

Regulatory Services Committee

3 August 2017

Application No.	Ward	Address
A0012.17	Rainham & Wennington	Tesco Stores Ltd, Bridge Road, Rainham
P0306.17	Rainham & Wennington	Tesco Stores Ltd, Bridge Road, Rainham
P0645.17	Romford Town	14 South Street, Romford
P0732.17	Hylands	Rodwell House, 199-209 Hornchurch Road, Hornchurch
P0765.17	Mawneys	2 Hamlet road, Romford
P0796.17	Emerson Park	18 Tyle green, Hornchurch
P0813.17	Cranham	The Pavilion, Hall Lane Playing Fields
P0882.17	Rainham & Wennington	Farm House, East Hall Lane, Wennington
P0905.17	Upminster	Railway Sidings Caravan Site, Ockendon Rd, Nth Ockendon
P0938.17	Upminster	Warley 275kV Electricity Substation, Clay Tye Road, Warley
P0950.17	Upminster	Railway Sidings Caravan Site, Ockendon Rd, Nth Ockendon

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. A0012.17
WARD: Rainham & Wennington Date Received: 5th May 2017
Expiry Date: 31st July 2017
ADDRESS: Tesco Stores Ltd
Bridge Road
RAINHAM
PROPOSAL: Signage (in association with P0306.17)
DRAWING NO(S): B372-04
B372_IF_01 Rev !D
B272_IF Rev 1
B372-05 Rev A
B372-03
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application called-in to committee by Councillor Tucker on the grounds that a very similar proposal has previously been refused and that if permitted to go ahead the development would have a major impact on the Rainham Village community shopping centre.

SITE DESCRIPTION

The application site comprises a large Tesco superstore building and associated surface car parking areas. It is located on Bridge Road, Rainham and is bounded by Viking Way to the south, Bridge Street to the west, a recreation ground to the east and the Ingrebourne River to the north.

The site is within the Rainham Minor District Centre and as such the surrounding area is characterised by predominantly town centre commercial uses. The nearest residential properties are located in excess of 100m away.

DESCRIPTION OF PROPOSAL

The proposal is for new signage on a proposed pod to accommodate dry cleaning, key cutting, shoe & watch repairs on the Tesco site. The application is seeking advertisement consent for the installation of 7 illuminated signs and 5no. non-illuminated signs:

- 3 illuminated fascia signs on the sides and front elevation of the pod - all 2.1m above ground level and 0.35m high with width of 2.7m on the sides and 6.7m on the front;

- 4 non-illuminated board signs - one each on the sides and two on the front elevation of the pod; these vary between 1.35 and 2.1 m in height and between 0.9m and 1.65m in width.

The proposed signage will be installed on a freestanding pod 2.6m wide by 6.5m long in size and 2.65m high, with a flat roof which is proposed under a separate planning application (P0306.17). The signage will advertise the various uses of the kiosk which will offer services ranging from dry

cleaning, key cutting, shoe and watch repairs.

RELEVANT HISTORY

A similar proposal for a pod and associated signage were refused in 2014 (A0042.14). The reason for refusal of the signage was:

- the proposed signage, by reason of its duplication and excessive, cluttered appearance would be harmful to visual amenity and contrary to the provisions of Policy DC65 of the LDF Core Strategy and Development Control Policies DPD.

A0066.14 - Advertisement consent for 5 no. fascia signs and 14 no. freestanding signs (Non-Illuminated)

Apprv with cons 27-01-2015

A0042.14 - Advertisement consent for 4no. statically illuminated signs and 5no. non-illuminated signs on Dry Cleaning, Key Cutting, Shoe & Watch Repairs retail Pod.

Refuse 16-12-2014

A0009.14 - 14 illuminated and Non illuminated car park signs, building signs, petrol filling station and gantry/totem signs.

Apprv with cons 17-04-2014

A0064.13 - 6 non-illuminated free standing signs and 2 non-illuminated signs

Apprv with cons 20-11-2013

CONSULTATIONS / REPRESENTATIONS

A total of 28 neighbouring occupiers were consulted and one letter of objection was received from Councillor Tucker on the basis that previous applications seeking development of a similar nature were refused and the perceived impact of the new business on the Rainham Village Community Centre.

RELEVANT POLICIES

LDF

DC61 - Urban Design

DC65 - Advertisements

OTHER

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

The main issues arising from this application are the acceptability of the signage in terms of design and impact upon the street scene, as well as amenity and highway considerations.

DESIGN / IMPACT ON STREET / GARDEN SCENE

In comparison to the surrounding buildings and structures the proposed signage will be attached to a modest sized single storey pod structure.

The only illuminated elements are the fascia signs just below roof level at the front and sides of the pod. Within the context of the signage on this large site and the commercial building within it, these fascia signs are not considered excessive in scale.

Although the signage boards on the side elevations will be relatively large in comparison to the pod, these boards would be non-illuminated and it is considered that given the nature of this type of commercial structure the signage will not unduly impact on the appearance of the elevations and will serve to complement the form and composition of the building.

It is noted that a previous signage application for a similar pod was refused in 2014. The currently proposed pod would be in a different location within the site from that which was refused. This pod would be close to and in front of the right hand side of the main entrance to the Tesco store towards the northern part of the site whereas the refused pod was to be on the southern edge of the site.

There are clearly differences between this scheme and the one which was refused. On balance, it is considered that the size, design, siting and degree of illumination would be in character with the surrounding commercial area and would not materially harm the visual amenity of this section of Viking Way in accordance with policies DC61 and DC65.

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would be detrimental to the character of surrounding area. However, the proposed signage is located within a large supermarket car park which has no nearby residential properties and the signs are relatively modest in scale. Their appearance does not detract from their surroundings and will not create a significant visual impact outside of the wider retail site within which it is located.

IMPACT ON AMENITY

The proposed signage is located entirely within a large customer car park for a large supermarket with no residential properties nearby. Given the modest scale of the proposed signage, its location within a large supermarket site and its commercial setting distant from any residential properties it is not considered that the signage will result in any undue impact on the amenity of the neighbouring residents.

In addition, in the proposed location, it is not considered that the proposed signage would be overwhelming to pedestrians or unduly compromise public safety in accordance with policy DC65.

HIGHWAY / PARKING

Given its location within the supermarket car park away from any road, no traffic or highway issues arise from this proposal.

KEY ISSUES / CONCLUSIONS

Having regard to material planning considerations, staff are of the view that this proposal is acceptable subject to conditions. It is therefore recommended that advertisement consent is granted.

RECOMMENDATION

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

1. SC01A (Standard advert condition)

i. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

ii. No advertisement shall be sited or displayed so as to:-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

iii. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

iv. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

v. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity. Reason: These conditions are specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. SC01B (Maximum luminance) ENTER DETAILS

The maximum luminance of the illuminated fascia signs hereby permitted shall not exceed 128 cd/m².

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65

3. SC4 (Time limit) 3yrs

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).

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0306.17
WARD: Rainham & Wennington Date Received: 5th May 2017
Expiry Date: 31st July 2017
ADDRESS: Tesco Stores Ltd
Bridge Road
RAINHAM
PROPOSAL: Installation of dry cleaning, key cutting, shoe & watch repairs pod to
Tesco premises
DRAWING NO(S): B372_IF_01 Rev 1D
B372_IF_02 Rev 1D
B372_06
B372_04
B372_05
B372_03

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application has been called-in to committee by Councillor Tucker on the grounds that a very similar proposal has previously been refused and that if permitted to go ahead the development would have a major impact on the Rainham Village community shopping centre.

SITE DESCRIPTION

The application site comprises a large Tesco superstore and associated surface car parking areas. It is located on Bridge Road, Rainham and is bounded by Viking Way to the south, Bridge Street to the west, a recreation ground to the east and the Ingrebourne River to the north.

The nearest residential properties are located in excess of 100m away. The nearest residential properties are located in excess of 100m away.

DESCRIPTION OF PROPOSAL

The proposal is to install a pod on the site to accommodate dry cleaning, key cutting, shoe & watch repairs.

The elevations include various signage, the consent for which is being sought under a separate application for advertisement consent (A0012.17).

RELEVANT HISTORY

A0012.17 - Installation of dry cleaning, key cutting, shoe & watch repairs pod to Tesco premises
Awaiting Decision

- P1640.14 - Change of use for nine parking spaces to hand car wash and valeting operation including installation of an office and erection of a canopy.
 Apprv with cons 27-01-2015
- P1070.14 - Erection of of Dry Cleaning, Key Cutting, Shoe & Watch Repairs Pod to Retail Premises.
 Refuse 16-12-2014
- A0009.14 - 14 illuminated and Non illuminated car park signs, building signs, petrol filling station and gantry/totem signs.
 Apprv with cons 17-04-2014
- P0708.08 - Install lobby at front
 Apprv with cons 26-06-2008
- P0387.07 - Extension of existing ATM room to include an additional ATM.
 Apprv with cons 24-04-2007
- P1849.06 - Replacement of existing recycling area with a single TOMRA recycling unit, together with associated engineering works
 Apprv with cons 07-12-2006
- P0831.02 - Bulk store extension, cage marshalling area and amendments to service yard with accompanying ancillary works
 Apprv with cons 10-07-2002
- P1124.01 - Single storey extension to west side of building
 Refuse 06-12-2001
- P0777.99 - Alterations to car park and installation of 8 No. covered trolley bays
 Withdrawn 22-07-1999
- P0167.99 - Extension of existing store, alterations to car park layout and bus layby, and ancillary works
 Apprv with cons 23-07-1999

CONSULTATIONS / REPRESENTATIONS

A total of 277 neighbouring occupiers were consulted and one letter of objection was received from Councillor Tucker on the basis that previous applications seeking development of a similar nature were refused and the perceived impact of the new business on the Rainham Village Shopping Centre.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

The main issues arising from this application are the acceptability of the proposed pod in terms of its design and impact upon the street scene/local character, as well as any amenity and highway considerations.

In assessing the current application, consideration is given to relevant case history and whether the current submission satisfactorily overcomes those issues identified previously.

It should be noted that planning permission was previously sought under application reference P1070.14 for a similar style pod, to be used for the same types of purposes. Although recommended for refusal, the application was refused by Regulatory Services Committee for the following reasons:

1. The building by reason of its utilitarian, basic design and appearance coupled with its position within the site would represent an obtrusive feature in the otherwise open character of this part of the site harmful to visual amenity. The proposal is therefore contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. By reason of its position close to the pedestrian crossing and kerb, the building would adversely affect drivers' visibility of pedestrians and thereby be harmful to highway safety. The proposal is therefore contrary to the provisions of Policies DC32, DC34, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

In assessing the merits of the current application, Members will note that the proposed pod, whilst of similar design and appearance to that previously refused, is located in a materially different position within the site. The implications of this will be considered below.

PRINCIPLE OF DEVELOPMENT

Policy DC16 states that, within District Centres, planning permission for A1 retail uses will be granted at ground floor level.

The proposed pod will primarily be used for A1 retail uses, such as receipt of clothes for dry cleaning, key cutting, watch and shoe repairs. As such, the proposal is considered to be acceptable in principle within this Minor District Centre and to complement the range of uses already available. It is therefore considered that the proposal could enhance the vitality and viability of this part of the Rainham Minor District Centre.

Whilst concern is raised as to the perceived impact of the new business on the commercial vitality and viability of Rainham Village centre, this did not form grounds for refusal of the previous application. Given the proposed use of the pod is an A1 retail use, providing the type of services commonly to be found within a shopping centre and that the location of the development is within the boundaries of the Minor District Centre, it is not considered that there are material grounds for refusal on retail shopping grounds.

Accordingly, in land use terms, the principle of the proposed development is considered to be

acceptable as it is in accordance with the provisions of Policy DC16.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would be detrimental to the character of surrounding area.

The proposed pod would be a sizeable structure but located within a very large car park and beside a very large retail building. The size and design of this pod is considered appropriate for this commercial site. In terms of its visual impact, the pod would be viewed against the backdrop of the large retail store building and across the expansive car park.

It is noted that a very similar previous proposal was refused in 2014 on the grounds that its basic design and appearance coupled with its position within the site would represent an obtrusive feature in an otherwise characteristically open part of the site, harmful to visual amenity. Whilst materially larger than the previously refused pod (2.65m height as opposed to 2.0m previous), the current proposal relates to an entirely different position within the site, where the pod would be seen against the backdrop of the main building, as opposed to the previous proposals where the pod was sited at the edge of the vehicular route through the site, adjacent to the pedestrian crossing into the site. As such, it is considered that the visual impact of the pod is considerably lessened.

It stands to reason that there are fundamental differences between the current scheme and that previously considered. Staff are of the view that the relocation of the pod to a position adjacent to the main building entrance has satisfactorily addressed the issues relating to openness and character. The visual impacts of the development are therefore negligible.

IMPACT ON AMENITY

The proposals present no issues in terms of the amenity of adjacent occupiers, as the closest residential dwelling would be some 150 metres to the south. The pod is considered to be suitably sited and designed, and therefore would not prejudice the amenities of any surrounding properties.

HIGHWAY / PARKING

The proposed development would not result in any loss of parking, which is in contrast to the previous application. Furthermore its positioning adjacent to the form of the main building would not impede the views of drivers/pedestrians and give rise to any conflict. As such the previous grounds for refusal are considered to have been overcome.

