



Havering

L O N D O N B O R O U G H

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
23 February 2012**

**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)

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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 P1327.11 - THE ALBANY SCHOOL, HORNCHURCH (Pages 1 - 16)

5 P1325.11 - NORTH SIDE OF MARKET PLACE & FORMER LAURIE HALL AT JUNCTION OF MARKET LINK & ST EDWARDS WAY (Pages 17 - 36)

6 P1778.11/P1413.11/P1768.11/P1414.11 - COPSEYS, 178 CROW LANE, ROMFORD (Pages 37 - 60)

7 P1752.11 - 7 MARKET PLACE (Pages 61 - 70)

8 P1079.11 - WHITE BUNGALOW

Report to follow if available.

9 P0025.12 - GARAGE COURT TO THE REAR OF NO 46 BROSELEY ROAD (Pages 71 - 86)

10 P1229.11 - CRANHAM CARAVANS (Pages 87 - 100)

11 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 101 - 132)

Applications outside statutory period

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

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REGULATORY SERVICES COMMITTEE

REPORT

23 February 2012

Subject Heading:	P1327.11 – The Albany School Creation of an all weather sports pitch on part of existing school field (Application received 30th August 2011)
Report Author and contact details:	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
Policy context:	Local development Framework
Financial summary:	None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application seeks permission to create a Multi Use Game Area (MUGA) on part of the existing school field.

The application is brought to the committee because the site is within Council ownership. The application was originally deferred at Staff request from the committee on 3rd November 2011 from due to a late received Sport England objection. This objection has since been withdrawn.

This application was deferred for a second time from the meeting on 15th December 2011 to enable Staff to present further information.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

1. 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. 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 Development Control Policies Development Plan Document Policy DC61.

3. The floodlights hereby approved shall not be illuminated other than between the hours of 08:00 hours and 21:00 hours on Mondays to Fridays, 0800 hours and 20:00 hours Saturdays and 10:00 hours and 18:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: - To enable the Local Planning Authority to retain control in the interests of amenity.

4. Prior to the commencement of the development hereby approved, details of the floodlighting (including any baffle features) and any other means of external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: - In the interests of amenity and site security.

5. Before any of the development hereby permitted is commenced, details of all materials to be used in the construction of the Multi Use Games Area and fencing shall be submitted to and approved in writing by the Local Planning

Authority and 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 comply with Policy DC61 of the LDF Development Control Policies Development Plan Document.

6. The Multi Use Games Area shall not be used for the purposes hereby permitted other than between the hours of 08:00 hours and 21:00 hours on Mondays to Fridays, 08:00 hours and 20:00 hours Saturdays and 10:00 hours and 18:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. The flood lighting hereby permitted shall be angled downwards at all times.

Reason:-

In the Interests of residential amenity.

8. A screening scheme shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of the lights being installed, showing screening from the effects of glare to residential properties abutting the site. The development shall then be carried out and retained in accordance with the agreed details.

Reason:-

To minimise the visual impact of the lighting upon adjacent residential properties and to enable the Council, in conjunction with the applicant, to assess the extent and form of necessary screening.

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC28, DC29, DC33, 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.

REPORT DETAIL

This application was deferred for a second time from the 15th December 2011 committee, to enable Staff to present further information over the usage and impact of the MUGA, as requested by Councillors

Sections A-D provide the requested information. Further representations have also been received in respect of the development from neighbouring residents. These are also summarised below under section E.

- A. Current and proposed term and non-term timetable of school and non-school use of playing fields, tennis courts and MUGA.
 - B. Whether any hours limitations or lighting existed on the tennis courts and the potential for reduced hours of lighting for the MUGA.
 - C. Whether potential noise disturbance could be mitigated by acoustic treatment along the north end of the MUGA.
 - D. Clarification of parking need.
- A. The existing use of the facilities are divided between the school and the Hylands Community Amateur Sports Club (HCASC). This is a local organisation based in Hylands Park; they are affiliated with the Lawn Tennis Association and provide sporting opportunities locally. Membership is available to the club and non-members can use the courts on a pay and play basis, although this requires permission from the club prior to play. In terms of activities the HCASC provide include basketball, netball and tennis. An offshoot of the HCASC includes a community club/league. HCASC usage is confined to the existing tennis courts at present and would be extended to include the MUGA. Prospective members would need to sign up to the clubs code of conduct. This code of conduct covers behaviour of all users.

The applicant has submitted timetables to show the division of the site in terms of its usage. During term time, between the hours of 08:00-18:00 Monday-Friday the site is exclusively in school use for PE lessons and extra circular sporting activities. The HCASC would use the MUGA for the remaining hours, for clarity this has been divided between the normal club and community club/league section of the club within the timetables to show defined usage. Between 18:00 and 21:00 the HCASC have use of the grounds. On Saturdays the site is used between 09:00 and 11:00 by the community club and league hire and between 11:00-19:00 by the HCASC after which the community club and league hire (also part of the HCASC) use the site until 20:00. On Sundays the site is closed until 10:00 where the

community club and league hire are on site until 11:00 and the HCASC until close at 18:00.

During non-term time the school is closed. Mondays to Fridays the site is open from 10:00-21:00 and the time allocated accordingly, between 10:00 and 17:00 the site is used for a community holiday play scheme. The community club and league hire are on site between 17:00-19:00 and between 19:00 and 21:00 the HCASC are on site. The community holiday play scheme is an out of school hours service which provides care and play for children aged 5-14. These are inspected and registered by Ofsted and encouraged by the Council's Foundation Years and Independent Advice Service (FYIAS). On Saturdays between 09:00-10:00 and 19:00-20:00 the community club and league hire are on site, with the HCASC on site between 11:00-19:00. On Sundays the community club and league hire between 10:00-11:00 with the HCASC on site between 11:00-18:00.

The playing fields beyond the tennis court and MUGA, provide an athletic track, football and rugby pitch and cricket pitch. These are seasonal in their use. No changes to their function is proposed as part of this application.

- B. Condition 3 of application P0780.09 permits the floodlights to be illuminated on the tennis court between the hours of 08:00 and 21:00 Monday-Friday, 08:00 and 20:00 Saturdays and between 10:00 and 18:00 on Sundays and bank holidays. The same hours are recommended for illumination of the MUGA. Given the MUGA's central location identical hours are considered to be appropriate in this instance, where a variation in the timings of permitted illumination may compromise the sustainability of the MUGA in contributing towards sports provision for the local community and school.
- C. The MUGA is a minimum of 104m from the boundary of the nearest residential property, No. 12 Pett Close. This distance is not considered to result in excessive noise levels. The proposed activities of netball, basketball and tennis would be confined to the MUGA and tennis courts and therefore well separated from residential boundaries. Located centrally in the site the MUGA is most sensibly located in order to minimise noise over the previous proposal which was located significantly nearer to Broadstone Road. An acoustic fence would additionally include a solid barrier in a predominantly open playing field; this would be visible from surrounding view points and could result in an intrusive, solid appearance. In terms of mitigation, the impact of an acoustic fence over 100 metres away from the nearest noise 'receptor', is likely to make little impact in the reduction of noise, as these are successful at close range distances. It is also worth noting, that the games area approved under P0780.09, is located approximately 44m from the nearest property No. 53 Broadstone Road and this did not include an acoustic fence.
- D. Clarification at the previous committee was requested over the parking need for existing and proposed uses, current patterns of vehicle use and scope for providing additional parking. A transport assessment was submitted in support of application P0780.09. This application proposed the

refurbishment of the existing tennis courts and provision of an all weather sports pitch. This Transport Assessment concluded that the majority of school staff would have left the site 17:00, and that by 18:00, 18 of the 69 space car park were occupied by Staff. Between 18:00 and 19:00 is envisaged that this would be the busiest hour for the club with 36 vehicle movements (18 arrivals and 18 departures), and based on this assumption there would be sufficient parking within the school. This application is for an alternative sports pitch with the same function as that previously approved. Given the same activities are proposed as previously, it is reasonable to conclude that the parking impact would remain constant. The Highways Authority continue to raise no objection to the application.

It is also noted that the HCASC are a locally based club, whom encourage walking, running or cycling to their facilities. The applicant has stated that this would continue to be the case within the MUGA at Albany School. The school is also investing in cycle racks, although at the time of writing the report these have yet to be installed, as no development has commenced on site. Where the site is also served by local bus routes, and the Highways Authority raise no objections to the application Staff consider the proposals would not adversely impact the highway or parking situation on Broadstone Road. Late representations received continue to raise concern over the highway implications, Staff are satisfied with the timetables submitted, and the findings from the Transport Assessment from P0780.09. This would allow for the suitable use of the car park by either the school, during school hours or by the HCSAC outside of school and term times.

E. Additional representations:

Since the deferred committee meeting 3 additional representations have been received with the following objections:

- Environmental Protection Act.

Concern has been raised within the received objections that the proposals are classed as a public nuisance by way of noise emanating from a public domain. The MUGA, as well as any type of sports provision is likely to generate some amount of noise by its very nature. This application seeks to make an improvement over an existing approved sports pitch by repositioning its location further away from residential boundaries in Broadstone Road. This revision is considered to be an improvement over an approved plan which the applicants could implement, but have confirmed that they do not wish to proceed with. Staff consider that the proposals, subject to conditions in particular in respect of hours of use, is unlikely to constitute a public nuisance. The regulation of statutory nuisance is covered under separate legislation. In the event of poor behaviours for example, members of the public using the courts via the HCASC will be required to sign up to a code of conduct which requires good behaviour. If there were high noise levels, then neighbouring residents would have the ability to make a complaint regarding statutory nuisance to Environmental Health.

- Restriction of Emergency Vehicles

Access into the site is not proposed to change from the existing arrangement from Broadstone Road. Given the above split usage of the MUGA where it would be occupied by a single set of people (the school or the HCASC), Staff consider that there would be acceptable levels of parking, and sufficient access into the school which would not add to the existing situation.

- Breach of human rights

The representation received objected on the grounds that the noise nuisance from the club is contrary to the Human Rights Act 1998 which states under Article 8 'Right to respect for private and family life' that every one has the right to respect for his private and family life. The residential properties in Broadstone Road and Pett Close are located at significant distances from the pitch and with conditions over the hours of use, hours of illumination for floodlighting and the management from an established local sports provider, this is not considered to be a breach of human rights. In any event, occupiers living adjacent to schools would expect activity within the grounds as a matter of routine.

- Light pollution

Taking into account the flood lights distance from the boundaries of residential properties, plus their downward angle onto the pitch, it is not considered that there would be a loss of residential amenity. The tennis courts have approved floodlights, and from Pett Close to the north the lights would be screened to some degree by existing buildings on site. Staff have reviewed the conditions previously attached and recommend that a further two are attached, the first is to have the lights angled downwards at all times, and second is for details of screening for the floodlights. These have been used on other lighting schemes and can prove successful at reducing glare.

- The sports pitch is not needed in this location

The requirement for a sports pitch is supported by sporting agencies and is a facility which one would expect within school grounds. In principle, there is no objection to the creation of a sports pitch.

- Negative impact on Bats

With regard to the impact on bats, the MUGA would be positioned a minimum of 50m north of the boundary with Harrow Lodge Park. Floodlights would be positioned downwards, rather than across the playing fields. Staff also note that there is approved lighting to the tennis court, and these are located in closer proximity to the park boundary than the MUGA. Although no bat survey has been submitted, comments from the Council's Ecology Officer state that there are no records of bats in this location, but given the parks proximity there may be bats during the spring and summer. It is noted

that when bats are out they naturally avoid lit areas where they may feel threatened, and would have natural cover within the park. It is further noted that there is evidence to suggest that bats can forage around lights, as these attract insects, which are a food source.

The report below is that previously presented to committee on the 15th December 2011.

1. Background information

- 1.1 The application was deferred from committee on the 3rd November 2011 following a late received Sport England objection which raised concern over the loss of playing fields and arrangement of the MUGA. Suggested amendments to the layout were put forward from Sport England which would overcome their objections, which the applicant has incorporated. These include a revised positioning of the MUGA so that is parallel to the existing tennis courts, which leaves sufficient playing field space for rugby and football pitches to be laid out.

2. Site Description

- 2.1 The application site is the Albany Business and Enterprise College, comprising buildings up to three storeys in height with outdoor recreation areas and extensive playing fields. The site is accessed off Broadstone Road from the west. The site includes the car parking areas as existing near the entrance as well as 6 tennis courts and an open grassed playground immediately west of the tennis courts. The main college buildings are to the north of the tennis courts with a large open playing field to the east of the site. Harrow Lodge Park is to the south of the site with residential properties located to the immediate west and north of the site boundaries.

3. Description of proposal

- 3.1 Permission is sought for a multi use games area (MUGA), located centrally within the site on the existing playing fields and to the south east of the school buildings. This measures 36.6m deep by 40.6m wide and would be constructed of a porous macadam surface, marked out as to provide 2 No. tennis/ netball and basketball courts. The games area would be enclosed by a chain link fence measuring 3.6m high and be lit by 6 lighting columns, each measuring 10m high. The games area has been designed to meet Sport England criteria.
- 3.2 The pitch is for games and sports use and would be made available to those attending the school; the submitted supporting statement has indicated that the pitch could be made available for local residents, with bookings handled via the school. This MUGA would be built in place of a previously approved sports pitch which is now no longer proposed to be constructed. This MUGA differs from the previous approval in that is positioned centrally within the site, rather than toward the boundary, has 10 fewer lighting columns and is slightly smaller.

- 3.3 The application has been submitted with letters of support from the Council's Head of Culture and Leisure, England Netball and Pro-Active East London.

4. Relevant History

- 4.1 P0780.09 – Extension and refurbishment of existing tennis courts including new floodlighting. New all weather playing surface – Approved, but not yet implemented.

P0064.08 New building to accommodate changing rooms and social facilities, rear paving, car parking and landscaping (outline) – Approved. This permission has now lapsed.

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 57 properties. 29 representations were received, these are summarised below:

- Floodlighting is too powerful
- Noise levels would be excessive
- Parking is a cause for concern and additional parking would be a nuisance.
- Vandalism has occurred by people using the school premises.
- Increase in traffic levels

- 5.2 At the time of writing this report, comments have yet to be received from Sport England which confirm that amendments to the application are acceptable. Any comments received will be reported verbally at the committee meeting. Any comments received prior to the meeting will be reported verbally. Should comments be received after the date of the committee meeting Staff request that authorisation be given for the Head of Development and Building Control to grant Planning permission on the basis of no objections received from Sport England, with the conditions set out at the end of this report. In the event that representations are received from Sport England continue to raise objection the application shall be referred back to the Regulatory Services Committee for determination.

6. Staff Comments

- 6.1 The main issues to be considered by Members in this case are the principle of development in relation to design/street and amenity issues.
- 6.2 This application has previously been deferred from committee due to a late received Sport England objection. This objection was based on the loss of playing fields and the impractical positioning of the proposed MUGA.
- 6.3 Within the representations received from Sport England stated that their objections could be overcome with a revised layout of the MUGA. Revised

plans to include Sport England's suggestions have been submitted as revised plans. The report also addresses some previous inaccuracies with regard to the difference in flood lights.

- 6.2 PPG17 (Planning for Open Space, Sport and Recreation) and the relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are CP17 (Design), DC29 (Educational Premises) and DC61 (Urban Design) are considered relevant.
- 6.3 Policies 3.18, 3.19 of the 2011 London Plan are also relevant.
- 6.4 Principle of development
 - 6.4.1 The site has an existing use as a school and lies outside the Metropolitan Green Belt, designated Conservation Area and contains no Listed Buildings. The pitch would provide an additional facility to an existing use. This is acceptable in principle.
 - 6.4.2 PPG17 states that Local Authorities should give careful consideration to any planning applications for development on playing fields, and states that proposed development should be ancillary to the use of the site as a playing field. Measures should also be taken to enhance existing open space where available.
 - 6.4.3 Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development. Policy DC29 seeks to ensure that the provision of educational facilities is of a high quality. The proposed school pitch would provide an all weather recreational facility within the site. Policy DC28 states that opportunities to make existing schools and their facilities available to the wider community will be encouraged where impacts on amenity, environmental, safety or traffic problems do not result. The matters to be considered further therefore are the impact of the proposed development in this location including its visual impact, effect upon amenity to neighbouring properties, potential traffic and parking implications.
 - 6.4.4 The proposals would involve the loss of grassed playing fields to the centre of the site, but would provide alternative recreational space, which would be available all year round. Paragraph 18 of PPG17 seeks improvements to existing open space, and the proposal here is considered to enhance the existing layout of the playing field, by extending its usability. It is not proposed to construct a previously approved sports pitch and there would be no overall loss of playing field than that previously approved. Revised plans submitted show the repositioning of the MUGA within the school site with marked out athletics tracks, rugby and football pitches. Where there is sufficient space for all facilities to be provided.

6.5 Design/Impact on Street scene

- 6.5.1 The playing fields of the school are largely screened from public view by the school buildings which face the entrance on Broadstone Road. These fields are however, visible from the rear of properties which back onto the school site on Pett Close to the north and Broadstone Road to the west, properties in Steed Close have an obscured view of these fields, which is partially blocked by the school buildings and outbuildings. Previously approved sports pitches were located to the south west corner of the site, approximately 44 m west of the boundary with Broadstone Road, but would not have been visible from those to the north of the site in Steed Close and Pett Close as it would have been screened by the adjacent three storey school buildings.
- 6.5.2 It is no longer proposed to construct the previously approved sports pitch and the submission here proposes construct a multi use games area (MUGA) in a different location, now set centrally within the site. Original plans proposed this to be set 150m from Broadstrone Road and 87m from Pett Close with the MUGA set away from the tennis courts to the south projecting into the playing fields. Following Sport England suggestion, the MUGA has a revised position, so that is now in line with the existing tennis courts with a reduced projection into the playing fields. This has increased the distance from the boundaries so that it is now 155.5m away from the Broadstone Road boundary to the west and 104m from the boundary with the rear of properties on Pett Close to the north. The central positioning of the MUGA would mean it would still be visible as part of the playing fields, although the eastern portion of the MUGA would be screened by existing development within the school site. The increased distance from both residential boundaries from that originally intended is further considered to reduce visual impact.
- 6.5.3 The MUGA is now smaller than previously approved, measuring 1388 square metres versus 1665 square metres as previously approved. This combined with the revised location is not considered to appear harmful in the locality. The MUGA would not be visible from properties located in Adelphi Crescent and Apollo Close due to the orientation of the main school buildings.
- 6.5.4 The pitch would be enclosed by 3.6m high mesh type fencing, similar to that found on the existing tennis courts. The existing school boundary is enclosed by a higher similar type fence, which provides partial views to residential rear gardens through gaps in the trees. The proposed fencing is lightweight in construction and is not considered to appear overly intrusive within the school field environment. However, to ensure that the fencing is of an appropriate design, details are requested via condition.
- 6.5.5 It is proposed to light the MUGA by way of 6 No. 10m floodlighting columns. The proposed floodlight columns are not in principle considered harmful to the open character of this part of the school site as they are relatively slim-line and well spaced out around the pitch.

6.6 Impact on Amenity

- 6.6.1 It is proposed to open the use of the pitch beyond the immediate school site; this is to include the local community and activity groups, who would need to book the pitch via the school. No further details of this have been provided although, the access to the MUGA would be limited to a degree, due to the general levels of security that the school needs to maintain.
- 6.6.2 Given the extended use to other groups aside from the school, it is acknowledged that the MUGA would create an element of noise from the levels of activity on site. However, the pitch is located on an existing playing field which is used by the school, for exercise and lunchtimes. The nearest properties on Broadstone Road are 155m away and the properties to Pett Close and Steed Close are approximately 104m away. The activities proposed including netball and basket ball would create a materially different level of activity on site than at present but are located adjacent to the existing tennis courts. The concentration of these activities to the centre of the site is considered to assist in reducing their impact and the use of the MUGA would also be controlled via a condition to restrict the hours of use.
- 6.6.3 Floodlighting is proposed to the MUGA, this is provided via 6 No. 10m high columns. The proposed floodlighting will potentially be visible to residents of nearby residential properties in Broadstone Road, Pett Close and Steed Close due to the height of the columns. Representations received have objected on the grounds that the floodlighting is not appropriate and would negatively impact residential amenity. Sport England guidance states that floodlight can be positioned 12m from the boundary and 30m from the rear wall of residential property. The nearest floodlight would be positioned approximately 155m from the nearest neighbour in Broadstone Road and 104m from those in Pett Close/Steed Close. This far exceeds Sport England guidance and is considered that it would not be harmful to neighbouring occupiers.
- 6.6.4 The impact of the flood lighting on residential amenity is a matter of judgement for Members. Staff however, consider that given the distance of the lighting from neighbouring residential properties any light spill would be minimised. The hours of illumination and the detailed specification of the floodlighting would be subject to controls, which can be achieved by condition, to ensure material harm to residential amenity would not occur. The MUGA would be located a minimum of 50m from Harrow Lodge Park, a reduction from 67m previously, however, this separation distance is still consider acceptable, given the existing boundary screening.
- 6.6.5 The previous report to committee states that 16 flood lights were originally proposed, and that the 6 flood lights for the MUGA represented a reduction of 10. However, the previous sports pitch was not flood lit, and the 16 flood lights refer to the tennis courts. These would be kept in situ, and the 6 flood lights proposed would be additional, to give a total of 22 flood lights on site. Staff consider that given the location away from residential properties, far in excess of Sport England guidance, would not detrimentally add to light spill

or glare on site as they can be angled downward towards the ground. The location of the MUGA, visible from neighbouring properties is still a matter for judgement for Members however. Lighting to the north east corner of the MUGA would be screened in any case by the surrounding buildings, which would further mitigate their impact.

- 6.6.6 In terms of noise, the MUGA is located on an existing playing field, used by the school; this is marked out with football and rugby pitches and would therefore create an element of high activity during the school day. The MUGA site is located centrally within the site, away from residential boundaries. It is acknowledged that this use would create an element of activity and therefore noise proposal is located centrally within the site, so it is at the maximum distances away from residential properties. A certain element of the games area would be screened by the surrounding school buildings.
- 6.6.7 Representations received have also objected on the grounds of anti-social behaviour and vandalism that occurs around the school. Anti-social behaviour or criminal damage is a matter for the Police and the school, rather than the Local Planning Authority. The MUGA would be managed via the school itself and its availability would be controlled.

