



# **REGULATORY SERVICES COMMITTEE REPORT**

**23 February 2012**

**Subject Heading:**

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

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

**Report Author and contact details:**

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**Policy context:**

**Local development Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

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

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

## RECOMMENDATIONS

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

- The agreement that planning permission's P0555.05, P1343.00, P1452.88 and 637/85 shall be revoked and certificate of lawfulness E0018.10 shall no longer have any legal effect.
  - Agreement that no compensation shall be sought by the developer in respect of the revocation of planning permission's P0555.05, P1343.00, P1452.88 and 637/85 and the setting aside of certificate of lawfulness E0018.10.
1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from

the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

Reason:-

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

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

Reason:-

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

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

Reason:-

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

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

Reason:

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

7. No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

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

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

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

Reason:-

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

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

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

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

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

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

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

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

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

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

Reason:

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

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

Reason:-

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

11. Before the use commences, the area set aside for car parking shall be laid to provide 11 spaces to the satisfaction of the Local Planning Authority to accord with LDF Policy DC33. This area shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

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

Reason:-

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

## **INFORMATIVES**

### **INFORMATIVE:**

1. Reason for approval:

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

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

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

## 2. Planning Obligations

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

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

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

## REPORT DETAIL

### 1. Site Description

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

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

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

## **2. Description of proposal**

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

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

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

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

## **3. Relevant History**

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

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

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

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



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

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

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

637/85 Rebuilding/replacing office and workshop

#### **4. Consultations/Representations**

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

#### **5. Relevant Policies**

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

#### **6. Staff Comments**

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

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

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

### 6.3 Green Belt Implications

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

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

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

#### 6.4. Visual amenity

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

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

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

## 6.5 Impact on Amenity

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

## 6.6 Highway/Parking

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

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

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

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

## 6.7 Very Special Circumstances

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

*Removal of existing authorised structures*

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

*Reduction in footprint and volume and improvement in openness*

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

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

*Revocation of previous planning permissions and certificates of lawfulness*

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

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

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

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

## 6.8 Conclusions

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

### IMPLICATIONS AND RISKS

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

**Legal implications and risks:** Legal resources will be required to settle and draft the Section 106 agreement

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to Equalities and Diversity. The proposals would result in visual improvement in terms of enhancing the character of the Metropolitan Green Belt and remove authorised buildings on site which ordinarily would not have received planning permission.

### BACKGROUND PAPERS

Application forms, site plan, received 9<sup>th</sup> September 2011