Staff consider the proposals to not be detrimental to highway safety, nor to impede the free flow of pedestrians into/out of the Tesco store. The Highway Authority have raised no objection.

KEY ISSUES / CONCLUSIONS

Having had regard to the above, in particular the case history relevant to the site, all planning policy and material considerations APPROVAL is recommended accordingly.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be for purposes falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other Order subsequently revoking, amending or re-enacting that Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0645.17
WARD: Romford Town Date Received: 20th April 2017
Expiry Date: 15th June 2017
ADDRESS: 14 South Street
Romford
PROPOSAL: CHANGE OF USE FROM A1 SHOP TO A3 RESTAURANT
DRAWING NO(S): 01
02
03
04
05
07

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

BACKGROUND

This application is reported to Committee as it has been advertised in the press as a departure from policies of the Development plan as it involves a change of use from retail A1 to restaurant A3 within a Core Retail Area.

SITE DESCRIPTION

The application site comprises a 2 storey vacant commercial building within a main shopping street in Romford town centre. The building was formerly occupied by a retail unit on the ground floor with a small ancillary storage area at first floor level. Part of the upper floor, not forming part of this application, appears to have been in use as offices. The site lies within the core retail area of Romford Romford Town Centre. The site has a frontage on to Romford Conservation Area.

To the rear of the site is a service area that also forms an entrance to a 4 storey block of flats (Amber Court). The site adjoins commercial premises on either side.

DESCRIPTION OF PROPOSAL

The proposal is for a change of use from the current A1 use to a restaurant (A3) on the ground floor with an ancillary storage area at first floor level. The proposals also include provision of an extraction flue pipe at the rear of the premises and this will extend above the roof of the building to the rear. No changes to the shop front are proposed in this application.

According to the application form, the proposal would employ 3 full time employees and 3 part-time employees. It is also intended that the restaurant would operate between the hours of 11:00 to 22.30 on Monday to Friday, 10.30 to 23.00 on Saturdays and 11:00 to 23:00 on Sunday and Bank Holidays.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 97 neighbouring occupiers but no responses have been received. At the time of writing this report the publicity for this application had yet to expire. The consultation period expires on 28th July and the Committee will be advised if any representations are received.

Council Traffic & Streetcare Team - no objection

Environmental Health - no objection with regard to contaminated land or air quality; with regard to noise, recommends refusal unless suitable conditions attached on plant and extraction equipment

RELEVANT POLICIES

LDF

- DC15 - Retail and Service Development
- DC23 - Food, Drink and the Evening Economy
- DC32 - The Road Network
- DC33 - Car Parking
- DC61 - Urban Design
- ROM09 - Romford: Metropolitan Shopping Centre
- ROM10 - Retail Core

OTHER

- LONDON PLAN - 2.15 Town Centres
-
- LONDON PLAN - 4.7 - Retail and town centre development
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There is no Mayoral CIL liability for this proposal as the application concerns a change of use without the creation of additional floor space.

STAFF COMMENTS

The main issues for this application will be the impact of the proposed A3 use on the vitality and viability of the retail parade, its impact on the character of the area and on the amenity of neighbouring residential occupiers, parking and highway issues. Potential impacts from the rear extraction flue pipe on amenity also need to be considered.

PRINCIPLE OF DEVELOPMENT

The site lies within the retail core of the Romford Major District Centre. Policy ROM10 states that within the retail core of Romford town centre, planning permission for service uses such as A3/A5 will be granted at ground floor level, subject to the proposal meeting criteria concerning uses

appropriate to a town centre, not producing a grouping of more than three A2-A5 uses and maintaining an active frontage.

Policy ROM10 restricts non-A1 uses that produce a grouping of more than three A2-A5 uses together. This proposal would not give rise to a grouping of more than three non A1 uses within the parade as the uses in this section of the parade are:

- No. 4 - pawnbroker (A2)
- No. 6 - Bakers (A1)
- No. 8-10 - Bank (A2)
- No. 12 - Vacant shop (A1)
- No. 14 - Application site (proposed A3)
- No. 16 - vacant shop (A1)
- No. 18 - Jewellers (A1)
- No. 20 - Vape Shop (A1)
- No. 22 - Vacant shop (A1)
- No. 24 - Vacant shop (A1)
- No. 26-30 - Building Society (A2)

Policy ROM10 also states that not more than 15% of the length of the relevant frontage should be in non-retail use following implementation of the proposal. Given the nature of South Street it is difficult to define the 'relevant frontage' of this shopping parade. However, looking first at the short section of commercial units from No.4 South Street through to No. 30 (between the High Street and Brewery walk), the proposal would result in approximately 36% of the frontage being in non-retail use. If the whole of South Street between the High Street and Romford station is taken, the Non-A1 proportion would be approximately 44%. This indicates the Policy RM10 criterion has already been greatly exceeded whatever frontage is taken and makes it difficult to justify a further Non A1 use.

Based on the above pattern of uses, the proposal would not obviously result in an over-dominance of non-retail uses in this short section of South Street. However, looking at South Street as a whole, this would not be the case.

At the same time, there are already 4 vacant shops, including the application site, out of 11 units in this section of South Street and the proposal would bring a vacant unit back into use adding to the vitality of the parade. It is noted that the current LDF policies date from 2008 and, as part of the proposed Local Plan, a less restrictive approach than the 15% limitation that currently exists is likely to come forward. The Local Plan is however at a very early stage in the plan-making process and, as such, little weight can presently be attached to its policies.

Information has been sought from the agents on how long the unit has been vacant and attempts made for marketing it for retail use. The information submitted by the marketing agent advises that the premises has been advertised as vacant for around eighteen months. It has been advertised by way of a 'To Let' board on the premises and via a number of property websites and there have been few enquiries over this period for A1 retail use, enquiries mainly being for A3 use. The requested rent per annum has also recently been reduced.

The information submitted with regard to marketing is not particularly extensive and it is for members to judge whether they are satisfied reasonable attempts have been made to market the property for a retail use. Staff are however satisfied that the premises has been vacant for some time, with photographic evidence of the site from two years ago available, showing the premises closed and with a 'To let' board on display.

On balance, while the proposed change of use to A3 would fail to meet one of the criteria of Policy RM10 and would add to the already high proportion of Non-A1 uses, the high vacancy level in this part of the parade and the benefits of an active use to the vitality of the parade can be considered to justify an exception to the policy. It is therefore regarded as being acceptable as an exception to Policy ROM10.

DESIGN / IMPACT ON STREET / GARDEN SCENE

No changes are proposed to the existing shop front or front elevation in this application and therefore there will be no harm to the streetscene of the character of the Conservation Area. The only alteration to the rear is the erection of an extraction flue on the rear elevation and this will extend 1.8m above the level of the flat roof to the single storey rear element of this building.

The flue would not therefore be visible from South Street. Although it is clearly visible in the rear servicing area, given the nature of the surrounding area where other plant and equipment can be seen, it is not judged to unduly harm the character of the building or streetscene. As a result the external alterations to the building are considered to be in accordance with Policy DC61

IMPACT ON AMENITY

The restaurant would operate between the hours of 11:00 to 22.30 on Monday to Friday, 10.30 to 23.00 on Saturdays and 11:00 to 23:00 on Sunday and Bank Holidays. A condition can be applied to restrict operations to these hours, which are not unreasonable for a town centre location. Given the site is in a town centre location it is considered reasonable that the condition enables opening from 9am rather than the mid-morning opening requested by the applicant.

The nearest residential properties are in Amber Court, a 4 storey block of flats to the rear but this lies over 30m away from the rear of the restaurant.

A new extraction/air conditioning duct is proposed above the roof of the single storey rear building. Environmental Health require various conditions to control noise from machinery and ventilation equipment and regarding the ventilation system to control odours. Subject to these conditions, the extraction ducting is considered acceptable.

With the conditions proposed, impacts on residential amenity are considered to be adequately mitigated.

HIGHWAY / PARKING

The proposed change of use would be located within the town centre close to rail and bus transport links and town centre car parks. As a result the proposal is not expected to provide off street car parking. Consequently the proposed restaurant use is considered to be acceptable on highway and parking grounds. No objection has been made to the proposed use by the Traffic &

Streetcare team.

KEY ISSUES / CONCLUSIONS

No residential properties immediately adjoin the site and potential impacts on residential amenity from noise and odours and by noise and disturbance should be dealt with by the conditions applied. The proposed change of use to A3 would increase the proportion of the parade frontage in Non-A1 use, in conflict with Policy RM10 but given the high vacancy level in this part of the parade and the benefits of an active use to the vitality of the parade can be considered to justify an exception to the policy. On this basis, approval is recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Non Standard Condition 1 (Pre Commencement 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 designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as very high. Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reasons: Insufficient information has been supplied with the application to judge the technical specifications of the extract ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 22.30 on Monday to Friday, 09.00 to 23.00 on Saturdays and 09:00 to 23:00 on Sundays, Public 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.

5. Non Standard Condition 32

The premises shall be open to customers for the purposes hereby permitted for at least 4 hours a day between the hours of 09:00 and 18:00 on Monday to Saturday.

Reason:-

In order to mitigate the loss of a town centre retail unit by ensuring that the vitality and viability of Romford Town Centre is protected, and in order that the development accords with Romford Area Action Plan Development Plan Document Policy ROM10.

6. Non Standard Condition 1 (Pre Commencement 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: Insufficient information has been supplied with the application to judge the technical specifications of the new plant or machinery. Submission of this detail prior to commencement of the use will prevent noise nuisance to adjoining/adjacent properties protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. Non Standard Condition 2 (Pre Commencement 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: Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

8. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)

No building shall be occupied or use commenced until details of a waste management scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method and location of refuse and recycling storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the first occupation or commencement of the use hereby approved and retained permanently thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how waste will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of nearby premises, and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Non Standard Informative 1

The applicant should have regard to the following guidance and issues as an informative to the decision notice.

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - www.food.gov.uk/foodindustry/
- Occupational safety & health - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

- 1.provision of suitable outside bin storage
- 2.provision of a grease trap on the foul drainage
- 3.proper storage and disposal of waste oil
- 4.vehicle and pedestrian routes when loading and unloading
- 5.vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.havering.gov.uk/officeforms/licence_food_business.ofml .

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0732.17
WARD: Hylands **Date Received:** 2nd May 2017
Expiry Date: 7th August 2017
ADDRESS: Rodwell House
199-209 Hornchurch Road
Hornchurch
PROPOSAL: Change of use of first floor of building from Class B1 (business) to create a gym falling within Class D2
DRAWING NO(S): RAW/17/01
RAW/17/03
RAW/17/02

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application has been called in by Councillor Ganly who has expressed concerns over increased demand for vehicle parking which would be to the detriment of neighbouring amenity. She considers that there are not enough parking spaces provided and that the roads around Rodwell House already suffer with parking congestion from St. Marys School, the nursery in Vicarage Road and the PSPO that was implemented at Wykeham School.

SITE DESCRIPTION

The application site comprises of a detached building in commercial use located on the southern side of Hornchurch Road (A124). The ground floor of the unit is associated with a day nursery with the first floor, the subject of this current application, vacant. The previous lawful use of the building (and first floor) was for manufacturing, with ancillary offices at second floor. The applicant has advised that the first floor has been vacant since 2008.

In 2015 (P1611.15) planning permission was granted for the partial demolition of the building to the rear and the formation of an undercroft to provide additional vehicle parking. This application allowed for the formation of an internal lift and secondary access to the site.

The first and second floors of Rodwell House are not the subject of any planning condition restricting hours and are currently able to operate on an unrestricted basis.

DESCRIPTION OF PROPOSAL

The application under consideration seeks permission for the change of use of the first floor of the building to D2 (Gymnasium).

The applicant conveys within their supporting statement that it is their intention to offer personal training and group sessions. The applicant currently operates out of a different site, however it is envisioned to transpose this arrangement to the new premises.

Early morning classes are proposed starting at 06:00 and 06:15 and are attended by no more than

16 people, per class with advance bookings made via the Gym's website and pre-booking necessary to ensure that classes are not oversubscribed. Early evening classes starting at 18:30 and 19:00 are attended by no more than 25 people.

From review of information provided by the applicant it would appear that during normal working hours (09:00 to 17:00) fewer classes are held with a lower average attendance.

The applicant seeks in conjunction with the change of use, hours of operation between 06:00 to 21:00 Monday to Thursday, 06:00 to 20:00 Friday, 08:00 to 16:00 Saturday and 09:00 to 16:00 Sundays and Bank/Public holidays.

RELEVANT HISTORY

Q0083.16 - Discharge of Condition 3 of P1611.15

DOC Dischge Complete 07-06-2016

P1611.15 - Partial demolition of existing building to create additional space for car parking, together with the making good of the existing east facing flank wall of the building.

Apprv with cons 23-12-2015

P0265.13 - Change of opening times to 07.00am to 6.00pm (variation of Condition 6 of P0075.12).

Apprv with cons 25-07-2013

N0004.13 - Non-material amendment to P0075.12 - extending opening hours of Early Years nursery

Awaiting Decision

P0075.12 - Change of use of the ground floor unit from office (B1 use) to Nursery (D1 use)

Apprv with cons 08-06-2012

D0009.01 - Three dual polar antennae and three UMTS antennae and a cabin 3.73m long x 2.53m wide x 2.47m high, together with ancillary development

PP not required 15-02-2001

CONSULTATIONS / REPRESENTATIONS

Neighbouring occupiers were consulted by way of direct notification, 59 letters of objection were received which will be outlined below.

