

REGULATORY SERVICES COMMITTEE
15th December 2011
WITHIN STATUTORY PERIOD

APPLICATION NO:	P1525.11	
WARD :	South Hornchurch	Date Received: 6th October 2011
ADDRESS:	Beam Reach Business Park Consul Avenue Rainham	
PROPOSAL:	Erection of VMU comprising 1875 SQM (GEA). This is in connection with extant permission U0007.10 which was permitted on 12/1/11. This proposal seeks to replace the extant VMU	
DRAWING NO(S):	P100 P102 P103 P101 76631/2400 Rev A Design and Access Statement	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site comprises an area of open land within the Beam Reach Business Park in Rainham, located to the east of Marsh Way. The site was formerly part of Ford's Dagenham plant and is located within an area of land benefitting from planning permission for the development of a large scale distribution centre and other development (Ref: U0007.10), which is in the process of being implemented. The site's northern boundary lies adjacent to Consul Avenue; the western boundary abuts Marsh Way; whilst the eastern and southern boundaries lie adjacent to a highway connecting Consul Avenue and Marsh Way.

The site is located on land designated as a Strategic Industrial Location, and is located in the Flood Plain as defined by Havering's Strategic Flood Risk Assessment. Part of the site's southern extent is located in the Channel Tunnel rail link safeguarding area. A Borough Site of Nature Conservation Importance is located to the east of the site, beyond the public highway.

DESCRIPTION OF PROPOSAL

This planning application proposes the erection of a Vehicle Maintenance Unit (VMU) in association with the regional distribution centre being developed on the western side of Marsh Way (planning permission U0007.10) The proposal is intended to provide a maintenance and repair facility for Tesco's HGV vehicles. The proposed drive-through building would be 1875sqm in area and would have a maximum height of approximately 10.3m. The proposal would involve the creation of space internally for a vehicle maintenance area along with ancillary office and welfare accommodation. External works would include the construction of an under chassis steam clean facility, an area of hardstanding for the manoeuvring and parking of HGVs, and the erection of security fencing.

RELEVANT HISTORY

The site previously formed part of the Dagenham Ford plant. The previous planning decision of most relevance to this application is:

U0007.10 - Full application for B8 Regional Distribution Centre and ancillary accommodation

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(42,000sqm)associated vehicle maintenance unit (1795 sq.m) processing facility (10635 sqm) and associated works. outline application for four B1C, B2 and B8 units.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 30 neighbouring properties. No representations have been received.

Comments have been received from the following consultees:

Environment Agency - No comments received. Members will be provided with an update at Planning Committee.

GLA - No comments received. Members will be provided with an update at Committee.

Essex and Suffolk Water - No objections.

Thames Water - No objections.

Environmental Health - No objections; conditions recommended relating to the control of noise and the restriction of construction operations.

London Fire Brigade - No objections; requirements for fire hydrants stated.

RELEVANT POLICIES

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

CP10 - Sustainable Transport

DC9 - Strategic Industrial Locations

DC33 - Car Parking

DC37 - Safeguarding

DC61 - Urban Design

DC63 - Delivering Safer Places

SSA9 - Channel Tunnel Rail Link

STAFF COMMENTS

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

The proposed VMU is intended as a replacement for a previously approved, but smaller VMU located to the west of the site alongside the approved distribution centre (planning permission U0007.10) The approved VMU is considered by the applicant to be too small and the applicant therefore intends to replace it with the proposal under consideration. Planning permission U0007.10 was accompanied by a Section 106 agreement containing various obligations. Whilst the proposal under consideration has a separate red-line area to U0007.10, as none of the obligations within the legal agreement relate specifically to the development of the VMU, it is not considered necessary to amend the agreement should planning permission be granted for the new VMU. Moreover, given the nature of the surrounding area, which comprises of various large-scale industrial and distribution buildings, it is not considered necessary to seek a new legal agreement to prevent the construction of the originally approved VMU, should planning consent be granted in this instance.

PRINCIPLE OF DEVELOPMENT

A small area of land at the southern end of the site is designated as a safeguarding area for the Channel Tunnel Rail Link, in accordance with Policy DC37 of the LDF. However, Policy DC37 only safeguards land in use for transport or transport supporting uses and therefore does not apply in this case.

Policy DC9 of the LDF states that advanced manufacturing uses will be prioritised within the Beam Reach Business Park along with other B1 (b)/(c) and B2 uses that provide a similar quality and intensity of employment and a high standard of design. The proposed VMU is intended to provide a maintenance and repair facility for Tesco HGVs using the neighbouring distribution centre, to replace an approved VMU within the wider site.

