT POLICIES

DPD Policies: DC61 DC23, DC55, DC63, ROM8 Romford Area Action Plan

London Plan: 2A.8, 3D.1, 3D.2

Other: PPS6 (Planning for Town Centres)

STAFF COMMENTS

This report has been referred to Committee due to the extensive planning and enforcement history at the site.

The main issues are whether the development is acceptable in principle and the proposal's impact on existing and future residential amenity.

BACKGROUND

PPS6 Planning for Town Centres and Policy ROM8 of the Romford Area Action Plan DPD are relevant.

PPS6, published in 2005 indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres.

Over 150 flats and an 80-bed hotel will be located within about 100m of the application site in the near future, some of which including Rubicorn House and Emma House have already been completed, the latter since the previous application was considered. Staff consider that any extension to the hours of operation of a nightclub in the Town Centre (from those approved in 1996) must be considered in the light of either prejudicing the Council's housing policy and/or its impact on existing and future residential amenity.

PPS6 further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

The Romford Area Action Plan DPD indicates that:

'Day and evening economy

5.27 Romford is a popular leisure and entertainment centre, with 69 restaurants and cafes, 22 pubs and bars, four nightclubs, one cinema (with 16 screens and 4,000 seats) and one bowling

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alley. 932 people are employed in restaurants and other licensed premises in Romford making this sector one of the most important for jobs and the towns prosperity.

5.28 Up to 15,000 people are known to come into Romford on weekend nights, presenting challenges for the management of the evening economy, the police, night time venues, transport providers and

communities generally. Generally, entertainment and leisure uses are dispersed throughout the town centre. However, there is a significant concentration of late night entertainment uses located in South Street. These are predominantly music bars with alcohol aimed at 18-25 year customers. While these venues play an important role in the Romford economy the aspiration for the town centre is for an increased residential population and a diversification of the night time economy.

5.29 The Area Action Plan aims to ensure that a balance is achieved in recognising the importance of the leisure and entertainment sector and the cumulative effects caused by night entertainment venues. This is particularly important given the planned increase in the residential population in the town centre. The Council has been working with local operators and the police to manage the night time economy. Three nightclubs have closed in recent years (Hollywoods, Secrets and Tokyo

Blue) and these sites ... {have been}redeveloped, or have planning permission, for housing.'

In dismissing the appeal against the 2006 condition restricting the extended hours to a temporary period consent (Ref: P1838.05), the Planning Inspector stated that "this is an example of a case in which the Council's detailed local knowledge and experience - backed up by advice from the Metropolitan Police - is best placed to judge what precise controls are necessary in order to protect local residential amenity" and that she was not "inclined to delete (or vary) the temporary planning condition." She also clarified that, as the appeal sought only to remove the temporary period, that no consideration was given to the appropriateness, or otherwise, of these particular permitted opening hours as such.

This current application has been submitted approximately 1 and a half years after temporary consent was granted. The temporary consent was implemented to enable new occupiers to have occupied new developments in North Street and for them to have the opportunity to comment on how their residential amenity would be affected. While the largest of the approved residential redevelopment schemes for 86 flats (at 23-55 North Street) has yet to be begun, objections have been received from current occupiers and are addressed within this report.

The Premises Licence (No. 002141) issued by the Licensing Authority enables the club to open until 3am Mondays to Thursdays, Until 4am on Fridays, until 5am on Saturdays and on Sundays until 2.30am or 4am for Bank Holiday weekends in May, at Whitsun and August Bank Holidays. Hours from 11am until 5am (the following day) on Christmas Eve, Boxing Day and New Years Eve.

Premises Licences do not take account of future residential amenity through mixed-use schemes in the town centre.

A Premises Licence can be revoked at any time if there are any problems including noise and disturbance but a grant of planning permission would enable the hours to be fixed for a particular period, in this case, for 5 years.

PRINCIPLE OF DEVELOPMENT

PPS6 Planning for Town Centres and Policy ROM8 of the Romford Area Action Plan DPD are relevant.

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PPS6 indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres.