- Inappropriate location for use
- Increased parking congestion/demand for parking
- Highway safety
- Noise
- Proliferation of other similar uses
- Safeguarding
- Late night use inappropriate
- Reduced air quality

Some matters were raised which cannot be considered material in the assessment of a planning application, such as increased competition for similar business uses. However, in the assessment

of the application all relevant matters raised will be fully considered.

In addition the following comments were received from stakeholders.

Environmental Health - No objection, condition recommended relating to noise.

Highway Authority - The Highway Authority raised no objection and note that no requests had been made to extend the existing parking restrictions in terms of area or time.

RELEVANT POLICIES

LDF

- CP4 - Town Centres
- DC15 - Retail and Service Development
- DC20 - Access to Recreation and Leisure, Including Open Space
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing

OTHER

- LONDON PLAN - 3.19 Sport facilities
-
- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 6.10 Walking
-
- LONDON PLAN - 6.13 Parking
-
- LONDON PLAN - 6.9 - Cycling

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

The application is seeking planning permission for the change of use of the first floor of the building from a light industrial use (B1) to a gym (Class D2).

The applicant states that the premises (first floor) has been vacant for a period of nine years and that despite sustained marketing efforts the building's owner has been unable to find a tenant to occupy the space. Staff consider that the re-use of a long term vacant building is generally acceptable in principle. The reuse of existing buildings is supported by the core planning principles of the NPPF.

In addition, the proposed change of use would provide economic benefits and represent an addition to existing leisure and recreational facilities within the borough.

No objections are therefore raised in principle.

DESIGN / IMPACT ON STREET / GARDEN SCENE

There would be no external changes to the host building, therefore no objections are raised from a visual perspective.

IMPACT ON AMENITY

Policy DC61 states that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact and hours of operation.

It must be noted that the historic use of the building is for light industrial purposes, primarily manufacturing. The lack of recent history for the site is such that there is no restriction on the hours of operation and in its current use the premises could operate on an unrestricted basis. The proposed change of use of the first floor would enable controls to be imposed over opening hours, as well as other noise related conditions and, as such, represents an opportunity to control the potential impacts of the site on nearby amenity.

As above, the application premises has historically been used for commercial purposes. At present a day nursery is in operation at ground floor level. Residents have raised concerns regarding the transfer of noise from the premises to the exterior and between the proposed use and that of the existing use at ground floor level. This concern, could in part, be exacerbated by the prolonged period for which the premises has remained vacant.

The building is of solid construction and no clear fenestration was observed to the flank wall of the premises perpendicular to the Church. It is reasonable to conclude that much of the noise associated with the use proposed would therefore be contained to the building. Measures can be implemented to provide sound insulation and suitable conditions can be attached to any grant of planning permission to secure control over the noise (including amplified noise) from the facility. Staff are satisfied that these measures could prevent any detrimental impact to the amenity of residents and adjacent premises.

The proposed use does create potential for the comings and going of gym users to represent an increase in noise and general disturbance. To this end, the application site is located in an area where a certain level of activity and associated noise is to be expected during daytime and into early evening. The site is located on a busy main road and is close to a designated Minor Local Centre, where it is expected there would be a level of evening activity.

Hornchurch Road is heavily trafficked and due to the presence of other existing commercial uses, similarly are the side roads surrounding the application site. The concentration of gym users would appear to be focused outside of core hours, where it stands to reason that vehicles arriving at the site would be able to park within the yard area of the site or by utilising pay and display parking close to the main road, thereby focusing vehicular activity close to Hornchurch Road. It is not considered that the proposed change of use, given prevailing local conditions, the reasonable opening hours and the anticipated number of patrons, would be of detriment to neighbouring amenity.

HIGHWAY / PARKING

The application site has a public transport accessibility level (PTAL) of 1A which translates to a

poor access to public transport. Whilst the supporting statement of the applicant conveys that there is an adequate level of public transport to serve the site and that members would choose to use these facilities, given the PTAL staff consider it more likely that visitors to the gym would travel by private car to the site.

In policy terms, the level of parking required would be equivalent to one per full time member of staff, with the site itself capable of accommodating 6 parking spaces in total.

Consideration must be given to the level of off-street parking provided by the applicant and the availability of on-street parking within nearby roads. Hornchurch Road is subject to a waiting restriction, operational between 8am and 6.30pm Monday to Saturday and this extends a short distance into the immediate side roads. It is noted that on street parking controls in Hornchurch Road cease early in the evening when the peak demand for gym classes occurs. Also that on street parking would be possible on Sundays. As such, it is considered that, in addition to the on-site parking provided, there would be scope for visitors to the site to park in Hornchurch Road.

In assessing this application, Staff have observed daytime parking conditions in nearby roads. It was observed during site inspection that residents of Vicarage Road generally benefit from vehicle crossovers and park their vehicles off of the public highway. The number of vehicle crossovers means that on-street parking opportunities in Vicarage Road are limited but that, where they exist, these could be utilised without harm to the function of the highway.

Within the immediate vicinity there are 16 pay and display spaces and more a short walk away which operate during the day close to the site and within the Minor Local Centre. On all side roads in the vicinity of the site once approximately 100 metres away from Hornchurch Road there are no parking restrictions in addition to the following pay-and-display spaces.

- Vicarage Road - 6 spaces - 3 hours max
- Cheviot Road - 3 spaces - 3 hours max
- Southdown Road - 4 spaces - 3 hours max
- Candover Road - 6 spaces - 3 hours max parking
- Hornchurch Road - 22 spaces total - 3 Hours max

In addition there is a single yellow line in force which would restrict parking from 8:00am to 9:30am and 16:00pm to 18:30pm

In addition it should also be noted that the existing ground floor nursery has some six spaces to the front of the site. The nursery would be closed during evenings and weekends and it has been confirmed by the applicant that the spaces could be utilised by gym members during times when the nursery is closed, although this would be an informal arrangement and could not be secured through this planning application..

The Day Nursery use at ground floor operates between 07:00 and 18:00 Monday to Friday and not

at all on Saturdays, Sundays or Bank/Public Holidays. Given the nature of the business use proposed, which focuses activity to scheduled classes with a restricted user base there is unlikely to be any conflict between the proposed use and the existing use at ground floor. Peak drop off and collection times for the nursery would generally be outside the times when the gym is at its busiest,

The Highway Authority have raised no objections to the proposed change of use on highways/parking grounds.

Having regard to the proposed opening hours, the expected peak times of usage, the availability of on site parking, including the potential for overspill usage of the nursery parking area when the nursery is closed, together with the availability of unrestricted off street parking in surrounding road, particularly during the evening and at weekends, and the existence of pay and display facilities nearby, Staff do not consider it can be demonstrated that the proposal would adversely impact on the functioning of the highway.

KEY ISSUES / CONCLUSIONS

Members are advised that the judgement in this respect is balanced. However, on weighing up the relevant issues staff consider that the application should be recommended for approval subject to the imposition of safeguarding conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a gym only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is

carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 06:00 and 21:00 on Mondays to Thursday, 06:00 to 20:00 Friday, 08:00 to 16:00 Saturday and 09:00 to 16:00 Sunday, Bank/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.

5. Non Standard Condition 1 (Pre Commencement Condition)

Before the development hereby approved commences, details of a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with the approved details.

Reason: To prevent noise nuisance to adjoining/adjacent premises.

6. Non Standard Condition 31

Before the use hereby approved first commences, the parking area shown on drawing number RAW/17/02 hereby approved shall be laid out as shown on the proposed site plan and shall be retained permanently thereafter for use in connection with the approved use of the premises as a gym.

Reason: To ensure adequate provision of car parking and prevent harm to the functioning of the highway.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0765.17

WARD: Mawneys

Date Received: 3rd May 2017

Expiry Date: 28th June 2017

ADDRESS: 2 Hamlet Road
Romford

PROPOSAL: Erection of new house with a basement

DRAWING NO(S): A102-4a
A102-6
A102-5a

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application has been called-in by Councillor Dilip Patel on the following grounds:

- He believes that the three front dormer windows will directly overlook the gardens of the property located opposite.
- He is concerned that the property could be used later as a House of Multiple Occupation (HMO).

SITE DESCRIPTION

The application relates to the site at 2 Hamlet Road, Romford. This is a vacant rectangular plot, which was formerly occupied by a two-storey detached house, which was demolished in October 2015. The site is located at the end of a row of detached two-storey houses and bungalows. The surrounding area is predominantly residential in character.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a new house.

Prior to the submission of this application planning permission (P1744.15) for a new dwelling was granted by committee on 16 March 2016 and construction works are currently underway. However, the house has not been built in accordance with the previously approved plans as a basement area has been excavated. It is also the applicant's intention to replace roof light windows in the front roof slope with dormer windows, although this part of the development has not been undertaken.

As such the current application is seeking to regularise the unauthorised basement works and the proposed amendments to the front roof level windows.

As with the previously approved scheme the proposed detached house would measure approximately 12.2 metres in depth and 8.2 metres in width. The dwelling would incorporate a mansard roof design with a ridge height of 8.4 metres.

The house would be laid out on the same footprint as the previously approved scheme, with the front elevation orientated to face out onto Hamlet Road, and a garden and car parking spaces to the front and garden to the rear.

Internally, the dwelling would include a living room, kitchen/ dining room, three lounge rooms and WC at ground floor level, as well as a basement level measuring approximately 35 square metres. At first floor level the house would provide 4no. bedrooms (two with en-suite), a bathroom and an office. In the attic space an additional 2no. bedrooms and a gym/ games room would be provided.

A private garden amenity area of approximately 150 square metres would be provided to the rear of the dwelling.

Off-street car parking provision for 3no. cars would be provided to the front of the house accessed from the existing driveway from Hamlet Road.

RELEVANT HISTORY

- P1744.15 - Erection of a new house
Apprv with cons 19-05-2016
- P1464.12 - Two storey rear and side extension
Refuse 25-04-2013
- P0517.12 - Raising of roof, two storey rear and side extension and two storey front extension
Withdrawn 01-08-2012
- P2283.06 - Single storey side/rear extension
Apprv with cons 24-01-2007

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 28 properties and representations have been received from 6 neighbouring properties. The comments can be summarised as follows:

- Noise, fumes, disruption and disturbance due to the on-going construction works.
- The construction hours restriction condition from the previous planning permission has been consistently breached.
- An access to rear garages has been blocked due to the construction works.
- Damage to grass verges.
- No justification for having a basement level.
- Overdevelopment of the site/ unsuitable location.
- Concerns the house could be used as an HMO.
- Overlooking from the front dormer windows.

In response to the above: Issues of disruption during construction are not a material planning consideration on which a refusal could be based. Conditions would be carried over from the previous consent in any approval notice, which would restrict the hours of construction and set out a construction methodology to ensure development works are satisfactory and to minimise noise

and disturbance. Compliance with these conditions would be monitored by officers in Planning Enforcement. Any disputes over private land boundaries, rights of way and/ or access are a civil matter between adjoining landowners. A condition would also be carried over preventing the use of the property as a HMO. Issues concerning privacy and overlooking are considered in the residential amenity section.

Thames Water - no objection.

London Fire Brigade - no objection.

London Fire and Emergency Planning Authority - no objections.

Environmental Health - no objection.

Local Highway Authority - no objections.

RELEVANT POLICIES

LDF

CP1 -	Housing Supply
CP17 -	Design
DC2 -	Housing Mix and Density
DC3 -	Housing Design and Layout
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC36 -	Servicing
DC55 -	Noise
DC61 -	Urban Design
DC72 -	Planning Obligations
SPD11 -	Planning Obligation SPD
SPD4 -	Residential Extensions & Alterations SPD
SPD9 -	Residential Design SPD

OTHER

LONDON PLAN - 3.3 -	Increasing housing supply
LONDON PLAN - 3.5 -	Quality and design of housing developments
LONDON PLAN - 7.4 -	Local character
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development will create 1 no. residential unit with 199 square metres of new gross internal floorspace. Therefore the proposal is liable for a Mayoral CIL payment and will incur a charge of £3980.00 (subject to indexation) based on the calculation of £20.00 per square metre.

STAFF COMMENTS

When considering the previous application for the new dwelling, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. Under the previous application these considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.

This application concerns the unauthorised excavation of a basement level and the proposed amendments to the front roof level to provide dormer windows. The new material considerations with regards to the amendments to the scheme relate to the impact on the character and appearance of the streetscene and the implications for the residential amenity of occupants of the neighbouring dwellings.

PRINCIPLE OF DEVELOPMENT

The principle of the development was established under planning permission P1744.15. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

The site was formerly a residential plot for the now demolished property at 2 Hamlet Road. Under the provisions of the NPPF there is no priority given to garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

The proposed development will result in the erection of a replacement dwelling. The site has an established residential land use and the proposal will seek to retain this use. The proposed development raises no material concerns with regard to the continued land use and is therefore considered to be acceptable in principle, subject to the suitability of the detailed design proposals. The previous grant of planning permission for a replacement dwelling on this site is also a material planning consideration.

DENSITY / SITE LAYOUT

The density and layout of a similar single detached dwelling scheme was assessed under planning application P1744.15 and judged to be acceptable.