Given that a VMU, which the proposal will be built in place of, has already been approved within the wider Beam Reach Business Park and that the proposal would be ancillary to the approved distribution centre, the proposed development is 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.

The site is located within an existing industrial area characterised by large scale industrial and distribution buildings. The proposal would comprise a portal frame building clad with panels in Merlin Grey colouring. The VMU and its yard would be enclosed by a 3m high galvanised steel weld mesh security fence.

The landscaping approved as part of planning permission U0007.10 will be implemented and is unaffected by the proposal.

Given the nature of the proposal, including its siting, scale, and design, it is considered that the proposal would not have any significant adverse impacts on the character of the area and that it would therefore not be contrary to Policy DC61 of the LDF.

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. Given the nature of the proposal, including its siting, design, and scale, it is considered that it would not result in any significant adverse impacts on local amenity and that the proposal would be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

The site is located within an existing industrial area, and the Beam Reach Business Park has been developed with road infrastructure capable of accommodating HGV traffic. A condition can be imposed requiring the submission of details relating to the storage of bicycles, to provide staff with appropriate facilities for cycling to and from work. It is considered that the proposal would not result in any significant adverse impacts on highway safety or amenity.

OTHER ISSUES

The site is located in the Flood Plain and on land that may be contaminated. The Flood Risk Assessment and land contamination study submitted with planning application U0007.10 has been re-submitted in this case and is under consideration by the Environment Agency. No comments have been received from the Environment Agency; officers will provide an update to

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Members at Planning Committee.

The London Fire Brigade has stated that three new fire hydrants will be required as part of the proposed development. This is a building control rather than a planning matter and can be sought under separate legislation.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies CP10, DC9, DC33, DC37, DC61, and DC63 of the LDF, the guidance contained in the Site Specific Allocations DPD, and all other material considerations.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. M SC59 (Cycle Storage)
- 1 Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP10, DC9, DC33, DC37, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document, and Policy SSA9 of the Site Specific Allocations 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.

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APPLICATION NO:	P1557.11	
WARD :	Mawneys	Date Received: 26th October 2011
ADDRESS:	311-313 Collier Row Lane Collier Row Romford	
PROPOSAL:	Demolition of existing commercial building and construction of a commercial unit on the ground floor with A3 use and 3x2 bedroom flats on the first and second floors	
DRAWING NO(S):	2482_P41 2482_P42 2482_P44 2482_P45 2482_P46 2482_P47 2482_P48 2482_P49 2482_P50 2482_P51 2482_P53	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

That planning permission is granted subject to conditions.

SITE DESCRIPTION

The former single storey detached vacant building that was previously used as a DIY retail shop has been demolished. The surrounding area is characterised by two storey commercial premises and forms part of the Fringe Area of the Collier Row Minor District Centre.

DESCRIPTION OF PROPOSAL

The application seeks permission for the demolition of the existing commercial building and construction of a part two and a half, part three storey building with a commercial unit on the ground floor to be used for A3 purposes in the form of one larger or two smaller units and three, two bedroom flats on the first and second floors. Flat 1 is located on the first and second floors, Flat 2 on the first floor and Flat 3 on the second floor with a side entrance.

The development would measure 11.9 metres in width by 17.3 metres in depth. The building would have a minimum and maximum height of 9.8 and 10.5 metres respectively. There would be two car parking spaces to the front. The proposed building has a half hipped roof with a three storey front projection with a gabled roof. Two shopfronts are provided to the front elevation of the building. Any signage displayed on these shopfronts would be subject to a separate application for Advertisement Consent.

RELEVANT HISTORY

118/60 Shop front - Approved

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P0448.93 New shopfront - Approved

P0678.09 - Change of use - pre-school to cater for up to 40 children in the morning and 40 in the afternoon - Refused.

P0410.10 Demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1, A2, A3 & A5 use and 3 x 2 bedroom flats to the first and second floors Refused Appeal dismissed.

P0930.10 - Demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1 and A2 use and 3 x 2 bedroom flats to the first and second floors Approved.