6.7 Highway/Parking/Access

- 6.7.1 Representations received have objected due to the congestion locally that arises from the lack of parking at the school, specifically on the immediately surrounding streets. The site has a 69 space car park at present located to the west of the site by the school entrance. The Highways Authority has no objection to the application. This MUGA is proposed to replace an existing approved sports pitch which is proposed not to be constructed.
- 6.7.2 Vehicular access into the site is via Broadstone Road. It is not proposed to alter either the access or parking layout. Representations from the Highways Authority raise no objection with regard to potential impact on the highway or parking situation. When it is proposed to be the MUGA outside of school hours, Staff do not consider that this would bring any traffic implications as the car park would not be in use and there would be available parking within the site.

7. Other issues

- 7.7.1 The school site is known to be contaminated, as such, Environmental Health have requested that a condition be attached to any consent, requiring the submission of a land contamination survey.
- 7.7.2 The school has stated that they do not wish to construct the approved sports pitches and instead build the proposed MUGA. The previous planning permission would remain valid, and in reality there would be two permissions on the site for games areas. Staff have considered the possible impact of this in terms of design and residential amenity. Given the separate

locations of the games areas and the reduced amount of floodlighting on this application, it is considered that two games areas would not materially be harmful in either design terms of in residential amenity and parking. It is also considered that there would be acceptable open area of playing fields remaining. The drawings submitted indicate that only one pitch would be built and in any case, financing would not be available for both pitches. Nonetheless, the extant permission could be implemented at any time up to 25th February 2013.

8. Conclusion:

- 8.1 Staff do not consider that the creation of a MUGA would have an adverse impact on the amenity of neighbouring occupiers. The scale and design of the pitch and enclosure fencing is considered to acceptably integrate into the school field surroundings, and would be of a limited impact within the wider streetscene. The floodlighting is located at significant distances from residential properties and would be partially screened by the three storey school buildings. Parking remains an issue for local residents; however, Staff consider that the MUGA would not result in adverse harm to the highway or parking demand.

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:

The Council's planning policies are implemented with regard to Equalities and Diversity. The Multi Use Games Area would provide a year round facility for the school, which would contribute providing additional activities for students and the wider community.

BACKGROUND PAPERS

Application forms and plans received 30th August 2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

23 February 2012

Subject Heading:

P1325.11 – North side of Market Place & former Laurie Hall at junction of Market Link & St Edwards Way, Romford (Date received 25/08/2011)

Proposal

Amendment of condition 44 of P0166.03 (which is subject to a minor amendment N0074.11 dated 9/1/2012) to refer to the final construction drawings for the redevelopment of the North side of the Market Place to agree the as built roof form of the development (Description changed January 2012).

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Members will be aware that the redevelopment of the north side of the Market Place has been stalled for over two years as a result of the original developers going into administration. The Administrators are seeking to secure the sale of the development so that it may be completed. During the design and build contract for the development various alterations to the approved design for the roof over the later phases of the residential scheme were introduced. The full extent of these amendments to the design were never formally agreed and staff are therefore unable to confirm that all of the conditions have been complied with to date as the development has not been built in accordance with the approved plans. This application which falls from the due diligence process that is being undertaken by the administrators, therefore seeks Members approval for the as built form of the roof.

The as built form of the roof is considered to be acceptable in design and appearance and should members agree with that conclusion, it is recommended that planning permission be granted subject to the prior completion of a variation to the relevant S106 legal agreement.

The report also considers a request for a variation to the S106 agreement and comments on other matters outside the purview of this application, but nonetheless likely to be of interest to members in relation to the overall redevelopment.

RECOMMENDATIONS

That planning permission be granted subject to the prior completion of a Deed of Variation to the S106 legal agreement dated 30th January 2004 under Section 106A of the Town and Country Planning Act 1990 to ensure the following

1. That the definition of the planning application contained within the legal agreement dated 30/1/2004 be amended to refer to this application in the alternative as appropriate, and
2. That the requirement for the provision of public art within the original S106 agreement dated 30/1/2004 be deleted and an obligation be substituted in its place to carry out environmental improvements to the Market Place to a value of not less than £50,000, to include seating, street furniture and improved tree pits along the frontage of the site as set out in MCA Drawing No 4938/154.01 Rev E, 4938/154.02 Rev D, 4938/158 Rev C and 4938/159 Rev D, such works to be completed within 24 months of the date of the planning permission unless otherwise agreed in writing by the Local Planning Authority and that in the event that the works are not completed within the said period that a sum of £50,000 (subject to indexation from the date the planning permission is issued to the date of receipt of payment) or such lesser sum (subject to indexation on the same basis) as estimated by the Head of Streetcare as the value of the works not completed to a maximum value of £50,000 be paid to the Council on the second anniversary of the date planning permission was issued , and
3. Save for the variation of obligations of the original agreement dated 30th January 2004 outlined in 1 and 2 above and any consequential amendments to recitals, headings and clauses of the original agreement, the clauses recitals and headings of the original agreement dated 30th January 2004 shall otherwise remain unchanged.

In the absence of any such further representations that staff be authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the following condition:

1. Accordance with plans: The development shall not be carried out other than in complete accordance with the approved plans as detailed by condition 44 of planning permission ref P0166.03 (as amended by Minor Amendment N0074.11) and as amended as shown on submitted drawings: 4939/C/152a, 4938/C/200k, 4938/C/201h, 4938/C/204c, 4938/C/220a, 4938/C/300s, 4938/C/301p, 4938/C/302k, 4938/C/306g, 4938/C/360a, 4938/C/400u, 4938/C/401z, 4938/C/406g, 4938/C/500g, 4938/C/501n, 4938/C/502m, 4938/C/507m, 4938/C/508k, 4938/C/509c, 4938/C/637a, 4938/C/601h, 4938/C/602g, 4938/C/603f, 4938/C/604e, 4938/C/606d, 4938/C/609d, 4938/C/700L, 4938/C/701E, 4938/C/702F, 4938/C/703L, and 4938/C/704C

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 as the development façade is located in Romford Town Conservation Area and that 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 Development Control Policies Development Plan Document Policy DC61.

The conditions of the previous permission P0166.03 as included in Appendix 1 shall continue to apply as necessary and appropriate to this amended permission.

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, policies 7.4, 7.6, 7.8 and 8.2 of the London Plan, PPS1 'Delivering Sustainable Development' and Planning Policy Statement 5: Planning for the Historic Environment.

REPORT DETAIL

1.0 **Site Description**

- 1.1 The application site comprises the land on the northern side of the Market Place which has been redeveloped over the last five years for retail and residential purposes, including the provision of a replacement Romford Shopping Hall.

2. **Background Information**

- 2.1 Planning permission was granted on 15 March 2002 (ref. P0849.00) for the redevelopment of the site on the north side of the Market Place comprising the "demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom hotel, offices, 91 residential units, public conveniences, multi-storey and surface level vehicle parking, access and service areas and landscaping."
- 2.3 Planning permission was later granted (ref P0166.03) for the variation of Condition 39 (Complete Accordance with Plans) to enable a revised mix of flatted units within Phase 1 of the scheme and an altered roof design to part of the building. Subsequently stand alone permissions were granted for a revised hotel design which increased the number of bedrooms and the height of that building and also incorporated 24 no. additional residential flats. Planning permission P0166.03 has recently been amended by way of an application for a minor non-material amendment to include a condition

which required the development to be carried out in accordance with the approved plans as listed.

- 2.4 The original developers went into administration over two years ago leaving the final phase of the development incomplete. Earlier phases of the development are complete and occupied. The administrators are now seeking a purchaser for the development who would take over the site, it is anticipated with the intention of completing the development. The recently added condition is justified partly on the basis that the development needs to be completed in order to ensure that the development has a satisfactory impact upon the Conservation Area.

3.0 Description of Proposal:

- 3.1 Planning permission is sought for an amendment to the permitted scheme for the redevelopment of the North Side of the Market Place which has been largely constructed.

- 3.2 The original planning permission ref: P0849.00 showed a building fronting onto the Market Place and Ducking Stool Court with an extensive pitched, clay tile roof across the full length of the building which stepped up to three residential storeys at the St. Edwards Way end of the site. The two storey residential section comprised of six stepped sections on the Market Place side and four stepped sections on the Ducking Stool Court side. Each stepped section was originally proposed with a central roof valley and hipped ends.

- 3.3 The revised planning permission ref P0166.03 introduced a flat roof to each stepped section to remove the central valley, but retained the hipped ends, to the internal courtyard, creating a crowned roof. However, during the design and build process a revised roof design, which omitted the internal courtyard hipped roofs and those facing Ducking Stool Court, was introduced. The scheme has been built out in line with these further revisions, which it is proposed are formally approved through this application.

- 3.4 Since this application was submitted it has been necessary to submit an application for a Minor Non-Material Amendment (Ref: N0074.11) to the revised permission P0166.03 to insert a condition which required that development to be carried out in accordance with the approved plans. That application has been determined and it is now possible for the current application (as revised) to be reported.

4. Relevant History

- 4.1 There is extensive history relating to the site. The most relevant history to this application is:

P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping. - Approved

P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme – Approved

N0074.11 - Minor Amendment to P0166.03- to impose a condition on to that permission to require that the development should not be carried out otherwise than in complete accordance with the listed approved plans, particulars and specifications - Approved

5. Consultations and Representations:

- 5.1 Consultees and 386 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press. One objection has been received suggesting that the application is inconsistent with the existing planning permission and that certain vital information has been deliberately omitted.
- 5.2 Consultees and neighbours have been re-notified of the revised description of the proposal. . It has been further suggested by the same objector that there is no valid permission for the overall development, that additional units are being introduced and that the completion of the development would have an adverse impact upon property prices of an adjacent development which does not benefit from any parking provision.

Consultee Responses

English Heritage – Advise that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

6 Relevant Policies

- 6.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011.
- 6.2 Policies CP17 (Design) and CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.

- 6.3 Policies DC61 (Urban Design), DC68 (Conservation Areas) and DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document are also considered to be relevant.
- 6.4 Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).
- 6.5 PPS1 'Delivering Sustainable Development', Planning Policy Statement 5: Planning for the Historic Environment are further material considerations.

7. Planning Considerations

- 7.1 The main issues in this case are the design and appearance of the revised roof as built and the impact upon the character and appearance of Romford Conservation Area.
- 7.2 In visual terms the difference between the roof as last amended and approved and that which has been built is considered to be slight. The difference is that when viewed obliquely from Market Place and Ducking Stool Court a section of flat roof and a larger section of flank wall is now visible to the rear of the front roofslope on those sections that project forward rather than a hipped section of roof rising to a flat roof from a lower section of flank wall. This feature is 17m above ground level measured from the Market Place and is not considered by staff to detract from the appearance of the building or impact visually upon the approved scheme to any significant degree.
- 7.3 Turning to the impact upon Romford Conservation Area, it is considered that the overall development enhances the appearance of the Conservation Area by enclosing its historic form and respecting the original building line of development on its north side. In staff's opinion the revised roof design does not detract from the original design and accordingly the enhancement of the Conservation Area is maintained by the scheme as built. Staff consider that the matter is of relatively little significance in terms of the overall redevelopment that has been achieved and that it is neither necessary, practical or expedient to seek to enforce the construction of the roof in accordance with the original plans. It is not considered that the objections raised are relevant to the consideration of the current application which quite evidently relates to a valid planning permission.
- 7.4 The existing S106 agreement for the development includes a requirement for the provision of public art up to the value of £50,000, including costs, which remains outstanding. The applicants have requested that the S106 be varied to enable environmental improvements to be substituted. This would include the cost of the provision of new street furniture which has been, and will be, provided along the paved area of the Market Place in front

of the development consisting of five new benches, nine hoops and associated posts (all in stainless steel), step barriers and improved tree pits.

7.5 Members may be aware that as a result of level differences between the development and the Market Place, that the first phase of development on the north side of the Market Place required significant works to the existing paving on the Market Place. This included re-profiling and the construction of ramps and steps together with the installation of bollards and seats. It is not intended, nor do Staff consider that it would be appropriate, for the cost of the paving works and changes necessary to accommodate the level differences to be included in the works to be covered by the contribution. The need for this additional work arose from setting out issues which should have been addressed by the contractors at an earlier stage, prior to construction. However, staff consider that it would be reasonable for the cost of the new seating, street furniture and improved tree pits to be considered as environmental improvements for the purposes of the S106 agreement. The seating that has been provided is of the same design as that which has been provided elsewhere in the town centre and is practical, popular and attractive. The applicants have also confirmed that the total cost of the street furniture and tree pit improvements would exceed £50,000 including the cost of design, construction and installation.

7.6 Whilst considering the current application Members may be keen to understand the current position in relation to the scaffolding that has been in place around Tollgate House for over two years. Following the completion of Tollgate House the scaffolding was subsequently erected owing to the failure/poor performance of the Glassfibre Reinforced Concrete sections that were installed to provide moulded cornice and other features on the building. Liability issues relating to the repair/replacement of the defective materials gave rise to a lengthy dispute which was then overtaken by the developers going into administration. The matter currently rests with the Administrator as the original supplier ceased trading some time ago. It is anticipated that the matter will be resolved following the sale of the overall development on the basis that the new owner will intend to carry out the necessary repairs to Tollgate House and complete the overall development.

8. Conclusions

8.1 Staff consider that the as built form of the roof is acceptable in design and appearance and does not detract from the original design of the development. Staff further consider that the revised roof design does not detract from character of Romford Conservation Area. On this basis it is concluded that the proposal accords with the provision of LDF policies DC61 and DC68.

8.2 Should members agree with this conclusion, it is recommended that planning permission be granted subject to the prior completion of a deed of variation to the relevant S106 legal agreement so that it reflects this amendment and also varies the requirement for the provision of public art to

a requirement for environmental improvements to a value of not less than £50,000.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications to the Council.

Legal implications and risks:

This application needs to be tied into the Section 106 planning obligation for the amended planning application P0166.03 which also needs to be varied to alter the requirement for public art to environmental improvements to the same or greater value. These will need to be finalised and signed prior to the issue of the planning permission.

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

The Council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.

7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

APPENDIX 1 - P1325.11

1. Public Toilet Provision

The public toilet facilities within Tollgate House shall not be used for any other purpose.

Reason: These facilities are essential to the public use of the scheme and the Local Planning Authority need to retain control over their management.

2. Car Parking Reservation

The areas set aside for car parking shall be constructed, laid out and surfaced in accordance with the details as previously approved prior to the final occupation of the development and shall be retained for the accommodation of vehicles visiting the site and shall not be used for any other purpose. All spaces shall be retained for the approved purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that car parking accommodation, including spaces for people with disabilities, is made permanently available and to prevent the obstruction of nearby streets by parked cars.

3. Car Park Entrance Management and Signage

All car park entrance equipment and signage shall be kept in an operational condition.

Reason: To ensure pedestrians, cyclists and vehicle drivers are not inconvenienced or endangered by the erection of inappropriately designed or sited signs for non-operational facilities and to ensure that Market Traders' vehicles are parked in the appropriate spaces.

4. Cycle and Motorcycle Parking

The existing facilities for the parking of motorcycles and the covered parking of cycles shall not be used for any other purpose and shall be kept in an operational condition.

Reason: To encourage trips to Romford by motorcycle and cycle and to ensure that users have appropriate parking facilities permanently available within the site.

5. Treatment of the Rooftop Residential Amenity Area

The treatment of the final phase of the rooftop residential amenity area (including all hard and soft landscaping and amenity features) shall be fully implemented in accordance with the details as

previously approved prior to residential occupation of the units which are served by that amenity space. Thereafter this area shall not be used for any other purpose.

Reason: In the interests of residential amenity.

6. Access for People with Disabilities

All parts of the development, including all lifts, the car parks and all external public areas, shall be designed to be accessible to people with disabilities. Such provision for people with disabilities shall be carried out in accordance with the details as previously approved and made available before any trading of that phase of the development commences and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future occupants, employees and visitors and in accordance with the Council's policies and practice for access for people with disabilities and in accordance with the provisions of Section 76(1), (2) of the Town & Country Planning Act 1990.

7. Landscaping, Trees and Shrub Planting

If within a period of five years from the date of the planting carried out as part of the previously approved landscaping scheme, any tree or shrub, or any tree or shrub planted in replacement of it, is removed, uprooted or destroyed, is diseased or dies, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure that the scheme has an adequate landscape and to ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

8. External Lighting

External Lighting shall be installed in accordance with the details as previously approved prior to trading/residential occupation commencing in the final phase of the development and shall be retained and kept fully operational thereafter.

Reason: To enable the Local Planning Authority to control the scheme for the lighting of the site so as to protect traffic from excessive glare and maintain residential amenity.

9. Market Stall and Trailer Storage

The storage facilities for market stalls and trailers in Ducking Stool Court shall be implemented in accordance with the details as

previously approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interest of amenity, safety and security.

10. Window Display

The window display areas within the final phase of the development shall be fully implemented in accordance with the details as previously approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the scheme contributes fully to the vitality of the Town Centre.

11. External Decoration

Other than that which constitutes advertisements under the Town & Country Planning (Control of Advertisements) Regulations and which shall be subject to separate application, no bunting or flags shall be displayed on the site unless agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and townscape.

12. Implementation and Retention of Pedestrian Routes

Details of all pedestrian routes (including their floor and other surface treatments) within the development hereby permitted shall be implemented in accordance with the scheme as previously approved prior to trading commencing in each phase of the development served by that route. Thereafter they shall not be used for any other purpose.

Reason: The Council consider it important that such access facilities are satisfactory for safe and attractive pedestrian access.

13. CCTV

The development hereby permitted shall be provided with Closed Circuit TV coverage and linked with the existing Romford Town Centre Closed Circuit TV system in accordance with the previously approved scheme shall be implemented before the second retail phase is occupied and thereafter kept in operational order.

Reason: To ensure public safety and security.

14. Provision for Loading

The hardened service yard shown in yellow on the plan (reference: 5610/TP004/2e) approved under P0849.00 shall be retained for the loading, unloading and turning of vehicles servicing the scheme, to the satisfaction of, and in accordance with the details previously approved by, the Local Planning Authority with the exception of the unit on the former Laurie Hall site for which separate arrangements are applicable. No loading and unloading of goods (including fuel) from vehicles shall be carried out otherwise than within such areas.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of the neighbouring properties.

15. Servicing of A3 Unit on Former Laurie Hall Site

The scheme to enable the satisfactory servicing of the unit on the former Laurie Hall site as indicated in green on the plan (reference: 5610/TP002e) approved under P0849.00 as previously approved by the Local Planning Authority, shall be kept in operation unless otherwise agreed in writing with the Local Planning Authority. The unit shall only be serviced in accordance with the approved scheme and servicing of this unit shall not take place other than between 0700-2100 hrs on non-Market days and 1830-2100 hrs on Market days.

Reason: In order to ensure efficient servicing, maintain pedestrian safety and retain residential amenity.

16. Servicing in Ducking Stool Court

Servicing of the Romford Shopping Hall and Units 1, 2, 3 shown on the plan (reference: 5610/TP002e) approved under reference P0849.00 shall only be undertaken between 0700-2100 hrs Monday to Saturday. There shall be no servicing of these units on Sundays.

Reason: In the interests of residential amenity and the satisfactory setting up of the Market.

17. Open Storage Prohibition

Goods and materials (other than Market stalls and Market trailers in their designated storage areas in Ducking Stool Court service yard) shall not be stored or sold on the site in the open or in public circulation areas.

Reason: In the interests of visual amenity and efficient servicing and safe pedestrian circulation.

18. Roller Shutter Equipment

Security equipment to protect external doors and windows shall only be installed in or on the individual units hereby permitted if full details of its specification(s), location, design and appearance have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall only be installed in full compliance with the approved details.

Reason: In the interests of amenity and to ensure the vitality of the development.

19. Construction Methodology

The construction method statement previously approved by the Local Planning Authority to control the adverse impact of the development on the amenity of the public nearby occupiers and the operation of the Market shall be adhered to for the duration of the construction period. The construction method statement shows details of:

- (i) parking of vehicles of site personnel, operatives and visitors;
- (ii) areas hardened to enable the loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) treatment of all relevant pedestrian routes and highways within and around the relevant site throughout the course of construction and their reinstatement where necessary;
- (v) times, routes and means of access into the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials of the public highway);
- (vi) the hours of the day during which external construction or other noisy works are intended;
- (vii) the siting, design, size and duration of any temporary buildings including the temporary toilet facilities to replace the existing toilets next to Ludwigshafen Place;
- (viii) a scheme for security hoardings including decorative displays and facilities for public viewing;
- (ix) a scheme for recycling waste resulting from the construction programme and a means of disposal of waste arising from the construction programme including details of disposal end points. Burning of waste shall be precluded.

(x) the method of demolition of the existing structures including the existing Rumford Shopping Hall (normally to be by hand or hydraulic machinery);

(xi) measures for the suppression of dust to be used whilst demolition and construction are in progress particularly in regard to ensuring the satisfactory operation of the adjoining Market. (These measures to include the provision of a water supply at all areas of demolition); and

(xii) the method of piling (either sheet or loadbearing) on site (normally restricted to augur bored or hydraulic press);

(xiii) the method of preventing mud being deposited on the public highway and details of facilities for vehicle wheel washing;

(xiv) predicted noise and vibration levels from construction and demolition using methodologies and at points to be agreed with the Local Planning Authority;

(xv) the measures to be taken to minimise noise and vibration arising from construction activities to demonstrate best practicable means;

(xvi) a scheme for monitoring noise and vibration levels using methodologies and at points to be agreed with the Local Planning Authority;

(xvii) the measures to be taken to ensure that all plant and equipment used on site is maintained and used in accordance with manufacturer's recommendations;

(xviii) a programme for community liaison to inform the Council, market traders, local residents and commercial occupiers of site activities and the potential for disturbance.

Reason: To protect residential amenity and in the interests of highway safety

20. Construction Hours Limitations

No external construction works, deliveries and external running of construction plant and equipment shall take place on site other than between the hours of 0800 to 1800 hrs on Mondays to Friday and 0800 to 1300 hrs on Saturdays unless agreed in writing with the Local Planning Authority. No external construction works, deliveries and external running of plant and equipment shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity.

21. Waste Management Scheme

The waste management scheme for each phase of the development as previously approved by the Local Planning Authority shall be implemented at the commencement of trading or residential occupation (whichever is the sooner) and shall thereafter be permanently maintained unless otherwise agreed in writing with the Local Planning Authority. All refuse shall be properly contained within the approved facilities and shall not be stored or deposited elsewhere.

Reason: To protect the amenity of occupiers of nearby premises and in the interest of public health.

22. Noise from Amplified Music Equipment

Details of the measures to control levels of music and amplified noise emanating from the A3 Unit permitted on the former Laurie Hall site and the A1 Use Class retail units shall be submitted to and approved in writing by the Local Planning Authority before that individual unit commences trading. The approved details shall be implemented prior to the individual unit commencing trading and shall thereafter be kept in operational order and used at all times that music/amplified noise is being played.