The addition of the basement level would increase the footprint of the house by approximately 35 square metres to 263 square metres, in comparison to the previously approved house with a total footprint of 228 square metres.

This increase in basement floor space is considered to be relatively minimal in comparison to the overall size of the dwelling and not to an extent that would result in an excessively large property. In addition, given the positioning of the basement the use of this area for habitation would be severely limited.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The design and impact on the streetscene was assessed under planning application P1744.15 and judged to be acceptable.

The basement level would not be visible and would have no impact on the streetscene.

In comparison to the previously approved scheme, the new dwelling would feature three projecting front dormer windows instead of three roof light windows. The dormer windows would project approximately 1.2 metres out from the roof slope. Given the design of the house, the dormers would have the appearance of a mansard level. It is not considered that this amendment would be to an extent that would materially alter the previously established judgement that the design and appearance would be acceptable. As such the dwelling would still serve to maintain the character and appearance of the area in accordance with Policy DC61.

IMPACT ON AMENITY

The impact on the amenity of the neighbouring residents was assessed under planning application P1744.15 and judged to be acceptable.

The basement level would not result in any direct impact on the amenity of neighbouring occupiers.

As mentioned, in comparison to the previously approved scheme, the new dwelling would feature three projecting front dormer windows in place of three roof light windows. It is not considered that the installation of the dormer windows, which would project approximately 1.2 metres out from the roof slope, would be materially different in terms of privacy and overlooking to the approved scheme. The dormers would be located on the front elevation and would provide an outlook over the public highway at Hamlet Road and onto the front gardens of the opposite dwellings, which are already in public view from the road and pavement.

It is not considered that the new dwelling would present undue issues in relation to privacy and overlooking in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

The floorplans submitted with the application do not indicate any intended use as an HMO and the application cannot be refused on the grounds of any alternative use of the premises that may be made in the future. A planning condition is however proposed that would ensure that planning permission would be required for any future conversion of the property to an HMO and the merits or otherwise of such a use could be considered at that time.

HIGHWAY / PARKING

The parking provision, servicing and highways implications were assessed under planning application P1744.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

The scheme can demonstrate off street car parking provision for 3no. vehicles located to the front of the site, which exceeds the maximum standards set out in the policy. The Local Highway Authority has raised no objection to the proposal. Details of vehicle cleansing facilities had previously been agreed under the previous consent. As such the condition would be carried over to prevent mud being deposited onto the public highway during construction works.

SECTION 106

The proposal would not result in a net increase in residential units and would not therefore give rise to any payments under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs).

KEY ISSUES / CONCLUSIONS

Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. **SC4 (Time limit) 3yrs**

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. **SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. **SC10A (Matching materials & samples) (Pre Commencement)**

The external construction of the development shall be constructed in the materials approved under condition 3 of P1744.15; under discharge of condition reference Q0129.16.

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.

4. **SC11 (Landscaping) (Pre Commencement Condition)**

The hard and soft landscaping shall be carried out in accordance with the details approved under condition 4 of P1744.15; under discharge of condition reference Q0129.16. All planting, seeding or turving 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.

5. SC13B (Boundary treatment) (Pre Commencement)

The boundary treatment shall be carried out in accordance with the details approved under condition 5 of P1744.15; under discharge of condition reference Q0129.16.

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

6. SC62 (Hours of construction)

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

Reason:-

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

7. SC06 (Parking provision)

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as detailed on drawing no.A102-5a shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

8. SC63 (Construction Methodology) (Pre Commencement)

The construction of the development hereby approved shall be carried out strictly in accordance with the Construction Methodology details which have been previously approved under discharge of condition reference Q0129.16.

Reason:-

To ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

9. Vehicle Cleansing (Pre Commencement Condition)

The construction of the development hereby approved shall be undertaken in accordance with the wheel washing and vehicle cleansing details, which have been previously approved under discharge of condition reference Q0129.16.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

10. SC58 (Refuse and recycling)

The building hereby permitted shall not be occupied until the refuse and recycling facilities are provided in accordance with details approved under condition 10 of P1744.15; under discharge of condition reference Q0129.16 and as indicated drawing no. a102-6. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

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

11. SC59 (Cycle Storage)

The building hereby permitted shall not be occupied until the secure cycle storage facilities are provided in accordance with details approved under condition 11 of P1744.15; under discharge of condition reference Q0129.16 and as indicated drawing no. a102-6. The secure cycle storage facilities shall be permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents and sustainability, 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 DC35.

12. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans) shall be formed in the flank walls of the building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

13. SC45A (Removal of permitted development rights) EDIT DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

14. SC86 Minor Space Standards

The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building

Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

15. SC87 Water Efficiency

The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

16. Restriction on use as HMO

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Class L, the building shall be used solely as a single family dwelling and not for any other purpose including as a house in multiple occupation (Use Class C4) without the express permission of the Local Planning Authority following a planning application.

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.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Approval and CIL (enter amount)

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3980.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. Highways

The developer 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

Please note that unauthorised use of the highway for construction works is an offence.

4. Thames Water informative

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.

5. Fee Informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0796.17
WARD: Emerson Park
Date Received: 11th May 2017
Expiry Date: 30th August 2017

ADDRESS: 18 Tyle Green
HORNCHURCH

PROPOSAL: Retrospective planning permission for front boundary wall.

DRAWING NO(S): PL-001
PL-002
PL-003
PL-008
PL-005
PL-006
PL-007
PL-004

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called in by Cllr Roger Ramsey who has expressed the following concerns:

- that the development is visually intrusive
- is inconsistent with the open plan nature of the rest of the estate and
- is in breach of the covenant given to the Council when the estate was developed

SITE DESCRIPTION

Extended detached residential property situated opposite the large public open space of Tyle Green . This is a retrospective planning application as the boundary wall has already been erected to the front and the return boundaries of the site frontage.

DESCRIPTION OF PROPOSAL

The application seeks retrospective planning permission for front boundary wall and railings. The wall is brick built with railings. The brick wall measures 380mm high topped with railings. The maximum height of the brick piers is 1m.

RELEVANT HISTORY

ENF/192/1 Alleged unauthorised erection of a boundary wall
7 -

Awaiting Decision

P1923.16 - Proposed Porch to Front Elevations
Aprv with cons 30-01-2017

- P1005.16 - Proposed changes to roof to previously approved rear extension and pool house to include roof lantern and roof lights
Apprv with cons 11-08-2016
- P1423.14 - Removal of Existing Conservatory. Proposed single storey rear extension of 5m depth with additional 8.5m conservatory to rear. First floor Balcony to front. Front porch to be glazed with increased height. Parking supervision for 2 cars to front with dropped kerb.
Apprv with cons 10-12-2014
- P0893.14 - Removal of existing conservatory and erection of single storey rear extensions. Front porch and first floor front balcony and creation of two parking spaces at front.
Apprv with cons 05-09-2014
- P1576.01 - First floor side extension
Apprv with cons 13-12-2001

CONSULTATIONS / REPRESENTATIONS

Four letters of objection have been received raising the following issues:

- that the wall and railings are visually intrusive and unsightly and out of keeping with the local area especially when viewed from the Tyle Green open space and that, if allowed, the wall and railings would create a precedent which could in turn lead to a proliferation of such structures.
- there is a restrictive covenant allowing side (dividing walls) but no front walls, fences or gates.

In response to the objections staff note that a boundary wall already exists opposite the application property and so the application, if approved, would not be the first in the street. The design and appearance of the wall and railings is covered in the report below.

Objectors refer to a restrictive covenant. Covenants are not a planning consideration and therefore cannot be taken into account as part of the assessment process.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
DC61 - Urban Design
SPD04 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

MAYORAL CIL IMPLICATIONS

Not relevant.

STAFF COMMENTS

Staff note planning permission P0839.86 contained the condition (Condition 10) which states that:

Notwithstanding the provisions of Article 3 and Schedule 1, Class II to the Town and Country Planning General Development Order 1977, no walls, gates, fences, screens or other means of enclosure shall be erected between the houses and the highway boundary except 3' (915mm) high brick walls of a brick to be agreed in writing with the Local Planning Authority without the prior permission in writing of the Local Planning Authority.

The height of the wall and railings which has been erected is shown as 103 cm, this has been checked by staff on site and found to be correct.

It should be noted that the landscaping and the block work on the ground to the rear of the wall and railings does not form part of this application.

PRINCIPLE OF DEVELOPMENT

The Council's policy objectives in respect of urban design (Policy DC61) state that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. In order to achieve this the guidance states that development must respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context as well as complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

The Council's Residential Extensions and Alterations Supplementary Planning Document states that boundary treatments should reinforce the prevailing character of the streetscape.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The local street scene in Tyle Green is characterised by open plan frontages to almost all residential properties and this important characteristic gives the local area a very distinct appearance.

However staff note 21 Tyle Green (which is the residential property opposite the application site) does have a boundary wall 0.91m in height. which is visible when viewed from the south west along Tyle Green and from the adjacent public open green space. The height of this wall does comply the Council's condition to the planning consent referred to above. However its visual impact is considered to be greater than the wall and railings which are the subject of this application because of its solid form of construction and its corner location adjacent to the public open space which renders it visible from a significant distance along Tyle Green to the south west.

Staff consider that the wall and railings to the front of 18 Tyle Green are less visually intrusive because they are a combination of wall and railings and that the greater part of them lies parallel to the highway and that only a short section of each return (which are at right angles to the highway) is noticeable by people approaching along the street.

Staff consider that the boundary treatment does retain a degree of openness, given the use of railings and as there are openings either side of the front wall to allow vehicular ingress and egress. Combined with the modest overall height of the boundary it is considered, on balance, that material harm to the character and appearance of the streetscene does not result.

IMPACT ON AMENITY

There are no privacy or overlooking issues arising from this application.

HIGHWAY / PARKING

No issues arising.

KEY ISSUES / CONCLUSIONS

Staff do not consider that the walls and railings which are the subject of this application are so harmful to the overall street and front garden scene that planning permission should be refused.

RECOMMENDATION

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

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0813.17
WARD: Cranham **Date Received:** 9th May 2017
Expiry Date: 4th July 2017
ADDRESS: The Pavillion
Hall Lane Playing Fields
Upminster
PROPOSAL: Change of use from D2 (Assembly and Leisure) to allow a D1 use (Day Nursery)
DRAWING NO(S): Site Location Plan
Clubroom Layout Plan (Appendix 3)
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application relates to the Pavilion at Hall Lane Playing Fields, Upminster. This is a detached club house currently in D2 use. The building is set on the edge of the open parkland area with paved access leading to Hall Lane. A public car park and Tithe Barn Museum are located to the west. The site is located within close proximity to residential properties, namely those on Holden Way to the south.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for a flexible change of use from D2 (assembly and leisure) to a day nursery (D1 non-residential institution use).

It is intended that the nursery would operate between the hours of 09:00 and 15:00 Monday to Friday, 38 weeks a year (in line with school term times) and would care for up to 25 children aged between 2 and 5 years. In addition the nursery would employ up to 4 members of staff.

There would be staff parking provision for up to six cars adjacent to the pavilion, at the end of the drive from the playing fields car park.

There is parking for circa sixty vehicles in the playing fields car park, located adjacent to the Tithe barn. It is anticipated that this area would be used for the dropping off and collection of the children attending the nursery. Under current arrangements the playing field car park is available seven days a week, twenty four hours a day.

RELEVANT HISTORY

P0230.09 - Permanent retention of 2 in number steel containers. For the storage of sports equipment. (Renewal of temporary planning consent given on 15 September 2003 Application number P1836.03)
Apprv with cons 05-10-2009

P2098.08 - Front and side extension to playing fields pavilion building
Apprv with cons 18-02-2009

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 30 properties and one letter of representation has been received. The comments are summarised as follows:

- Unsuitable facility for a day nursery and lacks the correct provisions.

LBH Environmental Health - no objection.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- CP8 - Community Facilities
- DC11 - Non-Designated Sites
- DC26 - Location of Community Facilities
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design

OTHER

LONDON PLAN - 3.17 Health and social care facilities

-

LONDON PLAN - 6.10 Walking

-

LONDON PLAN - 6.13 Parking

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application is for the change of use of existing floor space and therefore would not be liable for any payments under the Mayoral CIL regulations.

STAFF COMMENTS

The main considerations relate to the principle of the change of use, the impact on amenity of neighbouring residential occupiers and the implications for parking and highway safety.

PRINCIPLE OF DEVELOPMENT

Nurseries are accepted as being community facilities, where there is a requirement for places within the Borough. The Borough's Childcare Sufficiency Report highlights areas of need within the Borough and supports the evidence that there is a fundamental shortage of childcare provision in Havering.

LDF policy CP8 aims to retain and re-provide community facilities where a need exists. Community facilities include, among others, day care nursery facilities. The provision of community facilities forms a vital component in improving quality of life and in line with the NPPF and the London Plan, policy CP8 seeks to reduce social inequalities and address accessibility both in terms of location and access.

The proposal would further be subject to policy DC26 of the LDF, which states that new community facilities will only be granted where they:

- a) are accessible by a range of transport modes;
- b) do not have a significant adverse effect on residential character and amenity; and
- c) are, where practicable, provided in buildings which, are multi-use, flexible and adaptable.