CONSULTATIONS/REPRESENTATIONS

The occupiers of 42 neighbouring properties were notified of this proposal. One letter of objection containing a petition was received with 18 signatures. One letter of objection containing a petition was received with 11 signatures. Four letters of objection were received with detailed comments that have been summarised as follows:

- Would prefer the units at ground floor to be used as offices instead of retail units.
- There are sufficient numbers of restaurants and takeaways in the vicinity.
- The A3 use would jeopardise the viability of other takeaway businesses.
- Would not be appropriate to have a restaurant or takeaway adjacent to a funeral parlour.
- Anti-social behaviour.
- Car parking, traffic and highway safety.
- Traffic and fumes.
- Noise and disturbance.
- An opening hours condition should be placed if minded to grant planning permission.
- There is little difference between this application and the previous application, P0410.10. An A3 use will still cause the same problems.
- Opening hours.
- There are empty shops in Collier Row which could be utilised instead.
- Would prefer residential accommodation on the site as opposed to commercial or retail use.
- The site could be utilised as a Police station.
- Loss of privacy.
- Smells.
- Waste.
- Extra lighting.
- The level of consultation was insufficient.
- The use of the premises as a restaurant.
- Vehicles currently park on the forecourt of 309 Collier Row Lane and this would be exacerbated by the proposed development.
- No objection to the flats.

Environmental Health - Recommend conditions if minded to grant planning permission.

Crime Prevention Design Advisor The proposed change of use to A3 raises no material community safety concerns as long as the hours of opening remain 08:00 to 21:00 Monday to Sunday. There are reservations with regard to the position of the communal entrance to the flats from a crime prevention point of view but it is understood that the drawings are unchanged from the approved application P0930.10. Recommends a condition and informative if minded to grant planning permission.

The Highway Authority objects to the proposals due to insufficient off street parking provision. The Highway Authority is aware of the position of the development in the Collier Row District

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Centre but feel that a total of two spaces for a commercial unit(s) with 3 x 2 bedroom flats above are not sufficient for a development of this type. We would require between 1.5-1 spaces per unit for the residential units alone.

London Fire and Emergency Planning Authority - The Brigade is satisfied with the proposals.

StreetCare Department Waste from the business and the flats should be segregated. If minded to grant planning permission, a storage of refuse condition could be placed.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to residential and subdivision of residential uses), DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Residential Design Supplementary Planning Document.

The London Plan (Spatial Development Strategy for Greater London) is also a further material consideration.

PPS1 'Delivering Sustainable Development'
PPS3 'Housing'

STAFF COMMENTS

This proposal follows two previous planning applications, P0410.10 and P0930.10. Application P0410.10 sought permission for the demolition of the existing commercial building and the construction of a commercial/retail unit on the ground floor with A1, A2, A3 & A5 use and 3 x 2 bedroom flats to the first and second floors, which was refused for the following reasons.

1. The proposal would by reason of its A3 and A5 use, opening hours and lack of on site parking result in noise and disturbance caused by customers entering and leaving the premises and vehicles parking and manoeuvring on street, particularly during the evening hours of operation to the detriment of the amenities of the occupiers of nearby residential properties and the future occupiers of the flats, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.

2. The proposed development would, by reason of the inadequate on site car parking provision and likely waste arrangements, result in unacceptable parking overspill onto the adjoining roads and adverse highway conditions arising from short term drop off and congestion to the detriment of highway safety and residential amenity contrary to Policies DC33 and DC61 of the LDF Development Control Policies DPD.

Application P0410.10 was subsequently dismissed at appeal (reference 2112). The Planning Inspector stated that the town centre character differs from that of the northern peripheral section of Collier Row Lane, where the appeal site lies. Taking into account the nature of the existing commercial uses along Collier Row Lane juxtaposed, with the long established residential development, the Planning Inspector took the view that the introduction of the proposed A3 and A5 uses would cause an unacceptable conflict between the two types of development, in respect of the effect on residents in relation to noise and disturbance generated by the proposed uses particularly late into the evening.

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In terms of highway safety, the Planning Inspector stated that diners using a restaurant are more likely to linger at the premises for some time and therefore are more likely to take advantage of parking facilities in the wider locality, in this instance, the Council car park, the side roads and the legal parking available on Collier Row Lane. However, the A5 use is likely to generate short stay car parking for customers. The Planning Inspector stated that the proposed takeaway would potentially cause traffic congestion close to a busy road junction, which would create an unacceptable hazard to road users and pedestrians alike, thereby harming highway safety.

Planning permission was subsequently granted for the demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1 and A2 use and 3 x 2 bedroom flats to the first and second floors under application P0930.10.

In this instance, the proposed building works are the same as those approved under application P0930.10. This application seeks consent to change the use of the ground floor.