Reason: In the interest of public amenity.

23. Noise and Odour Control

Details of the measures to control noise and odour from all mechanical systems serving an individual premises of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before that individual unit commences trading. The details shall include the maintenance programme of all filtration systems. The approved details shall be implemented before trading in each particular unit commences in full accordance with the approved details and thereafter kept in operational order and used at all times when the premises are operational.

Reason: In the interests of public amenity.

24. Scheme for Prevention of Noise to Residential Accommodation

The scheme for protecting residents from noise arising from the car park, pedestrian routes, market activities (including setting-up and dismantling of the Market), surrounding commercial properties and

traffic on St Edward's Way as previously approved by the Local Planning Authority shall be implemented in accordance with the agreed details prior to any residential occupation and kept fully operational thereafter.

Reason: To protect residents from disturbance.

25. Noise

Noise levels (expressed as the equivalent continuous sound level, (LAeq (1 hr) from fixed plant and machinery at the nearest noise sensitive premises shall not exceed LA90-10dB.

Reason: To protect the residential amenity.

26. Noise/Vibration Control

Before any of the retail development hereby permitted commences such works as may be necessary to control the transmission of noise/vibration, from the commercial premises, through the building fabric to ensure that the occupiers of adjoining premises are not adversely affected by noise/vibration shall be carried out in accordance with the scheme as previously approved by the Local Planning Authority to undertake. The approved scheme shall be fully implemented prior to retail trading commencing and maintained thereafter.

Reason: To maintain residential amenity.

27. Ventilation, Satellite Dishes and Other Plant

Extract ventilation, air conditioning or equipment such as lift gear, aerials, satellite dishes, external telecommunications equipment etc shall only be installed on the development hereby permitted if full details of their specification, location, external discharge points, design and acoustic performance have first been submitted to and approved in writing by the Local Planning Authority. The system(s) for individual buildings shall be installed prior to the use of the buildings and maintained to the satisfaction of the Local Planning Authority in accordance with the approved details.

Reason: In the interests of public amenity.

28. Management Plans

The following management plans as previously approved by the Local Planning Authority shall be maintained in operation unless otherwise agreed in writing by the Local Planning Authority.

(i) a landscape management plan (including the roof amenity area for the residential units);

(ii) a management plan for the residential element (including the means of maintaining the security of private residential areas (foyers, doors, corridors, stairs and lifts) and the maintenance of these.

(iii) a maintenance plan for the whole scheme including public and private areas.

Reason:

In the interests of the appearance and security of the development, its use by the community, the transport strategy and the vitality and viability of the town centre.

29. Shop-Front Design

Before the retail development hereby approved commences trading, details shall be submitted to and approved in writing by the Local Planning Authority showing design details of all shop-fronts in the scheme. The details shall be implemented before retail trading commences.

Reason: In the interests of amenity and ensuring that the scheme has a satisfactory appearance.

30. Medical Premises Parking

The fourteen car parking spaces for the medical premises (including two for Doctors and twelve for visitors) and ten car parking spaces for people with disabilities as indicated in the approved drawing reference no.245000 L1 Rev:H shall be permanently retained for this purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard these spaces for use by Doctors and visitors to the medical premises.

INFORMATIVES

1. This approval is not a consent under the Town & Country Planning (Control of Advertisements) Regulations. A separate application under the Advertisement Regulations must be submitted for any signage together with the appropriate fee.

2. The developer should ensure that the highways outside the site affected by the construction works are kept in a clean and tidy condition in accordance with the approved planning condition for

the construction methodology, otherwise action may be taken under the Highways Act.

3. The Council expects the developer to make every effort to ensure that drivers of construction, delivery and other related traffic are made fully aware of and abide strictly by the off-site construction traffic route presented to this Council in support of the planning application and as set out in the approved construction methodology.
4. All retail units shall be provided with a connection to main foul drainage (of a diameter of at least 100mm).
5. All retail units with a retail floor area greater than (50m²) shall be provided with flush sanitary accommodation connected to main drainage for the use of employees. Units with a floor area in excess of (100m²) shall be provided with separate facilities for male and female and include provision for people with disabilities.
6. Provision should be made for any windows, skylights or any transparent or translucent wall, ceiling or roof to be safety accessible for cleaning.
7. Prior to retail trading commencing it would be helpful to the Council and Police Authority for the developer to have submitted a 24 hour safety audit of all pedestrians routes so that sufficient and appropriate town centre policing can be agreed.
8. The Local Planning Authority will expect the scheme to be lit only in accordance with the approved lighting scheme.

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

6

REGULATORY SERVICES COMMITTEE

REPORT

23 February 2012

Subject Heading:

P1413.11 – 178 Crow Lane – canopy building (received 22 September 2011; further information submitted 19 December 2011)

P1414.11 – 178 Crow Lane - steel clad building (received 22 September 2011; further information submitted 19 December 2011)

P1768.11 – 178 Crow Lane - steel clad building (received 25 November 2011)

P1778.11 – 178 Crow Lane canopy (received 25 November 2011)

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance

Financial summary:

None

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

Ensuring a clean, safe and green borough	[x]
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	[x]
Valuing and enhancing the lives of out residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report follows deferral of two applications (P1413.11 and P1414.11) from the Committee meeting on 17/11/11 and the submission of two further applications (P1768.11 and P1778.11) in respect of the same development such that it concerns four applications for development at 178 Crow Lane, Romford. The further applications are for a canopy building and a steel-clad building on a permanent basis and both on a 5-year temporary basis. The applications are retrospective as the structures have already been erected. The material considerations affecting that application are common to the applications and the report consolidates consideration of all 4 applications. The applications will be determined separately through separate resolutions of the Committee. The applicant is a relative of a Councillor.

RECOMMENDATIONS

1. It is recommended that P1413.11 is refused planning permission for the following reason:
 - The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances submitted in this case are not considered to amount to the very special circumstances needed to over-ride the presumption against inappropriate development in the green belt and the proposal is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (green belts).

2. It is recommended that P1414.11 is refused planning permission for the following reason:
 - The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances submitted in this case are not considered to amount to the very special circumstances needed to over-ride the presumption against inappropriate development in the green belt and the proposal is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (green belts).

3. It is recommended that P1768.11 is refused planning permission for the following reason:
 - The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances submitted in this case are not considered to amount to the very special circumstances needed to over-ride the presumption against inappropriate development in the green belt and the proposal is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (green belts).

4. It is recommended that P1778.11 is refused planning permission for the following reason:
 - The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances submitted in this case are not considered to amount to the very special circumstances needed to over-ride the presumption

against inappropriate development in the green belt and the proposal is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (green belts).

REPORT DETAIL

Background

- 1.1 The two applications for permanent buildings were deferred from 17th November 2011 Regulatory Services Committee to provide an opportunity for the applicant to fully explain the case he wishes to promote for very special circumstances: to enable Staff to provide a fuller explanation of the two stage Green Belt assessment and how any harm (in principle and any other) must be outweighed by very special circumstances; and to explain why the physical condition/appearance of the land does not diminish its Green Belt function or status. A fuller explanation of the Green Belt and its function is also provided at Member's request below.
- 1.2 Since the previous reports were considered at Committee, two applications for the same buildings but seeking permission on a temporary basis for 5 years have been received (planning references: P1768.11 – Steel clad building; P1778.11 – canopy building).
- 1.3 The current report assesses all four of the above planning applications.
- 1.4 Applications for Certificates of Lawful (Existing) Development for both buildings have also been received (ref: E0018.11 – Steel clad building; E0019.11 – Canopy building). These are being assessed separately.
- 1.5 Enforcement Notices were served in relation to the steel-clad building and the canopy building on 12th January 2012. These become effective on 29th June 2012 and have a compliance period of 6 months.

The two stage Green Belt assessment

- 1.6 The green belt has been designated to prevent urban sprawl, i.e. to prevent the outward extension of London, in this case. Its main purpose is to provide for agriculture and forestry, nature conservation and open space for recreation. Certain development is allowed such as the extension of residential properties up to 50% by volume of their original size (or as so built in 1948). When the green belt was first designated, there were some commercial premises included in the designated area, which in Havering extends over some 6,000 hectares. The Green Belt begins closer to London than the main urban areas in the Borough which were formerly in Essex and wraps around them, such that there is a narrower strip to the west of

Romford which includes the application site. While the London Metropolitan Green Belt is generally 7 – 8 miles wide, at this point the Green Belt is approximately 270 metres wide. The essential function of this strip is to prevent urban sprawl and in particular to prevent the joining up of the urban areas. The development plan which identified the Green Belt also identified other areas for commerce and employment and, it is likely that over time it was expected that those remaining commercial units would have gradually disappeared from the green belt as they moved to more suitable locations. However, a number of commercial activities remain in the Green Belt, as do residential properties.

1.7 Assessment of proposals in the Green Belt is a two stage process. Firstly the decision maker must consider whether the development is appropriate development in the green belt. PPG2 (Green Belts) and Policy DC45 of the LDF define development which is considered to be appropriate in the Green Belt:

- **agriculture and forestry, outdoor recreation, nature conservation,**
- **Cemeteries;**
- **mineral extraction ;**
- **Park and Ride facilities provided that the criteria in Annex E of PPG13 are met.**

Planning permission for new buildings will only be granted for the following purposes:

- **they are essential for the uses listed above; or**
- **they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46**

1.8 If the proposal is for development defined as inappropriate, such as that at the application site, the development is automatically deemed harmful in principle to the purpose of the green belt. PPG2 indicates that such in principle harm (together with any other physical harm) must be outweighed by very special circumstances. Any other physical harm may arise in connection with any other matter of planning importance than the Green Belt. This includes, for example, any harm to visual amenity, residential amenity, highway safety and parking, archaeology etc.

1.9 Very special circumstances must either singly or together be so special that they are particular to the circumstances of that site or proposal and are a reason to allow inappropriate development in the green belt. It is for the Council to decide whether any circumstances raised by the applicant constitute the very special circumstances needed to justify inappropriate development in the Green Belt, where there is a general presumption against all inappropriate development.

The very special circumstances test

- 1.10 The decision maker needs to consider whether the circumstances put forward by the applicant outweigh both the “in principle” harm and “any other harm”. The weight to be given to each circumstance offered by the applicant individually or together is a matter for Members' judgement as to whether they are sufficient to outweigh the presumption against inappropriate development. If Members agree with the applicant that the circumstances offered are unique and that the development proposed could only be accommodated at the application site and is demonstrably required/needed, then they may decide that the circumstances offered are very special and that the presumption against inappropriate development does amount to those needed to outweigh the harm identified. The Council will need to take into account the views of the Planning Inspector in considering previous applications for similar development at the application site when deciding whether the circumstances do outweigh the presumption and that such circumstances are very special in nature.
- 1.11 Incrementally allowing inappropriate development in the Green Belt may set a precedent for other development in the Green Belt. If the circumstances offered by an applicant are accepted as being the very special circumstances needed to outweigh the presumption against development in the Green Belt then if the same circumstances are offered on another site, they would have to be considered particularly carefully. Some circumstances will therefore be “universal” in that they could apply to any similar site in the Borough, some will be “special” in that they only apply to this type of commercial enterprise or to this part of the Borough (for example) but whether the circumstances put forward are “very special” that they are entirely unique to this proposal is what is for consideration here.

Physical condition/appearance of the land within the Green Belt

- 1.12 The green belt was designated to fulfil the function of checking London's urban sprawl so that it did not swallow up towns and villages in the surrounding countryside, including Essex. It also allowed recreation and agriculture to continue in reasonably close proximity to the major markets of London's urban population and to ensure that existing minerals could be extracted close to the City. Much of the green belt is made up of open fields, country parks and other recreational uses such as fishing ponds, stables etc giving it a distinctive 'rural' appearance. However, other parts include residential properties, particularly farmhouses and small rows of cottages (often farm workers cottages) as well as some large detached properties, industrial units and commercial sites including shops and garden centres. Green Belt policy is clear in its position that the state or appearance of land is not relevant in considering its Green Belt designation or function. Accordingly, the Green Belt "rules" apply to all land so designated and not just the “nice bits”. For the Green Belt to be successful and continue to be so, it is important that the Green Belt boundary is retained and maintained.

Land within the Green Belt but on the urban edge is in constant danger of being put forward for exclusion from the Green Belt.

- 1.13 If the physical condition of the land or the appearance of land at the boundary were to be a consideration for excluding land from the Green Belt, owners of land on the urban boundary in particular would be encouraged to let their land fall into a poor state of upkeep so that it could be re-designated and development take place. If that were to occur the next area just beyond that would also then deteriorate and come forward for development, etc. thus undermining the Green Belt and reasons for including land within it, in particular the need to check urban sprawl. It would also be the case that remote areas could be de-designated and begin the process of development from within the Green Belt such that these areas then join up.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the northern side of Crow Lane and comprises No.178 Crow Lane and land to the rear of this building. It forms part of a larger site which includes the rear part of 188 Crow Lane and is in a commercial use for the storage of containers in connection with a removals business. In addition to the frontage building, the application site contains a number of buildings which provide ancillary office accommodation together with container storage plus vehicle maintenance/workshop. This application covers all four planning applications submitted for permanent and temporary consent for the canopy building and the steel-clad building. The site has direct access onto Crow Lane. The site is within the Metropolitan Green Belt albeit it has a significant commercial appearance.
- 1.2 The surrounding area is a mixture of residential (mainly to the road frontage), many with commercial activities behind and a commercial/ industrial area to the east of the application site from No.158 Crow Lane eastwards. There are also open vegetated areas along Crow Lane to the West and to the north of the application site, beyond which lies the London – Southend Railway Line.

2. Description of Proposal

- 2.1 The proposals follow withdrawals of previous applications and are applications for permanent consent or for temporary consent for 5 years for both a canopy building and a steel-clad building which have been erected at the application site. By virtue of their scale, bulk and connection to services the structures are not considered to be temporary in nature. Nonetheless, it

is open to the applicant to make applications to retain them for a temporary time period.

- 2.2 The canopy building is in a central location beyond the existing frontage buildings, at its nearest point, 56m or so from the back edge of the public highway to Crow Lane. The canopy building is comprised of steel uprights and roof beams with a plywood/canvas roof covering. The canopy building is 37m long and 15m wide. It has a pitched roof with a ridge height of 9.2m above ground level (eaves height 6.5m above ground level) with gables to the southern and northern elevations.
- 2.3 The steel-clad building is adjacent to the eastern boundary, at its nearest point some 84m or so from the back edge of the public highway to Crow Lane. The building is 16.25m deep and 14.6m wide. It has a pitched roof with a ridge height of 8.8m above ground level (eaves height 6m above ground level) and gables to the western and eastern elevations. It faces west with the two roller shutter doors located centrally with two pedestrian doors flanking them.
- 2.4 The applicant states that a removals business has operated on this site since 1934. A special circumstances case has been submitted for both buildings and for both the permanent and 5-year temporary applications.
- 2.5 The applicant has also offered to have none of his existing business containers within an area marked "B" which is an area of land between the front building line of No.178 and a line slightly forward of the canopy. Also within the area marked "A" (which covers the remainder of the applicant's site) the applicant is offering to limit the number of containers stacked on top of each other to a maximum of 5. He would be willing to enter into a S106 legal agreement such that he would agree to be tied to this arrangement for his existing container business if he is granted planning permission for the canopy and the steel clad building.

3. History

The planning history relating to 178 Crow Lane and the rear part of 188 Crow Lane are inextricably linked due to them being in the same ownership and as they have a physical connection. There is extensive planning history relating to the application site/sites and the following are the relevant applications:

- 3.1 P1402.90 (178) erection of a storage building - refused; subsequent appeal dismissed.
P1177.94 (178) retention of a building for use as a museum – refused 6/1/95; subsequent appeal dismissed.
P1012.95 (178) building for use as a museum – refused 11/10/95; subsequent appeal dismissed.

P1451.98	buildings for vehicle maintenance, workshop, store, office and WC (at 178-188 Crow Lane) – granted 28-05-99.
P0384.00 (188)	repair and refurbishment of existing building for storage and museum – lapsed 7/11/02; appeal made (not determined).
P0158.01 (188)	replacement building for museum, offices, workshop and storage – refused Jan 2002; appeal dismissed 29/7/02.
P1513.02 (188)	replacement building for museum, offices, storage and workshop at rear. This application was called-in by the Secretary of State who decided to refuse planning permission.
P1803.10	steel clad building - withdrawn.
P1804.10	canopy building – withdrawn.
P1413.11	canopy building (permanent) – under consideration.
P1414.11	steel clad building (permanent) – under consideration.
P1768.11	steel clad building (temporary) – under consideration.
P1778.11	canopy building (temporary) – under consideration.
E0018.11	steel clad building (Certificate of Lawful Development) – under consideration.
E0019.11	canopy building (Certificate of Lawful Development) – under consideration.

3.2 Enforcement Notices were served in relation to the steel-clad building and the canopy building on 12th January 2012. These become effective on 29th June 2012 and have a compliance period of 6 months.

4. Consultation/Representations:

4.1 23 neighbouring and nearby properties were notified of the application. A site notice was posted and a press notice was issued. Six letters of support were received in connection with all the applications. No objections were received relating to the applications for permanent permission.

4.2 Two letters have been received objecting to the canopy building (temporary) on the following grounds:

- Creating an eyesore and then trying to get permission is not a reason to grant it on green belt land.
- The same rules should apply to everyone in respect of green belt development.
- There have been previous refusals and the situation appears to be no different.
- Council Officers should not have suggested that planning permission would not be required.
- A Museum was previously refused by the Planning Inspectorate after the Council indicated that it was in favour of the scheme.

- The applicant is aware that this is Green Belt land and that he shouldn't look to build here.
 - Councillors should not be swayed by the bad state of the site into giving planning permission.
 - The site should be brought up to a reasonable standard without further buildings going up.
- 4.3 Two pieces of correspondence have been received raising objections to the steel-clad building (temporary) on the following grounds:
- The structure is on green belt land and if granted would set a precedent for other development in the Green Belt.
 - The Leader of the Council has publicly stated that this administration would defend green belt land within Havering.
 - Do the owners have a plan to move the artefacts in 5 years time; if so why can't suitable premises not be sought now?
 - A previous application to allow the workforce to work under cover was refused.
 - A few years ago the Council voted for the applicant to build a museum on this site but it was overturned by the Planning Inspectorate as this site is in the green belt. The applicant knows that he has no right to build such a building here.
 - Just because the site is a mess is not a good reason to allow buildings.
 - The arguments put forward by the applicant are the same as previously when the Inspector refused permission.
 - Green Belt rules must be seen to apply to everyone.
 - Temporary building in the green belt is still building on the Green Belt.
 - The buildings should be removed.
- 4.4 The London Fire and Emergency Planning Authority have previously written to advise that as a site currently in use by large vehicles the access is satisfactory for their emergency vehicles.
- 4.5 The London Fire Brigade (water supply) have previously written to advise that no additional, or alterations to the existing, fire hydrants are required for the site.

5. Staff Comments

- 5.1 This application is referred to committee as there is significant planning history in relation to development, in terms of planning applications, enforcement and appeals. In addition, the applicant is a direct relative of a Councillor. This report has been passed to the Monitoring Officer, who has confirmed that pursuant to the requirements of the Council's Constitution, the application has been processed in accordance with standard procedure.
- 5.2 The issues in this case are the principle of the development, its impact in the Green Belt and the street scene, impact on the amenities of nearby residential occupiers and highways/parking. Policies DC33, DC36, DC45,

DC55 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are London Plan Policies 2.7 and 7.16 and PPG2: Green Belts and PPS7 Sustainable Development in Rural Areas. Also relevant are the comments made by Planning Inspectors in dismissing earlier schemes.

- 5.3 Previous applications for buildings at this site have been dismissed at appeal principally on green belt grounds. The applicant on this occasion has asked for two buildings to be considered for both permanent and temporary consent, one for a museum – steel clad building (P1768.11) and the other is this stand-alone canopy building. Each proposal is considered on its own planning merits.

Principle of development

- 5.4 Policy DC45 of the LDF Core Strategy and Development Control Policies DPD states that planning permission for development in the Green Belt will only be granted if it is for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and Park and Ride facilities. This is the list drawn from national planning guidance, PPG2 “Green Belts”.
- 5.5 The existing use of the application site is a commercial removals depot which does not fall within any of the listed categories. The proposed development of a canopy building of approximately 455sqm and a steel-clad building of approximately 270sqm are therefore both inappropriate development in the Green Belt, by definition, and therefore harmful in principle to the purpose of the Green Belt.
- 5.6 In addition, consideration is to be made as to whether the proposal creates other additional harm caused by the physical impact on openness, on visual amenity in the streetscene, on residential amenity etc.
- 5.7 The explanatory text to Policy DC45 clarifies that in order to achieve improvement to both the open nature and Green Belt environment at existing authorised commercial/ industrial sites, it may be justifiable to grant permission for a use which would not normally be acceptable in terms of Green Belt policy. Any such proposal would need to be the subject of the Departure procedure. The current proposals are not for redevelopment and would not result in a substantial decrease in the amount of building on the site or any improvement to the local Green Belt environment, such that these proposals are not considered as falling under that aspect of the policy.
- 5.8 The applicant has submitted a supporting statement which he wishes to be taken as a “very special circumstances” case sufficient to outweigh the harm caused to the Green Belt. The first section of this case is general in that it applies to all four applications. The next section to the canopy building (permanent and temporary) only and the final section to the steel-clad building (permanent and temporary) only. Prior to looking at the very special

circumstances case, it is necessary to consider what harm arises from the proposed development(s).