Issues concerning accessibility and residential amenity are discussed in the sections below.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposal would not result in any alterations to the external appearance of the building. No concerns are therefore raised from a design or local streetscene/character perspective.

IMPACT ON AMENITY

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

The site is located within a public park and some 7 metres from the side garden boundary of 53 Holden Way. A paved public path runs between the pavilion building and the dwelling boundary.

It is intended that the nursery would operate between the hours of 09:00 and 15:00 Monday to Friday, 38 weeks a year (in line with school term times), and would care for up to 25 children aged between 2 and 5 years old. In addition the nursery would employ up to 4 members of staff.

It is recognised that with nursery proposals there are some areas of judgement around noise, intensity of activity and the degree of impact this would have on nearby residents' living conditions. In this instance the premise is currently used as a sports club house and has an established D2 assembly and leisure use. The building is mainly used at weekends and during the evening time.

The property at 2 Holden Way is located adjacent to a public park, and given the existing use of the pavilion the residents of this property can reasonably expect a different environment to that of a purely residential area. Nevertheless, it is not considered that the proposal would result in a materially greater amount of noise and or activity than what could be undertaken lawfully as part of the existing assembly and leisure use. As such the potential harm to residential amenity would, subject to suitable safeguarding conditions, be minimal and not the extent which would support a reason for refusal.

HIGHWAY / PARKING

The parking requirement for day nurseries are listed within Annex 5 of the Development Control

Policies DPD, and this sets out that the maximum parking standard is 1 space per member of staff plus a drop off facility.

The proposal would employ 4 members of staff and could provide provision for up to six cars adjacent to the pavilion at the end of the drive from the playing fields car park.

There is parking for circa sixty vehicles in the playing fields car park, located adjacent to the Tithe barn. It is anticipated that this area would be used for the dropping off and collection of the children attending the pre-school. Under current arrangements the playing field car park would be available seven days a week twenty four hours a day.

The Local Highway Authority have raised no objections in relation to parking and highway safety. As such the proposed parking and access arrangements are in accordance with policy and are considered to be acceptable.

KEY ISSUES / CONCLUSIONS

It is not considered that the proposal would result in a materially greater amount of noise and or activity than what could be undertaken lawfully as part of the existing assembly and leisure use.

The development is considered to be in accordance with the provisions of Policies DC26, DC33 and DC61 and it is recommended that planning permission be approved subject to conditions.

RECOMMENDATION

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

1. Time limit (3yrs)

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Hours of use

The premises shall not be used for child care purposes other than between the hours of 08:30 and 18:00 on Monday to Friday and not at all on Saturday, Sunday, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. Number of children

The maximum number of children accommodated by the nursery hereby approved shall not exceed 25 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. Parking and drop-off

The parking and drop-off areas shall be kept free of obstruction and available for the parking of vehicles and dropping-off/picking-up of children associated with the development at all times.

Reason:-

To ensure that there are adequate parking and drop-off/pick up facilities to serve the development in the interests of highway safety and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

6. Restriction of use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than as a day nursery, the premises shall not be used for any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

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.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0882.17
WARD: Rainham & Wennington **Date Received:** 18th May 2017
Expiry Date: 13th July 2017

ADDRESS: Farm House
East Hall Lane
Wennington
RAINHAM

PROPOSAL: Proposed rear extensions

DRAWING NO(S): Existing Floor Plans and Elevations, drg no. 49-01
Proposed Floor Plans and Elevations, drg no. 49-02

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

BACKGROUND

This application is presented to Members on the basis that the extensions proposed, when viewed cumulatively with previous additions to the property, would result in a property more than 50% larger (cubic capacity) than originally built. Accordingly, the application is contrary to principle of policy DC45 of the LDF Core Strategy, albeit only limited weight can be apportioned to this policy given identified conflict with that detailed in the National Planning Policy Framework (NPPF). This is assessed in greater detail in the body of this report.

SITE DESCRIPTION

The application site is located on the north side of East Hall Lane; and comprises the former East Hall farm house. The house is two storey with a facing brickwork exterior. The property has previously been extended to the side and rear. In 2003 planning permission was granted to convert the building into 7 self contained flats and this is the current use of the building.

The site benefits from hard surfacing to the front which provides car parking for residents. The site is located adjacent to a former warehouse which burnt down a few years ago. This site is currently in use for the sale of vehicles, although staff seek to confirm that planning permission does not exist for this use. Albeit an application to regularise this is currently pending determination.

The site forms part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for a two storey rear extension; a second storey extension; and a single storey rear extension. The two storey extension is proposed towards the west of flank of the building and would measure approximately 4.8m wide by 3.2m deep. The extension is proposed with a hipped roof, 7.3m to ridge (matching the ridge height of the original building).

The second floor extension is proposed above the existing rear projection. This would match the dimensions of the two storey extension (4.8m wide by 3.2m deep) proposed at the other end of the

building.

The single storey extension is proposed to the rear of the existing single storey rear projection. This would measure approximately 9.4m by 3m and is proposed with a twin pitch roof - an extension of the existing roof form of this projection.

RELEVANT HISTORY

P0668.02 - Conversion of building to use as 7 no. self-contained flats
Apprv with cons 04-04-2003

CONSULTATIONS / REPRESENTATIONS

Highway Authority - No objection.

Historic England - No objection, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

London Borough of Havering Environmental Health - No objection.

Public Consultation:

11 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. No letters of representation have been received.

RELEVANT POLICIES

LDF

CP14 - Green Belt
CP17 - Design
DC03 - Housing Design and Layout
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design
SPD04 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.16 Green Belt
-
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are design and the impact of the development on the Green Belt and streetscene; the impact on nearby amenity; and any potential impact on highways.

GREEN BELT IMPLICATIONS

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

Unlike policy DC45, which suggests extensions, alterations and replacement buildings will be allowed in the Green Belt provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original, the NPPF does not set a figure limit on when an extension would form inappropriate development in the Green Belt. Instead, as detailed at paragraph 89, it is suggested that extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building should not be deemed inappropriate.

Staff in respect of the above acknowledge that this property has previously been extended. Staff calculations suggest the original floorspace of the property was circa 259m²; but now, with the existing extensions, the floorspace of the property is approximately 406m². The extensions proposed by this application would, cumulatively, add a further 75m² of floorspace bringing the property, without prejudice, to 481m².

On review, staff consider that this property has been quite comprehensively extended. That said, in context of the size of the extensions proposed by this application it is not considered that these would in isolation, or when viewed on the property as it now stands and/or originally constructed, appear overly disproportionate and/or significantly change the character of the property. It is considered the original form and character of the property has to some degree already been eroded by the substantial side extension but it is not considered that the extensions now proposed seek to heighten this or further detract from being able to view the farm house as it originally was constructed.

To confirm, in context of the existing site use, it is not considered that there would be any undue impact on the openness of the Green Belt as a result of implementation of the proposals.

DESIGN / IMPACT ON STREET / GARDEN SCENE

In the majority as rear extensions, the development proposed by this application would only be visible from the rear. Views of the two storey extension would exist from East Hall Farm but it is not considered that the proposals would duly impact on the streetscene and/or appear particularly out of character.

Staff, mindful of the conclusion formed in respect of this site being in the Green Belt, consider the rear extensions to be sufficiently subservient in appearance and raise no objection on design grounds. Whilst the character of the rear of the property would change, staff note that the two, two storey rear extensions would create a new symmetry to the property which from the rear is

currently missing given the ranging proportions of previous additions.

IMPACT ON AMENITY

In context of the site location and existing use, staff raise no objections to the development from an amenity perspective. Whilst the single storey rear extension would further extend this projection, staff consider sufficient separation would exist to the boundaries. No additional flank windows are proposed and accordingly it is not considered the development would give rise to any overlooking or privacy issues.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY / PARKING

Although this application would facilitate the creation of larger residential units (flats), the development would not result in additional units. No change is proposed to the existing access and/or car parking area and as such it is not considered the development would give rise to any significant highway or parking issues. It is considered any refusal on parking grounds would be difficult to substantiate on appeal given planning permission already exists to use the building for 7 flats.

KEY ISSUES / CONCLUSIONS

The proposal is not judged to represent inappropriate development in the Green Belt and no objections are raised to the proposals from a design perspective. Staff do not consider the extensions would furthermore give rise to any significant amenity or highway impacts and accordingly it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. **Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0905.17
WARD: Upminster Date Received: 24th May 2017
Expiry Date: 19th July 2017

ADDRESS: RAILWAY SIDINGS CARAVAN SITE
Ockendon Road
NORTH OCKENDEN
UPMINSTER

PROPOSAL: Variation of condition 2 attached to planning permission reference:
P0318.09 (stationing of two mobile homes and one touring caravan) to
allow a different family to occupy the site

DRAWING NO(S): Location Plan
Block Plan

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the
condition(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Ower on the basis of this being an inappropriate use of the Green Belt.

SITE DESCRIPTION

The application site is located on the northern side of Ockendon Road, immediately to the west of the railway line. The site is 19m wide and 41m long and benefits from a permanent, personal planning permission for two mobile homes and one touring caravan.

The application site is currently vacant, albeit completely hardsurfaced. Staff understand from historical aerial photography that the two mobile homes and touring caravan were previously located along the western boundary of the site, with an access way adjacent to the railway line. To the north, of the area to which this application relates, used to be a former stable block associated with the site. Some time between 2013-2016 staff nevertheless note that the site layout was changed, without the benefit of planning permission, with more spaciouly spaced pitches (mobile homes x 3) created on-site. This re-configuration extended approximately 120m from the site entrance over part of the former stable area.

In terms of designations, the site forms part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for a traveller family (family A) to occupy the site, instead of the previous family (family B), as per the details originally approved as part of application ref: P0519.03. The application proposes no additional development with the application simply seeking to vary the personal restriction currently imposed on occupation of the site. To confirm, as existing there is no temporary time frame condition imposed on occupation of the site by family B, owing to the conditions of P0318.09 not continuing the temporary nature of the permission previously granted.

RELEVANT HISTORY

Enforcement Update: The Council have taken enforcement action against the current owner and currently hold an injunction against occupation of the land, pending determination of this application. The Council took such action as staff were concerned about the level of works being undertaken and fears that the site was being laid out as a general traveller site for an extensive number of pitches.

- P0950.17 - Material change in use of land to provide 5 pitches for stationing of caravans for residential occupation by Traveller families, together with associated operational development including the installation of light columns, fencing, walls and a electricity cabinet
Awaiting Decision
- P0318.09 - Vary condition 1 and remove or vary condition 2 from planning application P0519.03 (allowed on appeal 25-03-2004)
Apprv with cons 15-06-2009
- P0519.03 - Change of use of land to residential - stationing of two mobile homes and one touring caravan for a gypsy family.
Refuse 19-06-2003

CONSULTATIONS / REPRESENTATIONS

Campaign to Protect Rural England (CPRE) - No comments received.

London Borough of Havering Environmental Health/Public Protection - No objection.

London Borough of Havering Highways - No comments received.

Network Rail - No comments received.

Thames Chase - No comments received.

Public Consultation:

22 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Four letters of representation have been received. Material planning considerations raised in the letters of representation received are summarised below:

- inappropriate use of Green Belt land;
- previous permission was granted to a named family with very special circumstances;
- fears of undue intensification and occupation by more than one family;
- poor road visibility; and
- works already undertaken to the site.

RELEVANT POLICIES

LDF

CP02 - Sustainable Communities

CP14 - Green Belt

DC08 - Gypsies and Travellers

DC45 - Appropriate Development in the Green Belt

LONDON PLAN

3.8 - Housing choice

7.16 - Green Belt

8.3 - Community infrastructure Levy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning Policy for Traveller Sites (PPTS)

Background papers: Gypsy and Traveller Accommodation Assessment 2017 and Gypsy and Traveller Position Statement 2017

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

For reference, it is considered that the key issues for consideration in the determination of this application are the conclusions of the Inspector as part of the appeal decision for application ref: P0519.03 and if the new proposed occupiers of the site exhibit the same very special circumstances to outweigh the definitional harm and any other harms identified from occupation of this Green Belt site.

GREEN BELT IMPLICATIONS

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

That said neither policy DC45 or the NPPF suggest a traveller site is not inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. The guidance in the NPPF is that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

As part of the Inspector's conclusions for application ref: P0519.03 it was considered that the circumstances advanced by family B - the lack of council owned/operated sites; the educational needs for their children; and the problems associated with a nomadic existence for the one of the family members amounted to very special circumstances. The Inspector considered the site reasonably well screened, with the locality representing relatively flat countryside with no particular features of merit. The Inspector furthermore noted that the site had previously been fly-tipped and had concerns of this re-occurring if the site was not in constant use. Mindful of this, the Inspector considered that the harm arising from the inappropriate development was solely a conflict with

policy and he was unable to detect any other significant harm to warrant refusal. Expanding on this, it was stressed that this decision was nevertheless based upon the personal circumstances of the applicant (family B) and the permission should not entitle others to reside on the land.

In context of the above, this application is supported by a planning statement which seeks to outline the circumstances of family A which it is suggested are similar, and if not more very special, than those which existed for family B.