The current application, P1557.11, differs from the earlier refused scheme, P0410.10, in the following key areas:

- The unit at ground floor would be A3 use. (Application P0410.10 sought A1, A2, A3 and A5 use).
- The proposed opening hours are 08:00 to 21:00 every day including Sundays and Bank Holidays. (The opening hours for P0410.10 were 11:00 to 23:30, but during the appeal these were changed to 09:00 to 23:00 Monday to Saturday and 10:00 to 23:00 Sundays and Bank Holidays).

PRINCIPLE OF DEVELOPMENT

The subject site is located within Collier Row Minor District Centre where Policy DC16 sets out a presumption in favour of retail development (A1) at ground floor level.

Policy DC16 states that planning permission for non retail uses in fringe areas will be granted at ground floor level provided that the use:

- " Has an active frontage
- " Is open during shopping hours
- " Would not significantly harm the character, function and vitality and viability of the centre.

It is considered that an A3 use would be acceptable in principle providing it meets the above criteria.

Government guidance also encourages a mixture of uses within town centres, which can assist in creating vitality, diversity and a reduction in the need to travel. There is, therefore, general support for the principle of providing additional residential units in the town centre. Indeed, Council policy supports the principle of residential development above existing ground floor commercial development.

In land use terms therefore, a mixed use scheme comprising commercial and residential uses is considered to be acceptable.

DENSITY/SITE LAYOUT

The site is located within a Public Transport Accessibility Level Zone (PTAL) of 1-2, as defined by Policy DC2 on Housing Density, within the fringe of a minor local centre with a bus service close to the site. Within this zone and part of the borough housing density of between 30-50 units per hectare is anticipated. The site identified comprises an area of 0.0415 hectares and the

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proposal would produce a density of 72 dwellings per hectare, which is outside of the range identified. Members will be aware however that higher density development can be acceptable providing that a high quality of design and layout is attained. This is appraised below.

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.

In this instance, Flats 1 and 2 have approximately 38 and 28 square metres of amenity space respectively in the form of external terraces. Flat 3 has approximately 10 square metres of amenity space in the form of a balcony area. The first floor terrace areas would be enveloped by a parapet wall and frosted glass balustrade on their perimeters to provide privacy for the future residents but also to provide a screen from the adjacent industrial buildings. The second floor balcony has a higher level solid balustrade, to prevent undue overlooking of the external terraces at first floor level. In amenity terms, given the town centre location of the site and the 'above the shop' nature of the flats, it is considered that the space proposed is of a good quality and no objections are raised in this regard.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. The site is located between detached, two storey buildings. In street scene terms, the provision of a part two and a half, part three storey building is considered to be acceptable. It is noted that the front building line for No.'s 309, 311-313 and 315 Collier Row Lane is staggered and the proposal respects this. The proposed half hipped roof minimises bulk and the three storey gable roof feature with quoining detail provides an articulated elevation. Collier Row Lane slopes downhill from North to South and the proposal has been designed to maximise the flexibility offered by this. It is considered that the height of the building is acceptable and would appear in character with neighbouring properties. The impact of the proposal on the streetscene was considered previously when determining the previous permission P0930.10 and was found to be acceptable.

IMPACT ON AMENITY

No. 315 Collier Row Lane is occupied by 'Raymond Lee Hair Designers' at ground floor. 'Sure Slim Wellness' clinic is located on the first floor, which has a first floor flank window that serves a reception area and is a primary light source, although this is not a habitable room. There are first floor flank windows towards the rear of No. 315, which serve offices and are obscure glazed. Also, the clinic has five roof lights which serve an office, a corridor and a store room. It is considered that the proposal would not result in a loss of amenity to No. 315 given the commercial use of the property.

No. 309 Collier Row Lane comprises of 'Harold Wood Funeral Services' on the ground floor, which has a courtyard garden to the rear and does not have any flank windows. No. 309A Collier Row Lane is a first floor flat with a first floor window on the rear facade, which serves a bedroom and is a primary light source. No. 309A has a first floor flank window which serves a kitchen and is a secondary light source, as there is another window on the opposite flank. It is considered

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that the proposal would not result in a significant loss of amenity to No. 309A. It is considered that a 1.7m high matt frosted glass balustrade on the perimeter of the first floor terrace area would mitigate any over/interlooking between the properties. The proposal does not feature any flank windows. The impact of the replacement building on neighbouring properties in terms of its built form including its siting and size, was considered previously when determining the previous permission P0930.10 and was found to be acceptable.

