

REGULATORY SERVICES COMMITTEE
23rd February 2012
OUTSIDE STATUTORY PERIOD

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

SITE DESCRIPTION

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

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

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

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

DESCRIPTION OF PROPOSAL

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

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

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

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

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

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

RELEVANT HISTORY

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

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

CONSULTATIONS/REPRESENTATIONS

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

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

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

Comments have been received from the following consultees:

Environment Agency - No objections.

Thames Water - No objections.

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

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

Highways - No objections.

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

London Fire Brigade - No objections.

RELEVANT POLICIES

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

DC10 - Secondary Employment Areas

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC55 - Noise

DC61 - Urban Design

DC63 - Delivering Safer Places

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

W2 - Waste Management Capacity, Apportionment and Site Allocation

W5 - General Considerations with Regard to Waste Proposals

National Planning Guidance

PPG2 - Green Belts

PPS10 - Planning for Sustainable Waste Management

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

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

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

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

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

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

IMPACT ON AMENITY

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

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

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

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

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

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

HIGHWAY/PARKING

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

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

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

OTHER ISSUES

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

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

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

KEY ISSUES/CONCLUSIONS

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

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

RECOMMENDATION

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

1. Refusal non standard Condition

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

2. Refusal non standard condition

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

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3. Refusal non standard condition

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

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

SITE DESCRIPTION

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

DESCRIPTION OF PROPOSAL

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

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

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

CONSULTATIONS/REPRESENTATIONS

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

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

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

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

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

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

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

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

STAFF COMMENTS

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

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

BACKGROUND

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

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

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Submissions Development Plan Document.

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

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

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

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

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

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

PRINCIPLE OF DEVELOPMENT

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

DENSITY/SITE LAYOUT

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

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

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

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

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

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

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

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

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

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

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

IMPACT ON AMENITY

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

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

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

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

HIGHWAY/PARKING

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

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

SECURED BY DESIGN

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

KEY ISSUES/CONCLUSIONS

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

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

RECOMMENDATION

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

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

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

Reason:-

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

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

The proposed windows to the atrium/stairwell shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

Reason:-

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

9. M SC40 (Soundproofing) ENTER DETAILS

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

Reason:-

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

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10. S SC46 (Standard flank window condition)
11. S SC57 (Wheel washing)
12. M SC62 (Hours of construction)
13. M SC63 (Construction Methodology)
14. Non standard condition
Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

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

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

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

- 1 This decision to grant planning permission has been taken:

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

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

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

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

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

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

CALL-IN

No call in.

SITE DESCRIPTION

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

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

DESCRIPTION OF PROPOSAL

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

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

RELEVANT HISTORY

None

CONSULTATIONS/REPRESENTATIONS

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

support was received.

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

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

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

RELEVANT POLICIES

Policy ROM13 of the Romford Area Action Plan Development Plan Document

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

STAFF COMMENTS

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

Principle of Development

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

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

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

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

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

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

IMPACT ON AMENITY

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

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

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

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

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

HIGHWAY/PARKING

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

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

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

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

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

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

OTHER ISSUES

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

KEY ISSUES/CONCLUSIONS

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

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

RECOMMENDATION

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

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

Reason:-

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

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

Reason:-

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

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

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

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

SITE DESCRIPTION

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

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

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

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

DESCRIPTION OF PROPOSAL

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

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

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

RELEVANT HISTORY

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

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

CONSULTATIONS/REPRESENTATIONS

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

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

Comments have been received from the following consultees:

Highways - No objections.

Thames Water - No objections.

London Fire Brigade - No objections.

Secured by Design Advisor - No objections.

RELEVANT POLICIES

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

DC22 - Thames Chase Community Forest
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC55 - Noise
DC61 - Urban Design
DC63 - Delivering Safer Places

National Planning Guidance

PPG2 - Green Belts

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

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

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

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

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

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (PPG2, paragraph 3.2).

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

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

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

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

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

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located within the Green Belt.

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

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

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

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

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

IMPACT ON AMENITY

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

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

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

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

HIGHWAY/PARKING

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

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

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

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

KEY ISSUES/CONCLUSIONS

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

RECOMMENDATION

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

1. S SC32 (Accordance with plans)

2. M SC13 (Screen fencing)

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

Reason:-

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

4. SC4 (Time limit) 3yrs

10. SC22 (Hours of operation) ENTER DETAILS

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

Reason:-

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

5. Non standard condition

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

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Reason:-

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

6. Non standard condition

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

Reason:-

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

7. Non standard condition

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

Reason:-

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

8. Non standard condition

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

Reason:-

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

9. Non standard condition

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

Reason:-

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

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4 **INFORMATIVE:**

Reason for Approval:

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives and provisions of the Residential Design SPD and Policies DC22, DC33, DC45, DC55, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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