Before considering the circumstances advanced, staff initially seek to assess if the applicant (the family A) meet the definition of a gypsy/traveller as per the PPTS: 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. Staff, on the basis of information submitted with the application have not been able to confirm that the the family fall within this definition. The history of the family suggest a nomadic habit however without fully assessment of individual circumstances, under interview, this cannot be confirmed. That said, staff note that the Council are unsure whether the previous occupier, family B, would meet the definition and accordingly consider the application has to be assessed on its individual merits.

In terms of suggested very special circumstances, it has been suggested that the two eldest children of one of the members of family A have not been able to attend school, as the family have never been situated in one place long enough to enrol their children. The only education the children have received is when an education bus has visited an unauthorised encampment to which they have been residing. Neither child can read or write and both parents have limited literacy skills. In addition to this, another family member is separated from her husband and has two children (aged 2 and 1). Furthermore, the mother of these two family members (aged 60) has lived on the road all her life and currently has health issues. As the family are homeless, she is however not registered with a GP and is unable to get the medical attention she requires without visiting A&E.

Policy E of the PPTS states that traveller sites in the Green Belt are inappropriate development. Subject to the 'best interests of the child', personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt.

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. The relevant matters identified in the policy include the existing level of provision and need for sites; the availability (or lack) of alternative accommodation and other personal circumstances and locally set criteria for traveller site identification.

Policy DC8 of the LDF Core Strategy sets out criteria for the consideration of gypsy and traveller sites. These include meeting identified need and criteria where sites might be acceptable in the Green Belt. However, these criteria have been largely superseded by the PPTS. In respect of this staff consider that, at best, only very limited weight can be given to the policies of the new Local Plan, given its stage of adoption, but note that, as part of the evidence base for this, the Council have published a Gypsy and Traveller Accommodation Assessment (2017) and Gypsy and

Traveller Position Statement (2017). Pitch turnover does not form part of this Assessment but the Position Statement does seek to outline that the Council's preferred approach to meeting gypsy and traveller need is to formalise and where appropriate intensify existing occupied sites. This site is not one of the sites mentioned in this regard but, for reference, within the Position Statement it is suggested that the provision of stable, safe and secure places to live and the benefits of enabling settled children continued access to schools they currently attend likely to constitute very special circumstances, in light of the inability to provide such accommodation elsewhere.

Whilst it is acknowledged that the proposed occupiers of the site did not form part of the 'need' assessment of the Gypsy and Traveller Accommodation Assessment 2017, and the applicant's children do not currently attend schools in the Borough, this pitch provision is identified/listed in the Assessment as an existing site. Land ownership is not in itself a material planning consideration, and as all existing gypsy and traveller sites in the Borough are privately owned, staff consider that there has to be an acceptance of the potential for sites to be sold or change hands. In comparison to an unrestricted permission residing with land, the personal restriction imposed does impact on the default planning position but, in this instance, it is considered the greater control was deemed necessary in context of the very special circumstances previously advanced and to allow the Local Planning Authority the ability to assess the circumstances of any other potential occupier in ensuring/concluding if these suitably outweigh any identified harms from continued occupation.

In respect of this, staff consider the circumstances of family A are as special/pressing and do not consider that the continued occupation of the site, albeit by a different family, would give rise to any additional harms beyond the definitional Green Belt harm which was previously found to be acceptable. Although the use of this site by family A would not seek to assist the Council's overall shortfall in gypsy and traveller pitches, staff consider a refusal on Green Belt impact and lack of very special circumstances would be difficult to substantiate on appeal in context of the site history.

IMPACT ON AMENITY

Staff do not consider the development would give rise to any amenity implications. The site would be occupied as per details previously approved and there would be no intensification of use. The fact that the site is being occupied by a different family gives rise to no amenity considerations.

HIGHWAY / PARKING

No issues arising.

KEY ISSUES / CONCLUSIONS

Staff acknowledge that the use of this site as a gypsy and traveller site is inappropriate in the Green Belt. This site nevertheless benefits from a permanent planning permission for such a use, albeit this is restricted to members of a particular family.

Staff have failed to identify any additional harms to the Green Belt from occupation of the site by a different family, above the principle policy conflict and definitional harm, which staff consider is outweighed by the personal circumstances advanced.

Subject to a condition which seeks to limit occupation of the site to relevant members of family A, in the interests of retaining control of the site use, staff accordingly recommend that planning

permission be granted.

RECOMMENDATION

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

1. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

2. SC21 (Personal permission)

The application site, and 2 x mobile homes and 1 x touring caravan, shall only be occupied by Mr James Sweeney, Mrs Priscilla Sweeney and their children Crystal, Polyanna, Tommy and Billy; Ms Caroline Mongen and her children Megan and Noritta; and Mrs Noreen Sweeney. When the site ceases to be occupied by the above named persons, the use hereby permitted shall cease and all materials and equipment brought onto the land in connections therewith shall be removed.

Reason:-

The proposed use of the site is inappropriate development in the Green Belt. The personal circumstances of the applicant, in this case, amount to the very special circumstances which render the development acceptable. In context of this, the Local Planning Authority are keen to retain control of the site and ensure any future occupiers, should the site be sold or change hands, similarly meet the definition of a gypsy/traveller and personal circumstances advanced acceptably outweigh the harm(s) caused to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

3. NSC01 (Maximum number of mobile homes/touring caravans)

No more than 2 x mobile homes and 1 x touring caravan shall be present on-site at any one time.

Reason:-

In the interests of retaining control, to ensure that any occupation of the site remains as per the details approved and to ensure no undue intensification of the site and/or additional harm to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

INFORMATIVES

1. Non Standard Informative 1

The applicant is reminded that this application does not allow for any additional development to occur on-site. The variation sought and hereby approved solely relates to the personal restriction previously imposed. The land must be occupied as per the approved details of application ref: P0519.03.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0938.17
WARD: Upminster **Date Received:** 1st June 2017
Expiry Date: 27th July 2017

ADDRESS: Warley 275kV Electricity Substation
Clay Tye Road
Warley

PROPOSAL: Construction of a new site access road to Warley 275kV Electricity Substation

DRAWING NO(S): Site Location Plan, Document Number: PDD-32686-LAY-001 (Rev 03)
Existing Topographical Survey & Contours, Document Number: PDD-32686-LAY-002 (Rev 01)
Proposed Access Road General Arrangement, Document Number: PDD-32686-LAY-010 (Rev 03)
Proposed Access Road Proposed Drainage Layout, Document Number: PDD-32686-LAY-0050 (Rev 01)
Figure 9 Landscape Mitigation Proposals
Section 278 Works Existing & Proposed Junction Arrangement, Document Number: PDD-32686-LAY-0005 (Rev 01)

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site is located on the eastern side of Clay Tye Road and forms part of land associated with Clay Tye Farm. The site is within the Metropolitan Green Belt, forms part of the Thames Chase Community Forest and is directly north of a Site of Importance of Nature Conservation (SINC). Directly south of the southern boundary of the site is a Public Right of Way which runs along the rear of the substation.

Clay Tye Road is the primary route connecting the A127 with South Ockendon passing through Ockendon and North Ockendon. The majority of the route is a two-way single carriageway road and subject to a 40mph speed limit. The location is semi rural and is characterised by small farmsteads and scattered dwellings.

The Warley Substation is located between Clay Tye Farm, to the north, and Fairplay Farm, to the south. There are open agricultural fields to the east, north and south of Warley Substation. The substation is set back from the edge of Clay Tye Road by approximately 300 metres. The existing shared access to the substation, for reference, is located approximately 250 metres north of the proposed site access.

There is a small dry ditch running along the boundary of the field adjacent to which the proposed access would be sited. There is also a hedgerow running along the boundary with Clay Tye Road.

DESCRIPTION OF PROPOSAL

The current access to the substation is shared between National Grid and the owner of Clay Tye

Farm. National Grid's operational requirements are for a 24/7 unrestricted access, which has proven difficult, given the operational requirements of livestock farming. The proposal, before the Local Planning Authority, is therefore for the construction of a new junction off Clay Tye Road and a new access road providing sole access to the substation.

The new access is proposed to be constructed adjacent to Clay Tye Cottage and follow the Clay Tye Farm field boundary round to the substation. The proposal would result in the loss of some agricultural land as well as hedgerows within the site.

It is not anticipated that the site would generate significant amounts of traffic with approximately 5 daily vehicles expected for general routine inspection and maintenance purposes. Occasional HGVs are expected on an infrequent basis.

For the purposes of clarity, the existing access road would, following construction of the new access, be transferred to the owner of Clay Tye Farm for his sole use as a farm access road.

RELEVANT HISTORY

P1183.10 - Construction of new access and access track to serve existing substation
Apprv with cons 15-10-2010

CONSULTATIONS / REPRESENTATIONS

CPRE - No comments received.

Havering Friends of the Earth - No comments received.

Highway Authority - No objection subject to conditions.

London Borough of Havering Environmental Health - No objection.

London Borough of Havering Lead Local Flood Authority - Ditch line would need to be culverted, as connections upstream from properties and highway drainage flow into ditch line. Proposed details of ditch headwalls, pipe size and construction to be secured by condition.

London Fire Brigade - No objection.

Thames Chase - No comments received.

Public consultation: 23 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Two letters of public representation have been received. The concerns/comments received are summarised below:

- visual impact;
- further increase in road safety danger;
- noise;
- potential damage to property through increased levels of vibration; and

- loss of vegetation/hedgerow.

RELEVANT POLICIES

LDF

CP10 -	Sustainable Transport
CP14 -	Green Belt
CP15 -	Environmental Management
CP16 -	Biodiversity and Geodiversity
CP17 -	Design
DC32 -	The Road Network
DC33 -	Car Parking
DC45 -	Appropriate Development in the Green Belt
DC48 -	Flood Risk
DC51 -	Water Supply, Drainage and Quality
DC55 -	Noise
DC56 -	Light
DC58 -	Biodiversity and Geodiversity
DC60 -	Trees and Woodlands
DC61 -	Urban Design
DC62 -	Access

OTHER

LONDON PLAN - 7.16 Green Belt

-

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are the impact of the development on the Green Belt and local character; the impact on nearby amenity; and any potential impact on highways.

With regard to the above, as will be noted from the 'Relevant History' section of this report, this is a re-submission of a previously approved proposal which has lapsed. Mindful of this, this report seeks to assess the conclusions formed in respect of the proposal previously and assess if there has been any changes in Government guidance, policy or site conditions to suggest a different opinion/decision should now be formed/made.

GREEN BELT IMPLICATIONS

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development

would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

With regard to the above, the NPPF suggests that engineering operations (paragraph 90) are not inappropriate in the Green Belt provided that they do not conflict with the purposes of including land in the Green Belt. This position is however not reflected in policy DC45 with this suggesting only development for agricultural and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and park and ride facilities are, in principle, acceptable.

In respect of this, staff note that previously application ref: P1183.10 was determined in context of guidance contained within Planning Practice Guidance 2 (Green Belts) and the LDF. PPG2 has now been replaced by the NPPF. That said, PPG2 similarly to that now detailed in the NPPF suggested engineering operations were inappropriate unless they maintained openness and did not conflict with the purposes of the Green Belt. The difference being that PPG2 required development to maintain openness, a criteria which is not detailed in the NPPF as part of the paragraph 90 exemptions.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. Paragraph 80 of the NPPF explains that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Potentially staff consider that this development could be considered contrary to the purpose of safeguarding the countryside from encroachment. Indeed, as part of the report produced to accompany the decision issued in respect of P1183.10, staff previously came to the conclusion that the development would harm the openness of the Green Belt. As part of that decision it was nevertheless considered that the very special circumstances advanced (the need for 24/7 guaranteed unrestricted access) outweighed any such harm. Staff note that these very special circumstances still support the application and, in context that the area has not significantly changed, have no reason to question or challenge this position. Due assessment of the specific site circumstances/appearance and potential impacts in terms of nearby amenity and local infrastructure can nevertheless be found below.

DESIGN / IMPACT ON STREET / GARDEN SCENE

A substantial part of open grassland would be lost as a result of implementation of the development, replaced with a tarmac access track. This, as considered previously, would materially change the character and appearance of the area, with the proposal visible to pedestrians making use of the Public Right of Way, running directly south of the proposed road, from vehicles driving on Clay Tye Road and residential properties in the vicinity.

Staff nevertheless consider the proposed landscaping and hedgerow planting would reduce the overall visual impact of the development. With regard to this, and in-particular the proposed hedgerow removal, staff note the general protection offered to hedgerows in the Hedgerow

Regulations 1997 but do not consider the hedgerow, in this case, to meet the definition of 'important' as per the criteria of the Regulations. In view of this, on balance, it is not considered, as before, that the level of harm which would arise from a visual perspective would be so significant to warrant refusal.

An updated Landscape and Visual Impact Assessment has been submitted with this re-submission. This, similarly to that as concluded by staff, suggests the development would have adverse impacts on three hedgerows within the site; but this impact is mitigated by the provision of new hedgerow planting and new tree planting alongside the development. With such mitigation the overall landscape impact is defined as minor; and moderate from a visual perspective (from the properties along Clay Tye Road with views of the field).

In context of the need argument proposed, and the limited scope for alternative access routes, staff consider this impact outweighed. Staff nevertheless in this regard recommend appropriate conditions to ensure the proposed landscaping is implemented and maintained; and appropriate tree protection measures and construction management procedures are secured should planning permission be granted.