Impact on the character and appearance of the Green Belt

- 5.9 The Planning Inspector in his decision letter dated 25th September 2003 relating to 188 Crow Lane considered that this site plays a role in restricting the growth of the built-up area and in preventing the joining up of Romford and Dagenham which meet the first two purposes of the green belt. In his view the site in this part of Crow Lane “retains a distinct open and low-density character, and it appeared to me to continue to perform the roles of separating neighbouring settlement and restricting urban sprawl”.
- 5.10 The Planning Inspector further noted that “The appeal site is part of a narrow finger of Green Belt that links areas to the north and south of Crow Lane” such that “I consider it to be a sensitive part of the Green Belt. If the openness of the land were to be further reduced, an undesirable fragmentation of the Green Belt could result.”
- 5.11 The status of the application site in Green Belt terms has not diminished since the Planning Inspector made his comments in 2003. The site continues to fulfil the first two purposes of the green belt even though the use of the site itself does not fall within the range of appropriate uses of land in the green belt.
- 5.12 The canopy building, although 9.2m high, 37m long and 15m wide, would not be particularly visible from Crow Lane although it is visible from directly adjacent to the vehicular access onto Crow Lane and from views from the public highway to the west of the existing frontage building. In addition as containers cover much of the remainder of the site and are stacked at least 4 high in rows close to the canopy building to its north and west with other existing buildings to the east of the application site, this new building is not particularly visible from longer distance views.
- 5.13 Likewise, the steel-clad building at 8.8m high would not be particularly visible from Crow Lane. This is partly because the steel clad building is located nearly 90m from the back edge of the highway to Crow Lane and as there are intervening storage buildings and 2-storey office/ancillary buildings closer to the highway. In addition as containers cover much of the remainder of the site and are stacked at least 4 high in rows, the new structure is not particularly visible to this aspect.
- 5.14 Containers are stacked along the northern boundary of the application site. It is clearly a historic feature of the current use that there are containers at the application site. The canopy building and the steel-clad building would therefore not be visible from public viewpoints immediately adjacent on open land to the north of the application site. Also with the high container stacks to the northern boundary, although the railway is elevated, it is not currently

possible to see the canopy building or the steel-clad building from this public viewpoint.

- 5.15 Nonetheless containers can be removed from the application site and moved around the site in connection with the applicant's business such that they would not provide a permanent physical screen. Notwithstanding that the site's established and historic use, which pre-dates Planning (ie before 1948) causes some harm to the green belt by its very nature, the height and location of the containers currently do reduce the visibility of the canopy building and the steel-clad building.
- 5.16 If the use were to cease, while the containers would be removed, any buildings, including the canopy building and steel-clad would, as permanent buildings, remain permanently on the land. Notwithstanding the open sides of the canopy building, it encloses a space and has a roof covering of 455sqm in area raised between 6.5m and 9.2m above ground level. The steel-clad building is 270sqm and rises between 6m and 8.8m above ground level. It is considered that both buildings would have greater visibility from public viewpoints and therefore, due to their size, scale and inappropriateness in the Green Belt would individually and together, have an adverse impact on the openness of the Green Belt and purposes of including the site within it.
- 5.17 The replacement of an area for the storage of containers by a building, even on a temporary basis, would not increase openness at the application site and no other specific new area within the application site is proposed to be retained as open to compensate.
- 5.18 The Planning Inspector clarified that the fundamental aim of Green Belt policy is to prevent urban sprawl by "keeping land permanently open". Staff consider that the development of these permanent buildings, even for a temporary period, results in harm to the open character and appearance of this part of the Green Belt and the purposes of including land within it, contrary to Policy DC45 and PPG2.

Impact in the Street Scene

- 5.19 The canopy building and steel-clad building are not very visible from Crow Lane. This is partly because the canopy and steel-clad buildings are located at least 50m from the back edge of the highway to Crow Lane and as there are intervening existing storage and other works buildings and 2-storey office/ancillary buildings closer to the highway.
- 5.20 Both buildings would be partly visible from the adjoining industrial site and would appear to be similar in scale and form to other industrial buildings, albeit in newer materials. However the adjoining industrial area lies outside the Green Belt.

- 5.21 Staff therefore consider that there would be no significant adverse impact on visual amenity in the streetscene.

Impact on Residential Amenity

- 5.22 There are residential properties opposite the application site and along both sides of Crow Lane to the east and west of the application site. Of themselves Staff do not consider that the buildings would have any significant impact on the adjoining neighbouring occupiers amenity, in part as it is located some distance away, a minimum of 45m from the rear elevation of the nearest residential property.
- 5.23 Given the current use of the site for container storage, it is considered that the canopy building and the steel-clad buildings of themselves would not be likely to increase the level of activity on site, although workers would be able to work under the canopy's dry/sheltered conditions more than during normally wet or colder periods, such as during the winter, when work may be limited to shorter periods or not at all during inclement weather. There is, nonetheless, no suggestion that the canopy building or steel-clad building would increase either the number of the current workforce or the number of containers currently handled at the application site. It is therefore considered that there would be no significant increase in noise and disturbance beyond that existing.

Highways

- 5.24 There is no change proposed to the highway accesses to the application site. The London Fire and Emergency Planning Authority indicate that the access should meet particular requirements but recognise that this is an existing access.
- 5.25 The proposed buildings would not reduce the existing internal "road" width and there are no objections on highway safety grounds.

The Case for Special Circumstances

- 5.28 As set out above, in cases where in principle and physical harm has been identified, very special circumstances must be demonstrated in order for the proposal to be considered favourably. The applicant's special circumstances case is considered below. The first section of this case is general in that it applies to all four applications, the next section to the canopy building (permanent and temporary) only and the final section to the steel-clad building (permanent and temporary) only.
- 5.29 The Special Circumstances Case submitted by the applicant in relation to both the canopy building and the steel clad building, is summarised as follows:

- 1) The removal and storage industry has changed dramatically over the past years resulting from the introduction of large steel shipping containers closing London Docks and developing Felixstowe and Tilbury Docks. The Removal industry changed as people can now move all over the world as easy as they used to move from town to town. In the docks warehouses were replaced by stacks of containers. The removal industry is labour intensive but has become less so to compete with other industries for Staff and to be competitive. Containers have played a major part in this as staff can now do 2 or 3 times as much work. The applicant's has transformed dramatically to accommodate these changes.

People move more than before and have more smaller items as they leave fitted items behind often more expensive and delicate requiring expert preparation and packing. More larger homes are moved longer distances and use of containers have taken over transforming the industry like supermarkets in relation to small parades of local shops and like motor vehicles changed the days of horse and carts. Industry and businesses have to change to move with the times and demands or they will die or become extinct.

Staff Comment: These are statements of fact.

- 2) No new activities are being undertaken so there is no new Use Class involved. As there is no new activity, the activity undertaken under the canopy does not amount to a change of use and the activity itself was confirmed as allowed by the Planning Inspectorate in 1992.

Staff Comment: This is an application for works, not an application for a change of use. The fact that the activity has not changed is not considered to provide very special circumstances for new buildings in the Green Belt.

- 3) Neighbours all support the application. The business should be helped not hindered by the Council in the current commercial climate

Staff Comment: The neighbours have been asked by the Council for their opinion as to whether the proposal affects them which they have a right to respond to (any concerns are addressed in the original report). It does not automatically follow that if no objections are received that the scheme is acceptable. Whilst planning policies play a role in supporting business and enabling them to improve the main issue here is that the development is clearly inappropriate within the Green Belt.

- 4) The applicant's business was already in being as a commercial depot when in 1948 it was zoned as Green Belt. It therefore has the rights of a commercial site within the Green Belt. In 1948 residential,

commercial business uses and other uses outside the Green Belt still retained their rights

Staff Comment: The green belt around London was confirmed in the 1947 Town and Country Planning Act, following the Green Belt Act of 1938. There are no specific commercial rights to develop in the green belt.

- 5) It is not a virgin, undeveloped, green grassed, forest type open space which is what Council Officers have written in their report.

Staff Comment: Staff have not suggested that the site is anything other than in use for its current lawful use. The term “Green Belt” does not mean open, undeveloped, virgin, forest or open space; although it does contain many such sites. The term Green Belt applies to a concept which was applied to prevent London’s urban sprawl. The Green Belt when first designated included residential properties, commercial properties and all other buildings within a designated band which circles London. It is generally some 7 - 8 miles wide and excluded towns such as Romford, Hornchurch and Upminster which were in Essex at that time. The Dagenham Corridor in which the application site is located is a narrower strip closer to London than the urban areas of Romford, Hornchurch etc., and is particularly sensitive to development pressures.

- 6) The applicant objected to the depot continuing to be within the Green Belt when the Local Development Framework (LDF) was being drawn up. It was highlighted by the Applicant to the Planning Inspector as part of the Inquiry process into the LDF that Copsey's lies directly next to an Industrial Zone but the Planning Inspector who considered the objection did not, in the applicants' view, make an acceptable visit to the site but decided that it would not make any difference to Copsey's if it were removed from the green belt as it was already in commercial use.

Staff Comment: The Planning Inspector considered the objection to the continued inclusion of the application site within the green belt and considered that the application site should continue to remain in the green belt. The use remains inappropriate in principle in the green belt and speculation as to whether the buildings would be acceptable if the site were not in the green belt is not relevant to assessment of the planning issues.

- 7) Containers could be stacked on the area where the buildings are located at any height (e.g. 76 feet) so that the buildings are less intrusive than what could be located on this part of the depot

Staff Comment: The lawful use of the site does not restrict the height of containers to be stacked in connection with the lawful use of

the application site. Containers are removable whereas the canopy is a permanent structure

- 8) Any person looking at the depot could not possibly guess or understand that the Council had zoned it green belt or that it was still in the green belt zone, especially when the Council zoned the Piggery directly next to us at 158 as an Industrial area.

Staff Comment: The activities at the site have changed over time. In 1992 a Planning Inspector confirmed that changes which brought large containers, stacked over the site did not change the lawful use of the application site. It clearly did have an impact on what people perceive. This does not change the fact that the green belt was designated in 1947 (or soon thereafter) and has continually been confirmed in all local plans since that date. Changes to the green belt boundary can only be considered through the development plan process and consideration was given by the Planning Inspector in charge of the Inquiry into objections to the draft LDF as to whether the application site should or should not be excluded from this approximately 50 year designation. The Planning Inspector did not exclude the site from its continuing designation within the green belt. The Council, in line with the Inspector's direction did not exclude the application site from the green belt. No.158, likewise remains within an employment area, albeit that its related policy advocates redevelopment to a more appropriate use.

- 9) The Council should presume in favour of the applicant unless what is being applied for is or would do demonstrable harm. The applicant submits that neither of the buildings (this and the steel clad building) is doing demonstrable harm to the environment of the area of Crow Lane

Staff Comment: The presumption in the green belt is against allowing inappropriate development. The proposal is for inappropriate development and there is no presumption in planning policy at local or national level in favour of the applicant. It is the applicant's opinion that the proposal causes no harm to the green belt.

- 10) The buildings are a credit to the company and the Staff and are an example to all businesses of what Staff can do to save their jobs

Staff Comment: The applicant has a right to hold this opinion. It does not amount to very special circumstances to override green belt policy.

- 11) Copsey's has asked neighbours to comment on the buildings to let the Council know whether they think the buildings have any impact so that the Council can judge what impact the buildings have had over the years.

Staff Comment: Neighbours have a right to make any comments on any application by which they are affected. Their comments whether positive or negative do not of themselves form very special circumstances to allow inappropriate development in the green belt.

- 12) The original Report indicated that the buildings would be intrusive if the containers were removed from the application site. A solution would be that the applicant enters into a legal agreement (Section 106 Agreement) to remove/dismantle the canopy building if ever all the containers were removed from the application site or if all the antique collection were removed from the depot the steel clad building would not longer be required and a legal agreement could be used to ensure this building is removed if no longer needed for this purpose.

Staff Comment: Any building, howsoever constructed, can be removed using the appropriate equipment. Such an agreement would not remove any harm identified which would then perpetuate for the unspecified time that the company remained at the site. The offer of a legally binding agreement to remove the buildings at some unspecified date in future does not constitute a very special circumstance for allowing the development

- 13) Another option would be to grant the two 5 year temporary consents (applied for separately) so that when the LDF comes up for review in 5 years time, the application site could be rezoned so that it is not in the green belt any more. Crow Lane is a prime candidate for rezoning due to past appeals, planning permission, enforcement action etc. resulting in a very mixed “Hotch Potch” area.

Staff Comment: Any expectation of “rezoning” is speculative. Central Government in their draft NPPF (National Planning Policy Framework) confirmed that green belt policy should be retained and that enforcement action should be undertaken as necessary to ensure its longevity.

- 14) The alternative is a lengthy expensive process of enforcement, planning appeals, courts, health and safety, high court, even the Court of European Rights

Staff Comment: The applicant is within their rights to undertake separate processes if planning permission is refused and/or Enforcement Notices served. The applicant is aware that previous applications in relation to a Museum at the site have been turned down by the Planning Inspectorate.

- 15) Every one of the 20 properties in the same part of Crow Lane as Copsey has a commercial element although some have a residential dwelling to the Crow Lane frontage.

Staff Comment: Crow Lane is by fact a mixture of residential and commercial properties; some of which are in the green belt. This does not of itself amount to very special circumstances to allow development in the Green Belt.

- 16) The buildings have cost a considerable amount of money to erect, do not financially benefit the Company, are purely for the benefit of Staff and to protect Customers possessions and historic articles and such projects should be encouraged by local Councils/Government in the current climate

Staff Comment: These matters have been previously raised and are not considered to form a very special circumstance for allowing inappropriate green belt development.

- 17) The buildings are not out of character.

Staff Comment: This is the applicant's opinion.

- 18) A Section 106 agreement would be entered into to prevent the provision of containers to the frontage area and limit their provision across the remainder of the site

Staff comment: It is not considered that the applicant deciding not to use this area for container storage would bring about any specific environmental improvement.

The offer to restrict container stacking locations and/or maximum height are not considered, on balance to offset the impact of the proposed canopy and steel-clad buildings.

The special circumstances case for the Canopy building alone:

- 19) The canopy building is erected in the middle of the site so that it does not interfere or cause problems for any neighbours

Staff Comment: Staff agree that the canopy does not result in any adverse impact on residential amenity, in part because there are few residential properties nearby and because of the distance of the canopy from the nearest residential property.

- 20) The canopy building is not visually intrusive as it can hardly be seen from Crow Lane or from neighbouring residential properties.

Staff Comment: Staff consider that the proposal is not visually intrusive while containers are located at the application site, nonetheless they would be if the containers were removed. Further analysis is contained in paragraphs 5.21 – 5.23 above.

- 21) The canopy is required to provide a dry environment for workers to meet Health and Safety

Staff comment: Staff understand that the canopy has been provided by the owner in the interest of providing safe working circumstances for his staff. This represents the owner's judgement about health and safety rather than a response to, for example, specific legislative requirements.

- 22) The canopy needs to be at this height to accommodate machinery including the fork-lift

Staff comment: The applicant indicates that the height is required for their forklift truck. The proposed height of the canopy is 9.2m at its apex and 6.5m at eaves level and it is likely that this would be needed to accommodate a fork-lift truck with its mast raised.

- 23) The canopy building needs to be this size to accommodate more than one operation at a time

Staff comment: No details have been submitted regarding the size of the forklift truck(s), the size of the container lorries, numbers of staff involved or why the canopy needs to be of a scale to accommodate more than one operation at a time.

- 24) The applicant's business has led the way in the removal industry but are very exposed to the weather conditions as a result of the introduction of the large steel containers. In recent years Staff experienced ever increasing work in the depot loading, unloading and transferring loads between containers and removal vehicles which was being carried out in the open depot. It has become necessary to provide a cover to protect Staff from the weather. Staff can now work full time even when the weather is bad; meaning that no lay-offs are necessary. Work can be done inside the residence in extremely bad weather but the canopy safeguards jobs, protects customers' goods and offers a better service as well as complying better with all the new legislation for the removal industry including Health and Safety

Staff Comment: Staff recognise that the removal of warehouses and their replacement by containers has changed the shipping and removals industry. Nonetheless the application site did not previously contain warehouses and the proposed buildings do not replace earlier structures. Protection of customers' goods is clearly a responsibility of

the company. No supporting information has been provided to show how the buildings meet Health and Safety Requirements.

- 25) Containers could be stacked on the area where the canopy building is located at any height (e.g. 76 feet) so that the canopy is less intrusive than what could be located on this part of the depot

Staff Comment: The lawful use of the site does not restrict the height of containers to be stacked in connection with the lawful use of the application site. Containers are removable whereas the canopy building is of permanent construction

- 26) If the buildings would be intrusive if the containers were removed from the application site, a solution would be that the applicant enters into a legal agreement (Section 106 Agreement) to remove/dismantle the canopy building if ever all the containers were removed from the application site or if all the antique collection were removed from the depot the steel clad building would not longer be required and a legal agreement could be used to ensure this building is removed if no longer needed for this purpose.

Staff Comment: Any building, howsoever constructed, can be removed using the appropriate equipment. Such an agreement would not remove any harm identified which would then perpetuate for the unspecified time that the company remained at the site. The offer of a legally binding agreement to remove the buildings at some unspecified date in future does not constitute a very special circumstance for allowing the development

The special circumstances case for the Steel-clad building alone:

- 27) The artefacts to be housed are company artefacts acquired over many years in the removal industry

Staff comment: Apart from ownership of both the collection and the application site, the applicant has not identified why the collection can only be housed at the application site and no where else, including in land/buildings which do not conflict with Green Belt policy.

- 28) The artefacts include many items which are priceless to the Company and if not housed in the proper manner, will deteriorate and be lost forever

Staff comment: During a site visit the applicant indicated that Romford Museum was unable to take the vehicles in the collection as they are too big and would cause the collection to be broken up. The applicant has not provided any evidence that he has contacted other Museums about whether they could take the collection or how to appropriately house his existing collection, although he has indicated

that in his view leaving the vehicles covered but outside would eventually result in their ruin.

- 29) The items saved can be traced back to 1847 when the Company was established

Staff comment: The applicant has been refused planning permission 5 times between 1995 and 2002/04 for a building to house this collection on Green Belt grounds (as well as other buildings). The difference now is that the applications for the steel-clad building are for a building which has already been erected.

- 30) The steel-clad building is low profile, located in the middle of the depot against the eastern boundary with 158 Crow Lane which is commercial and zoned commercial with two factory units on it

Staff Comment: The building is 8.8m high, 16.25m deep and 14.6m wide; it is not therefore of a low profile. Its location and its relationship with the adjoining employment area do not of themselves mitigate against harm to the green belt

- 31) When No.158 was given permission for large commercial vehicle workshops the Council also told Copsey's that they preferred any buildings needed by Copsey's should be along this eastern boundary as it would back directly onto the factories at 158 Crow Lane

Staff Comment: Whether or not Officers made such comments cannot be verified. The applicant has correctly highlighted that No.178 is on the eastern extremity of the Green Belt. Nonetheless this of itself does not amount to special circumstances

- 32) This building has been erected over a period of 6 years by the removal staff to accommodate a very special and rare collection of antique carts also pre and post war vintage vehicles as well as an enormous amount of historic items all connected to the removal industry and the company of Copsey established in 1847. Currently the items are being kept in containers but some have been kept outside and deteriorated so it is necessary to house them in a weather-proof building.

Staff Comment: No evidence has been submitted to verify that the buildings were erected over this period; nonetheless putting up a building without the necessary planning permission does not constitute a special circumstance to allow its retention in the green belt.

- 5.30 In the light of the detail set out above, Staff do not consider that the special circumstances case put forward in relation to the canopy building amounts to the very special circumstances needed to outweigh the harm identified.

5.31 Staff have considered whether a temporary or personal permission would be appropriate. However, the circumstances raised by the applicant are similar to those put forward to Planning Inspectors and the Secretary of State, in previous appeal cases, who all concluded that those additional buildings, even if ancillary to the main use of the site as a removals company, would be inappropriate and harmful development in the green belt. They also considered that the applicant's wish for additional buildings neither provided very special circumstances to outweigh that harm. The principle of additional buildings at this site has been tested several times previously and Staff consider that there has been no fundamental change in Green Belt policy since the last appeal decision in 2004.

6. **Conclusions**

6.1 Staff consider that these proposals in the Green Belt are inappropriate in principle. It is further considered that there would be harm to the open character and appearance of the green belt even if the permanent buildings are retained on a temporary basis for 5 years.

6.2 Members may apply judgment to the merits or otherwise of the very special circumstances case but in doing so the extensive appeal history is an important material consideration to which staff suggest significant weight should be attached. Staff consider that there is demonstrable harm and that the reasons promoted and proposed S106 restrictions to the existing use do not constitute the very special circumstances needed to outweigh that harm. Staff therefore recommend that planning permission be refused.

6.3 In the event that Members reach a different conclusion about 1) the nature and degree of harm and/or 2) the merits of the applicant's very special circumstances case in outweighing such harm, any resolution to grant planning permission would need to be referred to the Secretary of State as a departure in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 as the application by reason of its scale, nature and location would have a significant impact on the openness of the Green Belt.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None.

8. **Legal Implications and risks:**

8.1 The applicant is a relative of a Councillor. This report has been passed to the Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.

9. **Human Resource Implications:**

9.1 None.

10. **Equalities and Social Inclusion Implications:**

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

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

**REGULATORY
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COMMITTEE**

REPORT

23 February 2012

Subject Heading:

P1752.11 – 7 Market Place, Romford – Conversion of first and second floors to four self-contained flats using existing access. Minor window alteration in the light well (side elevation) and new cycle store and refuse store at rear (received 21 November 2011)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance

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 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

This report concerns an application for the conversion of existing offices on the first and second floor into four self-contained flats using the existing access. Minor window alterations are also proposed with a new cycle store and refuse store at the rear. A legal agreement is required due to the limited availability of on-street parking and as none would be provided for future residential occupiers on site. Staff consider that the proposal would nonetheless accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

RECOMMENDATIONS

It is recommended that the application is unacceptable as it stands, but would be acceptable subject to the completion of a legal agreement to secure the following:

- That all future occupiers save for blue badge holders are restricted from applying for residents parking permits

That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. SC04 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 Act 1990.

2. NSC01 The area set aside for car parking for the shop shall be 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 in the interest of highway safety.

3. SC09 Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and 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.

4. SC32 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.

5. SC58 Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the local planning authority. Unless otherwise agreed in writing these details shall include provision for underground containment of recyclable waste.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

6. SC59 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.

7. SC43 The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne external 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.

8. NSC02 Prior to completion of the works hereby permitted, details of additional external lighting in the passageway between the rear door and the cycle/refuse store which shall have previously been submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of residential amenity and public safety in accordance with Policies DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC2, DC3, DC5, DC7, DC33, DC34, DC37, DC55, DC60, DC61, DC62, DC63, DC70 and DC72 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.

2. 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. **Site Description**

1.1 The site comprises a three-storey building with a shop to the ground floor (A1) and offices above. The front elevation to the north side of Market Place fronts onto the Romford Conservation Area and the site is within Romford Town Centre.

1.2 The surrounding area is a mixture of commercial, community and residential uses. The Lamb Public House adjacent to the site and St Edward's C of E Church are both Listed buildings.

2. **Description of Proposal**

2.1 The proposal is for the conversion of the first and second floors to four self contained flats using the existing access. There would be minor window alterations in the existing light well to increase the size of existing windows and the provision of a new cycle store and refuse store at the rear of the building.