It is considered that the extraction flue would not be harmful to residential amenity, as it would be located 3.5 metres from the rear of the property. If granted planning permission, conditions from Environmental Health will be placed in respect of noise and smell for the extraction flue.

The impact on residential properties is of concern when determining a planning application for A3 use. A judgement is made in each case as to the extent and proximity of any nearby residential dwellings and whether there is any likelihood of unreasonable nuisance through smells, fumes, noise and hours of operation.

The appeal for P0410.10 was dismissed and the Planning Inspector placed a greater emphasis on the A5 use having a greater impact on neighbouring amenity due to greater pedestrian and vehicular movements into the evening, than an A3 use. In addition to vehicular movements, the Planning Inspector made reference to customers entering and leaving the premises and possibly lingering outside would also be a contributory factor to the effects of the proposal on the living conditions of nearby residents. The Planning Inspector was concerned that the A5 use would generate the need for short term parking, compared with diners at a restaurant taking advantage of local parking facilities and the Council's car park. With regard to evening activity, the opening hours for P0410.10 were 08:00 to 23:30, but during the appeal these were reduced to 23:00. The Planning Inspector appreciated that future occupiers of the proposed three flats would have a choice as to whether this were an environment in which they wished to live. The existing residents, particularly the flat above No. 309 Collier Row Lane, would not have that choice.

In this instance, it is considered that the removal of the A5 use combined with the shorter opening hours of 08:00 to 21:00 every day including Sundays and Bank Holidays have addressed previous concerns regarding the impact of the proposal on neighbouring amenity, although this is a matter of judgement for members. When considering the merits of this application, consideration was given to the Inspector's comments that diners using a restaurant are likely to linger at the premises for some time and therefore, are more likely to take advantage of parking facilities in the wider locality, including the Council the car park, the side roads and the legal parking available in Collier Row Lane. The proposed opening hours are the same as those approved under application P0930.10 for A1 and A2 use. The Crime Prevention Design Advisor has no objection to the proposal.

If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days and delivery times. There is a standard condition that can be used to ensure that the applicant provides a suitable waste management scheme for the site which seeks to protect the amenity of the occupiers of surrounding buildings and dwellings.

Overall, it is considered that removing the A5 use from the proposal has addressed the previous two reasons for refusal for P0410.10.

HIGHWAY/PARKING

In respect of parking, Policy DC33 seeks to ensure that the proposal provides adequate car parking on site. For the proposed ground floor unit(s), a maximum of 5 spaces are required if the

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unit(s) are put to retail (A1) or financial and professional services (A2) use. Parking provision at a range of 1.5-1 space per unit is anticipated for the proposed flats (4.5 to 3 spaces). The proposal makes provision for 2 off-street parking spaces in connection with the commercial use(s).

The level of provision proposed is considerably below that anticipated and the Highways Authority object to the scheme on this basis. The acceptability of the level of provision made for off-street car parking is a matter of judgement, given the maximum nature of the standards. In light of the town centre location of the site (enabling easy access to services and facilities), the bus stop opposite the site from which a number of bus routes operate, the existence of a pay and display car park to the rear of Tesco, which is opposite the site and the current parking restrictions between 8am - 6.30pm Monday to Saturday on Collier Row Lane together with footway parking in Moorlands Close, Staff consider that it would unreasonable to require a greater degree of off-street parking on the site, which is limited in its size. In order to make the best use of land, some compromise can be required and the compromise here is in relation to car parking. Indeed, in choosing whether to purchase/rent a property in such a location, potential occupants would be aware of the lack of car parking facilities prior to occupation.

The Planning Inspector was concerned that the A5 use would generate the need for short term parking, compared with diners at a restaurant taking advantage of local parking facilities and the Council's car park. Staff are of the view that the removal of the A5 takeaway use has addressed previous concerns regarding highway safety.

Servicing for both the retail/commercial units and the flats would take place from Collier Row Lane and this is considered to be satisfactory. The forecourt in front of the unit would enable smaller delivery vehicles to pull up on it from the carriageway to service/delivery to the units/flats.