IMPACT ON AMENITY

Policy DC61 of the LDF, in-part, details that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. As concluded with the previous application it is not considered that the proposal would give rise to significant amenity impacts, including unreasonable levels of noise and/or activity, in context of the likely use of the access road on a daily basis.

This opinion is supported by the Council's Environmental Health/Public Protection department who have raised no objection to the development coming forward on such grounds.

HIGHWAY / PARKING

The proposal would not involve any alterations or extensions to the existing substation which has been operating as a high voltage substation since 1965. There would be no rise in traffic volumes, number of staff or any alterations to parking spaces at the substation. The proposal would therefore not give rise to an increase in traffic volumes or generate parking issues.

A Transport Statement and Stage 1 Road Safety Audit have been submitted with the application and these seek to demonstrate that the access would have an appropriate visibility splay and not cause any conflict with existing traffic conditions. The Highway Authority has assessed this and have raised no objection from a safety or efficiency perspective subject to conditions requiring further safety audits and the necessary agreement, notice or licence to enable alterations to the public highway.

OTHER ISSUES

ECOLOGY

Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. As suggested earlier in this report, this site forms part of the Thames

Chase Community Forest and is directly north of a Site of Importance of Nature Conservation (SINC). An Ecological Impact Assessment has been submitted with the application. This concludes that subject to good practice and appropriate mitigation measures being implemented during the construction phase of the development, the proposal should not give rise to any significant ecological impact. Staff note a similar conclusion was formed previously and accordingly subject to such measures being secured by condition raise no objection from an ecological perspective.

KEY ISSUES / CONCLUSIONS

This is a re-submission of a previous, albeit lapsed, approved development. Staff have sought to review the original report and decision made and also re-assess the proposal in context of current policy and guidance.

In conclusion, staff do not consider that any circumstances have changed to warrant a different recommendation being formed, considering, in the absence of significant harm, the development acceptable in the Green Belt. It is therefore recommended that the application be approved subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. SC11 (Landscaping)

All planting, seeding or turfing comprised within the landscape scheme, as shown on the approved drawings, shall be carried out in the first planting season following completion of the development. 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:-

To ensure the landscaping scheme is implemented and maintained in accordance with the details submitted and that the development accords with the Development Control Policies

Development Plan Document Policies CP16, DC58, DC60 and DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

4. SC13B (Boundary treatment)

Prior to the commencement of the development hereby approved, details of all proposed fencing and gates shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details with all fencing and gates retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. SC12 (Preserved trees/methodology)

Prior to the commencement of the development hereby approved, a scheme for the protection of retained trees and vegetation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of 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 before development commences and kept in place until the approved development is completed.

Reason:-

Insufficient information has been supplied with the application to demonstrate how existing trees and vegetation on-site would be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust and that the development accords with the Development Control Policies Development Plan Document Policies CP15, CP16, DC58, DC60 and DC61.

6. NSC01 (Ecological mitigation)

The development hereby permitted shall be undertaken in accordance with the ecological mitigation measures outlined in Section 4 of the submitted Ecological Impact Assessment, dated May 2017.

Reason:-

To ensure that the development does not give rise to any significant ecological impacts, good practice is maintained during construction and to comply with the Development Control Policies Development Plan Document Policies CP15, CP16, DC58, DC60 and DC61.

7. NSC02 (Vehicle access)

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:-

In the interests of ensuring good design, public safety and to comply with the Development Control Policies Development Plan Document Policies CP10, CP17, DC32 and DC61.

8. NSC03 (Road safety audit)

Prior to the commencement of the development hereby approved, the proposed site access shall be subject to the first two stages of the road safety audit procedure, as defined in HD 19/15 of the Design Manual for Roads & Bridges. Before substantial completion, the access shall furthermore be subject to stage three of the audit process. The results of each stage together with a schedule of works to be undertaken, in context of any recommendations

made as part of the audit, shall be submitted to the local planning authority for approval in writing. Any works subsequently approved shall be completed, to the satisfaction of the local planning authority, prior to the opening and beneficial use of the access.

Reason: In the interests of ensuring good design, ensuring public safety and to comply with the Development Control Policies Development Plan Document Policies CP10, CP17, DC32 and DC61.

9. NSC04 (Drainage details)

Prior to the commencement of the development hereby approved, details of the proposed engineering works where ditches are proposed to be in-filled shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include information on proposed ditch headwalls as well as replacement pipe size. The development shall be implemented in accordance with the details approved.

Reason:-

Insufficient information has been supplied with the application to demonstrate how surface water drainage would be managed. Submission of such details will ensure that flooding does not occur, that mitigation works are sufficient to cope with existing run-off/discharge rates and that the development accords with the Development Control Policies Development Plan Document Policies CP15, CP16, DC48, DC51, DC58 and DC61.

10. NSC05 (Lighting)

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, for review and approval in writing, prior to installation. Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will protect amenity; the river corridor and ensure that the development accords with Development Control Policies Development Plan Document Policies DC56 and DC61.

11. SC63 (Construction methodology)

Prior to the commencement of the development hereby approved, a Construction Method Statement, to control the adverse impact of the development on the amenity of the public and nearby occupiers, shall be submitted to and approved in writing by the Local Planning Authority. 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) a scheme for monitoring noise and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- f) siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:-

Insufficient information has been supplied with the application in relation to the proposed

construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

12. SC62 (Hours of construction)

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

Reason:-

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

INFORMATIVES

1. Highways Informatives

The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this 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.

The developer 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.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. P0950.17
WARD: Upminster **Date Received:** 8th June 2017
Expiry Date: 3rd August 2017

ADDRESS: Railway Sidings
Ockendon Road
UPMINSTER

PROPOSAL: Material change in use of land to provide 5 pitches for stationing of caravans for residential occupation by Traveller families, together with associated operational development including the installation of fencing, walls and a electricity cabinet

DRAWING NO(S): Location Plan
Proposed Site Layout Plan (Rev B)
Proposed Utility Blocks

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Ower on the basis of this being an inappropriate use of the Green Belt.

SITE DESCRIPTION

The application site is located on the northern side of Ockendon Road, immediately to the west of the railway line. The site is 19m wide and approximately 200m long, from the northern extent of the shared access with Network Rail. The southern part of the site benefits from a permanent, personal planning permission for two mobile homes and one touring caravan.

The application site is currently vacant, albeit completely hardsurfaced. In respect of this staff understand from historical aerial photography that the two mobile homes and touring caravan (which benefit from planning permission) were previously located along the western boundary of the site, with an access way adjacent to the railway line. To the north of this used to be a former stable block associated with the site. Some time between 2013-2016, while the site was still occupied by the former traveller family, staff note that the site layout was changed, without the benefit of planning permission, with more spaciouly spaced pitches (mobile homes x 3) created on-site. This re-configuration extended approximately 120m from the site entrance over part of the former stable area.

In terms of designations, the site forms part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

This application seeks planning permission to utilise the complete site as a traveller site. The site would provide five pitches, each comprising a mobile home and utility block, with space for a touring van. Associated operational development includes the installation of lighting, fencing, walls and a electricity cabinet is furthermore proposed.

The application seeks permission for the site to be occupied by a specific traveller family. The individual circumstances of the family are discussed in greater detail in the latter sections of this report.

The applicant commenced works on-site in late April/early May 2017 believing planning permission was not required as this site benefited from a permanent planning permission for such a use. In this regard, the applicant has erected fencing, laid sewer and water pipes and renewed areas of hardstanding.

RELEVANT HISTORY

Enforcement Update: The Council have taken enforcement action against the current owner and currently hold an injunction against occupation of the land, pending determination of this application and application ref: P0905.17. The Council took such action as staff were concerned about the level of works being undertaken and fears that the site was being laid out as a general traveller site for an extensive number of pitches.

- P0905.17 - Variation of condition 2 attached to planning permission reference: P0318.09 (stationing of two mobile homes and one touring caravan) to allow a different family to occupy the site
Awaiting Decision
- P0318.09 - Vary condition 1 and remove or vary condition 2 from planning application P0519.03 (allowed on appeal 25-03-2004)
Apprv with cons 15-06-2009
- P0519.03 - Change of use of land to residential - stationing of two mobile homes and one touring caravan for a gypsy family.
Refuse 19-06-2003

CONSULTATIONS / REPRESENTATIONS

Anglia Water - No comments received.

Campaign to Protect Rural England (CPRE) - No comments received.

Essex & Suffolk Water - No objection.

London Borough of Havering Environmental Health/Public Protection - No objection.

London Borough of Havering Highways - No objection but refuse collection point would be required near Ockendon Road. A condition in this regard is recommended.

London Borough of Havering Lead Local Flood Authority - No objection although the site will require a drainage strategy as surface water run-off cannot flow towards railway line. If soakaways are proposed, full design details to be submitted and agreed in writing.

London Borough of Havering Streetcare Waste Recycling - No objection subject to appropriate waste storage/collection areas being secured by condition.

London Fire Brigade - No objection.

National Grid - No comments received.

Network Rail - The developer/applicant must ensure their proposal, both during construction and after completion does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;
- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;
- adversely affect any railway land or structure;
- over-sail or encroach upon the air-space of any Network Rail land; and/or
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Network rail strongly recommends the developers contacts their Asset Protection department prior to undertaking any works on-site.

Thames Chase - No comments received.

Thames Water - No comments received.

UK Power Networks - No comments received.

Public Consultation:

22 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Six letters of representation have been received. Material planning considerations raised in the letters of representation received are summarised below:

- inappropriate use of Green Belt land;
- out of character and an eyesore;
- fears of undue intensification and occupation by more than one family;
- fears of increased levels of crime;
- lighting already installed is excessive and unsightly;
- poor road visibility/access; and
- works already undertaken to the site.

RELEVANT POLICIES

LDF

CP02 - Sustainable Communities

CP14 - Green Belt

CP15 - Environmental Management

CP17 - Design

DC08 - Gypsies and Travellers

DC32 - The Road Network

DC33 - Car Parking

DC40 - Waste Management

DC45 - Appropriate Development in the Green Belt

DC48 - Flood Risk
DC51 - Water Supply, Drainage and Quality
DC56 - Light
DC61 - Urban Design

LONDON PLAN

3.8 - Housing choice
5.12 - Flood risk management
5.13 - Sustainable drainage
5.14 - Water quality and wastewater infrastructure
6.1 - Strategic approach
6.13 - Car parking
7.4 - Local character
7.16 - Green Belt
8.3 - Community infrastructure Levy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy for Traveller Sites (PPTS)

Background papers: Gypsy and Traveller Accommodation Assessment 2017 and Gypsy and Traveller Position Statement 2017

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are the impact of the increased intensification of use on the Green Belt and local character; the very special circumstances advanced by the applicant in context of this representing inappropriate development in the Green Belt; and any amenity and highway implications.

PRINCIPLE OF DEVELOPMENT

Policy DC8 of the LDF Core Strategy sets out criteria for the consideration of gypsy and traveller sites. These include meeting identified need and criteria where sites might be acceptable in the Green Belt. However, these criteria have been largely superseded by that suggested in the Planning Policy for Traveller Sites (PPTS). In respect of this staff consider that, at best, only very limited weight can be given to the policies of the new Local Plan, given its stage of adoption, but note that, as part of the evidence base for this, the Council have published a Gypsy and Traveller Accommodation Assessment (2017) and Gypsy and Traveller Position Statement (2017) with the Position Statement suggesting the Council's preferred approach to meeting gypsy and traveller need is to formalise and where appropriate intensify existing occupied sites.

This site is not one of the sites mentioned in this regard but, for reference, within the Position Statement, it is suggested that the provision of stable, safe and secure places to live and the

benefits of enabling settled children continued access to schools they currently attend likely to constitute very special circumstances, in light of the inability to provide such accommodation elsewhere.

As this is a privately owned site which has recently been sold/changed hands staff note that the proposed occupiers of the site did not form part of the 'need' assessment of the Gypsy and Traveller Accommodation Assessment 2017. However, land ownership is not in itself a material planning consideration, and as all existing gypsy and traveller sites in the Borough are privately owned, staff consider that there has to be an acceptance of the potential for sites to be sold or change hands and individual family circumstances and needs change. The weight to be apportioned to this, in this case, is however intrinsically linked to the personal restriction on occupation of the site being varied to allow some members of the family to occupy the site as per the details previously approved as part of P0519.03 (application ref: P0905.17).

For reference, in terms of the above and the applicant's gypsy/traveller status, it has been suggested that the family meet the definition of a gypsy/traveller. Staff however on the basis of information submitted cannot verify this is the case. The PPTS defines a gypsies/travellers as 'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. The history of the family suggest a nomadic habit however without full assessment of individual circumstances this cannot be confirmed. Accordingly, staff consider the application has to be assessed on its individual merits with it considered, without prejudice, should planning permission be granted, a temporary permission may be appropriate to allow further assessment of the family circumstances/need.

GREEN BELT IMPLICATIONS

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

That said neither policy DC45 or the NPPF suggest a traveller site is not inappropriate development in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. At paragraph 80 of the NPPF it is detailed that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on detailing that when considering planning

applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Although a permanent, personal planning permission does exist on the southern part of the site, the northern part of the site does not benefit from any extant planning permission for use as a traveller site. Accordingly, the material change of use of this part of the site is inappropriate development; as is all associated development within the site (including the mobile homes and utility blocks themselves; the fencing; and lighting). The applicant in context of this has suggested a number of very special circumstances which principally surround need and the personal circumstances of the family.