3. **History**

- 3.1 P1377.97 Change of Use to a Licensed Betting Office Class A2 – Refused 31-07-98
P1111.95 Erection of 90cm satellite dish Approved 10-11-95
P0374.91 New shop front – Withdrawn 12-06-91
P0855.90 P Alteration to existing shopfront & entrance doors Approved 27-07-90

4. **Consultation/Representations**

- 4.1 33 neighbouring occupiers were notified of the proposal. A site notice was posted and a press notice was placed in a local paper. There were no replies.
- 4.2 Thames Water have written to advise that they have no objection with regard to sewerage infrastructure.
- 4.3 The Metropolitan Police Crime Prevention Design Advisor has written to advise that the site's location is in an area of high crime levels. He advises that lighting should be provided and that the proposed cycle store would not be sufficient in his view. He requests the addition of a condition and informative regarding Secured by Design and ones for external lighting and details of cycle storage if permission is granted.
- 4.4 The Fire Brigade (LFEDA) indicate that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access meet 16.6. These are the Building Regulations documents and a separate application would be needed.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact on the Conservation Area and Listed Buildings, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP4, DC2, DC4, DC33, DC35, DC36, DC61, DC63, DC67 and DC68 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, Policy ROM14 of the Romford Area Action Plan and SPD on Residential Design are relevant. Also relevant are London Plan (2010) Policies 3.3, 3.5, 3.8, 4.7 and 7.3 and PPS1 (Delivering Sustainable Development) and PPS3 (Housing) as well as the draft NPPF.

Principle of development

- 5.2 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the Town Centre. Policy ROM14 of the Romford Area Action Plan DPD indicates that Romford will contribute to the Borough's housing target. Policy DC4 indicates that conversions to residential will be acceptable subject to them meeting a number of criteria

(which are considered in detail below). It is therefore considered that the proposal would be acceptable in principle.

Impact on the Conservation Area

- 5.3 The proposal would not result in any changes to the front elevation of the property and the proposed changes to the light-well windows would be to make them the same size as the existing larger windows. It is not considered that there would be any significant impact on the character and appearance of the Romford Conservation Area. The development would have a neutral impact on the Conservation Area.

Impact on Listed Buildings

- 5.4 The St Edward's Church and The Lamb Public House are Listed Buildings. The proposal is mainly a conversion of the existing building and as such the only external changes are to the rear to provide a cycle/refuse store and to the side elevation to increase the size of existing windows in the light-well. It is considered that these changes, due to their small scale and location, would not have any significant impact on the adjoining/nearby Listed Buildings or their settings.

Density/Site Layout

- 5.5 The proposal is to convert the existing two floors of office development into 4 residential units, each with 2 bedrooms. The application site area is 0.03 ha and therefore the density would be approximately 133 units per hectare. Policy DC2 indicates that in the Central area, the range would be 240-435 units per hectare. The proposal is clearly below this range, nonetheless as a conversion of an existing building the main consideration is whether the scheme is of a high standard of design and layout in accordance with Policy DC4.
- 5.6 The London Plan indicates at Policy 3.5 that 2-bed units should have a minimum space of 61sqm for 3 people units and 70sqm for 4 bed units. The size for each flat would be approximately 85sqm for the rear flats and 94sqm for the front flats which would be in excess of the minimum spaces standards.
- 5.7 Policy DC4 requires that each flat has a reasonable outlook and aspect, a minimum of one, one-bed self-contained flat is provided with separate sleeping area and that the property has a safe and secure access from the street. Each proposed flat would utilise the existing front and rear windows for the main living areas with the light-well providing separate windows to each bedroom. It is recognised that if No.9-11 is redeveloped in future that the outlook could be curtailed, however it is considered that the main windows would provide a sufficiently acceptable outlook for the new flat dwellers. Each flat would have at least one bedroom and there are two secure accesses, one from the street and one to the rear servicing area. It is considered that the proposal meets these criteria.

- 5.8 Policy DC4 also requires that residents/visitors are able to park without detriment to highway safety taking into account the availability of on and off street parking, that there is no conflict with surrounding uses, that the proposal would not result in loss of privacy to existing occupants and living rooms would not abut the bedrooms of adjoining dwellings. There would be no parking associated with the proposed development; nonetheless it is not expected in an area with the highest level of public transport accessibility for there to be a need for private vehicles. There is short term parking to the rear of the building/servicing area and there are a large number of public parking spaces available in the town centre. It is considered that there would be no detriment to the highway from this proposal. There are a night club, church and public house (at No.5 Market Place) in close proximity to the application site as well as other town centre uses, many of which have no time restrictions. It is considered that these uses may affect the occupiers of the units, nonetheless these are pre-existing and would be purchased/let on a "buyer-beware" basis. There are no residential used directly adjoining the flats such that the layout would be acceptable.
- 5.9 Staff therefore consider that the proposal would therefore accords with Policy DC4.

Design/Impact on Street/Garden Scene

- 5.10 The only two external changes which would have an impact in the streetscene are the change to the window size to the Eastern elevation in the light well and the provision of cycle and refuse stores to the rear of the building.
- 5.11 The changes to the windows would be to enlarge windows to match the size of the other existing windows in the light-well. It is considered that this change, although visible in the streetscene, would not have any impact in the streetscene.
- 5.12 The proposed refuse storage would be a small extension to the rear of the building in matching materials. The proposed location and height would be satisfactory.
- 5.13 The proposed cycle storage would be open. While the provision of cycle storage is acceptable, the design of the proposal is not, however details could be submitted via a condition if planning permission is granted.

Impact on Amenity

- 5.14 The adjoining units are in office use (A2) above the bank to the east of the application site and above the pub are rooms used intermittently by staff needing a bed for the night. Staff consider, on this basis, and that other pub rooms could be used before that adjacent to the proposed living space, that

there would be no specific impact from the proposed first floor accommodation on residential amenity.

- 5.15 There are existing residential occupiers above units to North Street to the rear of the application site. Given the distances involved and that the flats are located within a high density area, it is considered that there would not be any significant impact on these occupiers residential amenity from the proposed development.

Highway/Parking

- 5.13 Within this area, Policy DC2 indicates that between 0 and 1 parking space should be provided for each property. No parking spaces would be provided. Highways have requested a planning obligation (Section 106 agreement) to require prevention of the new occupiers from purchasing residential parking permits as this would be detrimental to sustainable travelling alternatives available to the town centre dwellers.
- 5.14 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

Section 106 agreement

- 5.15 It is considered that as the proposal would not provide any parking on-site that the occupiers should be restricted from applying for residents parking permits.

Other Issues

- 5.16 The Secured by Design Officer indicates that open storage for cycles would not be acceptable but that further details could be provided via a suitably worded condition. He also requests details of suitable external lighting between the rear door and the refuse/cycle stores; again a suitable condition could be attached to any grant of planning permission.

6. Conclusions

- 6.1 The proposal is for conversion of existing offices into 4 self-contained flats within the town centre. It is considered that the proposal would be acceptable in principle and that the details of the scheme are acceptable in accordance with Policy DC4 and DC33 of the LDF Core Strategy and Development Control Policies and would not result in any adverse impact to the setting of either Listed Building or the character and appearance of the Conservation Area.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 A legal agreement would be needed to restrict access to residential parking permits.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

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

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

23 February 2012

Subject Heading:	<p>P0025.12 – Garage Court to the rear of no. 46 Broseley Road, Romford</p> <p>Demolition of 9 garages for the erection of 2 No. 2 storey 3 bedroom detached dwellings with associated parking (Application received 9th January 2012)</p>
Report Author and contact details:	<p>Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk</p>
Policy context:	<p>Local development Framework</p>
Financial summary:	<p>None</p>

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

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

SUMMARY

This application relates to a Council owned garage court. This application proposes the demolition of the existing 9 garages and the erection of 2 no. 2 storey dwellings with associated parking and garden areas.

The planning issues are set out in the report below and cover the principle of development, impact on the streetscene, residential amenity and highways/parking. Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 x No. off-street car parking spaces for use by Plot 1 and Plot 2 as shown on drawing no. 8430-91A-1004 (received 9th January 2012) 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.

4) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s)

shall be submitted to and approved in writing by the Local Planning Authority and 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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

5) Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and screening to the rear boundary, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:

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

6) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

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

Reason:

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

8) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made on Plot 1 and Plot 2 for 2 x No. cycle storage spaces in accordance with the approved plans (Drawing Nr. 8430-91A-1004) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9) 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 Development Control Policies Development Plan Document Policy DC61.

10) Construction Methodology Statement: 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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) 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 the Development Control Policies Development Plan Document Policy DC61.

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

Reason:

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

12) Highways Licence Agreement: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason:

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

13) Secured by Design: 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 might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

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

14) Noise insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne 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 and Noise"

1994.

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

Reason:

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

16) Obscure glazed windows: The proposed window on 1st floor level within the southern elevation, serving the bathroom as indicated on Drawing Nr. 8430-91A-1011 and 8430-91A-1001 shall be permanently glazed with obscure glass and fixed shut, with the exception of a top hung fan light 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.

17) Road lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

18) Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

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

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

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

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

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

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

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

19) Levels: Before any of the development hereby permitted is commenced, details of existing and proposed levels for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved levels.

Reason:

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

20) Domestic sprinklers: Prior to the first occupation of the development hereby permitted, a domestic sprinkler system shall be installed in each of the houses and

shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of safety.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC2, DC3, DC7, DC33, DC36, DC55, DC61 and DC63 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.

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 and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
3. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the 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 the 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.

6. In aiming to satisfy Condition 13 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through 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 the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court located to the rear of Broseley Road, access into the site is between No's 46 and 48. The site is bound on all side with residential properties, the gardens of which enclose the garage court. The site is currently covered in hard standing and has 9 garages which are in poor condition.
- 1.2 The site for residential development is approximately 475 square metres in size. Ground levels slope to the east to west, where properties in Broseley Road are set at a higher level.
- 1.3 The character of the surrounding area is predominantly residential and is characterised by two storey semi-detached and terraced dwellings mostly finished in red brick with tiled gable roofs.

2. Description of proposal

- 2.1 This application seeks permission to demolish the existing 9 garages on the site and erect 2 No. detached dwellings with associated parking and garden areas.
- 2.2 The dwellings are set centrally within the site and have an north-south orientation with windows and doors towards the front and rear. Each plot would have two ground floor flank windows to the western elevation, these serve the hallway and living room. There are no first floor flank windows proposed.
- 2.3 The width of each dwelling is 6m and depth is 9.4m. The development is two storeys in height measuring 4.9m to the eaves and 7.3m to the ridge. The main entrance to each property is located to the southern elevation
- 2.4 At ground floor, each dwelling provides a kitchen, living/ dining room and W.C. At first floor there are three bedrooms and a bathroom.

- 2.5 Access to the dwellings is via the existing highway which would be retained as a shared surface road (for pedestrians and vehicles). To the front of the dwellings would be a turning area. There would be 4 parking spaces, 2 to each plot, these are located either side to the front of the properties and are separated by pathways.
- 2.6 Amenity space for each dwelling is provided to the rear. Plot 1 has 55 square metres of amenity space. Plot 2 (adjacent to the access road) has 84 square metres of amenity space. All amenity areas would be screened by a 1.8m high fence.
- 2.7 Garage/ garden access is to be retained to No. 48 Broseley Road.

3. Relevant History

- 3.1 P1595.11 – Demolition of 9 garages for the erection of 2 no. dwellings with associated car parking – withdrawn.

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 40 properties. At the time of writing this report, the 21 days for consultation has not expired, with one representation received. At the time of the committee date, the consultation period will have expired; any representations received will be reported verbally to Members.

The objection is summarised below:

- Houses result in overlooking
- Reduction in property values
- Increase in noise levels and rubbish
- Concern over drainage and smells
- Insufficient parking
- Restricted access

5. Relevant Policies

- 5.1 Policies CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC7 (Lifetime Homes), DC33 (Car parking), DC36 (Servicing) DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents, Policies 3.5 and 3.8 of the London Plan (2011), PPS1 (Delivering Sustainable Development) and PPS3 (Housing) are relevant.

6. Staff Comments

- 6.1 This proposal is put before the Committee as the site comprises land owned by the Council. The main issues to be considered by Members in this case

are the principle of development, the site layout and amenity space, design/streetscene issues, amenity implications and parking and highway issues.

6.2 Principle of development

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 87 square metres for a 3 bed, 4 person two storey dwelling and 96 square metres for a 3 bed, 5 person dwelling. The dwellings have an internal floor space of 111 square metres which is acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1.

6.3 Site Layout/ Amenity Space

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 The amenity space to both dwellings is provided towards the rear in single blocks, enclosed by a 1.8m close boarded fence. The amenity areas would not be visible from any public view points they would measure 55 square metres for Plot 1 and 84 square metres for Plot 2.

6.3.3 Amenity space in the local area is similarly arranged to the rear of properties and varies in size. Adjacent gardens vary in size significantly, those in Broseley Road measure approximately between 77 square metres to over 92 square metres. Dwellings in Lindfield Road to the south measure between 83 square metres and 380 square metres. Staff are of the opinion that the garden areas proposed would be large enough to be practical for every day use and with the provision of fencing, would be screened from

general public views and access. It is therefore considered that the proposed garden areas would acceptably integrate into the locality and comply with the requirements of the Residential Design SPD.

6.3.4 The residential density range for this site is 30-50 dwellings per hectare. The proposal would result in a density of approximately 33 dph. This density is within the stated ranges, which is acceptable.

6.4 Impact on Local Character and Streetscene.

6.4.1 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.

6.4.2 The surrounding area has no prevailing architectural style, and is characterised by a mixture of two storey semi-detached and terraced dwellings. Materials in the locality include facing brick with tiled roofs over. The proposed dwellings are set back from the access road and would be screened by existing development in Broseley Road; as such it is not considered that the dwellings would be materially harmful in the streetscene.

6.4.3 In terms of design, the properties have a traditional design with covered entrances. They would be finished in painted render with a tiled roof and UPVC windows. Both plots on the front elevation have a first floor oriel window with full height glazed window and flat roof. These windows serve a bedroom. Staff consider that the design would be acceptable for the locality. However, samples and details of materials are to be conditioned so that Staff can ensure any external material is of a sufficient quality.

6.4.4 The ground level drops from the east to the west from Broseley Road where the garage court is set at a lower level. The dwellings are inset from the boundary and Staff consider that they would not be of a visually intrusive or overbearing appearance, especially given their orientation and boundary screening. The properties would be screened when viewed from the public highway by No. 44 Broseley Road. When viewed from south on Lindfield Road, it is likely that the roof tops would be visible through the gaps between existing buildings. Staff do not consider this to be unacceptable in the locality, where properties are visible from surrounding view points. The fully hipped roofs also reduce the massing of properties in the locality which are typically gabled.

6.4.5 The development of housing on the site with landscaping would improve the quality of the existing garage court and would therefore be an enhancement to the character and appearance of the surrounding area in general.

6.4.6 It is considered that the development of a pair of detached 2-storey dwellings in this location would have an acceptable impact on the character and appearance of the locality. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposals would not appear as a cramped or overbearing form of development within the surrounding rear garden environment and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The corner front elevation of Plot 1 is set a minimum of 12.7m from No. 21 Lindfield Road and 15m from the adjacent property at No. 19 Lindfield Road to the south west. The front elevation is set 35m from the rear elevation of No. 29-31 Lindfield Road; its rear northern elevation is set a minimum of 24.5m from no. 24-26 Broseley Road.

6.5.3 The front corner of Plot 2 is located 17.4m west from No. 44 Broseley Road, and the back corner 19.9m from No. 38. Its southern front elevation is set between 34.9 and 37m back from the rear elevations of No's 32-35 Broseley Road due to the staggered rear building line of these properties. To the north the rear elevation is set 25m from No. 28 Broseley Road. Plots 1 and 2 are set 6m from the rear boundary and would therefore have an impact in the rear garden environment of No's 24-30 Broseley Road in particular, however, it is considered that given the differing orientation and dividing trees this is acceptable.

6.5.4 Guidance with the adopted Residential Design SPD does not prescribe back to back distances, Staff note the objections regarding concerns with overlooking, although, given the garden separation depths between the dwellings and surrounding properties, it is not considered that there would be any direct overlooking or invasion of privacy.

6.5.5 The development would have single ground floor flank windows which serve the hallway and living room; these would not result in adverse overlooking of adjacent occupiers given the surrounding boundary enclosures and distances between properties. At first floor there are no flank windows proposed. There is a bathroom window to the front southern elevation, and this is to be conditioned so that it is obscure glazed and fixed shut with the exception of a top hung fan light for ventilation purposes. The proposed render finish to the dwellings is also considered to be a less overbearing material than brick.

- 6.5.6 The first floor front oriel windows to Plot 1 and 2 which serve the bedroom are not considered to result in overlooking of adjacent properties in Lindfield Road or Broseley Road as they would overlook the car parking area and access track. The rear bedroom windows of the properties would share an orientation with No's 24-28 Broseley Road, although this is considered an acceptable relationship given the urban context of the site and minimum 24.5m separation distance. There is also scope to improve this boundary with the provision of landscaping. This is attached via condition.
- 6.5.7 In terms of additional noise and disturbance, it is not considered that the addition of 2 x family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.8 There would be 4 parking spaces provided, 2 for each dwelling. Plot 1 has its parking provided to the front, and plot 2 has two spaces provided in a tandem arrangement by the eastern elevation. These are accessed from a shared turning area. The parking spaces would be screened by a 1.8m high timber fence and include strips of soft landscaping to the edges. It is acknowledged that the site is currently used for informal parking and Staff are of the opinion that the parking is sufficiently removed from existing dwellings and that no noise or light pollution would occur as a result of these 4 car parking spaces on the site which is a reduction from the possible 9 that the site can accommodate at the present time.
- 6.5.9 Staff consider the proposal to be acceptable in its current form. Given the size of the proposed 2-storey development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.10 It is considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highway/Parking/Access

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. 2 parking spaces are provided per unit which is acceptable.
- 6.6.2 The existing 9 garages are in a poor condition. The loss of these garages in favour of the proposal to provide new family accommodation is therefore

considered acceptable and would not result in any highway safety or parking issues. It is also noted that Broseley Road and surrounding streets are not subject to parking controls and the site is within walking distance from nearby bus stops.

- 6.6.3 The access road would have a shared surface for vehicles and pedestrians. The width of the access road measures 4.2m wide (3m wide with the bin stores) and this is not proposed to change. The access arrangements raise no objections from Staff.
- 6.6.4 The development provides storage for 2 x no. cycle spaces to each dwelling which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.
- 6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other issues

- 6.7.1 The plans submitted show an area for refuse storage in the access road and householders would need to carry their black sacks to this refuse point on collection days. This has been considered acceptable by StreetCare and raises no objection. Specific details as to the refuse storage are attached via condition.
- 6.7.2 Representations received have objected in part due to the adverse impact on property values that would result from the development. However, property values are not planning considerations on which Staff can base a recommendation.

7. Conclusion:

- 7.1.1 Overall, Staff are of the opinion that the proposals to provide 2 dwellings would be of an acceptable appearance, they would be largely screened by existing development in Broseley Road. It is also considered that the proposal presents an acceptable degree of spacing between the buildings, proposed and existing and is not considered to appear as unacceptably dominant or visually intrusive. It is considered that the proposal would not have any detrimental impact on neighbouring properties. There are no highways issues raised with regard to the provision of parking for the dwelling. The provision of amenity space is also acceptable and approval is recommended accordingly.

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:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received 9/01/2012.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

REGULATORY SERVICES COMMITTEE **REPORT**

23 February 2012

Subject Heading:

P1229.11 – Cranham Caravans, Southend Arterial Road, Upminster

Erection of a building to replace buildings destroyed in a fire together with new security fencing and demolition of three existing buildings (application received 08/09/2011).

Report Author and contact details:

**Helen Oakerbee, 01708 432 800
helen.oakerbee@havering.gov.uk**

Policy context:

Local development Framework

Financial summary:

None

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

- Ensuring a clean, safe and green borough []
- Championing education and learning for all []
- Providing economic, social and cultural activity in thriving towns and villages []
- Valuing and enhancing the lives of our residents [x]
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

This proposal is put forward before the committee due to the development requiring a legal agreement to revoke a previous planning permissions and certificates of lawfulness on the site.

Allowing for margins of judgement, Staff consider the proposals to be acceptable, subject to a legal agreement to revoke a previous planning permissions and certificates of lawfulness. It is therefore recommended that planning permission be granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The agreement that planning permission's P0555.05, P1343.00, P1452.88 and 637/85 shall be revoked and certificate of lawfulness E0018.10 shall no longer have any legal effect.
- Agreement that no compensation shall be sought by the developer in respect of the revocation of planning permission's P0555.05, P1343.00, P1452.88 and 637/85 and the setting aside of certificate of lawfulness E0018.10.

1. 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. 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 Development Control Policies Development Plan Document Policy DC61.

3. The premises shall not be used for the purposes hereby permitted other than between the hours of 08:30 and 17:30 on Mondays to Saturdays and between 09:00 and 17:00 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. There shall be no mezzanine floors or other internal alterations which would increase the gross retail floor space above that permitted, without the prior approval in writing from 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.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use of the building hereby permitted shall be for a mix of retail (A1) and ancillary office accommodation (B1 c)) only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and 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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

7. 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 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 Development Control Policies Development Plan Document Policy DC61.

8. 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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) 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 the Development Control Policies Development Plan Document Policy DC61.

9. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

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

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

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

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

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

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

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

Reason:

To protect those engaged in construction and occupation of the development from potential contamination.

10. The use shall not commence until a scheme for external lighting has been submitted and formally approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason:-

To ensure that light levels on site are not harmful to either the open character of the Green Belt and neighbouring residential amenity.

11. Before the use commences, the area set aside for car parking shall be laid to provide 11 spaces to the satisfaction of the Local Planning Authority to accord with LDF Policy DC33. This area shall be 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.

12. No development shall be commenced until the developer has provided an Energy Assessment, which has been agreed with the planning authority showing how the development will meet the on-site renewable energy requirement of 20%. Thereafter the renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason:-

In the interests of energy efficiency and sustainability in accordance with Policy DC50 in the LDF Development Control Policies Development Plan Document and Policies 5.7 of the London Plan.

INFORMATIVES

INFORMATIVE:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC36, DC45, DC53, DC55, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document and PPG 2 Green Belts. Other material considerations namely the demolition of existing authorised buildings and replacement within a single structure and its improvement to the open character of the Metropolitan Green Belt, to justify exception in this case to the strict application of DC45 of the LDF Core Strategy and Development Control Policies DPD.

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.

2. Planning Obligations

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.