Provision is made for refuse storage to the front of the site. For application P0410.10, the Planning Inspector stated that the refuse bins would not be likely to be sufficient to accommodate the range of users of the building. However, there would be space behind the building in which additional bins could be located and any inadequacies in the scheme could be overcome by means of an appropriate planning condition. A scheme for the storage of refuse will be secured by condition if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

The proposal for the commercial unit at ground floor with A3 use is acceptable in principle having regard to Policy DC16. The proposed residential use of the site at first and second floor is acceptable in principle. The impact of the proposal on the streetscene was considered previously when determining the previous permission P0930.10 and was found to be acceptable. It is considered that the removal of the A5 takeaway use combined with the shorter opening hours of 08:00 to 21:00 every day including Sundays and Bank Holidays have addressed previous concerns regarding the impact of the proposal on neighbouring amenity and highway safety, although this is a matter of judgement for members.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)

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3. SC46 (Standard flank window condition)
4. M SC11 (Landscaping)
5. M SC09 (Materials)
6. M SC59 (Cycle Storage)
7. S SC58 (Storage of refuse)
8. S SC06 (Parking provision)
9. M SC62 (Hours of construction)
10. Non standard condition
Prior to the commencement of the development, all details of boundary screening and screen walling shall be submitted to and agreed in writing by the Local Planning Authority 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 to prevent undue overlooking of adjoining properties.

11. Non standard condition
No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

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

12. Non standard condition
Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted 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.

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13. Non standard condition

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

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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.

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

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

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

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

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

14. Non standard condition

Before the uses commences, the commercial part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

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

15. Non standard condition

The flats shall be so constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 LnT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

16. Non standard condition

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

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

17. Non standard condition

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

18. Non standard condition

Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

19. Non standard condition

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 21:00 on Mondays to Sundays and Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

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Reason:-

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

- 20.** Non standard condition
Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be restricted to an eat in café or restaurant only and no takeaway facility (even if ancillary to the primary use) shall take place from the premises unless agreed in writing by the Local Planning Authority.

Reason:-

In the interests of highway safety and residential amenity.

- 21.** Non standard condition
No delivery service including food and drink shall take place from the premises unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of nearby premises and in the interests of highway safety.

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INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Design for Living Supplementary Planning Document and Policies CP1, CP2, CP17, DC2, DC3, DC4, DC16, DC33, DC35, DC36, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. In aiming to satisfy condition 12, the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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 is needed.

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APPLICATION NO:	P1606.11	
WARD :	South Hornchurch	Date Received: 27th October 2011
ADDRESS:	Council Depot Cherry Tree Lane Rainham	
PROPOSAL:	Demolition of council depot and erection of 3 terraced dwellings- Outline	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site comprises a large single-height building with parking to the rear, which was the Council's former Cherry Tree Lane Depot at No.120 Cherry Tree Lane. The site area is 0.08 hectares

The existing vehicular access to the site is currently to the rear, running behind (and shared with) the adjoining blocks of flats to the north before exiting onto Cherry Tree Lane between flat No's 164 and 170 Cherry Tree Lane.

There is a single pedestrian access directly onto Cherry Tree Lane. There are two small/medium trees and some shrubs to the Cherry Tree Lane frontage which are contained within a mainly grassed area. To the rear south-eastern corner of the application site is an electricity sub-station. This does not form part of the subject site.

The area is otherwise mainly residential in character with 2-storey terraces and semi-detached housing with 2-storey flats to the north of the application site fronting onto Cherry Tree Lane. To the rear of the site (east), separated by an access is a public park.

DESCRIPTION OF PROPOSAL

The applicants have submitted an application for Outline Planning Permission with Some Matters Reserved. Approval is being sought for Access, Appearance, Layout and Scale. Landscaping is a Reserved Matter.

The proposal is for the demolition of the existing building and the erection of 3 dwellings with off-street parking, which would be accessed from the rear lane and directly from Cherry Tree Lane. The proposed houses would each be 4-bedroom, 3-storey dwellings provided as a terrace.

The centre of the building will be setback from the rear edge of the highway by 7.8m and from the flank boundaries by 1.8 m (south) and 1.0 m (north). Each dwelling would be 5.5m wide and 10.1m in length. The terrace would have gables to the side elevations with a pitched roof with a ridge height of 9.2m above ground level.

Each dwelling would have a bay window at first and second floor, facing Cherry Tree Lane. The third floor of each dwelling will punctuate the rear roof space in the form of a dormer.

Each property would have a rear private garden and be provided with 2 parking spaces.

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The northernmost dwelling would be provided with two parking spaces to the rear, accessed via the rear lane. The centre dwelling and southernmost dwellings would each have one space provided from the rear and one directly from Cherry Tree Lane.