In respect of this, and who would occupy the site, it has been suggested:

- Pitch A would be occupied by a family member, his wife and their four children, aged between 8 and 2. Their two eldest children have, to date, not been able to attend school due to the family not stopping long enough in one place. The only education the children have received is when an education bus has visited an unauthorised encampment to which they have been residing. Neither child can read or write and both parents have limited literacy skills.
- Pitch B would be occupied by a family member who is separated from her husband and has two children (aged 2 and 1).
- Pitch C would be occupied by a family member (aged 60) who has lived on the road all her life. This individual currently has health issues but as the family are homeless, they are not registered with a GP and is unable to get the medical attention she requires without visiting A&E.
- Pitch D would be occupied by a family member, his wife and their four children, aged between 13 and 2.
- Pitch E would be occupied by a family member, his wife and their five children, aged between 17 and 5. The only education these children have received, to date, was when the family lived with the wife's parents on a pitch in Maidstone. The eldest son currently works with his Father and Uncles who undertake grounds works, gardening and exterior painting.

Policy E of the PPTS states that traveller sites in the Green Belt are inappropriate development. Subject to the 'best interests of the child', personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt.

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. The relevant matters identified in the policy include the existing level of provision and need for sites; the availability (or lack) of alternative accommodation; and other personal circumstances and locally set criteria for traveller site identification.

To determine if the circumstances advanced by the applicant therefore outweigh the harm staff consider it necessary to assess the extent of harm(s) resulting from the development. This is duly considered below.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF Core Strategy details that planning permission will only be granted for

development which maintains, enhances or improves the character and appearance of the local area.

This area is considered relatively rural and countryside in character. The site is however secluded and as noted by the Inspector, as part of the determination of application ref: P0519.03, representative of relatively flat countryside with no particular features of merit. The site is bound by the railway line to the east and by Ockendon Road to the south. The site is also dissected by two overhead power/electricity cables. Views of the site do exist from the bridge over Ockendon Road but footfall is limited, in context of the location.

Staff acknowledge that this site had previously developed, or grown, from that originally granted on appeal and been more extensively developed than permitted. Staff nevertheless note that such development has now been removed and whilst the site is now completely hardsurfaced is vacant of all buildings. Green Belt impact requires consideration of two elements: visual and spatial; with the latter ultimately seeking to ensure that something which cannot be seen is not necessarily acceptable solely for this reason.

In respect of this, by hardstanding and board-fencing the complete site, staff consider that the proposal would result in some harm to the visual element of the Green Belt. In addition the hardstanding and urbanising elements (fencing, walling, lighting etc...) proposed as part of this application, together with the regimented layout of pitches and buildings (mobile homes and utility blocks) would be harmful to both visual (where seen) and spatial elements. It is accepted that this development is replacing former buildings on site, but in staff's view the nature of the use and the layout of the site is fundamentally different to that of a stables and barns. Without question it is considered that the development would result in some harm to the openness of the Green Belt. Openness is in effect the absence of development and this application proposes such development. The key consideration however is the extent of harm and if this is outweighed by other considerations.

Staff in relation to this, and mindful of the views of the Inspector as part of P0519.03, consider the degree of harm which would result from the development would be relatively modest. This site represents a small, narrow strip of land adjacent to the railway line. The railway line and overhead wires already to some degree compromise the quality of the landscape and although the site use would be intensified (enlarged), staff consider that the harms to the Green Belt to be quite minor. This is however a matter of judgement and should Members consider differently this could potentially represent a reason to refuse the application, should it be considered the very special circumstances advanced do not clearly outweigh the aforementioned harm.

Staff through negotiation with the applicant, have sought to explore if any identified harms could in any be reduced and in this regard the lighting columns (which have been erected along the western boundary) have been removed from that proposed as part of this application. Staff considered these excessive and, without prejudice, should the extension and intensification of use be considered acceptable in principle, it is considered the site layout and supporting infrastructure needs to be far less intrusive, more akin to the details of P0519.03 and relative to that being applied for.

Lighting would be required on-site but the columns erected, in the event of approval, would be

removed and replaced with more appropriate lighting, likely attached to the perimeter fencing, which would be agreed in writing with the Local Planning Authority before installation. Through the use of additional conditions, in the event of approval, staff could furthermore ensure the materials of the utility blocks are appropriate and any internal boundary treatments do not give rise to an undue sense of enclosure.

With regard to the mobile homes, utility blocks and proposal in general, staff note that the NPPF suggests that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development are potentially not inappropriate. Staff consider that the land could be characterised as previously developed given the use as a traveller site over part and stables/paddocks over the remainder, but staff air caution in terms of the weight which should be apportioned to this exemption given the nature of the current planning application.

With regard to this Members may could choose to attribute significant weight to the identified harms, resulting from the re-development, and consider the need or very special circumstances could be delivered elsewhere or in a less intrusive way. For example, it could be argued that the harm of re-developing the whole site is greater than say a more intensified use of a smaller proportion of the site. This again is however a matter of judgement.

IMPACT ON AMENITY

Policy DC61 of the LDF Core Strategy, in addition to that suggested above, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

This site is set well away from the main urban area, although it is close to a number of residential properties. Staff, subject to suitable safeguarding conditions, do not consider that the proposed development would give rise to any amenity impacts to warrant further consideration or refusal. This opinion is supported by the Council's Environmental Health/Public Protection department who have raised no objection to the development coming forward on such grounds.

HIGHWAY / PARKING

The application proposes no change to the existing access to the site from Ockendon Road. Whilst staff note that concerns have been raised about the suitability of this junction in general, in the letters of public representation received, the Council's Highway Department have raised no objection on such grounds. Accordingly, staff do not consider that the limited intensification of the access would give rise to highway safety or efficiency concerns to render the development fundamentally unacceptable or contrary to policy DC32 of the LDF Core Strategy.

KEY ISSUES / CONCLUSIONS

This proposal represents inappropriate development in the Green Belt and accordingly very special circumstances need to be shown to outweigh the harm to the Green Belt by definition and any

other harm(s) identified.

Staff acknowledge that this site already in part benefits from a planning permission to be used as a traveller site. This is however a personal permission which it is considered impacts on the weight to be given to this but irrespective this is still a consideration.

Whilst this site is not currently proposed to be one of the sites expanded and/or formalised in the Green Belt as part of the new Local Plan, staff note that the Gypsy and Traveller Accommodation Assessment 2017 specifically states that the Council will need to carefully consider how to address the needs associated with unknown travellers, as it is unlikely that this need will be addressed through the provision of conditioned or allocated pitches. In Havering all existing gypsy and traveller accommodation is in private ownership and accordingly the Havering 'need' is potentially subject to change should sites be sold, change hands or personal occupation conditions be varied.

Noting the above, although this application would intensify a use and site in the Green Belt, staff consider the very special circumstances advanced suitably outweigh the identified harms. It is accepted that the development would impact on openness by reason of the increased number of buildings, including the permanent utility blocks proposed by this application; and infrastructure associated with the use but in context of the site location, the size of the site and its historical use staff do not consider the impact on the Green Belt would be substantial. Mindful of this, staff consider the very special circumstances advanced, which stem from need and the individual circumstances of the proposed occupiers, more pressing.

Staff nevertheless acknowledge that the acceptance of this application could put greater pressure on Havering's 'need' in the future, given the number of children involved. As existing none of the traveller family children, intended to occupy the site, currently attend school in the Borough. Staff have apportioned considerable weight to the benefits allowing these children access to education; and also elder family members the ability to receive medical attention. However, this application does require quite a bit of judgement and staff consider this quite a balanced argument.

That said overall staff do not consider that the development would fundamentally undermine the purposes of the Green Belt and consider the benefits the development would result in, albeit largely personal and specific to the family, do outweigh the harms to the Green Belt.

Staff on the other hand note that suggested in the PPTS and the emerging status of the Local Plan and accordingly, whilst are minded to recommend that planning permission be granted, consider a two year temporary planning permission appropriate. This period would duly allow the Local Plan to be adopted and for the Council to have a more firm policy position in which to determine this application in context of the applicant's status as gypsies/travellers and the Havering 'need' moving forward.

Staff in coming to this conclusion seek to confirm that this judgement has been made on the basis of one family occupying the site and the site not being occupied by multiple families. The impact on the openness of Green Belt it is considered would likely be considerably higher if the site was to be laid out as five independent pitches. Whilst it is noted the plans show sub-division of the pitches, through appropriate conditions staff can ensure that such fencing is appropriate to that which it is intended and the site continues to be read as one allocation moving forward.

Obviously, there is the potential that the site will be sold or change hands again in the two year period but with a suitable condition limiting occupation to the one family staff consider that the Local Planning Authority will be able to retain control of the site and in the event of such a situation actively ensure any future occupiers exhibit very special circumstances, that there is no further intensification of use and no further impact on the Green Belt during this period.

To confirm, should Members give different weight to any of the above and consider the very special circumstances identified, including the best interests of the children of the family, do not clearly outweigh the harm to the Green Belt for a temporary period then there would be a case for refusing planning permission and pursuing enforcement action in respect of works already undertaken on-site.

RECOMMENDATION

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

1. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

2. SC16 (Temporary permission)

This permission shall be for a limited period only expiring two years from the date of this decision notice. On or before this date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of retaining control and in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

3. SC21 (Personal permission)

The application site, and five pitches hereby approved, shall only be occupied by Mr James Sweeney, Mrs Priscilla Sweeney and their children Crystal, Polyanna, Tommy and Billy; Ms Caroline Mongen and her children Megan and Noritta; Mrs Noreen Sweeney; Mr Thomas Sweeney, Mrs Bernadette Sweeney and their children Caitlin, Nikita, Bernadette and John; and Mr Martin Sweeney, Mrs Maria Sweeney and their children Jimmy, Caroline, Martin, Olivia and Maria. When the site ceases to be occupied by the above named persons, the use hereby permitted shall cease and all materials and equipment brought onto the land in connections therewith shall be removed.

Reason:-

The proposed use of the site is inappropriate development in the Green Belt. The personal circumstances of the applicant, in this case, amount to the very special circumstances which render the development acceptable. In context of this, the Local Planning Authority are keen to retain control of the site and ensure any future occupiers, should the site be sold or change hands, similarly meet the definition of a gypsy/traveller and personal circumstances

advanced acceptably outweigh the harm(s) caused to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

4. NSC01 (Maximum number of mobile homes/touring caravans)

No more than 5 x mobile homes and 5 x touring caravan shall be present on-site at any one time.

Reason:-

In the interests of retaining control, to ensure that any occupation of the site remains as per the details approved and to ensure no undue intensification of the site and/or additional harm to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

5. Materials (Details no samples)

Before any works on the utility blocks, hereby permitted, is commenced and/or any occupation of the site, written specification of external walls and roof materials to be used in the construction of the buildings 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:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to commencement will 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.

6. SC11 (Landscaping)

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

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

7. SC13B (Boundary & internal treatments)

No occupation to the site shall take place until details of all proposed walls, fences and boundary treatment around and within the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of any internal and boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue sense of enclosure and the site being viewed as five unrelated pitches and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. NSC02 (Lighting)

The existing external lighting erected, without the benefit of planning permission, shall be removed from the site within three months of the date of this decision. No occupation of the site shall furthermore occur until an external lighting scheme has been submitted to the Local Planning Authority for review and approval in writing. Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

No lighting details have been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will ensure any such lighting is appropriate to the use and locality; in the interests of amenity; and to ensure that the development accords with Development Control Policies Development Plan Document Policies DC56 and DC61.

9. NSC03 (Drainage)

No occupation to the site shall take place until a drainage strategy for both surface water and foul water has been submitted to the Local Planning Authority for review and approval in writing. The strategy shall detail all on and/or off site drainage works proposed including the full design of soakways, if proposed, with micro-drainage calculations and proposed maintenance measures for cesspools. The strategy shall be implemented as approved.

Reason:-

Insufficient information has been supplied with the application to demonstrate how foul and surface water drainage would be managed. Submission of such a strategy will ensure that sewage flooding does not occur, that sufficient capacity is made available to cope with the new development and to ensure that the development accords with Policies DC48, DC51 and DC61 of the Development Control Policies Development Plan Document and Policies 5.12, 5.13 and 5.14 of the London Plan.

10. SC58 (Refuse and recycling)

No occupation to the site shall take place until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policies DC40 and DC61.

INFORMATIVES

1. Fee informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. Network Rail informative

As this site is adjacent to Network Rail's operational railway infrastructure, the applicant is advised to contact Network Rail at assetprotectionanglia@networkrail.co.uk, prior to undertaking any works on site. Network Rail recommends that the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. Further information can be obtained from www.networkrail.co.uk/asp/1538.aspx

3. Cadent/National Grid informative

Due to the presence of Cadent/National Grid apparatus in proximity to the application site, the applicant is advised to contact Cadent/National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.

4. Non standard informative

The applicant is reminded that this application does not grant planning permission for the palisade fencing/gate which has been installed at the access point on Ockendon Road.

5. Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant's agent by telephone, during the course of determination. The revisions involved removing the lighting columns from that applied for and also receiving confirmation that the applicant was content with the requirement for further details in terms of materials, drainage and boundary treatments to be secured by condition. Amendments to the application were subsequently submitted on 14/07/2017.