3. The applicant is advised that the London Fire Brigade require the developer shall install a private fire hydrant within the site. This hydrant is to be numbered P111666 and will conform to BS750: 1984 and be indicated with a hydrant indicator plate conforming to BS3251:1976. Upon completion of works, this fire hydrant the surrounding areas should meet flush with the hydrant's frame and cover and the pit should be clear of any debris.
4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing out Crime. Your attention is drawn to the free professional service provided by the Police Crime Prevention Design Advisor through Havering Development and Building Control or Romford Police. He is able to provide qualified designing against crime advice, taking account of local conditions and risks. You are strongly advised to contact him at the earliest opportunity.
5. The applicant is informed that the site does not benefit from permitted development rights for alterations or extensions to the building.

REPORT DETAIL

1. Site Description

- 1.1 The site lies to the south side of the A127 Southend Arterial Road and comprises a range of buildings in commercial use, occupied by Cranham Caravans who sell, service and maintain caravans, motor homes and associated leisure goods. The site currently comprises a two storey office building (building A), reception (building B) and sales building (building C). Buildings for retail and accessories parts were destroyed by fire on Monday

21st June 2010, these were removed on the 28th June 2010 (buildings D1, 2, 3). Two workshops incorporating servicing and customer toilets remain on site (buildings E-F).

- 1.2 The site is situated within the Metropolitan Green Belt and covers an area of approximately 5.26 hectares. Access to the site is off Front Lane via a long access road which runs along the northern boundary of the site, parallel to the A127.

2. Description of proposal

- 2.1 Planning permission is sought for the demolition of buildings A-B and C on site and the construction of a single replacement detached structure. This would also replace the now demolished fire damaged buildings (D1, 2 and 3). Workshop buildings E and F would remain. The existing open area for caravan storage would also remain.

- 2.2 The proposed building would be located centrally within the site but set to the northern boundary by the access road and have a frontage onto Southend Arterial Road. It would have a footprint of 682.60 square metres and a volume of 3323.73 cubic metres, measuring 7.4m high as a maximum, 54.4m wide and 15.8m deep as a maximum. The building is rectangular in form with central reception area with projecting front feature gable. Off this central reception are ancillary office spaces and part sales facilities. In total there would be 391 square metres of retail floor space and 283.54 square metres office space within the proposed building.

- 2.5 Access into the building remains from Front Lane with the track running adjacent to Southend Arterial Road. Landscaping of the site would allow for the creation of a car park. This would be visible from Southend Arterial Road by the removal of the hedgerow.

- 2.6 A security fence would enclose the building forecourt from the rest of the site.

3. Relevant History

- 3.1 E0018.10 – Certificate of Lawfulness for an existing use or operation – planning permission not required.

P0942.10 – construction of a single storey building for retail sales and storage purposes (replacement of buildings lost in fire). Creation of temporary vehicle access - withdrawn

P1395.08 – Single storey extension to existing offices – refused

P0555.05 – Erection of a detached workshop building (for repair of caravans) and toilets – Approved

P1343.00 – Extension to customer toilets to provide disabled facility – approved.

P1405.89 – Extension to workshop – Refused and appeal dismissed.

P1452.88 – Extension to shop and internal alterations - Approved

637/85 Rebuilding/replacing office and workshop

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 70 properties. No representations were received.
- 4.2 A site notice was displayed advertising a development within the Green Belt.
- 4.3 The Highways Authority have no objections.
- 4.4 Transport for London have no objections.
- 4.5 The London Fire Brigade require the installation of a private fire hydrant.
- 4.6 The London Fire and Emergency Planning Authority are satisfied with the fire access arrangements.
- 4.7 Environmental Health require the submission of a land contamination report.

5. Relevant Policies

- 5.1 Planning Policy Guidance Note 2 (Green Belts) and Policies DC33 (Car Parking), DC36 (Servicing), DC45 (Appropriate Development in the Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.
- 5.3 Policies 6.9 (cycling), 6.12 (the road network), 6.13 (car parking), 7.6 (architecture), 7.16 (green belt) of the 2011 London Plan are also relevant.

6. Staff Comments

- 6.1 This proposal is put forward before the committee due to the requirement of a legal agreement, revoking all previous planning permissions and Certificates of Lawfulness. The issues for Members to consider are the demolition of the existing buildings and the construction of a single replacement building and the subsequent impact upon the Green Belt, amenity and highway implications.
- 6.2 Principle of Development
 - 6.2.1 The site is situated within the Metropolitan Green Belt where development is restricted in order to restrict the sprawl of urban settlements, safeguard the

countryside from encroachment and preserve the setting and character of historic towns.

- 6.2.2 PPG2 and Policy DC45 state that planning permission will not be granted for development which has an impact on the openness or character of the Green Belt. Where development is contrary to the provisions of PPG2 and DC45, or where development is judged to be harmful to the character of the Green Belt, the applicant should provide very special circumstances to justify the proposal.
- 6.2.3 All existing and demolished structures on site are/ were authorised either by way of planning permission or certificates of lawfulness.
- 6.2.4 The proposals constitute inappropriate development. Prior to the appraising, the very special circumstances which are being promoted in this case, the impacts of the scheme must be assessed.
- 6.2.5 The proposals include the provision of more than 200 square metres of retail floor space. Policy DC15 states that this will only be granted where a sequential test is satisfied, unless it is ancillary to the use of an existing development. In this instance, the floor space created is replacing existing retail floor space, where Staff consider that a sequential test is not required.

6.3 Green Belt Implications

- 6.3.1 The existing buildings, hard standing and open display of caravans are spread across the site. From the access the site is screened by vegetation along Front Lane to the west although oblique views are visible through gaps in the hedging; this view is largely of caravans. From the north on Southend Arterial Road the site is screened to some degree by a boundary hedge and two oak trees, although the caravans and two storey office building are particularly visible.
- 6.3.2 The proposed building would be weatherboard, stained dark in a traditional colour, to be secured via condition, and set back from the edge of the northern boundary by 19m and inset from the east and west boundaries 37.73m and 75.88m respectively, whereas the current site fills both boundaries with buildings. This proposed arrangement represents an improvement over the existing and is not considered to be intrusive in the streetscene or open Green Belt.
- 6.3.3 In setting terms, although the site is designated as Metropolitan Green Belt, it is bound to the north by a major arterial road and to the west and south by residential development. To the east is an area of dense trees which block any open views across the site from this direction. There is scope to replace the existing authorised structures with a single structure in an improved location within the site, which would tidy the site and create a more cohesive appearance which in turn would improve the open character to this portion of the Green Belt.

6.3.4 The single structure would be visible from Southend Arterial Road and to a lesser degree from Roseberry Gardens to the South. However, Staff consider that for the reasons given above, would be acceptable and result in an improvement to the openness of the Green belt. When viewed from the A127 the removal of the two storey office building, the most prominent building on site, would increase the impression of openness along this boundary. The existing oak trees along the access track are proposed to be retained as part of the development and would provide some screening for the building, which is set back 19m from the boundary edge. This distance from the boundary plus the traditional appearance of the building is considered to be acceptable in this instance.

6.3.5 The site has several permissions and certificates of lawfulness dating back several years. The proposals here include the demolition of the approved structures and erection of a single replacement building. Staff consider that given the size of the site, where the proposed building is set in a different location, and thus creating the potential for the existing buildings to be actually be retained it is considered that to justify the proposals a legal agreement is necessary which revokes all previous consents and sets aside by consent the legal effect of a Lawful Development Certificate on the site without compensation. Having considered the advice in the Town and Country Planning (Consultation) (England) Direction 2009 staff do not consider that the proposed development will by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

6.4. Visual amenity

6.4.1 The site is relatively large, covering an area of some 5.26 hectares, the majority of which is covered with caravans in open storage; built form is predominantly located towards the northern edge of the site. The traditional barn style structure of the proposed building represents a reduction in footprint to 682.60 square metres, compared to the 996.94 square metres existing. In design terms, the building has a traditional appearance with flat elevations, hipped roof over with gable ends and feature front gabled projection with glazing. Overall, the building has a simple barn like appearance and would be weather boarded. A front gable projection creates articulation on the elevation and provides a defined entrance. Staff consider that the design of the building would be acceptable for the locality. However, samples and details of materials are to be conditioned so that Staff can ensure any external material is of a sufficient quality.

6.4.2 Ground levels are fairly flat across the site. From wider surrounding public view points, the building would be screened by existing development and highway vegetation in Front Lane to the west, Roseberry Gardens to the South, wooded fields to the east and A127 to the north. Oblique views would be visible of the building, however, given its traditional appearance this is not considered to be harmful to visual amenity. The proposed security fencing is located to the north of the site and would separate the buildings

frontage from the rear. This is considered to be minor in nature and not harmful to the character of the site.

6.5 Impact on Amenity

6.5.1 The proposed building is set approximately 95m east from the nearest properties in Front Lane and 92m north from properties in Roseberry Avenue. This distance is not considered to be harmful to residential amenity. Activity within the site would largely take place to the northern end, away from residential properties. There are no changes proposed to the access. In all, Staff consider that there would be no adverse impact to neighbouring occupiers. It is also noted that no representations were made through the neighbour notification process.

6.6 Highway/Parking

6.6.1 The site has independent access from Front Lane with an open forecourt covering the majority of the site; this provides significant areas for parking and open storage for the sale and display of caravans. This access is to be retained as part of the proposals. With regard to parking, the London Plan suggests 1 parking space per 30 square metres of retail floor area giving 16 parking spaces, and 1 parking space per 100 square metres of employment floor area, generating 7 spaces. In this instance there would be a total of 69 parking spaces, an increase of 11 spaces from existing.

6.6.2 It is proposed to have 10 cycle spaces within the site; this is an acceptable figure, where the table 6.3 of the London Plan suggests 1 space per 350 square metres of retail floor space and 1 space per 500 square metres of employment floor space.

6.6.3 The number of parking spaces or access arrangements raise no objection from the Highways Authority or Transport for London, who manage the A127 Southend Arterial Road.

6.6.4 Policy 6.13 of the London Plan states that development should ensure that 1 in 5 parking spaces provide an electrical charging point to encourage the uptake of electric vehicles. It is proposed to increase the number of parking spaces by 11, creating the need for 2 electric charging points. Staff consider that the sites fairly isolated location, would mean that this is an impractical site for charging points, which are more suited to town centre locations.

6.7 Very Special Circumstances

6.7.1 The applicant has submitted a very special circumstances case in order to justify the proposals. This consists of the following points 1) removal of buildings A, B, C and D1, 2 and 3 2) revocation of previous planning permissions and certificates of lawfulness 3) reduction in built footprint and volume. These issues will be discussed in turn.

Removal of existing authorised structures

6.7.2 The existing buildings on site are all authorised, either by way of planning permission or certificate of lawfulness. The removal of the existing buildings and replacement with a single structure will allow for greater control over the site. The buildings which are established on site had been erected without planning permission and therefore do not conform to Council policy guidance, in terms of location or design. The removal of these structures is therefore welcomed.

Reduction in footprint and volume and improvement in openness

6.7.3 The buildings proposed to be demolished or already demolished have a combined footprint of 996.94 square metres. The replacement structure has a total footprint of 682.60 square metres, giving a reduction in built footprint of 314.34 square metres. Staff consider that the footprint coverage on site is important in this instance. The existing site layout represents sporadic development over time, much of it authorised by way of Certificates of Lawfulness, having originally been erected without the benefit of planning permission. As described above, a single structure would tidy the sites appearance and therefore make a positive contribution to the locality and Green Belt setting.

6.7.4 In terms of volume, Buildings A-D1, 2 and 3 have a combined capacity of 3451.14 cubic metres. The proposed building has a volume of 3323.73 cubic metres; this represents a reduction in volume of 127.41 cubic metres. This is considered acceptable.

Revocation of previous planning permissions and certificates of lawfulness

6.7.5 This site marks the beginning of the Green Belt north from Front Lane and has an unusual commercial character for this location. The history on site of unauthorised development, later secured by way of a certificate of lawfulness, has meant that the Council has little control over the way in which the site operates, in terms of hours of operation for example. As such, the applicant's willingness to enter into a legal agreement to revoke all previous permissions and certificates on site will allow the Council greater control over the sites use and any future changes, by establishing a single set of conditions over a single building.

6.7.6 In conclusion of the very special circumstances submitted, Staff consider that the proposals would have a significant improvement in terms of openness which in turn would improve the character of this part of the Green Belt. There would be a reduction in built footprint and a greater level of control over the site. In order to future control development on the site, it is recommended that all permitted development rights are removed.

6.7.7 With regard to openness the site is characterised by two forms, firstly the commercial use of buildings scattered across the site, albeit recently lost with fire damage and secondly the open storage of caravans. When viewed

from the north this view would be improved by the creation of a single structure, set in from the boundaries and back from the boundary edge.

6.8 Conclusions

- 6.8.1 Staff consider that the very special circumstances case submitted is acceptable. There would be the removal several authorised buildings on site with the replacement of a single building over which the Council would have control through conditions. The proposed building results in a reduction in footprint and volume over the existing and would have a resultant gain in openness as it would no longer be located to the peripheries of the site which would improve the character of this part of the Green Belt.
- 6.8.2 The site would remain sufficiently screened by vegetation from Front Lane and the trees which line Southend Arterial Road, and by existing residential development in Roseberry Gardens. There are not considered to be any adverse highway or amenity implications arising from the three dwellings. In view of the above factors, staff consider that the proposal accords with the provisions of LDF Policy DC33, DC36, DC53, DC55, DC61, DC63 and PPG2, and that the justification presented warrants a departure from Policy DC45 in this instance, where it is recommended that permission be granted subject to conditions and the completion of a legal agreement to revoke a previous planning permission.

IMPLICATIONS AND RISKS

Financial implications and risks: Planning and other agreements will need to be prepared.

Legal implications and risks: Legal resources will be required to settle and draft the Section 106 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 proposals would result in visual improvement in terms of enhancing the character of the Metropolitan Green Belt and remove authorised buildings on site which ordinarily would not have received planning permission.

BACKGROUND PAPERS

Application forms, site plan, received 9th September 2011



Regulatory Services Committee

23 February 2012

Item 11

OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-9	P0962.11	Brooklands	Former Premier Motors Site Distribution Centre Jutsums Lane Romford
10-17	P1347.11	Rainham & Wennington	48 Warwick Road Rainham
18-22	P1530.11	Romford Town	4 Western Road Romford
23-30	P1578.11	Brooklands	143 Crow Lane Romford

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REGULATORY SERVICES COMMITTEE

23rd February 2012

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0962.11	
WARD :	Brooklands	Date Received: 5th August 2011
ADDRESS:	Former Premier Motors Site Distribution Centre Jutsums Lane Romford	
PROPOSAL:	Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges.	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reasons: given at the end of the report.	

SITE DESCRIPTION

The application site comprises land and buildings that were formerly occupied by Premier Automotive Parts. Prior to its closure approximately two years ago, the site was used as a car retail, repair, and maintenance centre.

The site's southern and eastern boundaries lie adjacent to Crow Lane and Jutsums Lane respectively. The northern and western boundaries abut neighbouring sites in industrial or other employment uses. Neighbouring dwellings are located approximately 23m from the eastern boundary, on the opposite side of Jutsums Lane.

The site comprises several imposing buildings. A large, pitch-roofed works dominates the western end of the site, the length of which runs from north to south and attached to which is a smaller works building. Attached to these buildings is what appears to be a former show room building, which has an east-west orientation and is fronted by a hardstanding area alongside Crow Lane. This building and its hardstanding area are located outside of the site boundary and would be unaffected by this application. An office building, having the appearance of a dwelling, is located in the centre of the site and is fronted, to the east, by a vehicle parking area, which dominates the eastern end of the site. The buildings are currently boarded up and the site is fenced off.

The site is designated in the LDF as a Secondary Employment Area. The site's southern boundary abuts Crow Lane, which is washed-over Green Belt.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles.) The submitted information states that the throughput of the proposed facility would be in the region of 9000 tonnes per annum, which would be an increase over the existing facility located at No.143 Crow Lane, and would trigger the requirement for an Environmental Permit to be held by the operator. The proposal would involve operational development in the form of the following:

- i) An existing site office and ancillary buildings would be demolished;

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- ii) Part of the small works building would be demolished to create a new entrance;
- iii) A gated off-street drop-off and waiting area for smaller vehicles would be created at the southern end of the larger works building, to be accessed from Crow Lane;
- iv) A new concrete yard would be created to the east of the remaining buildings and would occupy the majority of the site. It would contain two weighbridges; a weighing and security station; bin storage bays along the northern and southern boundaries; lorry and car parking at the eastern end of the site; and a bicycle storage area;
- v) The erection of an acoustic screen with access gate onto Jutsums Lane along the eastern boundary; and
- vi) Signage and palisade fencing with netting along the south eastern boundary.

No details have been submitted in relation to the acoustic screen, although the submitted Noise Assessment assumes that it would have a height of 3m.

Bailing, wire stripping, and shearing operations would take place within the building, along with the storage of bins and pallets. The largest bins stored in the yard would be approximately 3m in height.

The applicant estimates that around 6 HGVs and 50-100 smaller vehicles would visit the site per day. HGVs and vans would enter the site through the Jutsums Lane access. Metal objects would be deposited in the yard from vans and HGVs, and dropped into bins using a "grab". The submitted information indicates that the grab machine would, owing to its height, be visible beyond the site boundary.

RELEVANT HISTORY

There are no previous planning decisions of particular relevance to this application, however, the Council is currently considering a related planning application for the redevelopment of land at No.143 Crow Lane, with the resultant transfer of its Scrap Metal facility to the site under consideration.

P1578.11 - Change of use from storing, sorting, handling & processing of scrap metal to B1/B8 - Under consideration.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 21 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. Nine letters of representation have been received, objecting to the proposal on the following grounds:

- a) Hazards to pedestrians from increased HGV movements;
- b) Lack of vehicle parking in the area;
- c) Noise impacts; an effective acoustic screen would need to be very tall and would be an eyesore;
- d) Dust drift;
- e) Damage to pavement would be likely from HGVs;
- f) Grass verges would be destroyed;
- g) Noise from HGVs queuing to enter the site would affect residential properties;
- h) Noise from the handling and processing of metals would adversely impact on residents;

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i) The proposal could encourage more criminal activity in the area.

Comments have been received from the following consultees:

Environment Agency - No objections.

Thames Water - No objections.

Environmental Health (Contaminated Land) - No objections; condition recommended.

Environmental Health (Noise) - Objection raised owing to the likely noise impacts of the proposal on neighbouring occupiers.

Highways - No objections.

Secured By Design Officer - No objections; condition and informative recommended.

London Fire Brigade - No objections.

RELEVANT POLICIES

The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC10 - Secondary Employment Areas

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC55 - Noise

DC61 - Urban Design

DC63 - Delivering Safer Places

The following policies of the Draft Joint Waste DPD for the East London Boroughs ("the Joint Waste DPD"):

W2 - Waste Management Capacity, Apportionment and Site Allocation

W5 - General Considerations with Regard to Waste Proposals

National Planning Guidance

PPG2 - Green Belts

PPS10 - Planning for Sustainable Waste Management

STAFF COMMENTS

This application is put before Members because it is considered to be of a sensitive nature. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

PRINCIPLE OF DEVELOPMENT

The site is designated as a Secondary Employment Area. Policy DC10 of the LDF states that planning permission will be granted for B1, B2, and B8 uses providing they do not adversely affect the amenity of adjoining residential areas. It is considered that the site effectively benefits

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from B2 use rights already on account of the site's previous use. However, the proposed use is for a scrap yard (*sui generis*.) Policy DC10 states that planning permission for other uses will only be granted in exceptional circumstances and sets out criteria that must be adhered to. Whilst the proposed use is considered to be sufficiently different from the previous use to result in a material change of use, in terms of the objectives of Policy DC10, it is considered that the proposed use would be broadly similar in nature to the stated employment-related uses, and the proposal would not therefore be contrary to the employment objectives of Policy DC10. However, as discussed further on in this report, the proposal would adversely affect the amenity of an adjoining residential area, and the proposal is therefore considered to be contrary to other components of Policy DC10.

The Draft Joint Waste DPD has undergone its Examination in Public and was deemed to be sound. The document has been approved by Havering Council and subject to its approval by two other of the four East London boroughs, it is anticipated that it will be formally adopted at the end of February 2012. The Waste DPD is therefore to be afforded significant weight where it is a material consideration. In accordance with the London Plan, Policy W2 of the Joint Waste DPD apportions the amount of waste to be managed by the East London boroughs over the coming years and identifies sites within the plan area to provide the required capacity to manage this waste. Schedule 1 sites are safeguarded waste management facilities that are already in operation, and Schedule 2 sites are locations where additional waste management operations would be encouraged. The site under consideration does not constitute either a Schedule 1 or Schedule 2 site.

However, Policy W2 does state that where an applicant can demonstrate there are no opportunities within the preferred Schedule 1 and 2 areas for a waste management facility, that sites within designated industrial areas will be considered. Policy W5 states that new facilities for the management of non-apportioned waste (i.e. quantities of waste that go beyond the amounts allocated to the area in the London Plan), as is proposed in this case, should demonstrate that there is not a more suitable site in closer proximity to the waste arising having regard to the criteria of that policy.

Whilst the site is a designated industrial location, the applicant's attempt to demonstrate that there are no opportunities within the Schedule 1 and 2 sites is very limited. The applicant states that the scheduled sites are not located near enough to local communities, which are the source of the waste handled. It is therefore concluded that locating facilities like the one under consideration in any of the scheduled sites would discourage recycling, contrary to national planning objectives. As those who bring scrap metal to the existing facility at No.143 Crow Lane receive cash for doing so, the applicant asserts that increased travelling distances will deter people from recycling.

This is not considered to be a very convincing argument. Firstly, as the dumping of waste is a criminal offence, any individual needing to dispose of scrap metal would be legally obliged to do so in a responsible manner. This might include taking waste to a local recycling centre or putting the waste in a hired skip. In both cases, the scrap metal would most likely end up at waste recycling or transfer facilities and ultimately would be recycled, particularly given the costs of sending waste to landfill. Moreover, the argument put forward ignores the fact that the scheduled sites, identified in a DPD that was considered sound following its Examination in Public, have, amongst other factors, been identified with environmental considerations in mind. The representations received from the public in relation to planning application P1578.11 indicate that the existing scrap metal site causes a nuisance to local occupiers in terms of access arrangements, visual, and noise impacts.

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The proposed change of use, which would see the existing scrap metal business move to the former Premier Motors site would have various benefits. The application site is considerably more spacious than the existing site, which would permit improved recycling rates. The application site would have considerably better access arrangements from the public highway. The removal of the existing scrap metal site from a site in the Green Belt, to a site designated as being appropriate for Employment uses, could have a beneficial impact on the openness and visual amenities of the Green Belt. The proposed facility would handle a greater volume of waste per annum than the existing one and would therefore become a site permitted by the Environment Agency, which would potentially result in improved environmental controls compared to the existing site. The submitted information indicates that the increase in waste capacity over and above the existing site would be modest, with much of the increased site area being taken up by processing. However, it would be difficult for the Council to control increases in the amounts of waste received and, in any case, allowing a non scheduled site to be approved would result in the area's apportionment of waste being exceeded.