The application is similar in form and scale to that previously approved by the Council. The current proposal differs in that it;

- incorporates an additional storey on each dwelling, with a rear external dormer/loft, and skylight windows in the roof on the Cherry Tree Lane Frontage,
- provides an additional 190sq.m of floor area,
- is approximately 1.0m higher, and
- the overall building width is 2.0 wider on the southern side.

RELEVANT HISTORY

The site was previously utilised as a Council Depot. This use has ceased and the Council has since disposed of the site. There are a number of directly relevant planning decisions.

- Application P1689.10 was approved at the Council's Regulatory Services Committee on 24 March P1689.10 - Demolition of existing depot and erection of 3 houses with off street parking.

- An application (P1188.11) was lodged on 5 August 2011, Demolition of existing depot and erection of 8 flats. That application was refused under delegated authority on 30 September 2011 on the grounds of:

- Impact on the Streetscene
- Density and Lack of Amenity Space
- Parking Deficiency

An appeal has been lodged against the refusal.

CONSULTATIONS/REPRESENTATIONS

Twenty-eight neighbouring occupiers were notified of the proposal. No objections have been received.

The London Fire and Emergency Planning Authority has written to indicate that they are satisfied with the proposals.

The London Fire Brigade has written to indicate that they conclude that no additional fire hydrants are required and that, as a result, they have no further observations to make.

Thames Water has also written to advise that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. They also advise that they have no objection to the scheme in regard to sewerage infrastructure.

LBH Highways have not objected to the proposal.

RELEVANT POLICIES

RELEVANT POLICIES

LDF

CP1 - Housing Supply

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DC2 - Housing Mix and Density
DC3 - Housing Design and Layout
DC33 - Car Parking
DC61 - Urban Design
DC63 - Delivering Safer Places
SPD3 - Landscaping SPD
SPD4 - Residential Extensions & Alterations SPD
SPD9 - Residential Design SPD
OTHER
LONDON PLAN - 3.3 - Increasing housing supply
LONDON PLAN - 3.4 - Optimising housing potential
LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 3.8 - Housing choice
PPS3 - Housing

STAFF COMMENTS

The issues in this case are the principle of development, density, built form and impact in the streetscene, residential amenity, access and parking/highways.

PRINCIPLE OF DEVELOPMENT

The proposal is for three, 4-bedroom houses. Policy DC2 indicates that permission would normally be granted for residential uses within the existing urban area. The proposed redevelopment is on a formerly developed, or "brownfield" site.

Therefore the proposal for residential redevelopment of this site is acceptable in principle.

DENSITY/SITE LAYOUT

The proposal for 3 dwellings on the site represents a density of 37.5 units per hectare. The application complies with the standards outlined within the Council's Design for Living SPD, Development Control Policy DC2, and London Plan, that states it is appropriate for houses to be developed at a ratio of between 30-50 units per hectare.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Layout. The Council's SPD on Residential Design indicates that new development should exhibit the same road layout, set backs and form of development as the area around the proposed development. The surrounding area is of two-storey residential development with its frontage onto Cherry Tree Lane. There is a considerable staggered front between the properties which are closer to the highway to the south of the application site, than the more set back flatted block to the north.

The proposal would be for a terrace of three dwellings setback a similar distance as properties to the south of the application site. Although they would be located some distance forward of the flatted block to the north, this relationship is such that the area fronting onto Cherry Tree Lane is the "rear area" for the flats which are accessed from the east via the access road, rather than directly from Cherry Tree Lane. Since the small terrace would be more in character with properties to the south, it is considered reasonable that the set back is similar to these properties.

Building envelope

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It is considered that the proposed terrace would have an acceptable impact in the streetscene as it would have a similar form, roof design and height as the existing residential development. Gable ends, hipped roofs and bay windows are a common feature in the area

The application proposes a maximum height of the roof ridge of (9.34m). This is marginally taller than that previously approved (9.07m), it is considered that the additional height can be accommodated in the context of the surrounding streetscape.

The proposal does present a side gable end wall to the public realm when viewed from the north. The treatment of this side elevation, will be addressed through the use of selected face brick to ensure that a large blank wall is not presented to the street. A condition of approval is attached to requiring a suitable treatment to be agreed.

On-site Amenity Space

The terrace dwellings proposed are to be sited fronting onto Cherry Tree Lane. The rear elevation would be located at a depth between that of the residential properties to the south and the flats to the north. The SPD on Residential Extensions and Alterations indicates that rear extensions can be acceptable where they are more than 2m from the adjoining property and no more than 3m deep on two-storeys. In applying this to new build accommodation, the proposal would be located over 6m from the rear elevation of the properties to the south and Staff consider that the relationship would not result in any harm to the rear garden environment.