PPS6 further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

Romford Action Area DPD Policy ROM8 indicates that

'The daytime and evening economy of Romford will be diversified by:

- Seeking to reduce the concentration of licensed premises in South Street and counting restaurants as A1 uses in numbers 72-116 (even) and 87-131 (odd) South Street for the purpose of retail core policy ROM10;
- Working with developers and operators to secure more restaurants in the town centre;
- Controlling the impacts of food, drink and evening entertainment facilities by the implementation of DC23;
- Controlling the noise or vibrations from developments by the implementation of DC55; and
- Working with landowners to investigate alternative uses for existing pubs and nightclubs'

The proposed development would therefore be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Staff consider that, as the application is for a change to the hours of use only, that it would have no material impact on visual amenity in the streetscene, on nearby Listed Buildings or their settings or on the character and appearance of Romford Conservation Area along North Street.

IMPACT ON AMENITY

It is recognised that a night-club is an acceptable form of development within a town centre and that people choosing to live in a town centre would not generally expect the same level of residential amenity as people living outside.

The proposed hours are the same as those granted in 2008 for a 3-year period. This period was fixed on the basis that residential development in the area close to the application site would be mainly completed and occupied such that impact on residential amenity of these occupiers could be assessed via the public consultation process and in looking at any Environmental Health complaints.

The proposed scheme is to allow the hours of opening agreed in 2008 to continue for a further 5 years. It is recognised that the proposed hours on Mondays to Wednesdays at 11pm are not excessively late and would continue to provide some respite from noise and disturbance arising from the use of the night-club.

The Police have indicated that they have no concerns with the proposed time extension.

Staff consider that there are objections which have also been supported by noise complaints to Environmental Health, one of which awaits investigation, due to the noise caused at the club. The objections particularly raise noise and disturbance due to the use of the roof as a smokers terrace and general roof garden and by club-goers leaving the club up until 5am in morning. Nonetheless further objections may be received during the consultation period.

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Staff consider that some noise and disturbance from the night club is inevitable and that anyone choosing to live near the night club would be aware of these consequences. The roof garden appears to cause some of the noise and disturbance identified by the objections, nonetheless the roof garden is the subject of its own temporary consent which extends until December 2011.

Nonetheless there are no other similar facilities in Romford Town Centre which have been granted planning permission for such late hours. While some issues have been raised by adjoining residential occupiers, as a previous temporary consent was granted to enable all the residential development in the vicinity to have been completed, it needs to be taken into account that the major residential development opposite the site for 86 residential units has not yet been completed. Development will be underway shortly and details have been submitted for discharging conditions and are currently under consideration. The build-time has been indicated to be 18 months. It is considered that a further consent period is appropriate. Staff therefore consider that a further temporary period of 3 years would be sufficient to enable at some people to have occupied the 86 flats and to then consider whether the proposal would have a significant adverse impact on residential amenity due to the proposed late opening hours.

HIGHWAY/PARKING

There is no on-site parking provision. However, in the Town Centre with high public transport levels, it is considered that this would be acceptable. There are no objections on highway grounds to the proposal for increased hours at the club.

KEY ISSUES/CONCLUSIONS

The main concern is the impact of the extended hours upon residential amenity for a period of 5 years would be excessive, in part as building works have now begun at the site to North Street. Staff consider that in order to confirm that the proposed later hours would not result in significant harm to residential amenity, that a period of 3 years would be needed to enable evaluation of these later hours.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

1. M SC15 (Temporary access) INSERT DATE

This permission is for a limited period only, expiring on 1st October 2014 on or before which date the hours of use shall revert to those set out on condition 2 of the planning permission P0823.96 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To enable the impact of the proposal to be controlled and in the interests of amenity.

2. Non standard condition

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 23:00 Mondays to Wednesdays; 09:00 to 03:00 Thursdays; 09:00 to 04:00 Fridays and Saturdays; 09:00 to 03:30 on Sundays preceding an annual Bank Holiday; and 09:00 to 04:00 Christmas Eve, Boxing Day, New Years Eve without the prior consent in writing of the Local Planning Authority (Other than Mondays to

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Wednesdays, all end times relate to the following day).

Reason:

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Havering Unitary Development Plan Policies ROM3 and ROM10 and Supplementary Planning Guidance Romford Town Centre Entertainment Uses, Policy DC61 of the LDF Development Control Policies Development Plan Document and ROM8 of the Romford Area Action Plan Submission Development Plan Document.