On balance, it is considered that the applicants have not adequately demonstrated that there are no opportunities within the schedule 2 sites. It is considered that the proposal, which would not be located at a scheduled site and which would result in the East London Waste Authorities apportionment being exceeded, is contrary to Policy W2 of the Joint Waste DPD. Moreover, whilst the applicants have attempted to justify the proposal in relation to the scheduled sites and stated there would be an improvement over the existing site on Crow Lane, they have not demonstrated that the proposal would be preferable in terms of proximity and other factors compared to other sites generally, meaning the proposal is contrary to Policy W5.

However, subject to the completion of a legal agreement preventing the continued use of No.143 Crow Lane as a scrap yard, the proposal would deliver benefits such as the improvements to visual amenity and openness at the existing Green Belt site. Moreover, the proposal would allow for increased recycling rates and improved access arrangements compared to the existing Crow Lane facility. Whilst the proposal would be contrary to Policies W2 and W5 of the Joint Waste DPD, it is considered, on balance, that the afore mentioned benefits outweigh this.

Whilst it is considered that the proposal could be acceptable in relation to waste Policies W2 and W5, as the proposal would be contrary to Policy DC10 of the LDF, the proposal is not considered to be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design. Policy W5 of the Joint Waste DPD states that proposals for new facilities managing non-apportioned waste should not result in material adverse visual and landscape impacts.

Objections have been received from neighbouring occupiers stating that the proposed acoustic screen would need to be significant in scale and would be detrimental to visual amenity.

The site's southern boundary lies adjacent to the Green Belt and the site would be conspicuous from the Green Belt. However, where the site would be visible from the Green Belt, it would not undergo any significant alterations, with the southern end of the works building to be retained. The remainder of the site would mainly be screened by the former retail building, which lies outside the site.

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Whilst the site was formerly in industrial use, the industrial processes arising from the former use mainly occurred indoors. The area facing Jutsums Lane was used as a car park and is dominated by the site office building. Across the road from the site's eastern boundary are residential properties and to the south is open land designated as Green Belt. It is considered that this area of Jutsums Lane, including that part of the site fronting on to it, does not have a particularly industrial character. The proposed development would result in a significant change to the character of the site, with the eastern half abutting Jutsums Lane becoming an area accessed by HGVs and vans, the storage of large metal containers, the despoiting of metals, and the use of a "grab" machine.

It is considered that the proposed removal of buildings and alterations to the remaining buildings would not result in any significant adverse visual impacts. The proposed storage of smaller metal containers, installation of weighbridges, and other operations within the yard could largely be screened by boundary treatment, the nature of which could be controlled by means of a planning condition. However, it is considered that the storage of the larger metal bins, which are approximately 3m in height, and the use of plant for the movement of scrap metal would have a significant adverse impact on the character of the area. This could be partially ameliorated by the presence of the proposed acoustic screen. Details of the proposed acoustic screen have not been submitted, although the submitted noise report assumes that such a structure would be 3m in height. However, it is considered that an opaque screen wall and gate at this height would have an over bearing impact on the street scene, particularly as the site currently has a much more open appearance when viewed from Jutsums Lane. It is also considered that the proposed palisade fencing with netting at the site's south eastern boundary, where there is currently formal brick wall and railing structure, would be unsightly and detrimental to the character of the area.

Given the nature of the proposal, in particular the proposed storage of large containers, the use of a mechanical grab, and the proposed boundary treatment along the eastern and south eastern boundaries, it is considered that it would have a significant adverse impact on the character of the area, and that it would therefore be contrary to Policy DC61 of the LDF and Policy W5 of the Joint Waste DPD. In this instance, it is not considered that there are planning conditions which could be imposed that would help to address the concerns raised.

IMPACT ON AMENITY

Policy DC55 of the LDF states that planning permission will not be granted if it would result in a development causing exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy W5 of the Joint Waste DPD states that new waste facilities managing non-apportioned waste should not result in material adverse impacts on neighbouring amenity including noise.

The site's eastern boundary is located approximately 23m from four residential properties located along Jutsums Lane (23m from the dwellings, and approximately 15m from the boundaries of front gardens.) Neighbouring occupiers have objected to the proposal stating that it would result in significant adverse noise impacts arising from traffic noise and the handling of metals within the yard. It has also been stated that dust-drift could occur.

It is considered that dust drift would not generally be a problem given the nature of the waste being handled, however, it is considered that it would be prudent to employ a condition requiring the submission of details relating to dust control measures.

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The application is accompanied by a Noise Assessment, which has been considered by the Council's Environmental Health Officer. The information contained in the report states that the proposed activities would give rise to noise levels at the boundary nearest to noise sensitive properties far in excess of the Council's standards. Moreover, limitations in terms of the report's methodology, mean that the noise impact of the proposal is likely to have been underestimated. For instance, the monitoring points, which were located along Crow Lane, would suggest a higher background noise level than would exist on the less frequented Jutsums Lane. The report assumes the presence of a 3m high acoustic screen along the site's eastern boundary, which, as discussed, would not be acceptable on visual impact grounds and would be undermined by the fact that the gate would be opened on a frequent basis to admit vehicles. Finally, the calculations do not include the noise likely to be generated by the tipping of metals on to the hardstanding. As the anticipated noise levels referred to in the report, which appear to underestimate the likely noise impacts, would exceed the Council's standards, and given that the Environmental Health Officer objects to the application, the proposal is considered to be unacceptable in terms of the impact it would have on residential amenity.

One of the justifications for the proposal is that it would facilitate the relocation of the existing scrap metal facility, which causes a nuisance to local occupiers in terms of noise and outlook, away from No.143 Crow Lane. However, to grant planning permission for this proposal would only transfer the amenity impacts to occupiers along Jutsums Lane.

Given the nature of the proposal, included its siting in relation to neighbouring noise-sensitive properties and the nature of the operations that would occur outdoors, it is considered that there would be significant adverse impacts on the amenity of neighbouring occupiers located along Jutsums Lane. It is therefore considered that the proposal would be contrary to Policies DC55 and DC61 of the LDF, and Policy W5 of the Joint Waste DPD. In this instance, it is not considered that there are planning conditions which could be imposed that would help to address the concerns raised.

HIGHWAY/PARKING

Policy DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. Policy W5 of the Joint Waste DPD states that proposals should avoid material adverse impacts on the highway network and access arrangements.

Local occupiers have objected to the proposal stating that there is insufficient parking in the local area or capacity on the highway for the additional traffic that the proposal would give rise to. It is also stated that verges and pavements would be damaged by HGVs and that there would be a significant adverse impact on pedestrian safety.

The site would have two vehicular access points. An access onto Crow Lane would be used by smaller vehicles. The Highway Authority was consulted about the proposal and has raised no objections. In terms of the proposed access arrangements and the likely generation of vehicular traffic, it is considered that the proposal would be comparable to the former use of the site and to the B2/B8 uses that are encouraged at the site as a Secondary Employment Area. It is considered that sufficient parking would be provided. As the Highway Authority has raised no objections, the highway impact of the proposal is considered to be acceptable, having had regard to Policy DC33 of the LDF and W5 of the Joint Waste DPD.

OTHER ISSUES

Neighbouring occupiers have objected to the proposal on the grounds that it could encourage criminal activity in the local area. However, the Council's Secured by Design Advisor has

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considered the proposal and raised no objections subject to the use of a condition and informative, which could be employed should planning permission be granted.

One of the justifications for the proposed development is that it would facilitate the relocation of the existing Crow Metals facility from its current site within the Green Belt to a more appropriate location, resulting in benefits to the visual amenities and the openness of the Green Belt and a reduction in the impacts on local occupiers. As discussed, an application to change the use of the existing scrap metal site is being considered by the Council. Should the Council be minded to grant planning permission for the proposed development then it is recommended that a legal agreement be sought wherein the applicant agrees to cease the use of the existing scrap metal business at No.143 Crow Lane, once the use commences at the site under consideration. The absence of such a legal agreement would result in the proposal failing to have sufficient benefits to overcome its being contrary to Policies W2 and W5 of the Draft Joint Waste DPD for the East London Boroughs.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would result in significant adverse impacts on the character of the local area and on the amenity of neighbouring occupiers along Jutsums Lane as a result of noise impacts. The proposal is therefore considered to be contrary to Policies DC10, DC55, and DC61 of the LDF. In the absence of a Section 106 agreement intended to prevent the continued use of the existing scrap metals site, the proposal is also considered to be unacceptable as it would be contrary to Policies W2 and W5 of the Draft Joint Waste DPD for the East London Boroughs

The proposed development is considered to be unacceptable having had regard to Policies DC10, DC33, DC45, DC55, DC61, DC63, and DC67 of the LDF, Policy W2 of the Joint Waste DPD, and all other material considerations.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the reasons:

1. Refusal non standard Condition

It is considered that the proposed development, by reason of the storage of large containers and the use of large mechanical plant outdoors, the use of substandard boundary treatment in the form of netting at the south eastern boundary, and the likely height and opacity of a proposed acoustic screen, would have a significant adverse visual impact when viewed from Jutsums Lane and Crow Lane, and would result in a detrimental impact on the character of the area. The proposal would therefore be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and Policy W5 of the Draft Joint Waste DPD for the East London Boroughs.

2. Refusal non standard condition

It is considered that the proposed development, owing to the proposed operations that would occur outdoors, in particular, the handling, movement, and dropping down of metals, would result in a significant noise impact on noise sensitive properties located along Jutsums Lane. It is considered that any effective acoustic screen would be of a scale that would not have an acceptable visual impact. The proposal would be detrimental to residential amenity and is therefore contrary to Policies DC10, DC55 and DC61 of the Core Strategy and Development Control Policies DPD and Policy W5 of the Draft Joint Waste DPD for the East London Boroughs.

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3. Refusal non standard condition

The absence of a Section 106 agreement preventing the operator from continuing the use of the site at No.143 Crow Lane as a scrap yard would significantly diminish the benefits of the proposal, and the proposal, being contrary to Policies W2 and W5 of the Draft Joint Waste DPD for the East London Boroughs, is therefore considered to be unacceptable.

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APPLICATION NO:	P1347.11	
WARD :	Rainham & Wennington	Date Received: 15th September 2011
ADDRESS:	48 Warwick Road Rainham	
PROPOSAL:	Demolish existing industrial unit and erect part2/part3 storey building comprising 6 flats with associated parking, cycle store, bin store and amenity space outline	
DRAWING NO(S):	2700/TP/04C; -05C; -03A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The site comprises an existing single-storey commercial unit at No.48 together with 4 lock-up garages to the rear of No.50, 50A and 50B Warwick Road. The site is roughly rectangular, some 35m deep and 16m wide (increasing to 27m wide to the rear). There are two accesses, one to No.48 and a second one to the garages to the rear of the flats at No.50. The surrounding area is mainly residential to Warwick Road, mainly one and two storey but with some 3-storey town houses at the cul-de-sac end to the West of the application site. Also to this end are two-storey works buildings; some of which are currently vacant.

DESCRIPTION OF PROPOSAL

The proposal is an outline application for the demolition of the existing industrial unit and the erection of a 1-1/2-storey building with accommodation in the roof space comprising 6 flats with 10 parking spaces (8 to the rear and two to the front), cycle store, bin store and amenity space.

Matters to be considered at this stage are access, scale, appearance and layout with landscaping to be determined as reserved matters at a later stage.

The access is proposed to the western boundary and the proposed layout for the building to be sited to the road frontage with amenity space, car parking, bin and cycle storage in the rear garden area. The proposed building would have a maximum ridge height of 9.35m, width of 12.5m and length of 13.4m. It would have hipped, pitched roofs in traditional materials.

CONSULTATIONS/REPRESENTATIONS

35 adjoining and nearby occupiers were notified of the proposal. There were 13 letters raising objections on the following grounds:

- the proposal does not address parking and traffic as an increase of 6 properties will create further problems of congestion
- a block of flats is not appropriate as there is limited on-street parking
- too little on-site parking proposed
- overdevelopment/too high density
- upto 12 people could live in the flats which is too many for such a small site
- overlooking of existing flats at No.50 Warwick Road
- undue noise and activity due to main entrance close to side boundary with adjoining residential property
- the existing use is unauthorised and shouldn't be a reason to allow development
- the scheme is almost identical with earlier proposals except for the differences

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- the proposal is too close to the boundary with the adjoining semi-detached bungalows
- it will excessively extend beyond the rear of existing adjoining properties
- overbearing and visually dominating
- the Planning Inspector in dismissing an earlier appeal indicates that there would be a poor physical relationship with No. 46 Warwick Road
- the garden area does not accord with the Council's guidelines for amenity space
- the development should not be three-storey as this would be out of character
- the existence of three storey development in a nib at the end of Warwick Road are not visible generally and should not act as a precedent
- the Juliette balconies will result in loss of privacy at the end of adjoining gardens
- there is likely to be contamination and asbestos at the application site
- planning permission should be refused as the applicant causes disruption
- out of character/flats will be an eyesore
- the proposal results in the flats at No. 50 Warwick Road losing their parking provision resulting in more on-street parking
- the public consultation period is too short particularly as plans can only be viewed at the Council offices for 5 hours a day

Also raised is that building works will cause undue disruption, traffic and parking problems and where the existing vehicles on site would be stored if planning permission is granted, that the applicant's current business causes problems for residents.

The London Fire and Emergency Planning Authority have written to indicate that access should comply with Building Regulations documents.

The Metropolitan Police's Crime Prevention Design Advisor has written to advise that the communal entrance's location may be vulnerable to crime and Flats 2 and 3 have windows directly next to the driveway such that no defensible space is provided. He nonetheless suggests the attachment of conditions and an informative relating to Secured by Design.

Thames Water have written to remind the developer that it is their responsibility to make proper provision for drainage. In respect of sewerage infrastructure they do not have any objection.

English Heritage have written requesting a programme of archaeological works to be undertaken through a suitably worded condition and informative attached to any grant for planning permission.

STAFF COMMENTS

Matters to be considered at this stage are access, scale, appearance and layout with landscaping to be determined as reserved matters at a later stage.

The issues in this case are the principle of the development, the impact of the development in the street scene and on the amenities of nearby residential occupiers and highways/parking.

BACKGROUND

Planning application P0380.08 was a proposal for one block of 8 flats. It was refused consent in June 2008 for the following reasons:

"The proposal would, by reason of its bulk, massing, height and siting close to a single-storey property result in an overbearing form of development adversely affecting visual amenity in the street scene contrary to Policy DC61 of the Core Strategy and Development Control Policies

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Submissions Development Plan Document.

" The proposal would, by reason of its scale and limited amenity area result in a form of development which provides a sub-standard level of amenity for future occupiers adversely impacting on residential amenity contrary to Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.

"The proposal would have insufficient parking provision resulting in likely on-street parking to the detriment of traffic flow contrary to Policy DC2 of the Core Strategy and Development Control Policies Submission Development Plan Document.

"In failing to achieve a high quality of design through the deficiencies described in reasons 1, 2 and 3, the proposal would fail to justify such high density of development contrary to Policy DC2 of the Core Strategy and Development Control Planning Submission Development Plan Document and Planning Policy Statement 3 (Housing)."

Planning application P1995.08 was a proposal for 7 flats. It was refused and subsequently dismissed on appeal. The Planning Inspector concluded that the block would contrast significantly with the single-storey bungalows and the proposed substantial side elevation would be very apparent from along Warwick Road to the east such that it would be a visually dominant feature out of place in the streetscene. He also considered that the proposed different shapes and proportions of the components, particularly the roofs would lack cohesion and that the western elevation would be monotonous and the rear elevation bulky. He considered that the 175 sq.m of amenity area would be well below the Council's guidelines (specified in the UDP Guidance). He considered that the higher density of the scheme was not acceptable as the layout and design failed. He further considered that the 10 parking spaces was below the lower end of the standard of 10.5 spaces but that there was good reason to require parking to at least meet this minimum. He considered that the proposed building would offer a poor outlook for the occupiers of No.46 Warwick Road and be overbearing due to its close proximity.

While the proposed scheme is in outline, the main changes to the scheme from that considered by the Planning Inspector in 2008 (P1995.08) are:

- reduction from 7 flats to 6
- change from all 2-bed flats to 1x2-bed and 5x 1-bed units
- reduction from two-storey to one-storey element closest to No.46 Warwick Road
- increase from 175 sq.m to 185 sq.m to rear amenity space

PRINCIPLE OF DEVELOPMENT

The proposal is for housing in the form of 6 flats. The site is currently in non-residential use and the proposal for redevelopment to residential use would, in principle, be acceptable in accordance with national, regional and local planning policy CP1 of the LDF Core Strategy and Development Control Policies DPD.

DENSITY/SITE LAYOUT

The proposed density would be 94 units per hectare. The density range for this site is 30-50 units per hectare and it is therefore considered that the proposal would be well in excess of the range for this area. Nonetheless, it is recognised that as flatted development does tend to have higher densities, such a proposal may be acceptable where it demonstrates a high standard of design and layout.

The London Plan indicates that residential development should meet minimum internal space standards. The London Plan indicates at Policy 3.5 that 2-bed units should have a minimum space of 61 sq.m for 3 people units and 70 sq.m for 4 people units with 1-bed units for 1 person 35 sq.m and 2 people 50 sq.m. The size for the 2-bed flat would be approximately 82 sq.m and

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the smallest 1-bed flat would be approximately 37 sq.m. It is considered that the proposal would be acceptable.

The proposed layout would provide a frontage development with an amenity area to the rear retaining an existing vehicular access to an existing rear parking area to the west of the application site.

The building would be one-storey closest to No. 46 Warwick Road and 2-storey otherwise. It would be located 1m from the shared boundary with No.46 Warwick Road (to the rear this increases to 6.4m - previously 2m) and 1.82m from No.46's side elevation. In relation to No.s 50a and b, the proposed building would be located 3.5m (previously 4m) from this neighbouring property's side elevation. The building would be located directly adjoining the proposed vehicular access (previously 0.25m); it is considered that the windows in this elevation would be high level and would be located a reasonable distance from the neighbouring property.

The proposal would have frontage parking for 2 vehicles in addition to the existing vehicular access adding an additional access. Some landscaping could be provided between the parking spaces and the access road which is widened to 5m width at the access point. Staff consider that the proposed frontage parking would be similar to other residential properties in the locality and would provide some landscaping to protect visual amenity and the amenities of future occupiers.

The proposal would be provided with 185 (previously 175) square metres of rear amenity space. The Residential Design SPD differs from the UDP guidance (which the Planning Inspector considered in relation to the 2008 appeal) as it does not indicate specific levels of amenity space.

Staff consider that the proposal would provide a reasonably private and usable space, with easy access for all future residents. In comparison, the amenity space for the four, 2-bed flats at No.50 Warwick Road is 9m deep and 10m wide (90 sq.m). Staff therefore consider that proposed amenity space would be relatively comparable with that at No.50 and is therefore in character with existing flatted development and therefore accords with the guidance contained in the Residential Design SPD.

Staff therefore consider that the proposed density and layout would be acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is for a one-/two-storey development with accommodation in the roof space. The existing character in the street scene, is mainly two-storey development although there are single-storey dwellings immediately adjacent to the East of the application site.

The main ridge height (and associated eaves) would be the same height as that of the two-storey flats directly to the west of the application site. In relation to the eastern side of the proposed building adjoining No. 46 Warwick Road, the ridge line shown to the single-storey section is lower with a lower eaves height. Staff consider that this would be significantly lower than the two-storey element of the scheme dismissed on appeal and that this would overcome the concerns raised in relation to the relationship of the proposed development with the adjoining bungalows. Staff consider that the development would not be out of character with existing development in this street scene and, with its hipped, pitched roofs and that the development would not appear unduly over-dominant in relation to the adjoining bungalows.

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The single-storey element of the development would not incur into either a 45 degree line measured at 4m from the rear of No.46 Warwick Road, nor extend unacceptably beyond the rear of the adjoining properties. Staff therefore consider that the proposed development would not have a significant material impact in the rear garden environment.

IMPACT ON AMENITY

Properties to the rear of the site in Upminster Road North would be at least 45m from the proposed rear elevation, such that Staff consider that there would not be any loss of privacy for those occupiers.

In relation to the existing neighbouring properties, it is considered that there would be some over-shadowing of the garden of No. 46 during the afternoon period because the application site is to the west of No.46 which has a north-facing garden. However, it is considered that while No. 46 has benefitted from the existing site building only being one-storey, that a two-storey development with a single-storey section closest to this bungalow, would not result any undue harm to residential amenity.

Proposed windows in the side elevations would mainly be high-level or could be fitted with obscure glazing by the imposition of a suitable condition such that Staff do not consider that there would be no loss of privacy.

The proposed vehicular access lies along the flank wall of two of the No.50 flats and the parking area which would also adjoining their rear boundary would introduce a materially different type of noise and activity than at present. The existing commercial activity at No.48 would be removed and Staff consider that, on balance, the proposed development would result in a general improvement in residential amenity. Nonetheless, it is considered that a suitable boundary treatment should be provided to the side and rear boundaries of the No.50 flats to avoid any undue impact on these occupiers amenity. This can be secured through the attachment of a suitable condition for boundary treatment.

HIGHWAY/PARKING

Policy DC2 of the LDF Development Control Policies DPD indicates that residential properties in this location would be expected to have between 1.5 - 2 parking spaces each, i.e., between 9 and 12 parking spaces. The proposal would provide 10 parking spaces which, as 5 of the units would have a single bedroom, Staff consider this would be acceptable in relation to the proposed development. There are therefore no highway objections to this proposal.

Suitable provision of a collection point for refuse would be needed and a condition can be attached to require details to be submitted.

SECURED BY DESIGN

The Metropolitan Police Crime Prevention Design Advisor has written raising concerns that the access to the flats may be vulnerable to crime and that there is no defensible space provided adjacent to the proposed driveway. Details could be added to overcome these concerns at the reserved matters stage. The CPDA nonetheless advises that a condition and informative should be attached to any grant of planning permission to require submission of Secured by Design details.

KEY ISSUES/CONCLUSIONS

The proposal for residential development would be acceptable in principle. Staff consider that

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the proposal would be acceptable and in accordance with the Local Development Framework Policies.