Each house would be provided with a rear garden area, all with access to direct sunlight. The rear gardens would be of differing sizes. The middle dwelling has 52 sq.m, northern dwelling 57 sq.m. and the southern having an area of 70 sq.m.

Staff therefore consider that the proposal would provide a reasonable level of amenity for the future occupiers.

IMPACT ON AMENITY

The nearest residential properties are the houses/flats at No.s 118 and 122 Cherry Tree Lane. In relation to the flatted block to the north, the proposed development would be located significantly forward of the flat's front windows. Staff consider that given the distance between the two buildings and that the proposed building would only marginally incur into a 45 degree line drawn from the corner of the nearest flat, that there would be no adverse impact on the outlook or amenity of these occupiers.

In relation to the property to the south, as indicated above, the rear wall of the new building would be set deeper into the application site than the semi-detached pair's own original rear elevation. Nonetheless, given the significant separation distance and that the proposed development would be located to the north of these properties. Staff consider that there would be no significant harm to these occupiers amenity.

There are small side windows in the flank elevations of the proposed building. These provide light to stairwells and toilets. A condition is recommended that flank windows be obscurely glazed.

HIGHWAY/PARKING

In this location, parking provision is expected to be 1.5 to 2 parking spaces per dwelling. The proposal would provide two parking spaces for each property which will accord with this

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requirement. The rear parking spaces are accessed via the retained maintenance access which links the highway to the electricity substation at the rear of the application site.

Suitable refuse and recycled materials storage and pedestrian visibility splays would be the subject of suitably worded conditions. There are no LBH Highways objections to this scheme.

OTHER ISSUES

Landscaping trees

A detailed landscape plan will be required to be submitted as part of the Reserved Matters application.

There are two trees at the site frontage which make a positive contribution to the street scene and will be retained. In order to ensure that they are not adversely affected by the development, their root protection areas would need to be protected during construction and a suitably-worded condition will be attached to any grant of planning permission.

Secure by Design

The Crime Prevention Design Advisor has no specific objections and has requested that a standard condition and informative addressing Secure by Design and Community Safety can be attached to any approval.

KEY ISSUES/CONCLUSIONS

The development of the site for the purposes of three dwellings has previously been agreed by Council, and principle of development for this purpose is established.

The application accords with relevant Council policies and the London Plan.

The proposed density, design, layout and access is considered acceptable (subject to conditions) and, the development would not have an adverse impact on residential amenity.

RECOMMENDATION

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

1. M SC01 (Approval of details)
2. S SC02 (Time limit for details) 3yrs
3. S SC03 (Time limit for commencement) 2yrs
4. S SC06 (Parking provision)
5. M SC09 (Materials)
6. M SC11 (Landscaping)
7. M 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 (6ft. 7ins.) high shall be erected on the rear and side boundaries, and shall be

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8. S SC32 (Accordance with plans)

9. S SC40 (Soundproofing)

The buildings shall be so constructed as to provide sound attenuation of not less than 45 DnT,WCtr d.B (A) against the internally generated 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.

10. SC46 (Standard flank window condition)

11. SC57 (Wheel washing)

12. S SC58 (Storage of refuse)

13. M SC59 (Cycle Storage)

14. M SC60 (Contaminated land)

15. M SC62 (Hours of construction)

16. M SC63 (Construction Methodology)

17. Non standard condition

No development shall take place (except for works to construct the access required by this condition) until vehicular/pedestrian/cycle access from the public highway has been provided in accordance with the approved plans.

Reason: In the interests of users of the public highway in accordance with Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.

18. Non standard condition

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site frontage

19. Non standard condition

The necessary agreement, notice or licence to enable the proposed alterations or additions 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,

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CP17 and DC61.

20. Non standard condition

Clear and unobstructed pedestrian visibility splays shall be provided to the satisfaction of the Local Planning Authority 2.1m wide and 2.1m deep either side of the new accesses onto Cherry Tree Lane. The approved splays lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

21. Non standard condition

Secure 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 can 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.

22. Non standard condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A,B,C,D, and E, no extensions or alterations or additions to the dwellings or their roofs nor any porches outside any door nor any outbuilding 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 to Local Planning Authority to retain control over future development.

3 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC37 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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- 4 Thames Water:Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
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