3 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy ROM3 and ROM10 and Supplementary Planning Guidance Romford Town Centre - Entertainment Uses of the Havering Unitary Development Plan, Policy DC61 of the LDF Development Control Policies DPD and Policy ROM8 of the Romford Area Action Plan Submission Development Plan Document.

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APPLICATION NO:	P0801.11	
WARD :	Upminster	Date Received: 26th May 2011
ADDRESS:	2 Fen Lane North Ockendon, Upminster	
PROPOSAL:	Single storey rear extension	
DRAWING NO(S):	Location Plan 1:1250 DRWG 01 - Proposed rear extension	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No.

RECOMMENDATION

That planning permission is granted for the reasons given in the report.

SITE DESCRIPTION

The subject property is located towards the south of Fen Lane, approximately 35m east of the junction with Ockendon Road, North Ockendon. The application site measures approximately 317sq metres and is occupied by a 2-storey semi-detached dwelling.

The site falls within the Metropolitan Green Belt, forms part of the Thames Chase Community Forest and is also designated as an Area for Safeguarding of Minerals. This part of Fen Lane is characterised by low density, scattered residential development similar to the application site. To the rear of the immediate residential enclave lie open fields within this part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The Council is in receipt of a planning application seeking permission for the construction of a single storey rear extension.

The extension would replace the existing conservatory to have an overall width of 8.56m and a depth of 3.4m. The extension would have a mono-pitched roof to a maximum height of 3.6m and eaves height of 2.5m.

There would be no flank wall windows with windows and doors overlooking the applicant's rear garden (south facing). Three roof lights are proposed.

The proposal would serve as an extension to the living area and kitchen.

It was noted that the applicant indicated on the drawings the car port is converted into a lobby and kitchen area as Permitted Development.

RELEVANT HISTORY

P1141.01 - Two storey side extension Approved.

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It should be noted that the above application was for a 2-storey side extension with car port at ground floor level and accommodation above. There was no condition to restrict the car port to be used only for parking of vehicles.

CONSULTATIONS/REPRESENTATIONS

Neighbour notifications were sent to 4 neighbouring properties and the application advertised by means of a site and press notice as land in the Metropolitan Green Belt. No letters of representation have been received.

RELEVANT POLICIES

Policies CP14 (Green Belts), CP17 (Design) of the LDF Core Strategy Development Plan Document is relevant to the determination of the application as are Policies DC3 (Housing Design and Layout), DC33 (Car parking), DC45 (Green Belt) and DC61 (Design) of the LDF Development Control Policies Development Plan Document. The Supplementary Planning Document on Residential Extensions and Alterations and the Residential Design Supplementary Planning Document are also relevant as is Policy 3A.4 (Housing Choice) of the London Plan, PPS1 (Delivering Sustainable Development), PPG2 (Green Belts) and PPS 3 (Housing).

STAFF COMMENTS

The issues to be considered in this case are a) the principle of development in the Green Belt; b) design/street scene issues; c) impact on amenity and d) highways / parking considerations.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt. This does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that "limited extension, alteration or replacement of existing dwellings" is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should "not result in disproportionate additions over and above the size of the original building." This is assessed below.

GREEN BELT IMPLICATIONS

Policy DC45 deals specifically with extensions to dwellings in the Green Belt and states that "Extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling". For the purpose of volume calculations, the existing conservatory will not be taken into consideration as this was not part of the original house and will be replaced by the proposed extension to the rear.

In this instance the original dwelling had a volume of 235 cubic metres. It was noted that a 2-storey side extension was approved in 2001 (Planning Ref: P1141.01). The side extension included a car port at ground floor level and accommodation above with a hipped roof over. It was further noted upon site inspection and on the drawings that the applicant has converted the car port to a kitchen area whilst a lobby has been constructed to the front of the side extension. These works have been carried out under the applicant's Permitted Development rights. Notwithstanding, the works add to the volume of the original dwelling and has to be taken into consideration in this instance.

The volume of the 2-storey side extension as converted with the lobby area towards the front is

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94.8 cubic metres. This results in a volume increase of 40% over and above that of the original dwelling.