RECOMMENDATION

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

1. SC02 (Time limit for details) 3yrs
2. SC03 (Time limit for commencement) 2yrs
3. S SC06 (Parking provision)
4. S SC09 (Materials)
5. S SC11 (Landscaping)
6. S SC13 (Screen fencing)

Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres high shall be erected to the rear and side boundaries of the site, including to the rear garden of the flated block at 50 Warwick Road and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

7. S SC32 (Accordance with plans)
8. S SC34 (Obscure glazing)

The proposed windows to the atrium/stairwell shall be permanently glazed with obscure glass 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.

9. M SC40 (Soundproofing) ENTER DETAILS

The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against the internally generated noise and 62dB(A) 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.

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10. S SC46 (Standard flank window condition)

11. S SC57 (Wheel washing)

12. M SC62 (Hours of construction)

13. M SC63 (Construction Methodology)

14. Non standard condition

Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and the London Plan (published February 2011).

15. Non standard condition

The proposed development shall be no greater than 1-storey height within 5m of the shared boundary with No. 46 Warwick Road and shall be no greater than 2-storey height across the remainder of the building.

Reason: To ensure that the proposal would have an acceptable impact on the character of the locality and on visual amenity in the streetscene and on the amenities of adjoining occupiers.

1 This decision to grant planning permission has been taken:

I. having regard to Policies CP1, CP2 CP9 and CP17, of the LDF Core Strategy Development Plan Document and Policies DC2, DC3, DC33, DC35, DC36 and DC61 and Annexes 5 and 6 of the LDF Development Control Policies Development Plan Document, the London Plan and Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 17 'Planning for Open Space, Sport and Recreation'.

II. For the following reason: The proposed development would provide much needed smaller/more affordable housing units. Whilst the proposed development would have an impact upon the street scene and adjoining residential occupiers, this harm would not be prejudicial and the proposals would help to deliver the Borough vision of making Havering an inclusive place in which to live, work and visit.

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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- 2 The applicant should seek the advice of the Police Crime Prevention Design Advisor. The London Borough of Havering seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative, which is supported by the Home Office Crime Reduction and Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award. For additional information, please contact the Borough Crime Prevention Advisor through the London Borough of Havering Regulatory Services or Romford Police Station, 19 Main Road, Romford, RM1 3BJ. The services of the local Police CPDA are available free of charge.

It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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APPLICATION NO:	P1530.11	
WARD :	Romford Town	Date Received: 7th October 2011
ADDRESS:	4 Western Road Romford	
PROPOSAL:	Change of use of office for Learner Drivers to a Mini Cab Office Revised plans Received 29.11.2011	
DRAWING NO(S):	A01 A02 site location plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No call in.

SITE DESCRIPTION

The application site is located on the southern side of Western Road at the junction with Chandlers Way. The site is occupied by a three storey building with office accommodation on the upper floors. The ground floor of the building is presently vacant but was previously occupied by the British School of Motoring. The site includes the forecourt area which is accessed from Western Road and capable of providing parking for at least four cars.

The application site is located within the Romford office quarter of the town centre. The office quarter is characterised by buildings of varying height predominantly in office (B1) use. To the north of the site on the opposite side of Western Road is the retail core area of the town centre. The nearest residential properties to the site are located further along Western Road to the east in Halyards Court and to the south in Western Court off of Chandlers Way.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for a change of use of the ground floor of the building to form a mini cab office.

The proposed office would provide an operating base for mini cab operations, act as a control room and provide facilities for drivers. The front portion of the office would be set up as a customer waiting area with reception counter. The proposed office would open 24 hours a day seven days a week. The forecourt area of the site would provide staff parking for four cars.

RELEVANT HISTORY

None

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 75 adjoining occupiers with 8 letters of representation being received. 7 representations raise objection to the application on the basis that additional traffic will occur, parking problems, obstruction of access, highway and pedestrian safety. 1 letter of

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support was received.

The Council's Environmental Health department have requested that a condition be imposed in the event that the application is approved concerning sound insulation.

The Borough's CPDA has raised concern about the application in view of the location in a hot spot area for crime and disorder. Further concern is raised about the potential conflict between mini cab vehicles and pedestrians at the junction with South Street going to and from the railway station

The Highways Authority raise no objections to the application, provided that neither the forecourt fronting the building or the highway contained in the bus lane are used for the purposes for private hire.

RELEVANT POLICIES

Policy ROM13 of the Romford Area Action Plan Development Plan Document

Policies DC32, DC33, DC55, DC61 and DC63 of the Development Control Policies Development Plan Document

STAFF COMMENTS

The issues in relation to this proposal are the principle of development; impact upon amenity; crime prevention and highways/parking implications.

Principle of Development

The application site is located within a part of the town centre identified in the Romford Area Action Plan as the Romford office quarter. Policy ROM13 outlines that within the office quarter proposals to increase office accommodation will be encouraged. The policy also encourages the redevelopment of existing sites to a higher density to enable the provision of both residential accommodation and some Class A3 uses provided that there is no net loss of office accommodation.

In this case the subject building has office accommodation (Class B1) to the upper floors. The ground floor of the building has previously been a building society and most recently a British School of Motoring office (Class A2). The proposed use of the building as a mini cab office does not fall within a particular use class and as such it could be argued that the use is inappropriate within the office quarter. The proposal would also result in the loss of the existing Class A2 unit albeit it is presently vacant.

In reaching a view as to whether the proposal is acceptable in principle Members will wish to consider that the proposed use would display many characteristics similar to the previous office use. The proposal would provide an office area for the control of the proposed mini cab operation together with a rest area for drivers. The proposal would also have the potential to result in a similar level of activity to that of a Class A2 use in that the office would have a customer counter and waiting area. The proposal would also be capable of maintaining the existing shop front which would allow for views into the building and provide an active frontage to the unit.

Members will be aware that advice contained within PPS1 encourages Local Planning Authorities to actively ensure that vacant buildings are brought back into beneficial use to

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achieve the targets the Government has set for development on previously developed land. The proposal would also bring back into use a unit which has been vacant since August 2010.

Having regard to the above staff are of the view that the proposed use would not be harmful to the vitality and viability of the Romford office quarter or wider town centre. Staff are of the view that the proposed use would complement the daytime and evening economy of Romford by providing a service for shoppers, workers and customers of pubs, clubs and restaurants.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would involve no alterations to the external appearance of the building and would therefore pose no adverse or detrimental issues to the character of the street scene. Any changes to the shop front or advertisements would be assessed by a separate application(s).

IMPACT ON AMENITY

The proposed mini cab office would provide a base for drivers, a control centre and a counter for members of the public to call in. The applicant has advised that drivers would operate out of the proposed office but would not necessarily need to return to the site between passenger pick ups.

The nearest residential properties to the site are located further along Western Road to the east in Halyards Court and to the south in Western Court off of Chandlers Way. Nalyards Court is removed from the application site by a distance of 17 metres. The application site is located within the centre of Romford where there are a number of late night uses including public houses, restaurants and nightclubs. The proposal is for the mini cab office to open 24 hours a day seven days a week. The operation of the office during normal working hours is unlikely to give rise to harm to residential amenity.

In relation to noise and disturbance resulting from customers visiting the premises during the evening and late night period, Staff are of the view that this would be no greater than that presently created by people waiting for black cabs, night buses or walking along Western Road out of the town centre. The application site is located within the town centre, where residents would reasonably experience a different type of environment than a suburban housing area. The proposal has the potential to result in a reduction of noise and disturbance in the evening period by allowing late night customers of the pubs and nightclubs to return home more quickly and not congregate within the town centre, especially the bus stops within Western Road.

The proposed office would include an internal waiting area thereby containing any noise and disturbance within the building. Furthermore, although the applicant wishes to operate the premises 24 hours a day seven days a week, the number of customers would inevitably diminish after the customers of the pubs and nightclubs have dispersed. It should also be noted that not all customers would call at the office itself but may instead request to be picked up from a restaurant or other venue that they have attended.

In respect of the operation of the office during the early morning period staff are of the view that the number of customers is unlikely to be of such a significant number that harm to amenity would result. Having regard to the above staff are of the view that the proposed use would not result in unacceptable noise and disturbance to nearby residential occupiers.

HIGHWAY/PARKING

The proposed mini cab office would provide a base for drivers however drivers would not need to return to the office between pick ups unless a customer wished to be picked up from the site.

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Policy DC32 advises that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. The application site is located on a section of Western Road which is currently restricted by a traffic order. This allows only buses, cycles and taxis to pass along the section of Western Road between South Street and the junction with Grimshaw way. This order excludes private hire cars.

Representations received from the Highways Authority state that they have no objection to a private hire firm operating from within the building, but do not wish for private hire cars to use the forecourt for collection and drop off, as this would adversely conflict with Western Road.

This forecourt, which has space for 4 vehicles, would be used for Staff parking, which raises no highway objection. However, customers would need to be collected or dropped off from Chandlers Way or Grimshaw Way to the side and rear of the site. These are located outside of the traffic order and are subject to normal parking controls by way of double yellow lines.

As cars would be utilising this section of the highway, there could be concern that this could lead to localised congestion however, it is not intended that cars would wait or be held here for prolonged periods of time, and that there would therefore be a flowing level of traffic. In any event, there are double yellow lines in this location which would prohibit the parking of vehicles in this location.

The highway outside the site and along Chandlers Way is subject to a double yellow line at any time waiting restriction. Staff therefore consider that there are adequate parking controls which could be enforced if any parking, dropping off or picking up of customers took place on Western Road or within Chandlers Way outside the application site.

OTHER ISSUES

In the past certain areas of the town centre have been subject to high levels of anti social behaviour. The proposed mini cab office would bring a benefit in that it would contribute to crowd dispersal from the town centre's late night venues. The location of the site on one of the town centres main thoroughfares is such that it would benefit from good natural surveillance. Representations received from the Council's Crime Prevention Design Advisor recommend that that CCTV is installed inside and outside of the building. In the event that Members were minded to grant planning permission a planning condition could be imposed to require CCTV provision at the premises in the interests of community safety and crime prevention.

KEY ISSUES/CONCLUSIONS

In conclusion, Staff consider that a change of use to allow the operation of a private hire firm is acceptable. Although contrary to policy, the proposals would bring a prominently located vacant unit within the town centre back into use. Although a 24 hour use, it is not considered that there would be any adverse harm to neighbouring amenity given its town centre location, largely office based activity and distance to neighbouring residential units.

With regard to parking, Members may apply judgement with regard to the highway restrictions on Western Road and the potential knock on for traffic into Chandlers Way and Grimshaw Way. However, Staff are of the opinion that given the existing parking restrictions in this location, where Highways have stated that they have no objection to drop off or collection, this would not result in an unacceptable impact on surrounding streets.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC32 (Accordance with plans)
3. Non standard condition
No vehicle is to be used for the purposes of private hire from the forecourt of the premises hereby granted planning permission or from any section of the highway restricted by order for the uses of Buses, Cycles, Hackney Carriages and for access.

Reason:-

To ensure the effect on the Town Centre Prescribed Routes Order(s) is not compromised by development contrary to the generality of DC32.

4. Non standard condition
A scheme showing the details of CCTV to be installed for the safety of Staff and customers and the prevention and detection of crime throughout the development hereby permitted, shall be submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied before the scheme is carried out as agreed. Thereafter, the scheme shall be permanently retained.

Reason:-

In the interests of creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1 and PPS3.

- 3 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document. Other material considerations namely the bring back into use of a vacant unit, with similar commercial characteristics would have to the viability and vitality of this part of the town centre to justify exception in this case to the strict application of ROM13 of the Romfrod Area Action Plan.

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:	P1578.11	
WARD :	Brooklands	Date Received: 19th October 2011
ADDRESS:	143 Crow Lane Romford	
PROPOSAL:	Change of use from storing, sorting, handling & processing of scrap metal to B1/B8. revised plans received 2/2	
DRAWING NO(S):	Site Layout (2812 PL02A) Site Plan (2812 PL01A) Elevations (2812 PL03-1) Design and Access Statement Elevations (2812 PL03-2)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site, which is primarily located to the rear of No.143 Crow Lane, comprises land and buildings being used as a scrap yard. The site access, which is taken from the southern side of Crow Lane, passes by the side of 143 Crow Lane, which is a former dwelling that appears to be used as a beauty salon and site office. The scrap metal storage, sorting, and processing operations take place to the rear of the afore mentioned building within an open yard and a flat-roofed brick building running along the site's southern and western boundaries. The yard is occupied by metal containers of various sizes, along with a fork-lift truck. The processing of metals, which includes the stripping, compacting, and bailing of copper, bronze, aluminium, stainless steel, and other metals, takes place within the buildings.

The scrap metals are brought to the site by contractors and members of the public, and are processed, stored, and then transferred off site. The site also includes a public weighbridge.

The site's northern boundary abuts the public highway and the rear of No.143 Crow Lane. The western and eastern boundaries lie adjacent to neighbouring residential properties, whilst the southern boundary abuts a golf course. The area is characterised by a mixture of commercial and residential properties located along Crow Lane.

The site is located in the Green Belt and on land designated as Thames Chase Community Forest.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of the site for B1/B8 use. Ultimately, this would result in the conversion of the buildings at the site, although the required works are understood to be of a generally superficial nature, and would need to be the subject of a future planning application.

The existing buildings would be retained and would be subject to some operational development in the future to make them more suitable for B1/B8 uses. The existing access would be retained, whilst the yard would be used as a parking area, with the existing weighbridge being removed.

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This application is related to a separate submission (reference P0962.11) being considered by the Council, to move the existing scrap metal business and weighbridge to the former Premier Motors site at the junction between Crow Lane and Jutsums Lane.

RELEVANT HISTORY

There are no previous planning decisions of particular relevance to this application. However, the Council is currently considering a related planning application intended to move the existing scrap metal business to the former Premier Motors site.

P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges - Under consideration.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 15 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. Four representations have been received from local residents supporting the proposal for the following reasons:

- i) The existing site is too confined and results in amenity and traffic impacts;
- ii) Moving the scrap metal use to more appropriate premises would have a beneficial impact on local amenity;
- iii) The proposal would improve the site and therefore be beneficial to the Green Belt;
- iv) The existing site is an eyesore that diminishes the amenity of local residents.

Comments have been received from the following consultees:

Highways - No objections.

Thames Water - No objections.

London Fire Brigade - No objections.

Secured by Design Advisor - No objections.

RELEVANT POLICIES

The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC22 - Thames Chase Community Forest

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC55 - Noise

DC61 - Urban Design

DC63 - Delivering Safer Places

National Planning Guidance

PPG2 - Green Belts

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STAFF COMMENTS

The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and highway considerations.

PRINCIPLE OF DEVELOPMENT

The site is located on land designated as Thames Chase Community Forest. Policy DC22 of the LDF states that opportunities for informal recreation in the countryside will be increased by various means. As the site is already developed and has no capacity for incorporating any of the schemes referred to, then it is considered that the proposal would not be contrary to Policy DC22.

The proposed development would take place within the Green Belt. Policy DC45 of the LDF states that planning permission for the reuse of existing buildings will only be granted if the criteria set out in PPG2 is satisfied, and that particular care will be taken to ensure a proposal would not have a greater impact on the openness of the Green Belt.

In terms of the guidance contained in PPG2, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and 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 (PPG2, paragraph 3.2).

In terms of Green Belt policy, the application proposes the re-use of an existing building and the material change of use of land associated with it, including the yard and access.

Although no physical changes are proposed to the buildings as part of this planning application, it is anticipated that physical changes would be sought in the future and the applicant is aware that planning permission would be required. Paragraph 3.8 of PPG2 states that the re-use of buildings in the Green Belt is not inappropriate development providing that it does not have a materially greater impact on the openness of the Green Belt than the present use; that strict control is exercised over the extension of re-used buildings; that the buildings to be re-used are of permanent and substantial construction and capable of conversion without major or complete reconstruction; and that the form, bulk and general design of the buildings are in keeping with their general surroundings.

The existing use involves the storage of numerous metal containers and scrap metal outdoors. Should planning permission be granted, then a condition could be imposed preventing the storage of plant or material in the open air. Furthermore, the application does not propose the extension of the existing buildings. It is therefore considered that the proposal would result in an

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improvement to the openness of the Green Belt compared to the present use. The existing buildings are considered to be of substantial and permanent construction and capable of conversion without major or complete reconstruction. Information submitted by the applicant states that only superficial changes would be required to modify the buildings, such as changes to the cladding, which would be the subject of a future planning application. As the buildings on site would generally remain as existing in terms of their scale, it is considered that the proposal would not result in the buildings being out of keeping with the surrounding landscape.

Paragraph 3.12 of PPG2 states that material changes in the use of land, constitute inappropriate development in the Green Belt except where they maintain openness and do not conflict with the purposes of including land in the Green Belt. It is considered that the proposed change of use relating to the yard and access would benefit the openness of the Green Belt as a condition could be employed, should planning permission be granted, requiring the removal of the containers, waste and equipment within the yard, and preventing any outdoor storage in future.

It is therefore considered that the proposed development would not constitute inappropriate development in the Green Belt and that it is therefore acceptable in principle, having had regard to Policy DC45 of the LDF and the guidance contained in PPG2.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located within the Green Belt.

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.

As discussed, the proposed re-use of the buildings at the site would not result in any significant changes to their overall height, bulk and massing. The external changes required would be relatively superficial and would, if necessary, be the subject of a future planning application. The Local Planning Authority can therefore ensure that any changes that do occur, such as the insertion of new openings, or changes to the exterior materials, will be acceptable in terms of the visual amenities of the Green Belt and the impact on the character of the area. Moreover, a condition can be imposed, should planning permission be granted, requiring the removal of the containers, waste, and plant stored in the yard, and preventing outdoor storage in future. A further condition requiring the submission of details relating to the boundary treatment would ensure the removal of some of the existing boundary treatment, the height, design and materials of which are unsightly.

Details have not been submitted in relation to the storage of refuse and recycling; a condition can be imposed requiring the submission of these details for the approval of the LPA. It is recommended that a further condition be imposed removing permitted development rights as Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows for extensions and alterations to warehouse buildings. It is considered that the approval of the Council should be sought for any future extensions or alterations to protect the visual amenities of the Green Belt and the local area.

Given the nature of the proposal, in particular the proposed height, bulk, and massing of the re-used building, and the ability of the LPA to control any likely operational development in future, it is considered that it would not have a significant adverse impact on the visual amenities of the

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Green Belt or the character of the area. Moreover, there would be an improvement to visual amenity through the prevention of storage in the open air and an improvement to the boundary treatment. It is therefore considered that the proposal would be in accordance with Policy DC61 of the LDF and the guidance contained in PPG2, subject to the use of the afore mentioned conditions.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The site is located in very close proximity to sensitive land uses, including the two neighbouring land uses, which are residential properties. It is considered that the proposed B1/B8 uses would result in an improvement to the amenity of local occupiers. The current use involves noisy activities such as the depositing of scrap metal in metal containers within the yard, and the movement of metal containers within the yard. The site generates a significant number of vehicle movements, not only smaller vehicles but HGVs, some of which visit the site to make use of the weighbridge.

As discussed, this proposal is related to a separate application to move the existing scrap metals business and weighbridge to the former Premier Motors Site. A condition can be imposed to prevent the future storage of containers, plant, and material in the yard, which would ensure that the bulk of activities would occur within the buildings. A condition could also be imposed requiring the removal of the weighbridge. These conditions would ensure that, should the consent be implemented, that significantly less activity would occur in the yard in future than is presently the case. The intensity of the site's use would diminish, and B1/B8 uses are generally, by their nature, less harmful to amenity than scrap metal uses. Conditions could also be imposed restricting the operating hours, where there are currently no restrictions, and requiring the submission of details relating to the site's boundary treatment. Currently, the site is bounded by high fencing, the removal of which would be beneficial to the outlook of neighbouring occupiers. It is recommended that a further condition be imposed removing permitted development rights as Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows for extensions and alterations to warehouse buildings. It is considered that the approval of the Council should be sought for any future extensions or alterations to protect the amenity of neighbouring occupiers.

Subject to the use of the afore mentioned conditions, it is considered that the proposed change of use would result in a significant improvement on the amenity of neighbouring occupiers, and the proposal would therefore be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

Policy DC33 of the LDF stipulates the parking requirements for new development in the borough. Annex 5 of the LDF states that for B1 uses, 1 space for every 100sqm of floor area should be provided, which in this case would amount to a requirement for 4 parking spaces. However, this requirement is a maximum number; there are no minimum requirements for car parking in this case. The parking requirements for B8 uses are for a minimum of 1 lorry parking space. The submitted plans do not indicate the proposed parking spaces, although it is stated that parking would take place in the yard. It is considered that the four car parking spaces could be provided within the yard. Whilst there is room for a lorry parking space, there is no manoeuvring space for such a vehicle meaning reversing into the site from the highway or vice versa would be necessary.

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The Highway Authority was consulted about this application and raised no objections on the basis that the proposed use would be likely to have less of an impact on the highway than the existing use in terms of vehicle movements, and no objections have been raised in relation to parking.

It is considered that, whilst vehicle parking at the site would not be ideal, and a lorry parking space could not be provided without the need to reverse into the highway, as the proposal would be an improvement over the existing use, it is considered to be acceptable.

Cycle parking spaces can be required by means of a planning condition.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC55, DC61, and DC63 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. S SC32 (Accordance with plans)

2. M SC13 (Screen fencing)

No development shall take place until details of the proposed boundary treatment between the site and the surrounding properties, including along the access route have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposed dwellings being occupied.

Reason:-

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

4. SC4 (Time limit) 3yrs

10. SC22 (Hours of operation) ENTER DETAILS

The operating hours of any B1 or B8 uses shall be limited to the hours 0800-1800hrs Monday-Friday, 0900-1300hrs Saturdays, with no operations on Sundays, Bank, or Public holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Non standard condition

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

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Reason:-

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

6. Non standard condition

Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of bicycles for use by staff, according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

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

7. Non standard condition

Prior to the development hereby approved being brought into use, the weighbridge located within the yard shall be removed and the ground re-surfaced to match the remainder of the yard. The resultant materials/equipment shall be permanently removed from the site.

Reason:-

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

8. Non standard condition

Prior to the commencement of the development hereby approved, all plant, containers and material associated with the scrap yard business shall be removed from the yard. Thereafter, the outside areas of the site shall not be used for the storage of plant, containers or material.

Reason:-

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

9. Non standard condition

Notwithstanding the provisions of Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), extensions or other alterations to the approved building shall not be undertaken without the prior written approval of the Local Planning Authority.

Reason:-

In the interests of the amenity of neighbouring occupiers, the character of the area, and the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC45 and DC61.

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4 INFORMATIVE:

Reason for Approval:

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives and provisions of the Residential Design SPD and Policies DC22, DC33, DC45, DC55, DC61, and 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.