The current proposal would replace the existing conservatory and would result in a further increase in volume of 90.25 cubic metres (38% increase). The proposal, combined with the previous side extension, conversion of the car port and front lobby area would therefore result in an overall volume increase of 78% of the original volume which is well above the recommended 50% guidance as set out in Policy DC45 of the LDF.

Notwithstanding the above, it should be noted that the 2-storey side extension is already in place as granted permission in 2001 and the volume of the existing conservatory is approximately 38 cubic metres. Members should therefore note that the volume of the existing 2-storey side extension and conservatory is approximately 133 cubic metres which is already a 56.5% increase over and above the original.

As such, the proposed extension which would replace the conservatory would only be 21.5% over and above the current situation (52 cubic metres more).

In light of the above, Staff are of the opinion that the side extension has been in place for some time and undertaking the internal conversion works to this part of the dwelling would prevent any views of the proposed rear extension from the street scene. It should further be noted that the extension would replace an existing conservatory to the rear of the dwelling and although the extension is larger than the conservatory in terms of its width, it is not considered that it would be substantially more harmful on the openness of the Green Belt compared to the current situation. Staff noted that the neighbour at No. 1 Fen Lane has a substantial rear extension / conservatory and it is therefore considered that there would be no justification to refuse the application in light of the special circumstances that exist in this instance.

In conclusion, it is not considered that the proposed single storey rear extension would be disproportionate over and above the current situation. The proposal has been designed to be observant of the bulk of the main house and would not be visually dominant in this location. It is considered that no material harm to the open character of the Green Belt would arise as a result of this proposal despite the overall numerical increase in volume. Members are invited to apply their judgement to this element of the scheme but taking into account the circumstances explored. Staff consider that permission can be given.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The proposed extension would be viewed entirely from the rear and would, therefore, only influence the rear garden environment along this row of houses. The proposal is however considered to be designed in sympathy with the character of the main dwelling and would not be harmful as seen within this rear garden environment.

To the south (rear) of the application site is dense vegetation and agricultural Green Belt land. Views of the proposed extension are therefore screened from this side.

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Overall the single storey rear extension is considered to comply with the aims and objectives of Policy DC61 in terms of its design.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwelling in terms of loss of light and loss of privacy.

The Council's Supplementary Planning Document (SPD) on Residential Extensions and Alterations states that other than in exceptional local circumstances, any projection beyond the rear wall of the dwelling should not be more than 4 metres in depth for a semi-detached dwelling. The total height of a single storey extension should be no greater than 3 metres with a flat roof. The possibility of exceeding these dimensions will be considered only where there is no danger of unreasonable sunlight or daylight restriction or any significant loss of amenity to neighbours.

The proposal would have a maximum depth of 3.4m and a height of 3.6m to the top of its mono-pitched roof. The proposal is therefore considered to be subservient to the main dwelling and compliant with the requirements as set out in the SPD on Residential Extensions and Alterations.

It was noted that the attached neighbour has a conservatory towards the rear. The proposal would however be set in from the shared boundary by 500mm and this in conjunction with the subservient depth and mono-pitched roof is considered to present an acceptable relationship with this neighbour. There would be a similar separation distance to the boundary at the east. The proposal is therefore not considered to result in any overshadowing and is not considered to appear overbearing as seen from neighbouring properties.

No flank wall windows are proposed and as such, the development would not result in any overlooking to neighbouring properties.

HIGHWAY/PARKING

The existing parking space within the front garden would be retained and no spaces would be replaced or lost. There is no change to the existing vehicular access to the highway. There are therefore no highways or parking issues in relation to this proposal.

KEY ISSUES/CONCLUSIONS

The scheme does not comply with Policy DC45 of the LDF Development Plan Document, in terms of proposed increase in cubic capacity. However, all aspects taken into consideration, on balance it is not considered that the proposed extensions would cause harm to the open character of this part of the Green Belt. For this reason, it is considered that in this instance a volume increase of 78% would be acceptable as it would not have a detrimental impact on the character of the Green Belt, would not significantly exceed the volume of the current situation and is not considered to be a disproportionate addition to the main dwelling.

The proposal is therefore considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to conditions

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1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)

4 INFORMATIVES:

1. The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45 and DC61 of the LDF Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.